

CONTENTS

I. EMERGENCY RULES

Commerce Department:	
Licensing Board for Contractors—Rules and regulations	479
Education Department:	
Board of Elementary and Secondary Education—Special education funds	481
Health and Human Resources Department:	
Office of Human Development—Blind Services manual	482 ✓
Foster care rates	482 ✓
Vocational Rehabilitation manual	482 ✓
Office of the Secretary—Block grant funding	483 ✓
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Calcasieu Lake oyster regulations	483

II. RULES

Commerce Department:	
Office of Financial Institutions—Bank operations	484
Education Department:	
Board of Elementary and Secondary Education—Pupil Appraisal Handbook and others	484
Governor's Office:	
Department of Veterans Affairs—Collection of fees for War Veterans Home	485
State aid program	485
Veterans Affairs Commission	486
War Veterans Home	486
Office of Data Processing—LAC 1-9:1, Planning and Budgeting	487 ✓
LAC 1-9:2, Consulting Services	494 ✓
LAC 1-9:3, Procurement of Equipment	494 ✓
LAC 1-9:4, Software Procurement	494 ✓
LAC 1-9:5, Emergency Procurement	495 ✓
LAC 1-9:6, Multi-Year Leases	495 ✓
LAC 1-9:7, Unscheduled Maintenance	496 ✓
LAC 1-9:8, Support Team Operations	496 ✓
LAC 1-9:9, Equipment Disposal	497 ✓
LAC 1-9:10, Software Inventories	497 ✓
LAC 1-9:11, Contingency Planning	498 ✓
LAC 1-9:12, Bid Specifications	500 ✓
LAC 1-9:13, Utilization Reporting	500 ✓
LAC 1-9:14, Utilization Monitoring	501 ✓
Health and Human Resources Department:	
Office of Family Security—Dispensing fee increase	501 ✓
Natural Resources Department:	
Office of Environmental Affairs—Resource Recovery and Development Authority—Rules of Procedure	501
Transportation and Development Department:	
Office of the General Counsel—Kerosene specifications	507

III. NOTICES OF INTENT

Agriculture Department:	
Dairy Stabilization Board—Delivery methods	507
Civil Service Department:	
Board of Ethics for Elected Officials—Reporting forms	507
Commerce Department:	
Minority Business Development Authority—Loan policy	508

This public document was published at a cost of \$1.93 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Culture, Recreation and Tourism Department:	
Office of Program Development—Arts program guidelines	508
Education Department:	
Board of Elementary and Secondary Education—Separate minimum standards and others	509
Governor's Office:	
Tax Commission—Timber stumpage values	510
Health and Human Resources Department:	
Board of Dentistry—Dental assistant duties	510 ✓
Office of Family Security—Long-term care rates	511 ✓
Office of Health Services and Environmental Quality—Trihalomethane standard	511 ✓
Natural Resources Department:	
Office of Forestry—Timber stumpage values	510
Public Safety Department:	
Division of State Police—Approved helmet and goggle list	512
Liquefied Petroleum Gas Commission—Rules and regulations	512
Office of Fire Marshal—Access to buildings by the handicapped	516
Plans and specifications for new buildings	516
Treasury Department:	
Board of Trustees, State Employees Group Benefits Program—Amended rules	517
Urban and Community Affairs Department:	
Office of State Clearinghouse—A-95 Board for Rapides Parish	518
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Wildlife Management Area amendment	518

IV. POTPOURRI

Natural Resources Department:	
Fishermen's Gear Compensation Fund claims	519
Public Safety Department:	
Municipal Police Officers Supplemental Pay—Meeting scheduled	520
Urban and Community Affairs Department:	
Office of Community Services—Weatherization program hearing	520

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Licensing Board for Contractors

Effective September 30, 1981, the Louisiana State Licensing Board for Contractors, has exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953, to adopt the following rules and regulations. This action has been taken to protect the safety and welfare of the citizens of the State of Louisiana from eminent danger and to permit the State Licensing Board for Contractors to fulfill its obligation and function under Louisiana Revised Statutes 37:2950, et seq., to protect the health, safety and general welfare of all of those persons dealing with persons engaged in the contracting vocation, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful and fraudulent acts of contractors with whom they contract. Because of previous court challenges there exists a serious legal question as to whether any of the rules and regulations of the State Licensing Board for Contractors now in existence are valid and enforceable. In connection with this situation, therefore, it has become necessary to promulgate the following emergency rules.

I. A. 1. Under R.S. 37:2157 A, it is the Board's interpretation that a contractor is defined as any person, firm, partnership, co-partnership, association, corporation or other organizations, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor, material or equipment and installing same for any building, highway, road, railroad, sewer, grading, excavation, pipeline or public utility structure, project, development, housing or housing development, improvement, or any other construction undertaking. Additionally, it is the Board's interpretation that, under R.S. 37:2162 (b), a contractor is a person who contracts directly with the owner, a primary contractor, or a subcontractor as a subcontractor; also any Architect or Engineer who receives an additional fee for the employment or direction of labor, or any other work beyond the normal Architectural or Engineering services, shall be considered as a contractor.

2. It is the Board's interpretation that the provisions of R.S. 37:2157 shall apply but are not limited to any project, development, housing or housing development which exceeds \$50,000 in cost. The terms "development" and/or "housing development" are hereby defined to include multi-unit developments comprised of a number of units, no matter how many families each said unit is designed to house.

B. In addition to those specialty classifications listed as subclassifications in Section 2156.2, the definition also includes specialty work as follows, but is not limited thereto: oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; boat building; furnishing and installing permanent building fixtures; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems; communication lines and systems; sound systems; alarm systems; control systems;

instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

C. 1. A license shall not be required to bid on any projects funded in any amount by the Federal government designated for a particular project by an agency of the Federal government where a Federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a Federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder shall submit an application for a license completed in its entirety, pay the fee, and take and pass the required examination prior to commencement of work on Federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 D. Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued with an "F" classification.

2. A license is not required by a public utility subject to regulation by the Louisiana Public Service Commission or the Council of the city of New Orleans or a contractor bidding on projects for said utility companies. However, contractors doing business for public utilities prior to commencement of actual work shall file an application for a license and pay the fee and take and pass the required examination. Thereafter, at the next regular meeting, the application shall be presented to the Board and a restricted license with an "R" classification shall be issued immediately restricted to public utility projects only.

II. Application for contractor's licenses shall contain all information required on the form which is available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA. 70808. Application shall be time dated when received and considered at the next regular meeting of the Board, provided the application is complete with financial statement, references, fee, Federal Employer I.D. Number, properly notarized and examination requirements have been met.

No license will be issued until:

A. 60 days have elapsed from time of receipt in the Baton Rouge office;

B. All requirements of the statute and rules and regulations have been met and the application approved by the Board.

III. All licenses and renewals shall expire December 31 of the year they are issued and the license becomes invalid unless renewed; provided, however, that after a license has expired the person or firm to whom such license was issued shall have until the second Tuesday of January next, following the expiration date to renew the license without penalty and without further examination. Any person or firm applying for renewal after the second Tuesday of January next following the expiration date will be required to pay a penalty of \$50. Any license not renewed within a period of one year from the date of expiration will be considered as a new application.

IV. The annual fee for renewal of licenses shall be \$100 for any one major classification or subdivision thereof and \$50 will be charged for each specialty, additional major classification or subdivision thereof. The maximum fee shall not exceed \$300. In addition there will be a \$25 charge for each examination and a \$25 charge for a structural change.

V. The license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belong to the individual regardless of the status of the qualifying party of the entity.

VI. A. All applicants shall be required to register a qualifying

party or parties who shall successfully pass a written examination for the classification requested, unless otherwise provided by the Board.

B. The qualifying party or parties authorized to take the examination are:

1. Any individual contractor, co-partner or any corporate officer who was an organizer in the articles of incorporation, provided no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the Board for each two additional subsidiary companies.

2. Any employee of said applicant who has been in fulltime employment for 120 consecutive days immediately preceding. He shall be prepared to execute an affidavit furnished by the Board at the time he takes the examination giving his length of employment and Social Security number. If requested, he shall be prepared to show evidence of his eligibility by furnishing four cancelled payroll-checks representing four preceeding months.

c. Additional classification(s) may be obtained at any time by licensed contractors provided:

1. The request for additional classification(s) be in writing.

2. The required additional license fee of \$50 and a \$25 examination fee is paid; and the qualifying party as provided under Sub-section (B) successfully passes a written examination.

3. The classification(s) will not become effective for 30 days following a request for same or until approved by the Board at a regular meeting, whichever is the lesser.

D. All initial applicants shall be required to take and successfully pass Part I of our examination and Part II where we have a written examination for same.

E. 1. A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor, shall not be required to take an examination on the subject for which said subsidiary contractor is seeking a license, with the approval of the board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority stock in the currently licensed company, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of application for license by the subsidiary contractor.

2. A licensed firm, making application for a subsidiary license for the same classifications as those in which the licensed firm has qualified, may be exempt from the taking of an examination, provided that the qualifying party on record with the State Licensing Board of Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

F. A qualifying party making application for a license as an individual or stockholder of a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed subject to approval by the Board.

G. 1. Initial applicant requesting a specialty class where there is no written examination shall be examined by the Board on the experience shown on his application.

2. Licensed contractors requesting additional classification(s) of a specialty where there is no written examination shall submit no less than three jobs they have performed in the requested specialty field and be examined by the Board on experience.

VII. When the qualifying party terminates employment with the licensee, the State Licensing Board for Contractors must be notified in writing, by the qualifying party and the licensee, within 30 days of the disassociation and another party must qualify within 60 days or licensee will be subject to citation for suspension or revocation of license.

VIII. In the event an unlicensed contractor or licensed contractor without proper classification bids in violation of R.S. 37:2150-2163, regardless of whether he is awarded the contract, action may be brought before the Board and/or court in accordance with the statutes, rules and regulations, and laws of this State.

IX. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing same.

X. In the event of the dissolution of a partnership, the license may be retained by one of the partners provided that all partners agree by whom it shall be retained and further provided that all this agreement be made by affidavit.

XI. The Board, pursuant to R.S. 37:2161 may bring suit to enjoin violations of this Act and the Executive Director and/or his designated agent and/or legal council for the Board is hereby authorized to institute such suit on behalf of the Board and to sign the verification of the petition for injunction and to do all things necessary in connection with the institution of such legal proceedings when so directed by the Board.

XII. Hearings may be conducted by the Board at regular or special meetings whenever deemed necessary. Written notice by certified mail shall be given to all parties at least five days prior to such hearings and special meetings. The Board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the State unless conducted at a special meeting and may be held in Baton Rouge, Louisiana. Hearings shall be governed by R.S. 49:951 et seq.

XIII. Special meetings of the Board may be held at any place provided that the time, place and purpose of the meeting is specified in the notice to the members of the Board and to any parties involved in that particular special meeting.

XIV. It shall be the responsibility of licensed contractors to secure the current valid license number of any subcontractor who submits a bid to them or performs work in the amount of \$50,000 or more. If any licensed contractor accepts a bid and/or awards a contract in the amount of \$50,000 or more to any unlicensed subcontractor, the license of the contractor may be suspended, revoked or rescinded after a hearing is conducted by the Board.

XV. Any change in officers, or address of a company, partnership, or corporation as reflected on the application shall be reported to the Board by written notification within 15 days after such change. Any change in the name of a contractor as it appears on the license certificate or any change from an individual to a partnership or corporation; or a partnership to an individual or corporation; or a corporation to an individual or partnership, shall be reported in writing to the Board within 15 days after such change. No change in the name or status of licensed firm shall be made until all documents and information as required by the Board has been satisfactorily furnished.

XVI. A. All licensed contractors bidding in the amount of \$50,000 or more shall be required to have qualified for the classification in which they bid.

b. When two or more contractors bid as a joint venture on

any project in the amount of \$50,000 or more, not in conflict with R.S. 37:2150 et seq., all parties are required to be licensed at the time the bid is submitted, within the applicable classification of the work of which each party is to perform.

XVII. All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board for contractors for the current license. If a licensed contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another contractor, the person or firm to which it is assigned, and who performs the work, must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

XVIII. Under R.S. 37:2163 A. providing for certification and license number to be shown on the bid, and when the awarding authority requires bids to be submitted in sealed envelopes, the license number shall be required to appear only on the outside of the envelope. It shall not be a violation for the license number to appear on both the bid document and the outside of the envelope.

XIX. Any division of a contract into parts less than \$50,000 when combined is \$50,000 or more, will be treated as one contract totalling the amount of these parts when combined.

XX. Whenever a licensed contractor bids a project within the scope of this Act, and is awarded the contract, is unable or refuses to provide bonding and insurance coverage as required by the proposal bid for the execution of the project, the awarding authority or owner may file a complaint with the Board. The Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractors' license, in accordance with R.S. 37:2150-2163 inclusive.

XXI. The classification under which a person must be licensed in order to bid a job or perform work on a job in accordance with R.S. 37:2159 shall be made by determining in which major classification or subclassification in R.S. 37:2156.2 the majority of the work falls.

A. On all jobs involving mechanical or electrical work the Board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

B. The Board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

XXII. If a possible violation is known to the Board, the Board may correct it or take appropriate action without formal complaint.

XXIII. As provided by R.S. 37:2150 after granting said license, the licensee shall at all times show his ability to serve the public economically, expediently and properly; possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

If any licensed contractor refuses to sign a contract at his bid price and a complaint is filed with the Board, the Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license in accordance with R.S. 37:2150-2163 inclusive.

XXIV. It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.

A. Any contractor who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this Board immediately and make available to this Board any and all information pertinent thereto.

B. Whenever an order issued by a competent court and/or referee in bankruptcy forces cessation of a contractor's business operations, a hearing shall be scheduled at the earliest feasible date, in accordance with the applicable laws and the rules and regulations of this Board, for the purpose of determining whether said contractor's license shall be suspended or revoked, and such an order by a competent court or referee shall create a presumption in favor of suspension or revocation.

C. If any contractor is ordered by a competent court to pay a final and executory judgment awarded against him in the operation of his business, for charges for labor, material, breach of contract, etc., and fails to pay said judgment immediately upon its becoming final and executory, a hearing may be scheduled by the Board for the purpose of determining whether said contractor's license shall be suspended or revoked.

XXV. All initial applicants are required to submit a financial statement, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the person, firm, partnership, co-partnership or corporation; such assets shall include a net worth of at least \$10,000.

XXVI. It shall be unlawful and illegal for any primary contractor, contractor owner, awarding authority, subcontractor, or any other person to contract or subcontract all or any portion of work involved herein, to any other contractor or subcontractor unless said contractor or subcontractor was duly licensed by the Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This rule shall be subject to the provisions and limitations established by R.S. 37:2157 B and D.

If work is subcontracted as per this Rule, and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

XXVII. Any person, firm or corporation duly licensed under the provisions of R.S. 37:2150, et seq. who violates any provisions of the said Louisiana contractors' licensing law or any rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedure Act.

XXVIII. In any instance where approval of an application has been withheld under the terms of R.S. 37:2157 D., a contractor shall have the right to apply to the Board for a hearing following which the Board may continue to withhold approval or grant its approval at its own discretion.

XXIX. Proper notification under R.S. 37:2160 E., shall be five days' notice. Notification shall constitute placing of said notice in the U. S. mail certified. The five days' notice shall commence to run on the date of the issuance of notification.

Robert A. Riley
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting on September 24, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

Act 754 Regulations, Section 486.

486. Procedures for Application for State or Federal Funds for Special Education from Non-formula Distributed Revenue.

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development adopts the following increases in the rates for Foster Care board payments effective September 1, 1981.

1. Daily board rate for a foster child in Foster Family Care under age six - from \$5.24 per day (\$160 per month) to \$6.03 per day (\$180 per month).

2. Daily board rate for a foster child in Foster Family Care between the ages of six years and twelve years - from \$6.11 per day (\$185 per month) to \$7.03 per day (\$210 per month).

3. Daily board rate for a foster child in Foster Family Care ages 13 and above - from \$6.98 per day (\$212 per month) to \$8.03 per day (\$240 per month).

4. Monthly subsidy for specialized foster care \$700 per month to \$800 per month.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to adopt a Vocational Rehabilitation Operations Manual Parts I and II for the administration of its Rehabilitation Services Program which assists physically/mentally handicapped individuals to prepare for and enter into gainful employment.

This previously unadopted Operations Manual contains the rules, policies, and procedures under which this program has been operating but includes the following changes:

1. Section 304 - Page 13.

Occupational tools will be limited to \$150.

2. Section 306.3 - Page 16.

Maximum transportation - \$77 per month.

3. Section 404.1.

Eligibility criteria will now include an order of selection for services by priority groups as follows:

a. Severely disabled - severely handicapped individuals.

b. Individuals referred under Third Party Agreements (signed agreements between Division of Rehabilitation Services and other agencies/organizations).

c. Public safety officers who become disabled in the line of duty (police officers, probation/parole agents, etc.).

d. Individuals who receive public assistance such as Aid to Families with Dependent Children (AFDC), General Assistance (GA), Unemployment Compensation, Food Stamps, etc.

e. Individuals with dependents other than themselves.

f. Non-severely disabled, but unemployed or underemployed individuals.

g. All other individuals not fitting categories "a" through "f".

4. Section 405.7 - Page 17.

Economic need criteria is now applicable to recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

A. State and federal funds for special education and/or related services available for awarding of subgrants projects shall be recommended to the State Board for approval only after the following activities have been completed:

1. Issuance of a Notice of Availability of Funds by the Department to specify:

a. The priority in the Department budget which the Notice of Availability of funds addresses.

b. The types of agencies eligible for the funds to be used.

c. The anticipated amount to be available for the subgrant period.

d. The dates for response to the Notice of Availability of Funds and

e. The criteria for review of Notice of Availability of Funds.

2. The receipt and review of the Notice of Availability of Funds according to predetermined criteria by the Department.

3. The receipt, review and rankings of proposals by an external review council appointed by the State Board.

B. The State Superintendent may submit to the State Board requests for subgrants/contracts without completion of activities in A(1-3) only after the individual situations have been established according to procedures prepared by the Department and approved by the State Board, which may also include a review by the council referred to in A-3 above.

Revised regulations administering Act 754 of 1977 were approved at the Board's meeting of June 25, 1981 and became effective July 1, 1981. Two Sections were not included when the regulations were advertised as a Rule in the *Louisiana Register* of August, 1981. Therefore, the Board adopted Section 486 relative to an External Review Council's recommendations on discretionary funding. This emergency action was necessary to complete the document already in effect. Additionally, the Section provides procedures for the expenditure of funds which are currently being spent for special Education projects.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act (R.S. 49.953 B) to adopt an Operations Manual for the administration of its Blind Services Program.

This previously unadopted Operations Manual contains the rules, policies and procedures under which this program has been operating, but includes the following changes:

(1) Section 305.5 - Economic Need.

Resources of parents of clients under age 21, instead of age 18, are to be considered in determining economic need.

Recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) are now subject to the economic need criteria.

Income level exemptions will change from (a) \$50,000 to \$40,000 annual gross income from a business or farming operation and (b) from \$12,000 to \$10,000 annual earned gross income.

George A. Fischer
Secretary

5. Section 405.7 - Page 18.

Full maintenance, maximum allowance - \$110 (also applicable to New Orleans area).

6. Section 405.7 - Page 19.

If **maximum** maintenance of \$110 is given, no transportation cost will be allowed.

7. Section 405.7 - Page 28.

Definite interpretation of length of college training. All college credits obtained before entering program will count towards maximum allowed.

8. Section 407 - Page 1-31.

Is deleted. (Vocational Rehabilitation Trust Fund for services to SSI and SSDI recipients was abolished by federal legislation.)

9. Section 512.

Out-of-state training will be limited to those training institutions listed in this section.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

Louisiana Department of Health and Human Resources (DHHR) is applying for Block Grant federal funding in accordance with Public Law 97-35, the Omnibus Reconciliation Act of 1981. Effective October 1, 1981, this Public Law consolidates many categorically funded health and social services programs administered by DHHR into five Block Grants for federal funding purposes. After certification for Louisiana's allotment of the federal funds, DHHR will continue to administer these programs under Block Grant federal funding in accordance with guidelines set forth in Public Law 97-35. Until such time that Congress effects an Appropriations Bill, DHHR will administer these programs under existing federal guidelines for program funding. DHHR will abide by requirements of state law in the adoption of any rule with regard to these Block Grants.

The five Block Grants and the DHHR Offices responsible for program administration are as follows:

(1) **Alcoholism, Drug Abuse and Mental Health** - Office of Mental Health and Substance Abuse. Inquires may be addressed to Thomas H. Brittain, Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA. 70821. The State Plan for OMHSA will be available for public review at any OMHSA facility after November 1, 1981.

(2) **Maternal and Child Health** - Office of Health Services and Environmental Quality. Programs included in this Block Grant are Maternal and Child Health, Handicapped Children, Supplemental Security Income for Disabled Children, and Lead Poison Prevention. Copy of the application/proposal for block grant funding may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, 325 Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(3) **Preventive Health and Health Services** - Office of Health Services and Environmental Quality. Programs included are Fluoridation, Rodent Control, Health Education/Risk Reduction, Emergency Medical Services, Hypertension, Retail Food Sanitation, Food and Drug Control, Venereal Disease Control, Epidemiology, Tuberculosis Control, and Milk and Dairy products. Additionally, the application requests Louisiana's share of funds

for services to rape victims and for rape prevention. A copy of the application/proposal may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(4) **Low-Income Energy Assistance** - Office of Family Security. This program will assist AFDC, SSI, Food Stamps, VA, and other low income households with the rising cost of home energy. Interested persons may secure a copy of the proposed application from Michael S. Haddad, Assistant Secretary, Box 44063, Baton Rouge, LA. 70804. Written comments on the application may be submitted to the same address.

(5) **Title XX Social Services** - Office of Human Development. Louisiana's share of allotted funds under this Block Grant will be used in accordance with the Comprehensive Annual Services Program Plan (CASPP) for 1981-82. Copies of the CASPP are available without charge upon written or telephone request to Governor's TIE LINE, Box 44004, Capital Station, Baton Rouge, Louisiana 70804. Phone: 1-800-272-9868. Written comments on this Block Grant may be submitted to Arthur J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA. 70802.

George A. Fischer,
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting on September 29, 1981 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule.

WHEREAS, the Department biologists and the Chief of the Seafood Division have recommended the fishing of oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou; and

WHEREAS, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met;

NOW THEREFORE BE IT RESOLVED by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1981-82 be set in accordance with the following rules and regulations.

(1) That the oyster season in Calcasieu Lake be one half hour before sunrise on Sunday, November 1, 1981, that the Secretary has the authority to close the season whenever biologically justifiable.

(2) That oyster fishing be limited to only the use of tongs and to daylight hours.

(3) The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

(4) The three-inch culling law shall be observed by all fishermen fishing the area reefs to provide for future harvesting.

(5) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.

(6) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.

(7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day), which need not be tagged.

(8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged.

This done by emergency action.

Jesse J. Guidry
Secretary

Rules

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 rules for the purpose of providing a means by which State-chartered banks may have authority consistent, in part, with that granted National banks by the Comptroller of the Currency Rules and Regulations 12:CFR, Section 7.7376; Section 225.4, and Section 225.122.

RULE

Notwithstanding any limitations imposed by R.S. 6:237 and 322, State-chartered banks are hereby authorized to operate subsidiary mortgage corporations subject to the following rules:

1. With the prior approval of the Commissioner of Financial Institutions a State bank may operate a subsidiary mortgage corporation. In order to qualify as an operating subsidiary mortgage corporation hereunder, at least 80 percent of the voting stock of the subsidiary must be owned by the parent bank.

2. A State bank subsidiary mortgage corporation may act as agent in the warehousing and servicing of mortgage loans, and may utilize the services of and compensate persons not employed by the parent bank for originating said loans, and, in general, may engage in activities permitted mortgage company subsidiaries of National banks pursuant to 12:CFR, Section 7.7376 and mortgage company subsidiaries of bank holding companies pursuant to 12:CFR, Section 225.4 and Section 225.122. All branch operations must receive prior approval of the Commissioner and be located within the Parish where the bank is domiciled.

3. Except as otherwise provided by statute or regulation, all provisions of Title 6 of the Louisiana Revised Statutes of 1950 applicable to the operation of the parent bank shall be equally applicable to the operations of its mortgage company subsidiary.

4. Each mortgage company subsidiary shall be subject to examination and supervision by the Commissioner of Financial Institutions in the same manner and the same extent as the parent bank. If, upon examination, the Commissioner shall ascertain the subsidiary is created or operated in violation of law or regulation and that the manner of operation is detrimental to the business of the parent bank and its depositors, he may, pursuant to the provisions of the Louisiana Revised Statutes 6:168, order the subsidiary to cease and desist from such violation or practice.

5. For the purposes of these regulations and any applicable provisions of the Louisiana Revised Statutes of 1950, the operation of a mortgage company subsidiary by a State bank shall be deemed to be incidental to the exercise of the powers specifically

enumerated in Subsection A of Section 237 of Title 6 of the Louisiana Revised Statutes of 1950, and a directly related banking activity for purposes of Subsection 8 of Section 1003 of Title 6 of the Louisiana Revised Statutes of 1950.

6. In that there is no legal recourse between the parent bank and the down-stream, wholly-owned subsidiary functioning as a mortgage company, this subsidiary should be subject to the same legal lending limits as any other borrowing customer of the bank.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULES

Board of Elementary and Secondary Education

Rule 7.02.00(a)

The Board adopted Bulletin 1508, *Pupil Appraisal Handbook*, Revised, 1981.

Rule 5.01.3.d

Guidelines for the Required Services Act (Act 205, 1980 R.S.) - Regulations of Louisiana State Board of Elementary and Secondary Education pursuant to Louisiana Revised Statutes 17:361 and 17:365.

Instructions for Completing the Required Services Form

General Information

1. Complete the form based on appropriate school year data.

2. The school administrator's signature denotes that the information contained on the form is complete and accurate.

3. Computation of salaries is based on the following guidelines:

a. Use actual salaries, exclusive of contributed services.

b. Administrators: Compute hourly rate paid according to a 50 week per year schedule, 40 hours per week.

c. Teachers, Guidance Counselors, Librarians: Compute hourly rate paid on the basis of 180 days, six and one-half hours daily.

d. Nonprofessional Support (Secretarial, Maintenance, etc.): Compute hourly rate paid on the basis of the actual number of hours worked in a normal week.

4. Parameters (maximums) for reporting by function and personnel type are included on the form. The number of hours actually recorded may vary from school to school. If the parameters are exceeded, additional auditing may be required.

5. The original form, signed by the school administrator (e.g. principal, headmaster, etc.), shall be submitted to the Superintendent of Education by September 30 of each year.

Rule 6.02.61.c

The Board adopted the following policy relative to a pay schedule for day-to-day substitute teachers in Special School District No. 1: \$50 - certified teacher; \$45 - college graduate, \$40 - some college/high school.

Rule 6.01.13(1)

The Board adopted the 1981 Revised Edition of Bulletin 1525, *Personnel Evaluation*.

Rule 3.01.51.cc

The Board adopted as an addition to Bulletin 741, a policy statement on School Calendar and Pupil Activity Days as follows:

A. A pupil activity day is defined as the period of time during which a pupil is under the direction or supervision of a teacher or school official for school related purposes; this day must equal one half of the normal school day designed to meet the instructional objectives of the school.

B. School systems must notify the Board of Elementary and Secondary Education immediately when the minimum num-

ber of student activity days as specified in their original school calendar cannot be met and an alternative proposal for meeting the required days must be offered.

C. Each case of a school system not meeting the minimum number of student activity days shall be examined individually by the Board of Elementary and Secondary Education.

1. In cases of crisis circumstances such as fire, natural disaster, desegregation orders, teacher strikes, construction delays, etc., the minimum pupil activity days requirement may be waived and no penalty assessed.

If a local school board does not adequately justify failure to meet the minimum 175 student activity days, the Board of Elementary and Secondary Education shall:

a. Require the local system to adjust its calendar to meet the minimum pupil activity days requirement by such means as Saturday classes, reduced holidays, expanded calendar length, etc. or

b. Require the local school board to reimburse 1/180 of its minimum foundation funding to the state for each pupil activity day missed.

James V. Soileau
Executive Director

RULE

Office of The Governor Department of Veterans Affairs

The following are rules of eligibility requirements and rules pertaining to the collecting and handling of fees from veterans regarding lodging in the Louisiana Veterans Center, Jackson, Louisiana, administered by the Department of Veterans Affairs:

Eligibility

1. The veteran must be a legal resident of the State of Louisiana.

2. The veteran's military service must be such as to meet the requirements for admission into any Veterans Administration medical center.

3. The veteran must be ambulatory and able to care for his needs.

4. The veteran must undergo a medical examination and, as a result, it must be shown that no violent or dangerous traits exist which would prevent him from functioning in an open dormitory without danger to the physical well-being of other residents or himself.

5. The veteran must consent and agree to abide by all rules and regulations governing the Home, and to follow the course of treatment prescribed by his personal physician, under the guidance and direction of the Home nursing and medical staff.

Residents' Maintenance Fees

6. All residents who have an income from any source will be allowed to retain the first \$60 per month. After this amount, all income up to \$300 will be collected on a \$1 for each \$2 basis.

7. All income above \$300 will be collected on a \$1 for \$1 basis until the full amount of each resident's average monthly maintenance and upkeep cost has been collected.

8. This formula (50 percent of the first \$300, 100 percent above the \$300 level until the full amount of each resident's average monthly maintenance is reached) will be applied on the basis of the preceding quarter's actual cost of each resident's monthly care, and in no case will such care exceed the actual cost of any given month.

9. Residents who contribute regularly to the support and maintenance of dependent/dependents shall have the amount contributed, not to exceed \$300 for the first dependent and \$150 for each additional dependent, subtracted from their total income before the maintenance formula is applied.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The following rules are used to administer the State Aid Program, educational assistance to eligible students, within the Department of Veterans Affairs:

Eligibility

1. The applicant should first apply to his/her Parish Veterans Service Office to verify eligibility.

2. The veteran, World War I, World War II, Korean Conflict or the Viet Nam Era, must have died in service in line of duty or from a wartime service-connected disability condition after discharge, or

3. The veteran must be rated 100 percent service-connected, permanently disabled by schedule or evaluation of the Rating Schedule. (Total rating on basis of individual unemployment does not meet requirements.)

4. The deceased veteran must have been a Louisiana resident for at least one year immediately preceding his entry into service.

5. The 100 percent service-connected veteran must have been a resident of Louisiana for at least two years preceding admission of the child into a training institution.

6. The child applicant must be between the age of 16 and 25, and marriage is not a bar to the program.

7. The widow applicant has no age limitation, but she must avail herself of the benefit within ten years after eligibility is established, or within ten years from the date the law was signed - September, 1977.

8. The eligible student must attend school on a full-time basis.

9. The eligible student may attend only a state-supported college, university, trade or vocational technical school, all entrance requirements for such institution must be met.

10. A fee exemption certificate must be issued to each eligible applicant upon completion of his/her processed claim in the Administrative Office, Department of Veterans Affairs, reflecting exemption from payment of all tuition and school-imposed fees for the forthcoming Fall or Spring semester, or any other type of school term below college level.

11. The registration certificate must be signed by school official indicating date of enrollment, and returned by the student or his/her designee, to the Administrative Office, Department of Veterans Affairs, within 45 days after the beginning of the semester, in order to receive a possible payment of cash subsistence allowance for the semester.

12. If the student transfers from one school to another, the original fee exemption certificate may be taken or the student may request from the Administrative Office the issuance of another fee exemption to be used at his/her next school.

13. Tuition and possible payment of cash subsistence allowance are given for a maximum of four years, to be completed in not more than five years from the date of original entry.

14. No money will be issued for the summer semester, or winter quarter in the case of vocational schools: fee exemption only is given.

15. Fees assessed by the student body on themselves, such as yearbook, weekly paper, are not exempt. Free registration does not cover books, supplies, room and board, etc.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission adopts the following policies, rules and regulations governing the operation of the Veterans Affairs Commission:

Election of Officers

1. The Veterans Affairs Commission shall be composed of nine members who are honorable discharge veterans, citizens of the United States of America and of this state, and who are qualified voters.

2. The chairman and vice-chairman of the Commission shall be elected at the first meeting following the Governor's appointment of the total Commission or at the first meeting held following July 1, in even-numbered years.

3. The elected chairman of the Commission shall appoint committee chairman at the first meeting following his election.

4. Standing committees shall be as follows: a) War Veterans Home, b) Committee on Rules and Regulations, c) Committee on Administration Policy, d) Committee on Service Officers and conduct pertaining to Department Operation and, e) Committee on Veterans Welfare and Benefits.

5. These committees can be partial or of the entire Commission.

6. The Commission shall determine the overall general and the administrative policies of the Department of Veterans Affairs.

7. The director and his staff shall review semi-annually all proposed new rules, regulations and procedures and the Commission shall approve all proposed rules, regulations and procedures.

8. Each member shall be paid \$50 each day devoted to the work of the Commission, but not more than \$1,250 in any one fiscal year.

9. Commissions members shall also be entitled to reimbursement for necessary travel and other expenses in accordance with current state travel regulations.

10. Travel will only be authorized on days that per diem is paid.

11. Commission members may not be authorized more than two out-of-state trips, these to be used only for conducting business of the Commission, in any fiscal year.

12. All travel vouchers for the Commission members shall be authorized by the chairman or his designated representative, the director of the Department of Veterans Affairs, with ultimate responsibility held by the chairman, in accordance with adopted rules relating to travel.

13. The director, as secretary of the Commission, shall keep the chairman and all members of the Commission apprised of the availability or non-availability of travel monies.

14. The Commission shall submit a budgetary request for their sub-program to the Department not later than November 15 each year for required out-of-state travel monies for the following fiscal year.

15. This budgetary request must be accompanied by justification in writing.

Meetings and Location

16. The Commission shall hold its regular meeting in the administrative office in Baton Rouge, unless, at the discretion of the Chairman, it is necessary or convenient in the performance of its duties, to meet in some other city or location.

17. The Commission shall hold at least one regular meeting in each quarter, annual period, at the administrative office in Baton Rouge.

18. The Commission can hold special meetings at times and places specified by call of the chairman, or a majority of the Commission, upon written notice of time and place by the director.

19. A majority of Commission members (five) constitutes a quorum for the transaction of business.

20. No action will be taken by the Commission without the concurrence of at least five members physically present and voting.

21. No Commission member shall vote by proxy, by representation or by mail.

22. The director of Veterans Affairs shall act as secretary and keep adequate records and minutes of official actions and distribute copies to each member as soon as practical.

23. The Commission shall meet semi-annually with the director and his staff for the purpose of reviewing the overall operation and upgrading of the Department.

24. The Commission as a body shall meet at least once per year with the Joint Legislative Committee on Veterans Affairs to assist the Committee in forming legislative goals for the Department of Veterans Affairs.

25. The meeting with the Joint Legislative Committee on Veterans Affairs shall be arranged at the call of the chairman and the director.

26. No meeting of the Veterans Affairs Commission shall exceed a maximum of two days.

27. Two-day meetings or week-end meetings of the Commission are not to be scheduled unless there is valid justification and/or unusual circumstances.

28. Minutes of the Commission meetings are to be submitted to the Legislative Committee on Veterans Affairs.

John L. McGovern
Director

RULE

Office of The Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, War Veterans Home adopts the following policies, rules and regulations governing the administration of the Home:

Eligibility

1. All veterans who have served honorably in the Armed Forces of the United States, and who meet the physical requirements, (veterans must be able to take care of his own personal needs, be ambulatory and have no communicable disease), and who are bona fide residents of the state of Louisiana may be admitted provided space is available.

2. The Commandant of the Veterans Home, subject to review by the Director or Commission, may refuse admittance based on this judgment after reviewing veterans application as to ability to fit into the Home's routine.

3. Applications for requesting admittance to the Home shall originate in the Department of Veterans Affairs Service Offices located in 63 parishes of the State.

4. The use of profane or vulgar language will not be tolerated; courtesy and consideration will be expected from all residents.

5. Personal cleanliness will be practiced at all times; residents will be expected to bathe and shave daily and have clean clothes.

6. Residents are expected to keep their bed areas clean at all times; neatness will be expected throughout buildings and grounds.

7. No resident will tamper with Home equipment or furnishings unless Commandant so authorizes.

8. Destruction of Home property will not be tolerated. Financial responsibility for such destruction is to be held by the resident, and reimbursement shall be made.

9. There will be no lending or borrowing of money between residents, or residents and employees, in excess of one dollar.

10. Bartering, trading or exchanging goods or personal belongings will not be tolerated.

11. Gambling for stakes will not be permitted.

12. Possession or use of intoxicants anywhere on the premises will not be tolerated.

13. Residents will not leave main building before receiving prescribed medication or therapy.

14. Residents will not have private medication in their possession unless prescription is registered with nurse.

15. Residents are required to keep lockers and personal possessions in neat and orderly manner. Locker inspection will be held once a week.

16. No sugar, coffee, or perishable foods will be kept in lockers.

17. No resident will leave the Home grounds without official pass or permission of Commandant. Resident will not violate provisions of pass privilege.

18. Residents have use of telephone in recreation area. Use of any phone other than this recreation area telephone requires permission of the staff members.

19. All residents will be required to participate in Home recreation activities within physical limitations.

20. Residents are not permitted to have in their possession any implements, concealed or otherwise, such as knives, screwdrivers or other tools or weapons which may be used to inflict harm.

21. Residents will bring any complaints to the attention of the Commandant or staff member for consideration or correction.

22. All residents may be assigned certain duties in Home or on grounds.

23. Any violations of Home rules will require action of the Administrator.

24. Any violations of rules is subject to disciplinary action, according to state or parish law.

John L. McGovern
Director

RULES

Office of the Governor Division of Administration Office of Data Processing

Notice is hereby given that the Office of Data Processing, under the authority granted by R.S. 39:1901 through 39:1903 and R.S. 39:196 through 39:200, and in accordance with applicable provision of the Administrative Procedure Act, has adopted a set of 14 rules.

The following rules are adopted:

LAC 1-9:1 Planning and Budgeting for Data Processing Resources

LAC 1-9:2 Justification for Data Processing Consulting Services

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

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

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

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

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

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

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

LAC 1-9:10 Maintenance of Equipment and Software Inventories

LAC 1-9:11 Contingency Planning for Data Processing Operations

LAC 1-9:12 Equipment Specifications in Invitations to Bid

LAC 1-9:13 Computer Utilization Reporting

LAC 1-9:14 Equipment Utilization Monitoring

LAC 1-9:1 Planning and Budgeting For Data Processing Resources

1.1 GENERAL PROVISIONS.

1.1.1 **PURPOSE.** Strategic long-range planning for data processing and the budgeting process are closely related in that the budget request represents an operational or short-term plan to implement long-range objectives. This rule outlines the duties and responsibilities of State agencies regarding the preparation of long-range plans for data processing and the preparation of documentation to support budget requests for data processing resources.

1.1.2 **AUTHORITY.** This rule is adopted pursuant to authority granted to the Office of Data Processing by Title 39 Chapter 19 of the Louisiana Revised Statutes of 1950 as provided in Act 723 of the 1981 Regular Session of the Legislature.

1.1.3 **DEFINITIONS.** Within the context of this rule these terms shall be defined as follows:

A. **Agency.** Any State Executive Branch department, commission, board, political subdivision, institution of higher education or school, except parishes and municipalities.

B. **EDP.** Electronic Data Processing, including word processing.

C. **Office of Data Processing (ODP).** The governing authority for State data processing, located within the Office of the Governor, Division of Administration.

1.2 LONG-RANGE PLANNING AND BUDGETING OVERVIEW.

1.2.1 Each agency of State government shall adopt procedures to insure that proper planning is done for satisfying in a cost-effective manner the future data processing needs and requirements of that agency.

1.2.2 The data processing planning methodology or process implemented at an agency is the responsibility of that agency, but it must produce a planning document which contains, at a minimum, the information outlined in Section 1.3 of this rule. The agency is encouraged to include any additional information in its planning document that it feels better describes the plans of that agency. A general, hypothetical planning/budgeting process is outlined in Figure 1-1. This process shows the development of a long-range plan, which then becomes the basis for requesting and justifying new EDP resources for the coming fiscal year. The justification, and the plan, later become inputs to the agency's budget request package.

1.2.3. Each agency shall submit a long-range plan to the Office of Data Processing by September 1 of each year. The plan shall cover a three fiscal year period, at a minimum, the first year of which shall be the year currently being budgeted.

1.2.4 The actual format of the plan shall be determined by the agency. However, forms on which to present the plan have been developed by ODP and are referenced in Section 1.3 of this rule. These forms may be used as is or modified as appropriate to meet an agency's exact needs. Copies of these forms are available from ODP.

1.2.5 Each agency shall submit a detailed justification for new or expanded EDP resources by September 1 of each year to the Executive Budget Office, the Legislative Fiscal Office and ODP.

1.2.6 Each agency shall include in its budget request a summary of EDP expenditures being requested.

1.3 LONG-RANGE PLAN REQUIREMENTS.

The information described in subsections 1.3.1 through 1.3.6 shall be included, at a minimum, in the plan submitted to ODP.

1.3.1 State the mission and objectives of the agency. Also state the mission and objectives of data processing within the agency, and how these objectives are related to the agency's overall objectives, policies and business plans. These objectives shall be specific statements of results to be achieved within a specific period of time.

1.3.2 Each agency, except institutions of higher education and schools, shall include in its plan a description of all systems which will be in production status during the three-year period. This is to include all such systems operating on state EDP equipment and systems currently operating on nonstate equipment (do not include these systems in paragraph C below) which will be brought in-house within the three fiscal years covered in the plan. Provide the following information:

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

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

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

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

E. Indicate any hardware or software changes necessitated by growth of the system, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

This information may be provided on Form ODP-5 entitled "Production System Summary."

For each production system listed in the plan, the agency will maintain, and make available upon request of the ODP, a system profile which will include growth projections for the planning period. At a minimum, this information is required:

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

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

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

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

E. The total monthly print volume for the system.

F. The file organizations used by the system, i.e. sequential, indexed sequential, random, virtual storage access method

(VSAM), relative or direct access.

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

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

Form ODP-6 entitled "Production System Detail Sheet" may be used to record the above information.

1.3.3 Describe all new systems currently under development or planned for development during the three-year planning period. Also describe any major enhancements or redesign efforts, either in progress or proposed, for each production system. Institutions of higher education and schools are required to report such plans only for administrative systems. However, it is recommended, but not mandatory, for these institutions to include major efforts in academic, research and instruction systems in order to present a more complete plan.

A. Indicate whether the effort planned is a new development or an enhancement.

B. Indicate the planned start and completion dates.

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

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

E. Indicate any hardware or software changes necessitated by the implementation of this effort, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

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

Form ODP-7 entitled "System Development or Enhancement Plan" may be used to present this information.

1.3.4 Based on systems currently in production, projected growth in these systems, system development/enhancement plans and other available information, describe the current and planned hardware and software configurations. This shall include, at a minimum, the following:

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

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

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

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

The above information may be documented on Form ODP-8 entitled "Hardware/Software Plan."

1.3.5 Provide a listing of classifications, and the number of each, planned for each of three years of the plan, as well as the number budgeted in the current year. Include those personnel

assigned to the data processing cost center (or section). Also include those personnel having data processing classifications (e.g., Data Entry Operator) who are assigned outside of the data processing cost center (or section). Exclude those personnel outside the data processing cost center (or section) who may use the data processing resources but do not have data processing classification titles. Also exclude part-time student workers and personnel funded by a grant. This information may be provided on Form ODP-9 entitled "Plan of Positions in EDP Organization."

plan, provide the name of the proposed vendor (if known), the nature of the work to be performed and the amount requested for each project. A completed form BR-17A (Schedule of Professional Services-Detail) may be provided instead. The total amount shown will equal that required in Section 1.3.6.B.7.

1.3.6 Summarize the funds necessary to provide the EDP resources described in other parts of the plan, in terms of amounts by ODP's categories of expenditure. This summary will be for not only the three years of the plan but for the current year as well. Form ODP-10 entitled "EDP Resources Requirements Cost Plan" provides a format suitable for easy presentation of these cost estimates.

A. Amounts.

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

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

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

b. Amount of State General Funds for interagency transfer, i.e., amount being transferred out to another State agency. On an attached sheet, explain the services to be received, the dollar amount to be transferred and to which agency. A completed form BR-19 may be used instead.

c. Total amount of State Funds being requested.

d. Amount of Federal Funds.

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

3. For the last two years of the plan, indicate only the total amount planned for each category.

B. ODP Categories of expenditure.

1. Hardware. Include expenditures for the purchases, rental, lease and maintenance of hardware, e.g., central processing units, disk drives, controllers, printers, terminals, modems, data communication lines, word processors, etc. The total amount requested for hardware will equal the sum of the detail costs shown in the Hardware Plan (see Subsections 1.3.4.A-B).

2. Software. Include expenditures for the purchase, rental, lease and maintenance of software, e.g., operating systems, compilers, assemblers, data base systems, data dictionary systems, utilities, etc. The total amount requested for software will equal the sum of the detail costs shown in the Software Plan (see Subsections 1.3.4 C-D).

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

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

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

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

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

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

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

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

C. 1. Interagency Transfer In. Include the total amount of incoming inter-agency transfers from other State agencies. This total shall be detailed on an attached sheet showing service to be rendered and dollar amount to be received from each agency. Completed budget forms BR-6/BR-6A/BR-6B may be attached instead.

2. Positions Allocated. Indicate the number of personnel positions requested, including incumbents, vacant positions and new positions. This number will match the total number indicated in the part of the plan detailing future manpower requirements.

1.4 REQUIREMENTS FOR JUSTIFICATION OF NEW OR EXPANDED DATA PROCESSING RESOURCES.

The development of an agency's long-range plan for data processing may lead to the identification of circumstances or needs which require the acquisition of new or expanded data processing resources. Each agency requesting funds for such resources, except as noted below, shall submit detailed justification to the Executive Budget Office, the Legislative Fiscal Office and ODP by September 1 of the fiscal year preceding the fiscal year for which such funding is requested. Such justification is not required of universities and schools in cases where data processing resources are required under terms of grants or contracts funded from non-State sources. This justification is important as it will be reviewed by ODP when preparing its funding recommendations to the Legislature as required by Title 39 Section 1902(6). **All** new resources are to be justified, whether they be requested in the agency's budget using BR-4's, BR-15D (Rental), BR-20A (Acquisitions) or other budget forms.

Each new or expanded resource shall be documented and justified individually and assigned a priority number, as is done in budget requests, e.g., using forms BR-4 and BR-4A "Expansion of Current Services and/or Proposed New Services" or form BR-20A "Acquisitions." Each justification shall be documented on form ODP-4A, and multiple form ODP-4Bs and ODP-4Cs, which are available from ODP and entitled "Justification for New or Expanded Data Processing Resources." The following information is required:

1.4.1 Provide a narrative explanation of the circumstances that require the proposed data processing resources, i.e., identify the need for the resources. Use Item 1 on form ODP-4A, with continuation sheets used as needed.

1.4.2 Provide an analysis of the workload that the proposed resources will be capable of handling. This analysis shall be in terms appropriate to the resources being requested, e.g., transaction volume, response time requirements, print volumes, disk capacity, manhours, etc. Use Item 2 on form ODP-4A, with continuation sheets as needed.

1.4.3 Describe each alternate solution considered, includ-

ing the following:

- A. Use of inhouse resources. Include a configuration analysis and analysis of lease/rent vs. purchase.
- B. Use of existing resources in other State agencies.
- C. Use of resources in the private sector, e.g., service bureaus or time-sharing services.
- D. Using a manual or partially automated approach vs. a fully automated one.

Complete one form ODP-4B and one form ODP-4C for each alternative, as follows:

E. Describe how the need would be satisfied using this alternative, and what new or expanded data processing resources would be required. Also describe the impact on utilization of current resources in the agency (and in other agencies if appropriate). Provide a detailed list of data processing resources, and estimated costs per component, to implement the alternative. It is important that this list be accurate and complete for funding purposes since as part of its review and approval procedures at acquisition time, ODP must document that the item being requested for acquisition has been specifically funded by the Legislature. Use Item 3 on ODP-4B and continuation sheets as needed.

F. Document the cost/benefit analysis done for this alternative, using Item 4 on ODP-4B and continuation sheets.

G. Document the estimated expenditures associated with this alternative, by category of expenditure for the first three years of implementation. Also indicate the means of financing. Include a total for these three years. Use Item 5 on ODP-4C.

H. Indicate if the alternative was selected, the reason(s) why it was selected or rejected. Use Item 6 on form ODP-4C.

30 days prior to
Legislative session

Recommendations of the Office of Data Processing due to Legislature regarding funding of new or expanded equipment or programs.

1.5 DATA PROCESSING BUDGET REQUEST REQUIREMENTS.

The preparation of the agency's budget request for data processing resources is done according to appropriate guidelines and instructions issued by the Division of Administration, State Executive Budget Office, and the Legislative Fiscal Office. The Office of Data Processing requires that form ODP-2 entitled "Data Processing Expenditures and Request" be included in the budget request package. This form summarizes all EDP-related expenditures contained in the agency's budget request. This form contains nine ODP categories of expenditures. A cross reference between the standard State categories and these ODP categories is included in Figure 1-3.

1.6 SCHEDULE OF EVENTS RELATED TO DATA PROCESSING PLANNING AND BUDGETING

DATE	EVENT/ACTIVITY
July-August	Each agency initiates new planning and budgeting cycle.
September 1	Agency long-range (3-year) DP plan due to Office of Data Processing.
September 1	Agency justification for new or expanded data processing equipment or services due to Division of Administration Executive Budget Office, and Legislative Fiscal Office, with copy to Office of Data Processing.
December 15 (or other deadline set by DOA)	Agency budget request due to Division of Administration, Executive Budget Office, with copy to Office of Data Processing.

EDP PLANNING AND BUDGETING OVERVIEW

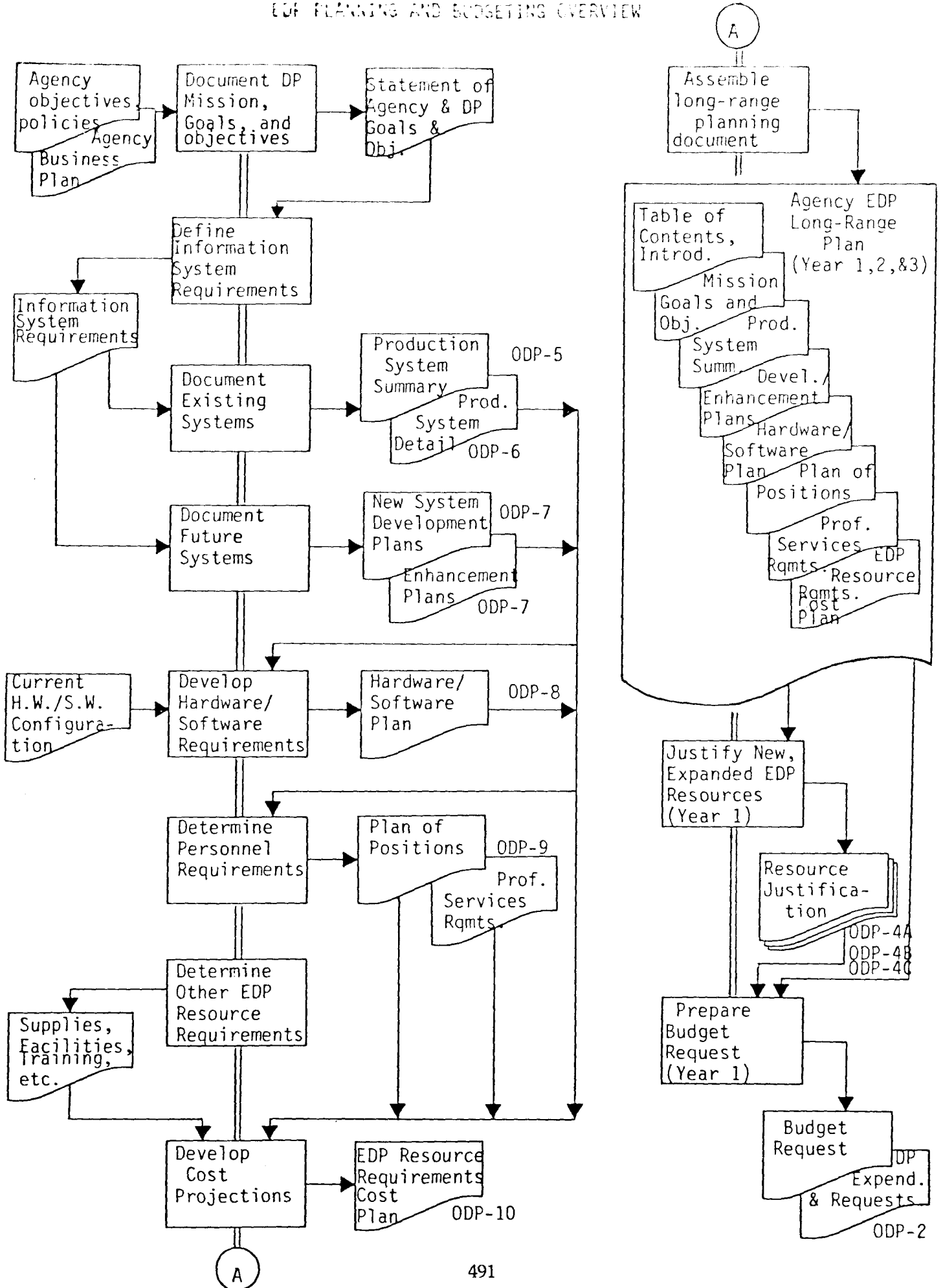


FIGURE 1-2 DP PLANNING AND BUDGETING FORMS

<u>USED IN</u>	<u>FORM NO.</u>	<u>FORM NAME</u>
Long-Range Plan	ODP-5	Production System Summary
	ODP-6	Production System Detail Sheet
	ODP-7	System Development or Enhancement Plan
	ODP-8	Hardware/Software Plan
	ODP-9	Plan of Positions in DP Organization
	ODP-10	EDP Resource Requirements Cost Plan
Justification of New Resources	ODP-4A	Justification of New or Expanded DP Resources
	ODP-4B	Justification of New or Expanded DP Resources
	ODP-4C	Justification of New or Expanded DP Resources
Budget Request	ODP-2	Data Processing Expenditures and Requests

FIGURE 1-3

CROSS-REFERENCE OF ODP CATEGORIES TO STANDARD BUDGET CATEGORIES

ODP COST CATEGORIES	ODP DEFINED TO INCLUDE	LOCATED IN BUDGET	
		FORM NO.	CATEGORY ROLLED TO ON BR-2
Hardware	Acquisitions Rental Maintenance Data Comm. Lines	BR-20 BR-15D BR-15C BR-15F	Acquisitions Operating Services Operating Services Operating Services
Software	Acquisitions Rental Maintenance	BR-20 BR-15D BR-15C	Acquisitions Operating Services Operating Services
Personnel	Salary/Wages/Benes	BR-9	Total Salaries
Facilities	Office Equip-Acqui Office Equip-Ren/Mnt Utilities Telephones (Voice) Moving Expenses Building Rentals Building Repairs	BR-20 BR-15C,D BR-15G BR-15F BR-15G BR-15D BR-21	Acquisitions Op. Services Op. Services Op. Services Op. Services Op. Services Major Repairs
Training	Courses Conferences Trng. Eqp. Maint. Training Manuals Travel to Training	BR-15G BR-15G BR-15C BR-20 BR-14	Op. Services Op. Services Op. Services Acquisitions Travel
Supplies	DP Supplies,Ofc/Auto Supplies, etc.	BR-16	Supplies
Prof. Services	Prof. Services	BR-17	Prof. Services
Other Non-State Services	Subscription Service, Time-Sharing, COM, Data Entry, etc.	BR-15	Operating Services
Other Op. Svcs.	Travel (excl.trng.) Postage Dues & Subscriptions Insurance Auto. Purchase Auto. Repair	BR-14 BR-15E BR-15E BR-15B BR-20 BR-15B	Travel Op. Services Op. Services Op. Services Acquisitions Op. Services

LAC 1-9:2 Justification for Data Processing Consulting Services

2.1 GENERAL PROVISIONS.

2.1.1 Notwithstanding any other statutory requirements each Executive Branch agency shall provide justification as required herein to the Office of Data Processing for the acquisition of data processing consulting services.

2.1.2 Data processing consultants shall only be used where special expertise or guidance is required and cannot be provided by state personnel, e.g., if special expertise in a particular industry is required for a project, consultants may be used to design a system and to guide a monitor the installation phase. Consultants shall not be used to perform systems analysis or programming tasks where it is feasible to do so with state employees. Where there exists a shortage of state data processing personnel, consultants may be used to provide application software maintenance for periods not to exceed six months in duration.

2.1.3 Data processing consultants may be used for augmentation of the agency data processing staff for projects resulting from a legislative mandate and/or critical installation dates are required, provided proper justification is presented to the Office of Data Processing.

2.2 JUSTIFICATION REQUIREMENTS.

The following justification shall be presented to the Office of Data Processing:

2.2.1 Description of the project or services required.

2.2.2 Proposed contractor.

2.2.3 Total amount of proposed contract.

2.2.4 Proposed effective and expiration dates of the contract.

2.2.5 Contract deliverables.

2.2.6 Number of personnel to be furnished by the contractor by skill level and hourly rate for each.

2.2.7 Name and title of state person who will supervise the activities of contract personnel.

2.2.8 Proposed method and frequency of review of the contractor's performance.

2.2.9 Number of state personnel assigned to the project.

2.2.10 State the reasons consulting services are required for the project.

2.2.11 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.

2.3 The Office of Data Processing may require additional information or justification as it deems appropriate.

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

3.1 This rule describes the information that all agencies in the executive branch must furnish when seeking approval of the Office of Data Processing 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, minicomputers 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 Office of Data Processing for a ruling on the justification required.

3.2 In a request to the Office of Data Processing the following must be provided to avoid delays in approval:

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

3.2.2 Provide a detailed list of the proposed equipment, including quantities and estimated costs for lease, purchase, rental, maintenance, etc.

3.2.3 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 this acquisition.

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

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

3.2.6 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.

3.2.7 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.

3.3 The Office of Data Processing may require additional information or justification as it deems appropriate for any particular procurement request.

3.4 Each agency contemplating a procurement greater than \$100,000 shall, upon definition of the preliminary functional requirements and prior to drafting of specifications, notify the Office of Data Processing in writing of the intended procurement. The Office of Data Processing shall schedule a procurement support team. As required in Act 628 of 1981, procurement support team participation must include, as a minimum, assistance in the final drafting of specifications, drafting of invitations to bid and negotiations of contract terms.

3.5 Proprietary specifications shall not be included in invitations to bid unless proper justification is presented to and approved by the Office of Data Processing.

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

4.1 This rule will describe the information that all agencies in the Executive Branch must furnish when seeking the approval of the Office of Data Processing 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 software to be acquired is without cost, no justification to the Office of Data Processing is required.

4.2 In a request to the Office of Data Processing the following must be provided to avoid delays in approval:

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

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

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

4.2.4 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

4.2.5 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.

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

4.2.7 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.

4.2.8 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

5.1 GENERAL.

5.1.1 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.

5.1.2 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 Office of Data Processing and the Purchasing Office.

5.1.3 Planning Requirements. All State data processing installations shall maintain a current disaster plan which incorporates plans for dealing with an emergency as defined in 5.1.1 above. This plan shall be filed with the Office of Data Processing, and shall be updated at least annually. 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.

5.2 RENTED OR LEASED EQUIPMENT.

5.2.1 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 5.1.3 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 Office of Data Processing (ODP) and to the Purchasing Office.

5.2.2 Replacement Other than by Contract. When either no contracts exist (per 5.1.3) 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 ODP in writing that this procedure is necessary.

B. The ODP 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 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 ODP in writing.

G. A situation report, evaluating the procurement activity, shall be made by the ODP staff.

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

5.3 PURCHASED EQUIPMENT.

5.3.1 Replacement with Rented Equipment. When in the opinion of the head of the using agency, as expressed in writing, it would be to the advantage of the agency (either operationally or financially), purchased equipment lost in an emergency situation may be replaced with equipment rented on a short-term (no more than 24 months) basis. In this case, the procedure set forth in 5.1.2 shall be employed.

5.3.2 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 Procurement Support Team.

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 ODP staff.

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

6.1 Act 628 of 1981 provides for multi-year leasing of data processing equipment for periods up to five years with Office of Data Processing.

6.2 Following are the guidelines that shall be used in preparing justification for a multi-year lease:

6.2.1 Provide a detailed list of equipment under consideration.

6.2.2 State whether equipment is currently installed or to be acquired.

6.2.3 If currently installed, provide installation date, monthly rental rate, current accumulated accruals, purchase amount, terms of existing rental agreement, the anticipated useful life of the equipment, and terms of the proposed agreement.

6.2.4 If equipment is to be acquired, provide proposed installation date, lease term, monthly lease rate, purchase accrual rate, present purchase amount, anticipated useful life of the equipment and terms of the proposed lease agreement.

6.2.5 If the equipment is to be connected to equipment leased under a different arrangement, provide the terms of the other arrangement(s).

6.2.6 Provide a financial comparison showing (a) cost per month of proposed equipment if rented on a one year term including maintenance, (b) cost per month or proposed equipment if leased for the term requested including maintenance, (c) a

cost figure derived by dividing the purchase price by the number of months in the proposed lease term, then adding the monthly maintenance charge for the equipment.

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

7.1 The Office of Data Processing 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.

7.2 The Office of Data Processing reserves the right to require reports on, and to audit use of, unscheduled maintenance in any agency which operates under the provisions of Act 723 of the 1981 Regular Session.

7.3 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

8.1 **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 Act 628 of the Regular Session of 1981. Purchase release orders issued pursuant to a Direct Order Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the Office of Data Processing (ODP).

As stated in Act 628, at least two members of each procurement support team should have formal training in computer contract negotiations. The Office of Data Processing, the Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the ODP 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 ODP 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 ODP 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 Act 628, at least five members, one from each office designated, must be present to constitute a quorum.

8.2 **PROCUREMENT SUPPORT TEAM INVOLVEMENT.** Procurement support team participation must include, as a minimum, assistance in final drafting of specifications, 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 Office of Data Processing.

8.3 **EMERGENCY PROCUREMENTS.** Notwithstanding the guidelines established above, procurements under emergency condition (as defined by the ODP) will involve a procurement support team designated by the ODP, under the directions of a

team leader designated by the ODP. 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. A final written evaluation shall be presented to the ODP prior to ODP approval of any emergency procurement. 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 ODP.

8.4 The procurement support team will be a purely advisory body. All decisions with respect to a procurement process will be made by the procuring agency. Such decisions will, of course, be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance of a particular procedure 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.

8.5 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 procuring agency will establish in writing the authority and constraints under which the negotiating team will operate, and within these constraints, the negotiation team shall have full authority to deal with the other party or parties. 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 negotiating team should have formal training in computer contract negotiations.

8.6 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 Office of Data Processing.

A. **Office of Data Processing.** The ODP shall have primary responsibility for providing advice and support in the area of data processing techniques, negotiations techniques, developing the structure and content of invitations to bid (ITB), and drafting of technical specifications.

B. **Legislative Fiscal Office.** The Legislative Fiscal Office shall have primary responsibility for the financial analysis of ITB's and bids, and review of funding procedures.

C. **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 these functional requirements, and for all management decisions at each phase of the procurement process.

8.7 **PROCEDURES.** Each procurement activity covered by Act 628 shall be conducted in accordance with the following procedures:

8.7.1 Each agency contemplating a procurement covered by the provisions of Act 628 shall, upon definition of the preliminary functional requirements and prior to the drafting of specifications, notify the ODP in writing of the intended procurement. The ODP 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 ODP determines that bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

8.7.2 The ODP 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 ODP 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.

8.7.3 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.

8.7.4 The team leader will maintain a file containing all documentation and correspondence relating to the procurement. At the end of the process one copy will be provided to the procuring agency and one copy will be retained on file by the ODP. The team leader will make written status reports at the end of each phase to the ODP. Such status reports shall be presented to the ODP at each regular meeting.

8.7.5 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.

8.7.6 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.

8.7.7 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 ODP.

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

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

9.1.1 The Office of Data Processing 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.

9.1.2 At time of notification, the staff of the Office of Data Processing shall as a minimum provide all 20 of the State agencies, 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.

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

9.1.4 The ODP staff will review all applications for equip-

ment and make recommendations to the State Director of Data Processing. These recommendations and the State Director's decision will be based in large measure on the justification offered.

9.1.5 If no suitable application for the equipment is obtained, the ODP 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, return it to the lessor.

B. If the equipment is rented or leased and has enough purchase credits and residual value to provide a reasonable margin of profit, 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 bid procedure will be followed.

C. 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.

D. 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.

E. Offers by vendors to accept the equipment in trade will be evaluated against current retail value of such equipment.

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

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

LAC 1-9:10 Maintenance of Equipment and Software Inventories

10.1 GENERAL PROVISIONS.

10.1.1 Each Executive Branch agency shall develop and maintain an inventory of its data processing equipment and software. This inventory shall contain, at a minimum, the information specified in Subsection 10.2 and 10.3 of this rule. It shall be kept up-to-date as new acquisitions occur, equipment is disposed of, new contracts are negotiated, price changes are made, equipment is moved from one location to another, etc.

10.1.2 This inventory shall be reported to the Office of Data Processing once a year, as part of the agency's long-range data processing plan submitted on September 1. This report may be done on Form ODP-8 entitled "Hardware/Software Plan."

10.1.3 This inventory shall also be made available on request to the Office of Data Processing.

10.2 EQUIPMENT INVENTORY REQUIREMENTS.

For each equipment component (e.g., central processing unit, printer, modem, terminal, data communication line, etc.) installed, provide the following:

10.2.1 Vendor name.

10.2.2 Component description.

10.2.3 Model number.

10.2.4 Features installed, including number and name.

10.2.5 Serial number.

10.2.6 Date installed.

10.2.7 Method of acquisition, i.e., purchase, lease or rental.

10.2.8 Type of contract, i.e., month-to-month, multi-year lease, etc.

10.2.9 Location, including city/address/floor/room, as appropriate.

10.2.10 Total annual payments, if being leased or rented.

10.2.11 Total annual payments for maintenance, if any.

10.3 SOFTWARE INVENTORY REQUIREMENTS.

For each software component (e.g., operating system, compiler, assembler, data base system, data dictionary system, utility, etc.) installed, provide the following:

10.3.1 Vendor name.

10.3.2 Software description and name.

10.3.3 Program or model number.

10.3.4 Special features included, if any.

10.3.5 Date installed.

10.3.6 Type of license, i.e., permanent, annual, fixed term, etc.

10.3.7 Total annual payments for lease/rental, if being leased or rented.

10.3.8 Total annual payments for maintenance, if any.

LAC 1-9:11 Contingency Planning For Data Processing Operations

11.1 CONTINGENCY PLANNING REQUIREMENTS.

11.1.1 Each agency of the State, except parishes and municipalities, shall develop, maintain and be prepared to execute a contingency plan for any data processing operation for which it is responsible. "Agency" as used in this rule shall be construed to mean any department, college or university, commission, board or other political subdivision, except parishes and municipalities, in the Executive Branch of Louisiana government.

11.1.2 This plan shall outline procedures for responding to emergencies, for ensuring that essential tasks can be processed subsequent to disruption of the Electronic Data Processing (EDP) function, and for permitting smooth, rapid restoration of full EDP capabilities following physical destruction or major damage. Each agency has the responsibility for determining the methodology it will use in establishing its contingency plan, but should review the disaster recovery flow, considerations and documentation given in the remainder of this rule for possible use in developing its plan.

11.1.3 Each agency shall submit its contingency plan to the Office of Data Processing (ODP) on an annual basis, with the first plan due on July 1, 1982.

11.2 BACKGROUND AND OBJECTIVES.

11.2.1 ODP recognizes that each agency has an assigned mission and that agency business plans are written for the accomplishment of that mission. These plans assume normal working conditions, availability of the agency's full level of resources and personnel, and a tranquil working atmosphere. Despite careful planning, there is always some likelihood that events will occur which will prevent normal operations and the accomplishment of the agency's stated mission.

11.2.2 Electronic computer equipment has become a vital and commonplace tool in the plan of operation of State agencies. Along with increased usage of this tool is a corresponding increase in dependence on its availability, that is, many operations and services to the public would be severely curtailed or possibly eliminated without it. Consequently, a contingency plan must be an important part of an agency's EDP security program.

11.2.3 Each state EDP installation is a complex combination of resources including people, equipment, space, supplies and communication. Also, each installation has unique features, and thus each plan must be unique. That is, the plan must be a function of the size of the installation, the number of personnel employed, the risks involved in not being able to process critical applications, and many other factors.

In general, however, the agency's contingency plan should meet the following objectives:

A. Provide guidance for pre-disaster damage-limiting ac-

tion when early warning is available, e.g., in case of hurricane or flood.

B. Provide optimum safety for personnel in the event of a disaster, mainly through evacuation procedures.

C. Insure availability of backup resources (hardware, software, supplies, space, communications, etc.) for temporary operation of critical applications, when a disaster occurs, until such time as the main facility is operational again.

D. Outline the recovery process, including actions and personnel assignments, to be followed to effect a prompt, complete recovery from a disaster.

E. Assign the responsibility for maintaining the plan, training personnel in the execution of the plan, and testing the plan.

11.3 SCOPE OF THIS RULE.

11.3.1 Most EDP security programs encompass a wide range of measures for minimizing or avoiding potential security threats. These measures can usually be categorized in to one of the following four areas:

A. Fire control, which normally includes location, design, construction and maintenance of the EDP facility to minimize the exposure to fire damage, detection and response to fire emergency, and extinguishing fires.

B. Access control, which involves permitting access to the facility to authorized persons while denying access to others.

C. Data security, involving the preservation of data resources from accidental or malicious modification, destruction or disclosure.

D. Contingency planning, which deals with response to emergencies, backup operation for critical applications and recovery back to normal operation.

The fourth area listed, contingency planning, is the only one within the scope of this rule.

11.3.2 In order to further define the scope, this rule deals only with contingency planning for a disaster, that is, a lengthy disruption which seriously impacts a computer center's ability to meet service commitments to its customers.

The term disaster includes, for the purpose of this rule, events such as the following:

A. Ecological events (storms, hurricanes, floods, etc.)

B. Accidents (fire, power loss, gas explosions, chemical spills, communications loss, etc.)

C. Deliberate disruptions (strikes, bombs, sabotage, etc.)

A disaster does not include:

A. Short-term failures of hardware, software or utilities.

B. Planned outage of all or part of a system in order to take corrective action.

11.4 CONSIDERATIONS IN CONTINGENCY PLANNING.

11.4.1 Management Coordination. A predetermined location should be arranged for administrators to gather, set up communications, and coordinate the recovery process. A disaster recovery chairman should be named in the contingency plan to coordinate the recovery team. Teams should be established, considering the size of the facility, for each major recovery function, such as:

A. Recovering data files, operating systems and application programs.

B. Reconstructing facilities for the computer and its support functions, including personnel, air conditioning, power, and supplies.

C. Locating temporary processing capabilities and permanent equipment replacements.

D. Reestablishing communications for the computer and personnel.

E. Maintaining the highest security possible. Included in the plan should thus be an organization chart (with names and

phone numbers) of the recovery team as well as a chart of the normal computer center organization. Also included should be a checklist of requirements needed to establish the recovery control room, and outlines of the agenda for the first two meetings of the recovery team.

The team should have available to it an up-to-date notification list of computer center staff, emergency services, support services and user contacts.

11.4.2 Alert, Shut-down and Evacuation Procedures. A written disaster alert, shut-down and evacuation procedure which assigns specific responsibilities to designated personnel should be prepared and posted at each installation. The following items are minimum features of this plan:

A. Remove all power to the computer system:

1. There should be a main line circuit breaker or equivalent mechanism for turning off all power.

2. There should also be a remote control located convenient to the operator or next to each exit door.

B. Shut down air conditioning system:

1. In Cases of Completely Separate Systems Only — Emergency means should be provided to turn off the computer room air conditioning. They should be located near the emergency power shut-off device.

2. In Cases of Regular Building Systems Only--Emergency means should be provided to close off all duct dampers leading to and from the computer room. They should be located near the emergency power shut-off device.

3. In Cases of Combining the Regular Building System with a Supplemental System--Emergency means should be provided to simultaneously accomplish the similar action as described in the preceding items (2) and (3).

C. Notification of proper authority:

1. The building security and Disaster Recovery Team Chairman should be called immediately.

2. The manager of the computer center should be called immediately.

3. Outside fire departments should be called.

4. Appropriate insurance authorities should be called.

D. Initiate protective measures. Means should be provided to prevent damage to electronic equipment. Means should be provided to prevent water damage. The proper method of doing this will vary according to individual equipment design. Consideration should be given to the provision of water-proof covers. Whenever electronic equipment or any type of record is wet down, smoke damaged, or otherwise affected by the results of a fire or other emergency, it is vital that immediate action be taken to clean and dry the electronic equipment. If the water, smoke or other contamination is permitted to remain in the equipment longer than absolutely necessary, the damage may be significantly increased.

E. Evacuate personnel promptly from the facility.

11.4.3 Data, Systems Software, and Application Programs. The continued operation of an electronic computer system is dependent on information stored on disks, diskettes, mass storage, tapes and cards. Therefore, the planning for continued operation should include a program to protect records in accordance with their importance.

Systems should also be designed with features to facilitate backup/recovery. Off-site storage of files should also be considered.

11.4.4 User Responsibilities. The agencies which use computer services should work with the computer center staff to plan for the support of its services in case of an emergency. It is the user's responsibility to:

A. Decide what files should be backed up and how frequently.

B. Plan with the computer center staff how processing will

be done in the event computer services are not available for an extended period of time.

C. Plan for the continued operation of user functions in the event of an emergency involving lack of computer services.

11.4.5 Choosing Alternate Facilities. As more organizations have realized the need for disaster recovery planning, more alternatives for backup facilities have become available. These choices include shared contingency facilities complete with hardware, recovery operations centers (ROC) or shells, time brokers or service bureaus, reciprocal agreements between two or more organizations, an organization-controlled alternate site (either with or without hardware), and the computer vendors. Each agency must determine for itself which alternative, or combination of alternatives, best suits its unique requirements.

A backup computer installation should be far enough away from the primary facility so it is not subject to the same hazards. The estimated time to rebuild or repair the primary facility will determine how long a backup facility would be required. It should be accessible and close enough to serve its customer agencies. In a data communications system, accessibility means being near communications lines rather than near other agency offices. When considering a backup facility very far from the prime facility, the costs of moving data, supplies and people to operate it should be considered. Most systems have a great interdependence on the resources of their owner organizations; therefore, if the backup is to be operational for an extended period, its proximity to the primary facility is important.

Physical separation should ensure that both locations will not be crippled by a single fire, explosion, airplane crash, or any single accident, and it should reduce the risk of simultaneous damage from weather hazards. The benefits of physical separation should be further enhanced by obtaining electric service from separate substations so that a single power outage would not disable both locations, and by avoiding use of common communications trunks or exchanges in communication-oriented systems.

Agencies should take advantage of the State's ideal backup situations, having multiple installations containing similar data processing systems. This is particularly true if the separate installations are geographically close or have high-speed communications. The advantages of this kind of situation are that the backup is available immediately and already has acceptable storage areas for supplies and data.

Planning the use of alternative resources should be on an application basis, having first determined priorities for the applications in the order of their relative urgency. A backup plan should consider the people, plant and records needed to resume operations.

11.4.6 Power Considerations. During the contingency planning process, consideration must be given to the potential loss of electrical power during a disaster and how such a loss would effect processing at the primary computer site, as well as the alternate site. Such consideration would involve evaluating the critical nature of the agency's data, the type of hardware used, dependability of the prime power source, etc. Potential loss must then be measured against the purchase cost and operating cost of alternative power sources such as uninterruptible power systems (UPS), motor generators, batteries, power conditioners, etc.

11.4.7 Damage Assessment Activities. Once a disaster has occurred and the recovery team has met for its first meeting, an immediate requirement will be an assessment of damage to facilities, hardware, communication system, security system and supplies-forms. In order that this assessment be done as completely and expeditiously as possible, the team should be able to obtain from the contingency plan the following reference materials:

A. Damage assessment checklists for facilities, hardware and supplies.

B. Architectural drawings, electrical schematics, hardware/software configurations.

C. Lists of contact personnel for hardware vendors, supply vendors, building contractors, etc.

11.4.8 Emergency Procurement Considerations. Any set of plans and procedures for recovery should include a consideration of State procurement laws, rules and regulations. In addition, Office of Data Processing rule LAC 1-9:5 entitled "Emergency Procurement of Dataprocessing Equipment" should be reviewed.

11.5 DISASTER RECOVERY FLOW.

Figure 11-1 is a somewhat idealized functional flow of the preparation of a contingency plan and the execution of that plan after a disaster occurs. In order to assure completeness it assumes a disaster of such magnitude that management of recovery would require substantial division and delegation of recovery functions. For any specific disaster, some functions will not be applicable and often functions can be combined as appropriate under a single manager. It is expected that the recovery team will design a specific recovery plan using the appropriate elements of the agency's general plan.

11.6 TRAINING AND TESTING.

Personnel should receive continuing training in at least the following:

a. Method required for turning off all electrical power to the computer under both normal and emergency conditions.

B. Turning off the air conditioning to the area.

C. Alerting the management, Fire Department, police protection, and other appropriate emergency services.

D. Evacuation of personnel.

E. Location, proper operation, and application of all available fire extinguishing and damage control equipment.

F. Importance of records and their storage requirements.

A regular schedule for testing each phase of the contingency plan should be set up, but a minimum of once each year.

11.7 EXECUTION OF THE PLAN AT TIME OF DISASTER.

11.7.1 The estimated duration of an interruption is a critical factor in understanding when a true disaster situation exists. Appropriate parts of the plan should be applied when there is any critical resource disruption involving an estimated recovery time of more than a designated number of hours. It will be up to the judgment of the computer center manager (or designee) to determine if the contingency plan is to be activated and to determine if the facility is to be shut down and evacuated.

11.7.2 The contingency plan is, of necessity, general and comprehensive. It is an attempt to cover the worst case of a broad range of possibilities. Therefore, the recovery team under the direction of the Chairman will develop a detailed plan tailored to the specific situation by selecting applicable elements from the generalized plan. This detailed plan would start to be laid out at the second meeting of the recovery team.

11.8 MAINTENANCE OF THE PLAN.

11.8.1 Once the contingency plan has been written, events will undoubtedly occur which will render parts of the plan obsolete. Such events might include:

A. Changes in hardware to hardware vendor.

B. Changes in computer center personnel.

C. Reorganization of computer center staff and/or functions.

D. Changes (e.g., electrical system, alarm devices, locking devices, emergency power controls) to the facility or move to another facility.

E. Review or audit of the agency's EDP security program.

F. Actual occurrence of some type of disaster which pointed out weaknesses or omissions in the plan as written.

11.8.2 The agency's security program should be organized such that these events initiate an immediate effort on the part of the computer center manager or security officer to update the contingency plan and conduct appropriate training.

11.9 CONTINGENCY PLAN DOCUMENTATION.

11.9.1 Figure 11-1 of this rule shows that the writing of the general contingency plan generates a set of documents which are later used during a disaster alert and after a disaster event actually occurs. All documents would not be suited to all agencies, but are presented to stimulate thought as to the type of documentation which must be prepared before a disaster occurs.

The following is a checklist of the documents shown on Figure 11.1:

Disaster Alert Checklist; Shut-down and Evacuation Procedures; Organization Chart of Computer Center; Probable Organization of Recovery Team; Notification Checklist; Outline for First Meeting; Recovery Control Room Checklist; Facilities Damage Assessment Checklist; Architectural Drawings, Electrical Schematics, etc.; Facilities Vendor/Services Contact List; Hardware Damage Assessment Checklist; Current Hardware Configuration; Hardware Vendor Contact List; Supply Damage Assessment Checklist; Supply Vendor Contact List; Outline for Second Meeting; Critical Applications List; Recovery Plan for Each Application; Minimum Hardware Configuration for Critical Services; Possible Alternate Sites and Arrangements; Disaster Recovery Log; and Detailed Recovery Work Plan. Copies of these forms are available from the Office of Data Processing.

11.9.2 The actual format of the plan is left to the discretion of the agency in order to allow maximum flexibility to that agency. Each document listed in Subsection 11.9.1 should, however, be given careful consideration for inclusion or exclusion in the plan as they represent key documents in a comprehensive plan. In addition, the agency will have to augment these documents as appropriate to accommodate its unique circumstances and requirements.

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

12.1 The Office of Data Processing will require that all equipment specifications included in an Invitation to Bid (ITB) be of a functional nature 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.

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

12.3 The Office of Data Processing reserves the right to determine when functional specifications will be required.

LAC 1-9:13 Computer Utilization Reporting

13.1 Each department, commission or board, political subdivision or political corporation of the state, except parishes and municipalities, shall maintain data processing hardware utilization records. Each data processing center will provide the Office of Data Processing monthly utilization reports as defined below as applicable. These reports are due not later than the tenth day of each month. In addition, data processing centers will provide the Office of Data Processing with requested utilization data as required to support special studies.

13.2 All acronyms used in this rule are industry standard.

13.3 Data Processing Centers (IBM) using MVS will install the vendor supplied Resource Management Facility (RMF) or an equivalent package. The utilization reports produced will be provided on a monthly basis. These reports should reflect a "typical" period of at least 24 hours, and a "peak" production period. The following data must be provided:

- 13.3.1 CPU Activity
- 13.3.2 Paging Activity
- 13.3.3 Workload Activity
- 13.3.4 Channel Activity
- 13.3.5 Device Activity
- 13.3.6 Page/Swap Data Set Activity
- 13.3.7 Trace Activity
- 13.3.8 Enqueue Activity

In addition to the above information, Data Processing Centers with on-line users must provide monthly the number of transactions processed.

13.4 Data Processing Centers (Honeywell) using GECOS III will install the vendor supplied PRMS, or an equivalent package. Weekly, monthly and year-to-date reports are to be provided on a monthly basis. The following data must be provided:

- 13.4.1 Production Hours
- 13.4.2 CPU Busy
- 13.4.3 Memory Utilization
- 13.4.4 Tape Channel Utilization
- 13.4.5 Disk Channel Utilization
- 13.4.6 Perm File Availability
- 13.4.7 Scheduler Activity
- 13.4.8 Jobs Waiting Resources
- 13.4.9 Dispatcher Queue
- 13.4.10 Jobs in Execution
- 13.4.11 Number of TSS Users
- 13.4.12 TSS Response Time
- 13.4.13 Number of Transactions Processed

13.5 Data Processing Centers (UNIVAC) using 1100-OS will install the vendors supplied S.I.P. or an equivalent package. The utilization reports produced will be provided on a monthly basis. The reports should reflect a "typical" period of at least 24 hours and a "peak" production period. The following data must be provided:

- 13.5.1 True System Idle
- 13.5.2 I-O Deadlock
- 13.5.3 Mass Storage Deadlock
- 13.5.4 All Processors Idle
- 13.5.5 Processor Activity
- 13.5.6 Memory Utilization
- 13.5.7 Response Time to Demand Users
- 13.5.8 Channel Utilization
- 13.5.9 Transaction Count

13.6 Data Processing Centers (Burroughs) using MCP must install the vendor supplied SRM or an equivalent package. The utilization reports produced will be provided on a monthly basis. These reports should reflect a "typical" period of at least 24 hours, and a "peak" production period. The following data must be provided:

- 13.6.1 CPU Utilization
- 13.6.2 Memory Utilization
- 13.6.3 Channel Utilization
- 13.6.4 I-O Counts
- 13.6.5 Transaction Count
- 13.6.6 Total Hours of Operation

13.7 Data Processing Centers with operating systems which support a system accounting file, but do not have the available utilization reporting software are required to provide monthly reports. The following information will be provided:

- 13.7.1 Total hours per month the hardware is operated, e.g., 24 hours per day times 30 days per month = 720 hours per month. (summarized monthly only).
- 13.7.2 Total CPU Hours
- 13.7.3 Total tape channel utilization expressed as hours busy, EXCP counts or words transferred as available in the accounting file.

13.7.4 Tape allocations hours, e.g., six tape units allocated two hours each equal 12 tape allocations hours.

13.7.5 Total disk channel utilization expressed as hours busy, EXCP counts, or words transferred as available in the accounting file.

13.7.6 Total permanent disk storage allocated (summarized monthly only).

13.7.7 Number of batch jobs.

13.7.8 Number of time sharing sessions (TSO, TSS, Demand, etc.).

13.7.9 Batch CPU time.

13.8 Data Processing Centers that have an operating system which does not support an accounting file will provide the following information monthly:

13.8.1 Total hours per month that the hardware is operated.

13.8.2 Total number of hours the CPU was utilized. If the CPU is metered, then metered hours may be reported.

13.9 If a data processing center is unable to report the information requested above, a written response must be submitted to the Office of Data Processing stating what can and cannot be reported as well as the method used to measure the hardware utilization.

13.10 The Office of Data Processing reserves the right to have its staff members make periodic audits to verify the information furnished.

LAC 1-9:14 Equipment Utilization Monitoring

14.1 The Office of Data Processing reserves the right to audit the utilization of all data processing equipment utilized by any department, commission or board, political subdivision or political corporation of the State, except parishes and municipalities. These audits may consist of, but are not limited to, the installation and operation of hardware and or software monitors.

Thomas G. Hagan
State Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security will implement, effective November 15, 1981, an increase in the level of reimbursement of the dispensing fee allowance for prescriptions under the Title XIX Pharmaceutical services program. The maximum fee will be increased from \$3.28 to \$3.67.

This represents a 3.95 percent increase in the annual aggregate expenditures of the pharmaceutical services program.

The Louisiana Legislature, through the General Appropriation Act 12 of 1981, mandates this increase.

George A. Fischer
Secretary

RULE

Department of Natural Resources Resource Recovery and Development Authority

Rules of Procedure

1.0 GENERAL PROVISIONS.

1.1 NAME — The official name of the agency created by Act 507 of 1980 is the "Louisiana Resource Recovery and De-

velopment Authority”, also referred to as “the Authority” and “LRRDA.”

1.2 LEGISLATIVE AUTHORITY AND GOVERNANCE

— The Louisiana Resource Recovery and Development Authority received its statutory authority under Act 507 of 1980, codified as R.S. 30:1150.1 et seq., as amended, hereinafter referred to as “the Act.”

The Authority is subject to the provisions of the Act and, as to rulemaking, the Administrative Procedure Act (R.S. 49:951 et seq.). In addition, the actions and activities performed or carried out by the Authority and its contractors in accordance with the Act must be in conformity with applicable law, policies and rules of the State, in accordance with the Louisiana Solid Waste Management Plan, and in accordance with all applicable statutes, permitting procedures and regulations of the Environmental Control Commission.

The Authority is a function and responsibility of the Department of Natural Resources and operates as a functional division within the Office of Environmental Affairs.

1.3 PURPOSES OF THE AUTHORITY — The Act established the Authority to accomplish several purposes including the following, which shall be considered to be operating responsibilities of the Authority in accordance with the statewide Solid Waste Management Plan developed by the Department of Natural Resources in response to the federal Resource Conservation and Recovery Act (RCRA), and which are to be considered public purposes:

(a) To develop and implement a statewide regional solid waste management plan to carry out the purposes of the Act, providing for the maximum recovery and reuse of materials and energy resources derived from solid wastes and establishing a comprehensive program for management, storage, collection, transportation, utilization, processing, and disposal of waste on a regional basis;

(b) To develop, finance, plan, design, construct and operate effective systems and facilities for solid waste management, disposal and recycling for the benefit of the people and all levels of government of the State;

(c) To establish a program for protecting the land, air, surface and groundwater resources of the State from depletion and degradation caused by improper disposal of wastes;

(d) To provide, through exercise of the State’s police power, waste disposal service for municipalities, parishes and private persons in the State, at reasonable costs, where such services are considered necessary, desirable or convenient by the Authority;

(e) To provide for the collection, transportation, storage and disposal or diversion of solid waste within specified geographic areas to designated facilities and to provide that any person capable of being effectively served by the facilities of the Authority shall make use of such facilities;

(f) To have private industry implement the Authority’s plans and programs, and such other activities as may be considered necessary, desirable or convenient by the Authority to the fullest feasible extent, through contractual arrangements;

(g) To give encouragement and support to individuals and municipalities to separate solid waste at its source, in order to maximize the value of such waste for reuse;

(h) To implement a program for planning, research and development, and appropriate innovation in the design, management and operation of systems and facilities for waste management, in order to permit continuing improvement and provide adequate incentives and processes for lowering operating and other costs; and

(i) To ensure that assistance in the development of industrial and commercial enterprises within the State be based upon resource recovery, recycling and reuse.

1.4 OBJECT OF THESE RULES — The object of these Rules is to provide a procedural system governing the operation of the Louisiana Resource Recovery and Development Authority in the administration and enforcement of the Act, the “Louisiana Resource Recovery and Development Act” (R.S. 30:1150.1 et seq., as amended). Practices and procedures provided for in the Act which are not specifically included in these Rules shall be applicable to the operations of the Authority and to all practice and appearances before the Authority. If any of the provisions of these Rules should conflict with any provision of the Louisiana Resource Recovery and Development Act, said Act shall control.

1.5 DEFINITION — All terms used in these Rules shall have their usual meaning unless the context otherwise requires or unless specifically defined in the Act or in substantive regulations which have been promulgated by the Authority or the Environmental Control Commission under Chapter 11 of Title 30 of the Louisiana Revised Statutes.

1.6 FILINGS WITH THE AUTHORITY — Whenever these Rules or the Act permit or require the filing of any notice, petition, document, or other correspondence with the Louisiana Resource Recovery and Development Authority, such filing shall be addressed and mailed to Louisiana Resource Recovery and Development Authority, Office of Environmental Affairs, State Land and Natural Resources Building, 625 North 4th Street, Box 44066, Baton Rouge, Louisiana 70804.

1.7 PARLIAMENTARY AUTHORITY — The rules contained in the current edition of *Robert’s Rules of Order Newly Revised* shall govern the Authority in all cases to which they are applicable and in which they are not inconsistent with these Rules of Procedure and by any special rules of order the Authority may adopt under its rulemaking authority.

1.8 EFFECTIVE DATE AND DURATION — These Rules of Procedure shall become effective upon approval by the Natural Resources Committees of the House and Senate and upon their publication in the *Louisiana Register*.

1.9 PUBLIC PARTICIPATION — The Authority shall secure maximum input from interested groups and the public in the performance of its functions and shall provide information concerning its activities and solicit public participation by providing at least the following services:

(a) Notice of meetings as required by Section 3.7;

(b) Public hearings which the Chairman determines to be of interest to the public, or when requested by those groups and individuals impacted by actions under the Authority’s jurisdiction and control;

(c) Entry of a summary of Authority actions in the newsletter of the Office of Environmental Affairs entitled “Environmental Insights” as insert, or publication by such other means as may be determined by the Authority to be necessary or desirable; and

(d) Mailing of the approved or adopted minutes of meetings of the Authority to those who request such minutes.

2.0 AUTHORITY MEMBERSHIP AND ORGANIZATION

2.1 AUTHORITY MEMBERSHIP — The membership of the Authority shall consist of eight Directors hereinafter referred to as “the Authority” or as “the Directors” as provided for under R.S. 30:1150.5.B (Act 507 of 1980).

2.2 TERM OF OFFICE — Each appointed Director shall serve until officially removed by the Governor. Each appointment by the Governor shall be submitted to the Senate for confirmation; and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the Governor to the Senate for confirmation every two years after the initial confirmation.

2.3 REPRESENTATIVES OR DESIGNEES — The Secretary of Natural Resources is the only Director who may designate a representative to act in his absence as a member of the Authority. Should the Secretary choose to designate a representative, such

designation shall be made in writing. The secretary may, in writing, change or withdraw the designation at his discretion.

2.4 COMPENSATION — Each Director shall be entitled to reimbursement for actual and necessary expenses incurred during the performance of official duties. Such reimbursement shall be carried out in accordance with the State General Travel Regulations.

2.5 RESIGNATION — Should a Director wish to resign from the Authority, he must submit his written resignation to the Governor and send a copy to the Chairman of the Authority. If accepted by the Governor, the Chairman shall announce the resignation and its effective date at the next scheduled meeting of the Authority.

2.6 VACANCIES

(a) Should a vacancy (or vacancies) occur on the Authority in any of the positions appointed from the Louisiana Municipal Association, the Police Jury Association of Louisiana, the investor-owned electric public utility industry or the electric cooperative public utility industry, then as soon as possible thereafter the Chairman of the Authority shall notify the Governor of the vacancy (or vacancies) so that the Governor may request the appropriate organization or industry to submit a nominee (or nominees) to him for his consideration in order to fill the vacancy (or vacancies) as expeditiously as possible.

(b) Should a vacancy occur in the “at large” position, the Chairman of the Authority shall notify the Governor as soon as possible thereafter in order for the Governor to fill the position as expeditiously as possible.

(c) Should a vacancy occur in a position occupied by a designee of the Secretary of Natural Resources, the membership on the Authority shall automatically revert to the Secretary until or unless the Secretary officially chooses a new designee.

(d) Should the position occupied by the Chairman be vacated, the Vice Chairman shall notify the Governor of the vacancy.

2.7 OFFICERS.

(a) Chairman and Vice Chairman - The Director shall select a Chairman and a Vice Chairman from within the Authority’s membership. The Chairman and the Vice Chairman shall each serve for a period of one year or until a successor for each is elected. A Chairman or Vice Chairman may be reelected to more than one term. In the absence of the Chairman, the Vice Chairman shall preside.

(b) Secretary - The Program Administrator (Manager) of the Authority shall serve as the Secretary to the Authority.

(c) Duties - These officers shall perform the duties prescribed by the Act, by these Rules of Procedure, and by the parliamentary authority adopted by the Authority.

(d) Vacancies.

(1) Should a vacancy occur in the office of Chairman, then as soon as possible thereafter, the Authority shall hold a meeting to elect a new Chairman. The Vice Chairman shall serve as Chairman from creation of the vacancy until the new Chairman is elected.

(2) Should a vacancy occur in the office of Vice Chairman or any other office created by the Authority besides the office of Chairman, then at the next regular or special meeting of the Authority an election shall be held to fill the vacancy.

2.8 COMMITTEES — Special committees or task forces, as the Directors from time to time may deem necessary to conduct studies or inquire or do other work of the Authority, may be appointed by the Chairman. The Chairman shall be ex-officio a member of all such committees or task forces.

3.0 MEETINGS AND HEARINGS OF THE AUTHORITY.

3.1 QUORUM — Five members of the Authority shall constitute a quorum.

3.2 PUBLIC MEETINGS — All votes on matters before the

Authority shall be conducted at regular or special meetings of the Authority, open to the public, and such meetings shall be timely noticed in the media and otherwise, as required by the Public Meetings Act (R.S. 42:4.1-42:12, as amended), and these Rules.

3.3 EXECUTIVE SESSION — By a two-thirds majority of those members present at a duly authorized regular or special meeting of the Authority, the Authority may adjourn into executive session in accordance with the requirements of the Public Meetings Act (R.S. 42:4.1-42:12, as amended) for consideration of matters allowed under R.S. 42:6.1

3.4 REGULAR MEETINGS — Regularly scheduled meetings of the Authority shall be held on the second Monday of each month unless otherwise ordered by the Chairman. Unless otherwise stated in the Notice of Meeting, all meetings and hearings shall be held in Baton Rouge, Louisiana.

3.5 ANNUAL MEETING — The regular meeting held on the second Monday in March of each year shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise.

3.6 SPECIAL MEETINGS; FACT-FINDING HEARINGS; OTHER HEARINGS.

(a) Special meetings of the Authority may be called at any time by the Chairman or, in his absence, by the Vice Chairman. In addition, any interested person may petition the Authority to call and hold a special meeting in accordance with the provisions of Section 3.9 of these Rules of Procedure. The purpose of the special meeting shall be stated in the notice, and no business shall be considered except that so stated in the notice.

(b) In performance of those duties delegated by the Authority under Section 5.3, or as requested by the Authority, or as otherwise required by law or regulation, the Program Administrator shall notice and hold all necessary non-adjudicative, fact-finding hearings. The purpose of such hearings is to gather data, public comments and information in an impartial manner which may be used by the Program Administrator and/or the Authority in the exercise of their respective duties under the Act and these Rules. No decisions or action shall be taken by the Program Administrator at such hearings, and a resume of the evidence and comments received shall be made and transmitted to the Authority for its consideration. Notice for such hearings shall be in accordance with Section 3.7. Any person may appear and present relevant oral or written comments at a fact-finding hearing. Nothing herein shall preclude the Authority from conducting fact-finding hearings under this section.

(c) The Authority may conduct such hearings, other than fact-finding hearings, as are appropriate to the conduct of its operations and the fulfillment of its responsibilities wherein a decision by the Authority will be made. Such hearings may be held during the course of a regular meeting or at such time and place called by the Chairman and noticed in accordance with Section 3.7. Any interested person may appear and testify or present evidence that is material and relevant, however, reasonable restrictions may be imposed upon public testimony as may be appropriate. Decisions in these hearings shall be made upon the record, which shall include all evidence and testimony received or considered, or a resume thereof if not transcribed. In those cases where the Authority determines that the resolution of an issue requires a more formal hearing, it may decide the matter in accordance with the Administrative Procedure Act (R.S. 49:951, et seq.).

(d) Any final decision of the Authority under Section 3.6(c) will be stated in the record, and shall be subject to rehearing or reconsideration within ten days thereof. Any interested person may petition the Authority to rehear or reconsider its decision, stating the grounds which justify such action, which petition and action thereon shall be in accordance with Sections 3.9 and 3.10.

Nothing herein shall prevent any interested person who is aggrieved by a decision of the Authority from seeking such review, redress, or relief, as the law might provide, in a court of competent jurisdiction.

3.7 NOTICE — Written notice of all regular and special meetings of the Authority and hearing of the Program Administrator or the Authority shall be provided in accordance with applicable laws. This notice shall include, at a minimum, the time, place and date of the meeting or hearing, the matters to be considered, and the name, address and telephone number of a person to be contacted for information concerning the meeting or hearing. Additional notice may be provided, as is deemed necessary or desirable by the Authority, to satisfy the intent of Section 1.9 of these Rules.

3.8 REQUEST FOR AUTHORITY ACTION — Any interested person may request the Authority to have a matter placed on the agenda of a scheduled meeting or petition the Authority to call a special meeting, hold a public hearing or take specific action on a particular matter.

3.9 PETITIONS FOR HEARINGS, SPECIAL MEETINGS OR ACTION — A petition for a hearing or special meeting of the Authority under Section 3.6, and any request for Authority action under Section 3.8 shall be made by filing with the Program Administrator in writing a plain and concise statement of the purpose of the request and the action requested of the Authority. The petition shall be accompanied by supporting documentation. The Program Administrator shall send copies of the petition and attachments to all members of the Authority within seven days of receipt.

3.10 ACTION ON PETITION — After reviewing the petition and any other factors as deemed necessary, the Authority members shall decide at their next regular meeting scheduled more than seven days after receipt of the request by the Program Administrator, whether to call a public hearing or special meeting and shall direct the Program Administrator to provide notification of their decision to the petitioner if he is not present when the decision is made. Action on any petition received by the Program Administrator less than seven days prior to a regular meeting shall be deferred until the following regular meeting unless good cause or reason is shown why a deferral should not be ordered.

3.1 CONTINUANCES — Any hearing may, for valid cause, be continued by the Chairman of the Authority or the presiding officer, for a period not to exceed 90 days.

3.12 PRESIDING OFFICER — The Chairman of the Authority shall preside at all regular and special meetings and hearings of the Authority, with the following exceptions:

(a) In the absence of the Chairman at regular and special meetings and hearings, the Vice Chairman shall preside except as in (b) below;

(b) At hearings provided for under Section 3.6(b) of these Rules of Procedure, the Program Administrator or his designated representative shall preside and represent the Authority.

3.13 CONDUCT — At any meeting or hearing the Chairman of the Authority or the presiding officer shall have the power to regulate the course of the meeting/hearing and the conduct of all persons present, including the right to have any persons, for misconduct, removed from the meeting/hearing, dismissed as a party, or to continue the hearing to another time and/or location and/or to terminate the meeting/hearing. Reasonable restrictions, including time allotted to any speaker or group, may be imposed by the person conducting the meeting/hearing. Questions and answers are not in order unless agreed to in advance of the meeting/hearing by the person conducting the meeting/hearing.

3.14 AUTHORITY MINUTES AND RECORDS-CUSTODIAN — The program Administrator shall be the official custodian of all records of the Authority. All records of the Authority, meeting notices, agendas, minutes and other documents relat-

ing to the Authority shall be maintained in a central location within the offices of the staff of the Authority. All such records, except those containing information of a confidential nature as prescribed by law and specified herein, shall be available for public inspection in accordance with the provisions of appropriate state or federal law.

4.0 PROMULGATION AND AMENDMENT OF RULES.

4.1 PROMULGATION OF RULES — All rulemaking authority under the Louisiana Resource Recovery and Development Authority is vested in and shall be exercised by the Louisiana Resource Recovery and Development Authority. In the exercise of this power, the Authority shall follow the procedures set forth in the Louisiana Administrative Procedure Act. In addition, prior to or concurrent with the publication of these Rules of Procedure in the *Louisiana Register*, the rules shall be submitted to the Natural Resources Committees of the House and Senate for their approval and consent.

4.2 REVIEW AND AMENDMENT OF RULES — Adoption of any amendment to these Rules of Procedure shall require an affirmative vote by a majority of the membership of the Authority. Any person may petition the Authority to amend these or any other rules and regulations promulgated by the Authority under the Act. The petition shall be in writing and shall contain the suggested language for the amendment and a statement of the effect of the suggested language. Within 90 days of receipt of the petition, the Authority shall review the same and either deny the request in writing, stating reasons for the denial, or institute rulemaking procedures as provided by law.

5.0 STAFF FUNCTIONS.

5.1 PURPOSE OF DEFINITION — The Louisiana Resource Recovery and Development Act (R.S. 30:1150.5.H(2)) provides that the Authority's staff may carry out the functions of the Authority. In recognition of the benefits of efficient administration of the Authority's programs, specific authorization to carry out functions of the Authority for the Directors is hereby given to the Program Administrator and staff.

5.2 FUNCTIONS RETAINED BY THE AUTHORITY — The following functions are specifically retained by the Authority:

(a) Rulemaking authority under the Louisiana Resource Recovery and Development Act;

(b) The authority to adopt fee schedules, prices, user charges and other charges for the use or operation, or both, of facilities, products or by-products of such facilities under its jurisdiction and control;

(c) The authority to issue bonds or notes and make loans in accordance with the provisions of the Act;

(d) The authority to negotiate contracts and/or cooperative agreements with regional, parish and local governments which authorize such governments to develop, design, construct or operate facilities or programs or to participate with the Authority in such activities answering the purposes of the Act;

(e) The power to authorize the segregation of revenues and the equitable redistribution of segregated surplus revenues in accordance with the provisions of the Act;

(f) The authority to approve contracts negotiated by the staff for services and to approve contracts negotiated by the staff for the purchase or lease of Authority products, by-products or facilities;

(g) The power to approve the location of Authority facilities and the setting of boundaries for waste regions except as provided in Section 5.3(c) of these Rules of Procedure.

5.3 FUNCTIONS ASSIGNED TO THE STAFF.

(a) The staff, under the direction of the Program Administrator (Manager), shall prepare position papers, recommendations, studies, and reports on functions retained by the Directors of the Authority under Section 5.2 and shall provide all other services

required by the Authority to assist the Authority in performing the functions retained; and,

(b) All functions required for the purposes of the Act not specifically retained by the Directors shall be performed by the Program Administrator and staff, subject to the following requirements:

(1) At each regular meeting of the Authority the Program Administrator shall submit a report, which shall be included in the record of the meeting, listing all functions and acts performed by the staff as authorized by this Section since the previous regular meeting and/or report; and,

(2) The Directors may require additional information concerning these functions or acts and may submit, orally or in writing, suggestions concerning current or future actions of the staff.

(c) The Program Administrator shall have the authority to adjust the boundaries of waste regions on a temporary basis in accordance with Section 6.1 of these Rules of Procedure in order to operate the Authority's facilities in the most efficient manner. If it becomes apparent that a permanent boundary adjustment to a waste region is needed, the Program Administrator shall prepare a report on the matter and request the Authority to approve such an adjustment.

6.0 OPERATING POLICIES.

6.1 POLICY FOR ESTABLISHING WASTE REGIONS AND SETTING BOUNDARIES.

(a) Waste regions shall be established based on a demand/supply formula adjusted by economic and environmental considerations as developed by the staff;

(b) The selection of customers for Authority products such as steam (the demand factor) shall be based on procedures outlined in Section 8.1;

(c) Location of facilities shall be based on customer selection and shall consider, additionally:

- (1) Economic, site availability, access, and other factors;
- (2) Local zoning and other applicable ordinances; and,
- (3) Impact on traffic and other safety considerations.

(d) Location of transfer stations shall be based on the following considerations:

(1) Negotiations with municipal and parish governing authorities concerning length of travel for local collectors and other local consideration;

(2) Logistical factors for delivery to facility; and,

(3) The availability of volumes of waste sufficient to justify operation of transfer stations.

(e) Determination of the network of transfer stations serving a facility shall be based on the following:

- (1) Supply requirements of the facility; and,
- (2) Economic considerations.

(f) Dedication of waste from a given transfer station to a facility may be diverted on a day-to-day basis to an adjoining facility to satisfy overall supply requirements of the statewide system.

6.2 POLICY GOVERNING FACILITY DEVELOPMENT AND SETTING OF PRIORITIES FOR FINANCING.

(a) The decision of the Authority to proceed with the financing and implementation of any resource recovery facility will take into consideration the estimated cost to local governments and private haulers as well as other social, economic and environmental factors.

(b) Facility planning shall be scheduled to provide the opportunity for the development of a statewide system for the disposal of solid waste prior to 1986, in order to facilitate compliance with the federal Resource Conservation and Recovery Act and state law.

(c) The schedule for planning for a particular region will be based on the following considerations:

(1) Difficulty in developing alternate systems due to wetlands, soil conditions, or land use;

(2) Interest of local governments and the public; and,

(3) Interest of customers for process steam or other products.

(d) The development of a financing program, including bond sales, for specific projects will be scheduled based on the following factors:

(1) Completion of all the necessary project documentation which shall be developed by the Authority with the assistance of local officials and groups and includes:

One or more customer agreements for purchase of steam or other products;

Cooperative agreements between the Authority and local governments and between the Authority and private haulers operating within the waste region for definition of responsibilities regarding dedication of waste to the system and establishment of fees;

A facility master plan including such information as facility location, routing of wastes, disposal of residue, technology selection, conceptual facility design, preliminary capital and operating cost analysis, and other requirements;

Contract(s) for the design, construction and operation of the system; and,

Proof of financial feasibility including proforma operating statement and cashflow projections for the term of the financing and,

(2) The market for the bonds as determined by the Authority and its underwriters.

(e) Priorities assigned projects will be based on the following factors:

(1) Need for a more economical and environmentally acceptable method of solid waste disposal than other permissible alternatives can provide;

(2) Feasibility of the project; and,

(3) Local support.

6.3 POLICY GOVERNING THE SETTING OF FEES, CHARGES, AND PRICES FOR THE USE OF AUTHORITY FACILITIES AND FOR PRODUCTS AND BY-PRODUCTS OF SUCH FACILITIES.

(a) Tipping fees:

(1) Tipping fees will be imposed only as necessary to insure the feasibility of a project in accordance with Section 6.2(a) of these Rules; and,

(2) Tipping fees will be charged on a uniform basis within a project waste region.

(b) To the extent practicable, excess profits from any facility will be used by the Authority to make improvements to that facility and its waste region including dividing such profits among the participants on a revenue sharing basis.

(c) Charges and prices for energy: Energy prices will be set by the Authority and sold at the highest rate available in the market place, as is consistent with the Authority's financing requirements.

6.4 POLICY GOVERNING PLANNING, DESIGN, CONSTRUCTION, AND OPERATION OF AUTHORITY FACILITIES.

(a) It is the general policy of the Authority that the consulting planners, engineers or others who determine the feasibility of any particular resource recovery facility will not be allowed to bid as prime or subcontractors on the design, construction and/or operation of said facility, unless the Authority determines that a particular project and circumstances warrants otherwise.

(b) As authorized by Act 930 of 1981, effective September 11, 1981, and codified as R.S. 30:1150.7.A(19), the Authority adopts as policy the concept of a "full-service" contract governing design, construction, operation and private ownership, if desirable, in order to set responsibility for effective operation of Authority facilities; and,

(c) The "Full-Service Contractor" will be chosen in accordance with Section 7.1. Consideration will be given to proposed use of local engineers, sub-contractors and labor when feasible within the concept of a full-service arrangement.

(d) Unless because of specific project circumstances the Authority requires otherwise, the full service contractor shall warrant, through performance guarantees acceptable to the Authority, that the facility shall be constructed, maintained and operated in an efficient and workmanlike manner and that the full service contractor will produce the quantity and quality of energy and/or other product(s) required by the customer agreement(s) and any subsequent revisions or additions to such agreement(s).

(e) The Authority reserves the right to substitute for the full service contract a contract with a consortium or other types of agreements which answer the purposes of the Authority in a more efficient manner according to particular project circumstances.

7.0 COMPETITIVE NEGOTIATIONS; PROCUREMENT OF GOODS AND SERVICES.

7.1 COMPETITIVE NEGOTIATIONS — Until such time as the Authority develops a competitive negotiation procedure authorized by R.S. 30:1150.7.A(19), procurement of services for the design, construction and operation of resource recovery facilities and system shall be accomplished under the provisions of Sections 7.2, 7.3, and 7.4 of these Rules, and other applicable law.

7.2 PROCUREMENT OF GOODS AND SERVICES — Procurement of goods and services shall be conducted in accordance with the provisions of the Louisiana Procurement Code, R.S. 39:1551 et. seq., as amended, except as specified under Section 7.1, 7.3, and 7.4 of these Rules of Procedure.

7.3 PROCUREMENTS OF PERSONAL, PROFESSIONAL AND CONSULTING SERVICES — Except as provided in Section 7.1 of these Rules, the procurement of personal, professional and consulting services shall be conducted in accordance with provisions of R.S. 39:1481-39:1526, as amended, R.S. 38:2310-38:2316, as amended, and R.S. 42:261-42:264, as amended.

7.4 PROCUREMENTS RELATED TO CONSTRUCTION OF PUBLIC WORKS — Except as provided in Section 7.1 of these Rules, procurement of services, materials, supplies and equipment related to the construction of facilities or other public works by the Authority shall be conducted in accordance with the provisions of R.S. 38:2211-38:2225, as amended.

7.5 CONFIDENTIALITY OF DATA — The Authority or its agents, or the staff, shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which are furnished by individuals and businesses pursuant to the Act, in accordance with R.S. 30:1076, R.S. 30:1150.7.D, R.S. 39:1505, and other applicable laws.

8.0 SALES OF AUTHORITY PRODUCTS OR PROPERTY (EXCLUDING BONDS AND NOTES).

8.1 SALES OF STEAM FROM AUTHORITY FACILITIES — In accordance with R.S. 30:1150.7.A(4) and (10), the Authority may sell, lease, encumber or otherwise dispose of its products and/or property. The following general procedure for competitive negotiation may be used by the Authority to secure long-term contracts for the sale of steam produced by refuse-derived energy facilities of the Authority:

(a) Notification of Intent: A Notification of Intent by the Authority to solicit proposals for the purchase of steam will be issued by the Authority to prospective industries and utilities in any geographic region of the State where possible construction of a steam generation facility is contemplated. The Notice will be issued at least 30 days in advance of the issuance of a Request-for-Proposals (RFP). Responses to the Notice will then constitute the Authority's initial mailing list for issuance of the RFP. This Notification requirement may be waived if an adequate list of prospective

industries/utilities has been obtained by other means or if following the procedure outlined would cause undue delay in the schedule for a project.

(b) Request for Proposals: A detailed Request for Proposals (RFP) will be issued by the Authority for each proposed steam generation facility and/or for a geographical area wherein one or more facilities may be located if deemed desirable by the Authority. Each RFP will be as detailed as possible. At least one copy of the RFP will be mailed to each industry/utility on the Authority's mailing list for the appropriate geographic area, and, in addition, availability of the RFP will be advertised in the official journal of the State and in one or more newspapers of general circulation in the geographical region covered by the RFP at least once a week for three different weeks. The first advertisement will appear at least 60 days before the last day that proposals will be accepted.

(c) Evaluation of Proposals: Proposals received by the Authority will be evaluated as specified in the RFP. Proposals will be ranked and oral negotiations will be conducted with top-ranked proposers. At the conclusion of such discussions, proposers will be instructed to make written "best and final offers." Final selection of the industry(ies) or utility(ies) will be made by the Authority following submission of the final offers. The final offers will be the basis for the contracts to purchase steam from Authority owned facilities, and may be for the purchase of all or a portion of the steam to be produced by any one facility. The Authority reserves the right to reject any or all offers or to cancel any Request for Proposals if it is determined by the Authority that such action is in the best interest of the State.

(d) Confidentiality of Data: The Authority shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which may come into its possession from individuals and businesses participating in procedures under this Section, all in accordance with Section 7.5, and applicable law.

8.2 SALES OF ELECTRICITY FROM AUTHORITY FACILITIES — The sale of electricity generated and sold by the Authority shall be conducted in accordance with the provisions of R.S. 30:1150.7.A(4).

8.3 SALE OF METHANE, PAPER, GLASS, METALS, ASH, OR OTHER PRODUCTS OF AUTHORITY FACILITIES — The procedures for sale of products other than steam and electricity will be the same as specified in Section 8.1 of these Rules of Procedure, except that where it is possible to produce exact specifications for the product to be sold, formal advertising, using an Invitation to Bid (ITB), may be used instead of the competitive negotiation procedure.

8.4 SALE OR LEASE OF AUTHORITY PROPERTY — The sale or lease of equipment, facilities and/or land by the Authority shall be governed by the procedures specified in the Act and other applicable state laws.

9.0 FINANCING.

9.1 Financing of all Authority projects shall be carried out in accordance with the provisions of the Act.

10.0 CONSTRUCTION AND EFFECT.

10.1 Nothing in these Rules and Regulations shall be held to diminish the constitutional rights of any person, or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise provided by law, all requirements or privileges relating to evidence or procedure shall apply equally to the Authority and all persons.

10.2 If any of these Rules or Regulations establishing procedures, time-frames, delays, notice of requirements, conduct of hearings or similar procedural matters would conflict with or violate any requirement of other state or federal laws or regulations, then solely to the extent of said conflict or to the extent necessary to avoid violation, such other laws or regulations shall be controlling. Such conflict or violation shall not affect the operation

of the remaining provisions of these Rules and their applications to the functions of the Authority or its staff.

10.3 If any provisions of these Rules and Regulations or the application thereof is held to be invalid, the remaining provisions of these Rules and Regulations or other application thereof shall not be affected, so long as they can be given effect without the invalid provisions, and to this end the provisions of these Rules and Regulations are declared to be severable.

Frank A. Ashby, Jr.
Chairman

RULE

Department of Transportation and Development Office of the General Counsel

The maximum allowable sulphur content in kerosene is 0.25 percent.

Paul J. Hardy
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Dairy Stabilization Board

Notice is hereby given that the public hearing of the Dairy Stabilization Board scheduled for October 8, 1981, was cancelled and re-scheduled without objection from the petitioner. Therefore, in accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 40:931.8 C, relative to procedures for adoption of rules and regulations by the Dairy Stabilization Board, notice is hereby given that the Louisiana Department of Agriculture, Dairy Stabilization Board, will conduct a public hearing at 9 a.m., November 12, 1981, in the Conference Room of the twenty-first Floor, State Capitol, Baton Rouge, Louisiana.

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

PROPOSED RULE

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

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

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

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

Written comments will be accepted by Mr. Bob Simon, Director, Dairy Stabilization Board, State Department of Agriculture, 4432 Florida Boulevard, Baton Rouge, Louisiana 70802 up to and including November 6, 1981, or may be presented in person at the hearing.

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

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Dairy Stabilization Board

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

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

NOTICE OF INTENT

Department of Civil Service Board of Ethics for Elected Officials Election Campaign Finance Disclosure Act

The Board of Ethics for Elected Officials, in the Department of State Civil Service, as the Supervisory Committee for the Election Campaign Finance Disclosure Act, proposes to consider and adopt revised forms to be used by candidates seeking election to positions covered by the Election Campaign Finance Disclosure Act, together with explanatory material in connection therewith, and to consider and adopt administrative rules containing definitions of terms used therein, provisions for organization of the Board's responsibilities as Supervisory Committee, duties of the staff and the procedure for handling reports and investigations.

A public hearing has been scheduled for this purpose to be held at 2 p.m. on November 3, 1981 in the Hearing Room, Contractors Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana.

Interested persons may obtain further information or submit written comments on the proposed forms and administrative rules through 12 noon on November 3, 1981 at the following address: Ms. LaVern McDonald, Board of Ethics for Elected Officials, 7434 Perkins Road, Suite B, Baton Rouge, Louisiana 70808. Telephone (504) 925-7290.

R. Gray Sexton
Executive Secretary

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

**Rule Title: Adoption of Reporting Forms
and Explanation Materials**

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

It is anticipated that the rules to be adopted and promulgated will establish reporting forms capable of being used for the foreseeable future; though the distribution of forms varies with the frequency and number of elections, the Supervisory Committee seeks to publish initially approximately 5,000 forms at an estimated cost of \$12,000 which has been budgeted for FY 81-82. This function along with program administration costs was transferred from the Legislative Auditor's Office to the Department of Civil Service.

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

There will be no effect on revenue collections.

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

There will be no financial cost or benefits to affected groups.

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

There will be no estimated effect on competition and employment.

R. Gray Sexton
Executive Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Minority Business Development Authority**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and the authority given in LSA 51:1751 et seq., notice is hereby given that the Louisiana Minority Business Development Authority will conduct a public hearing at 1:30 p.m. on Thursday, November 5, 1981 in the Conservation Hearing Room in the Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

The purpose of the hearing is to consider the adoption of comprehensive rules and regulations for the administration of the loan program of the Louisiana Minority Business Development Authority. A full text of the rules and regulations may be obtained by writing to Mrs. Nadia L. Goodman, Director of Development Services, Office of Commerce and Industry, Department of Commerce, Box 44185, Baton Rouge, Louisiana 70804, or by request in person at Mrs. Goodman's office on the eleventh floor of the Land and Natural Resources building, 625 North Fourth Street, Baton Rouge, Louisiana.

Written comments will be accepted by Mrs. Goodman up to and including November 3, 1981, or may be presented in

person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the said public hearing in accordance with LSA 49:953.

Hosea M. Ned, Jr.
Chairman

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

**Rule Title: Loan Policy - Louisiana Minority Business De-
velopment Authority**

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

Initial implementation costs will amount to \$1,052,853 in the first year. The legislature appropriated \$1,000,000 in loan funds and \$52,853 in administrative funds.

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

Interest charges on direct loans will accrue to the State Treasury. It is difficult to determine how much interest money will be collected.

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

Estimated costs are unknown at this time due to fluctuating interest rates. The program is new. Benefits include 33- 50 loans made annually which will allow 33 - 50 minority businesses to start up, obtain contracts, or expand, resulting in an increase in jobs. The attendant job creation might otherwise not be possible.

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

The program will provide resources to enable 33 - 50 minority business persons to become or remain competitive and will create an unknown number of employment opportunities. It is difficult to determine how many applicants will seek the loans; therefore, the resulting competition will be from those applicants applying for the limited funds.

Hosea M. Ned, Jr.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation & Tourism
Office of Program Development
Division of the Arts**

In accordance with the provisions of LRS 49:951, et seq., the Administrative Procedure Act, and the authority given in Act 265 of 1977, notice is hereby given that the State Division of the Arts, an agency in the Office of Program Development, an office of the Louisiana Department of Culture, Recreation and Tourism, intends to develop and adopt program guidelines for the funding and administration of the State's arts grant program.

Copies of the complete set of proposed program guidelines are available for public inspection at the office of the Division of the Arts at 666 North Foster Drive, Baton Rouge, Louisiana. These program guidelines contain information on the goals and objectives of the Division of the Arts and Louisiana State Arts Council, the application review process, funding philosophy and restrictions, definition and description of grant programs, application deadlines, request limitations, evaluation criteria to be used in reviewing applications, and legal requirements, including eligibility

requirements, matching requirements, compliance with state and federal laws, financial management stipulations, grant conditions, and final reporting requirements.

Interested persons may submit written comments or suggested amendments to the proposed program guidelines to Mr. Al Head, Division of the Arts, Box 44247, Baton Rouge, Louisiana 70804, before November 6, 1981.

Mrs. Lawrence H. Fox
Secretary

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

Rule Title: Arts Program Guidelines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no effect in agency. There will be no additional costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on such collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No projected costs to affected groups, but through the adoption of these program guidelines, potential applicants will be in a position to determine if they are eligible to apply and able to comply with the guidelines. If not, they could avoid the application process and save their organizations from wasting time and effort and this agency the unnecessary administrative time processing applications not eligible to receive grants-in-aid.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect anticipated.

J. Stephen Perry
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. Bulletin 1640, *Separate Minimum Standards for Mildly Handicapped Students*.
2. Criteria for Establishment and Operation of a Paraprofessional Training Unit.
3. The Board adopted the leave policy for the Louisiana Special Education Center, Alexandria for the 1981-82 school year as follows:

Basic days	25 days
Thanksgiving	9 days
Christmas	18 days
Easter	10 days
Other 8 months	24 days (approximately)
Summer	16 days

This would be the total maximum allowable days. "One day" is considered to be 24 hours.

4. The Board adopted the following policy on referrals to the Louisiana Special Education Center, Alexandria: As a first priority, the admissions channel shall be the Treatment, Care, Habilitation or Rehabilitation Referral (DHHR Regional Review). Thereafter, the admission channel shall be Educational Residential Placement/Referral (LEA).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m. November 3, 1981, 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: Approval of Separate Minimum Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no anticipated cost or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Adoption of this rule would not effect revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Adoption of this rule would not effect any groups outside the agency.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is not anticipated that approval of separate minimum standards would have a direct effect on competition and employment.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title; Operational Standards for
A Paraprofessional Training Unit**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no anticipated cost or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Adoption of this rule would not affect revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Adoption of this rule would not affect any groups outside of our agency.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is not anticipated that approval of these operational standards would have a direct effect on competition and employment.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Statement
For Administrative Rules**

Rule Title: Leave Policy for La. Special Ed Center

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Cost: 77 days × 56.54 per diem × 56 clients eligible = 243,800.48.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The estimated cost to the agency will be approximately \$243,800.48 (loss in Title XIX reimbursement).
Benefit: The resident population and their parents will benefit from a home leave policy that emphasizes closer family ties and normalization.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Dr. Aline R. Cicardo
Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Admissions Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVING) TO AGENCY - (Summary)
There will be no additional costs associated with the adoption of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There should be no costs to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There should be no effect on competition and employment.

Dr. Aline R. Cicardo
Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Natural Resources
Office of Forestry
and
Office of the Governor
Tax Commission**

The Office of Forestry will hold its annual joint meeting with the Tax Commission on Monday, December 7, 1981, for the purpose of determining the current average stumpage market value of timber and pulpwood for severance tax computations for 1982.

The meeting will be held in Baton Rouge at the Office of Forestry headquarters, 5150 Florida Boulevard at 10 a.m. In-

terested parties will be afforded reasonable opportunity to present views and comments at the meeting. Written comments may be submitted to D. L. McFatter, State Forester, Office of Forestry, Box 1628, Baton Rouge, Louisiana 70821.

D. L. McFatter, State Forester J. Reginald Coco, Jr., Chairman
Office of Forestry Tax Commission

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Timber Stumpage Values 1982**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs involved. All severance taxes are collected by Department of Revenue.
- II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)
Revenue collections for 1981 and 1982 should remain at approximately the 1980 level (\$5,700,000). Improved economic conditions would directly affect timber production. Revenues would be increased proportionally.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Timber severance taxes, by law, are distributed as follows: 75 percent to the parish where timber was cut, 25 percent to State Treasurer. Timber severance taxes distributed in 1981 and 1982 should remain at approximately the 1980 level (\$5,700,000).
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no anticipated effect on competition or employment.

H. H. Meng
Administrative Officer

Jean S. Perry
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Health and Human Resources
Board of Dentistry**

The Department of Health and Human Resources, Louisiana State Board of Dentistry proposes to adopt the following additions to its rules and regulations, pertaining to the authorized duties of dental assistants, by adding four additional authorized duties to those presently authorized. This proposed rule change is authorized by LSA - R.S. 37:760. The Board proposed to adopt these rules at its public meeting to be held on Saturday, November 7, 1981, at 9 a.m., in the Dauphine Room, Chateau LeMoyné Hotel, 301 Rue Dauphine, New Orleans, Louisiana.

(n) Place or remove pre-formed crowns or bands for determining size only when recommended by the dentist under his supervision. Only the dentist may shape, festoon, contour, seat and cement all crowns, bands, and brackets.

(o) Place or remove temporary separating devices.

(p) Place or remove ligatures, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires when directed by the dentist.

(q) A retraining device usually placed in the mouth of a patient by such patient may be placed when directed by the dentist.

The person within the agency responsible for responding to inquiries and receiving written comments about this proposal is Mr.

Norman J. Robinson, Jr., Secretary-Treasurer, Louisiana State Board of Dentistry, 505 Saratoga Building, New Orleans, Louisiana 70112.

Norman J. Robinson, Jr.
Secretary-Treasurer

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

Rule Title: Authorized Duties of Dental Assistants

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Possible savings to the public through lower dental fees for certain procedures.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Possible benefit to the public through increased competition and employment.

Norman J. Robinson, Jr.
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following nursing home rates:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	\$32.68	\$994.02
Intermediate Care Facilities I	28.38	863.23
Intermediate Care Facilities II	22.78	692.89

Federal regulation 42 CFR 44.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long term care services on a reasonable cost-related basis.

Interested persons may submit written comments on the proposal through November 6, 1981 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposal.

George A. Fischer
Secretary

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

Rule Title: Long Term Care Payment Increase

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation costs involve an increase in expenditures of \$11,798,900 for eleven months (beginning with August, 1981 payments) of FY 1981-82; for FY 1982-83 \$12,152,867 and for FY 1983-84 \$12,517,453. For FY 1982-83 and 1983-84 a 3 percent

increase in utilization was added. Sufficient funds were appropriated to implement the increase in payment rates.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
An increase in payment rate will allow facilities to maintain the quality of care provided recipients in long term care facilities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

Effective December 20, 1981, the Department of Health and Human Resources, Office of Health Services and Environmental Quality proposes to amend the State Sanitary Code, Chapter VIII (Water Supplies, Cold Storage and Ice Plants), Paragraph 8:1, Definitions. The proposed revision amends the Code to add, to the existing definition of the federal National Interim Primary Drinking Water (NIPDW) Regulations, the amendment to the federal NIPDW Regulations pertaining to trihalomethanes as published in the Federal Register of November 29, 1979 and March 11, 1980. Paragraph 8:1, Definitions, cites wherein the Federal Register the NIPDW Regulations may be found and is not a substantive definition of the regulations. The NIPDW Regulations are referred to in other provisions of Chapter VIII. The effect of this proposed revision on other provisions is only in paragraph 8.2.5 and that effect is to adopt the federal trihalomethane drinking water quality standard as a part of the State's standards.

The existing definition reads — National Interim Primary Drinking Water Regulations: Regulations promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 93-523, the "Safe Drinking Water Act," and as published in the Federal Register of December 24, 1975, pages 59,566 through 59,574, and July 9, 1976, pages 28,402 through 28,409.

The proposed revised definition will read — National Interim Primary Drinking Water Regulations - Regulations (40CFR141) promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 93-523, the "Safe Drinking Water Act," and as published in the Federal Register of December 24, 1975, pages 59,566 through 59,574, and July 9, 1976, pages 28,402 through 28,409, November 29, 1979, pages 68,624 through 68,707, and March 11, 1980, pages 15,542 through 15,547.

As a result of the length of Chapter VIII, copies of the Chapter may be secured from the Office of Health Services and Environmental Quality, Policy, Planning and Evaluation, 325 Loyola Avenue - Room 515, Box 60630, New Orleans, LA. 70160.

Interested persons may submit written comments on the proposed revised definition within 30 days of this date of publication, at the following address: Mr. R. K. Banks, Acting Assistant

Secretary, Office of Health Services and Environmental Quality,
Department of Health and Human Resources, Box 60630, New
Orleans, La. 70160.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Trihalomethane Standard**

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

There is no financial impact on the Office of Health Services and Environmental Quality (OHSEQ) with this change to the Sanitary Code. There are trihalomethane monitoring costs to OHSEQ; however, this change to the Sanitary Code would be made whether or not OHSEQ also performed such monitoring. OHSEQ has been monitoring for trihalomethanes since April 1, 1980, for the public water supplies which are affected by the federal National Interim Primary Drinking Water Regulations, even though the federal regulations would permit such monitoring to be performed by the suppliers themselves. The cost for trihalomethanes monitoring by OHSEQ in FY 81-82 which is estimated at \$38,000 will be absorbed in the operating budget of the agency.

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

There is no effect on revenue collections.

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

This change to the State Sanitary Code imposes no additional financial impact on the affected public water suppliers beyond the impact imposed by the previously promulgated federal National Interim Primary Drinking Water Regulations.

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

There is no effect on competition or employment.

R. K. Banks
Acting Assistant Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety
Division of State Police**

The Louisiana Department of Public Safety intends to adopt an approved list of protective helmets and goggles for use while operating motorcycles.

The proposed approved list in its entirety may be examined at the Department of Public Safety, Bureau of Motor Vehicle Inspection, 265 South Foster Drive, Baton Rouge, Louisiana between the hours of 8 a.m. and 4:30 p.m., Mon-Fri.

Comments on the proposed rule may be submitted to Lt. Leon Millet, Bureau of Motor Vehicle Inspection, through November 3, 1981 at the above address.

Donald G. Bollinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Approved Motorcycle Helmets**

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

It is estimated that there will be no additional costs to the agency due to implementation of this rule.

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

There will be no effect on revenue collections due to implementation of this rule.

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

List will benefit motorcycle operators by assuring that approved helmets meet certain minimum safety specifications. This list will also benefit distributors and sellers by assuring that certain production standards are maintained. It will benefit manufacturers by detailing approval specifications.

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

Rules will favor those manufacturers, distributors, and sellers whose stock meet the published standards, etc.

O. B. Johnson
Undersecretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety
Liquefied Petroleum Gas Commission**

In accordance with the provisions of LRS 49:951, the Administrative Procedure Act, and LRS 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce Rules and Regulations, notice is hereby given that the Commission proposes to adopt the following changes to its rules and regulations. The Commission will hold a public hearing November 19, 1981, first floor, Old State Capitol, 9 a.m. Written comments will be accepted through November 16, 1981 and should be sent to Lionel T. Ortego at Box 66209, Baton Rouge, Louisiana, 708966209. All interested persons will be afforded an opportunity to be heard at the public hearing.

1.1 New Dealers:

1.1 (c). (3). (a). All sketches or drawings of proposed bottle filling plants and/or liquid withdrawal systems must be submitted to the office of the Director and approved before system is put into operation.

1.1-9 (a). All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card if request is received by March 1 of the current year. After March 1 there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; change of employer; or change of company name. A card with improper employer or company name shall not be valid.

1.1-9 (b). All employees who are qualified by this Commission and have been issued certificates of competency, shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within ten days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

1.1-14 (e). Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may re-submit an application 90 days after the date of denial.

CLASS I. Holders of these permits may enter any phase of the liquefied petroleum gas business; except that cylinder and/or motor fuel tank filling plants must be located on dealer-owned premises. This provision shall become effective January 1, 1982.

CLASS II. Holders of these permits may sell, install, and service liquefied petroleum gas containers, piping, and appliances, but may not deliver gas. This class will also apply to the sale, installation and service of liquefied petroleum gas containers, piping and appliances on mobile homes, motor homes, travel trailers, or any recreational vehicle.

CLASS II (i). The obligation of the Manufacturers and Dealers of mobile homes, motor homes, travel trailers, or any recreational vehicle will be to see that all safety standards are compiled with and all safety tests are performed on mobile homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

CLASS II (j). Upon delivery of a mobile home, motor home, travel trailer, or any other recreational vehicle, new or used, the required inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the Dealer, using liquefied petroleum gas in system. An inspection report properly completed and signed by the customer must be sent to the Director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eyewitnessed by the customer or his/her authorized representative. Upon completion of the inspection and test, an inspection sticker (which may be obtained from the office of the Director of the Liquefied Petroleum Gas Commission, and which will be furnished upon request at a nominal fee) must be attached to the mobile home or recreational vehicle indicating that the liquefied petroleum gas system and appliances are in safe condition.

CLASS II (k). The mobile home or recreational vehicle Dealer will be responsible to this Commission to make the required inspection and test or make arrangements for it to be made by a qualified permit holder.

CLASS II (1). Compliance with Liquefied Petroleum Gas Law and all other applicable rules and regulations is required.

CLASS IV. Wholesalers - Holders of these permits may deliver, sell, transport over the highways, and deliver liquefied petroleum gas to bonded dealers; utilize aboveground steel storage and/or approved salt domes, shale and other underground caverns for storage of liquefied petroleum gas; but may not install or sell systems and appliances.

CLASS IV (i). Must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose electrical switches, etc. shall be Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and a description shall be submitted to the office of the Director of the Liquefied Petroleum Gas Commission for his approval before installation.

CLASS IV (j). Compliance with all other applicable rules and regulations is required.

CLASS V. Carburetion Permit - Holders of these permits may install equipment, including containers, and service liquefied petroleum gas equipment used in internal combustion engines. They may not deliver liquefied petroleum gas.

CLASS VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises.

CLASS VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the State of Louisiana, but may not sell product in the State. This permit may be secured from the office of the Director upon receipt of the following:*****

CLASS VII-E. Holders of these permits may transport liquefied petroleum gases over the highways of the State of Louisiana, but may not sell product in the State. These permits are valid only for 90 days from the date of issuance and may be secured from the office of the Director upon receipt of the following:*****

CLASS VIII. Holders of these permits may: store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved Interstate Commerce Commission (ICC) or Department of Transportation (DOT) containers used in the metal working industry.

Section 1.3 (c). CLASSIFICATION OF CONTAINERS: Storage containers shall be designed and classified as provided by Section 211 of the National Fire Protection Association, pamphlet No. 58.

Section 2.3 (a). Storage containers shall be designed and classified as provided by Section 211 of the National Fire Protection Association pamphlet No.58.

Section 2.5 (a). No purchase of bulk storage tanks shall be made after issuance of these rules without triplicate BLUEPRINTS AND SPECIFICATIONS on proposed tank being furnished to the office of the Director of the Liquefied Petroleum Gas Commission for approval before the tank is purchased. Also a list of valves and fittings with name of manufacturer must be furnished. The size and length of transfer hoses will be shown.

Section 2.7 (a). (1). The point of liquid transfer shall be located at least 25 feet from the nearest important building, or group of buildings, or line of adjoining property which may be built upon, or from any public street.

The Director of the Louisiana Liquefied Petroleum Gas Commission shall, in case of hardship, have authority to approve special exceptions to the above minimum distance regulations upon the submission by the dealer of a sketch, in triplicate, showing the facts as to the location.

Section 2.7 (d). All storage containers shall be at least 25 feet from other flammables.

Section 2.12 (a). Relief Valves: Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type. Those valves shall be arranged to afford free vent to the outer air. The rate of the discharge shall be in accordance with Section 211 of the National Fire Protection Association pamphlet No. 58.

Section 2.12 (h). Relief Valve Testing: Frequent testing of safety relief valves is not necessary on liquefied petroleum gas containers for the following reasons:

The gases are so-called "sweet gases," i.e.: they have no corrosive effect on the metal or the container or valve; the valves are constructed of materials not readily subject to corrosion and are installed in pressure vessels and are protected against the weather. Further, the temperature variations are not sufficient to bring about any permanent set of the valve spring. The gases are odorized and instant warning is given of any escape of gas.

General storage of these gases has been on a widespread scale for more than 20 years and industry experience has not shown any cases of these safety valves not functioning properly.

Section 2.13 (b). Maximum Permitted Filling Density: All containers shall be filled according to Section 442 of the National Fire Protection Association pamphlet No. 58.

Section 2.19 (a). Each bulk plant or liquid withdrawal station must be equipped with at least one approved fire extinguisher having a net content of at least 15 pounds electrical and gas (b) wood and plastic (c) rating. Fire extinguishers shall be located in such a place that they will be readily accessible and shall at all times be maintained in a fully charged condition.

Section 3.2 (a). Storage containers shall be designed and classified in accordance with Section 211 of the National Fire Protection Association pamphlet No. 58.

Section 3.9 (a). Relief Valves: Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged free vent to the outer air. The rate of discharge shall be in accordance with Section 211 of the National Fire Protection Association pamphlet No. 58.

Section 3.10 (b). Maximum Permitted Filling Density: All containers shall be filled according to Section 442 of the National Fire Protection Association pamphlet No. 58.

Section 3.16 (a). Each transport and delivery truck shall be equipped with at least two fire extinguishers of dry chemical type having an aggregate capacity of not less than 24 pounds. One extinguisher shall be in the cab of the truck and one mounted to the skirting of the container.

Section 3.23 (b). Trucks shall be parked at least 25 feet from any street, highway or railroad track and 50 feet from any building.

Section 4.6 (a). Containers shall be provided with safety devices as required by the Interstate Commerce Commission and United States Department of Transportation (DOT) regulations.

Section 5.1 (a). Regulations of the United States Department of Transportation (DOT).

(2) Section VIII, Division I, American Society of Mechanical Engineers Boiler and pressure Vessel Code.

(b). Welding on containers shall comply with code under which container was originally constructed. Field welding where necessary shall be made only on plates or brackets which were applied by the manufacturer.

Section 5.2. Design Working Pressure of Fuel Supply Containers.

(a). The minimum design pressure for American Society of Mechanical Engineers (ASME) containers shall be in compliance with Table 2-1 of the current National Fire Protection Association pamphlet No. 58.

Section 5.3 (a). The minimum capacity of storage containers at schools and places of public assembly shall be 1000 gallon per each 1,000 British Thermal Unit (BTU) appliance load.

Section 5.7 (c). Sketches Required: No dealer shall make an installation for a school, church, or any other place of public assembly, without first submitting plans and specifications in triplicate as required by Section 7.1 of these Rules and Regulations.

Section 5.8 (b). Uncoded Tanks: No reinstallation of an uncoded tank shall be permitted. Where tank is excavated for inspection, it may be reinstalled after inspection and approval of an Inspector of the Liquefied Petroleum Gas Commission.

Section 5.8 (c). Customer not Permitted to Transport Tank: In no case shall a dealer knowingly permit a customer to transport a tank, or permit a customer to do part of the work other than excavation.

Section 5.9 (c). Shutoff Valves: All shutoff valves and accessory equipment (liquid or vapor) shall be suitable for liquefied petroleum gas service, and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of 250 pounds per square inch.

Section 5.9 (j). (2). No excess flow valve is required in the vapor withdrawal service line provided the following are complied with:*****

Section 5.10 (e). Length of Fixed Tube: Length of fixed tube device shall be designed to indicate the minimum level to which the container may be filled for the product to be used.

Section 5.11 (c). Pipe Joints: Pipe joints may be screwed, flanged, welded or brazed, with a material having a melting point exceeding 1000° F. For operating pressure of 125 pounds per square inch gauge or less, fittings shall be designed for at least 125 pounds per square inch gauge. For operating pressures above this, fittings shall be designed for a minimum of 250 pounds per square inch gauge. Cast iron fittings shall be prohibited. Joints on seamless copper, brass, steel or non-ferrous gas tubing shall be made by means of approved gas tube fittings or soldered or brazed with a material having a melting point exceeding 1000° F. Thread compounds resistant to the action of liquefied petroleum gas shall be used on all thread connections and applied only on male threads.

Section 5.12 (b). Start to Discharge Pressure: Container safety relief valves shall be set to start to discharge as listed in Table 2-2 of the National Fire Protection Association pamphlet No. 58.

Section 5.12 (c). Minimum Rate of Discharge: Safety devices shall be so constructed as to discharge at not less than the

rates in Table D-1 of the National Fire Protection Association pamphlet No. 58.

Section 5.13 (b). Maximum Permitted Filling Density: All containers shall be filled according to Table 4-2 and 4-3 of the National Fire Protection Association pamphlet No. 58 and the following liquid correction factor:*****

Section 5.14. Delete (e).

(j). Systems Installed by Limited Permit Dealers: No gas will be placed in any system installed by a limited permit dealer unless both the gas dealer and the limited permit dealer are present at the first filling. The installation or reinstallation report shall be signed by both parties.

(1). Limited Permit Holders: All limited permit holders must comply strictly with the rules and regulations of the Commission and must have a contract in writing from a bonded dealer agreeing to supply any systems he may sell with gas.

Section 5.15 (a). Indirect fired vaporizers utilizing steam, water or other heated medium shall be constructed and installed as follows:

(1). Vaporizers shall be constructed in accordance with the requirements of American Society of Mechanical Engineers (ASME) Unfired Pressure Vessels Code and shall be permanently marked as follows: With the code marking signifying the specifications to which vaporizer is constructed. With the allowable working pressure and temperature for which the vaporizer is designed. With the outside surface and the inside heat exchange surface expressed in square feet. With the name or symbol of the manufacturer. With vaporizing capacity in gallons per hour. With rated heat input in British Thermal Unit per Hour (BTUH). Delete No. 2.

Section 6.2 (a). (1). The American Society of Mechanical Engineers (ASME) Unfired Pressure Vessel Code, Section 8, Division 1. (2). The specifications of the United States Department of Transportation.

Section 6.3 (a). Fuel container shall be designed and constructed for a minimum 250 pounds per square inch gauge (p.s.i.g.) working pressure.

Section 6.10 (b). Start to Discharge Pressure: Container safety relief valves shall be set to discharge as listed in Table 2-2 of the National Fire Protection Association pamphlet No. 58.

Section 6.10 (c). Interstate Commerce Commission (ICC) and Department of Transportation (DOT) Containers: Interstate Commerce Commission and United States Department of Transportation containers shall be provided with safety devices as required by the Interstate Commerce Commission and the United States Department of Transportation regulations. A spring loaded safety relief valve shall be the primary relieving device.

Section 6.14 (a). The installation shall be made only by a competent mechanic in the service of a bonded dealer who is familiar with the regulations of the Liquefied Petroleum Gas Commission and having satisfactorily passed the written examination attesting thereto.

Section 7.1 (a). Requirements for Plans and Specifications: Three copies of all liquefied petroleum gas installation plans and specifications including plot plans shall be submitted to the office of the Director of the Liquefied Petroleum Gas Commission for approval before the job is begun.

Section 7.2 (a). Requirements for liquefied petroleum gas piping: Installation: All liquefied petroleum gas piping shall be installed by a person or firm qualified by the Liquefied Petroleum Gas Commission to install such pipe. Where all of the work is not done by a bonded liquefied petroleum gas dealer, he is, neverthe-

less, responsible, and his contracts, exclusive of financial detail, covering contractors other than bonded liquefied petroleum gas dealers must be submitted to the Commission. All work must be supervised by a dealer or his representative.

Section 7.3 (n). Cap Outlets: Each outlet including a valve or cock outlet, shall be securely closed gas-tight with a positive threaded plug or cap if appliance is not to be connected. When an appliance is removed from an outlet and the outlet is not to be reconnected it shall be securely closed gas-tight. In no case shall the outlet be closed with tin caps, wooden plugs, corks, etc.

Section 7.3 (o). Add No. 5. Test must be witnessed by an inspector of the Liquefied Petroleum Gas Commission.

Section 7.4 (a). (2). Approved by the Liquefied Petroleum Gas Commission.

Section 7.4 (n). Domestic Ranges:

(1) The location of a domestic gas range shall be such as not to constitute a hazard to persons or property. In the application of this requirement, appropriate consideration shall be given to the design and construction of the range and the combustibility of the floor, wall or partition. Listed domestic gas ranges when installed on combustible floors shall be set on their own basis or legs and shall be installed with clearances specified by the manufacturer.

Section 7.4 (p). (2). Listed gas-fired water heaters shall be positioned in relation to combustible construction with minimum clearance in accordance with manufacturers specifications.

Section 7.4 (q). Room or Space Heaters: A room or space heater shall be placed so as not to cause a hazard to walls, floors, curtains, furniture, doors when open, etc., and to the free movements of persons within the room. Appliances designed or marked "For use in incombustible fire-resistible fireplace only" shall not be installed elsewhere. Listed room or space heaters shall be installed with clearances not less than specified by manufacturer. In no case shall the clearances be such as to interfere with the requirements of combustion air and accessibility.

Section 7.4 (r). (4). Listed central heating boilers and furnaces shall be installed with the clearances not less than specified by the manufacturer. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility.

Section 7.4 (r). (10). A plenum chamber when not a part of a furnace shall be constructed in accordance with the manufacturer's instruction. The method of connecting supply and return ducts shall facilitate proper circulation of air. Reference may be made to Section 1.5 of the National Fire Protection Association pamphlet No. 58.

Section 7.4 (y). (3). Gas counter appliances may be installed with lesser clearances than specified above where the combustible construction is protected in an approved manner. For details of protection see the National Fire Protection Association pamphlet No. 54.

Section 7.5 (a). (1). Any domestic appliances with input rating in excess of 50,000 British Thermal Unit (BTU) per hour or any appliance requiring venting by manufacturer.

Section 7.5 (c). (1). Types of Flues or Vents: Appliances shall be vented according to Section 1.5.5 and 1.5.6 of the National Fire Protection Association pamphlet No. 58.

Section 7.7 (a). Fencing shall be provided around the tank to protect it from vehicular traffic and to prevent tampering by children. The gate or hood must be kept locked.

By Order of Louisiana Liquefied Petroleum Gas Commission.

Lionel T. Ortego
Director

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

Rule Title: LP-Gas Commission Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no cost or savings to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated that there will be an increase of \$7,500 due to implementation of this rule.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The general public will benefit from this action through increased safety because of closer uniformity in State and Federal standards.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Since proposed changes are amendments and updating of present regulations, the Liquefied Petroleum Gas Commission anticipates no effect.

L. T. Ortego
Director

Jean S. Perry
Legislative Fiscal Analyst

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections due to implementation of this amendment.

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

There would not appear to be any appreciable costs to any affected group inasmuch as individuals who would be utilizing the new standard would undoubtedly already be in possession and ownership of the necessary documents. Naturally, the benefits would be to the general public and to the handicapped in particular in that all new buildings covered by the standard would include the up-dated provisions of the approved standard.

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

There will be no effect on competition and employment due to implementation of this amendment.

Carrol L. Herring
Fire Marshal

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

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

As Fire Marshal for the State of Louisiana, I hereby intend to adopt the following amendment to the referenced section of the regulations concerning the Office of State Fire Marshal which section as amended shall read as follows:

11.11 Specific standards which will be accepted by the State Fire Marshal as compliance with these regulations as set forth in ANSI A117.1-1980 of the American National Standard Institute, Inc. approved March 3, 1980 entitled "American National Standard Specifications for Making Buildings and Facilities accessible to and Usable by Physically Handicapped People" which can be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, which is a revision of ANSI A117.1-1961.

Anyone having any questions may contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115, Area Code 504-895-6607 on or before Thursday, November 5, 1981 on which day at 12 noon in the Office set forth in this paragraph any interested person may orally or in writing present their views.

Carrol L. Herring
Fire Marshal

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

**Rule Title: Amendment L.A.C.17-4:11.11
Equal Access to Public Buildings by the
Physically Handicapped**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
It is estimated that there will be no additional implementation cost to the agency.

NOTICE OF INTENT

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

In accordance with the Notice of Intent published in the April 20, 1981 Register and for the purpose of supplementing and amending that particular Notice of Intent, the office of the State Fire Marshal, hereby intends to adopt the following administrative ruling:

L.A.C. 17-4:1 Plans and Specifications for a New Building

4.1 As of September 4, 1981 the plans and specifications for every structure built or remodeled in the State of Louisiana must be drawn in accordance with the requirements of the 1981 edition of the Life and Safety Code of the National Fire Protection Association and, for all high rise buildings, Section 596 Special Provisions for high rise buildings of the Standard Building Code 1979 edition of Southern Standard Building Congress.

L.A.C. 17-4:2 General Provisions

2.2 All inspections of buildings constructed or remodeled after September 1, 1981 will be made utilizing the requirements set forth in the 1981 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provisions for High Rise of the Southern Standard Building Code 1979 edition of the Southern Standard Building Congress.

2.3 All inspections of buildings constructed or remodeled between January 1, 1980 and September 1, 1981 will be made utilizing the requirements set forth in the 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518 Special Provisions for High Rise of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

2.4 With regard to buildings constructed or remodeled between January 1, 1975 and January 1, 1980, inspections of those buildings will be made on the basis of requirements that the buildings meet the minimum requirements set forth in the 1973 edition of the Life Safety Code of the National Fire Protection Association and Section 518 Special Provisions for High Rise of Chapter 4 of the 1974 amendments to the 1973 Southern Building Code.

2.5 With regard to buildings constructed or remodeled prior to January 1, 1975, inspections by the Office of the State Fire Marshal shall be made utilizing the requirements set forth in the

1967 edition of the Life Safety Code of the National Fire Protection Association.

Anyone having any questions should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115 (504) 895-6607 on or before November 5, 1981 on which day at 12 noon in the office set forth in this paragraph any interested person may orally or in writing present their views.

Carrol L. Herring
Fire Marshal

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Plans and Specifications for
New Buildings and General Provisions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There would not appear to be any estimated implementation costs to the agency inasmuch as the costs have already been expended for the purchase of the books necessary to implement the rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There would not appear to be any estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There would not appear to be any appreciable costs to any affected group and the benefit to any architect or engineer submitting plans and specifications would be that they would be able to refer to the most current code affecting all buildings including high rise buildings.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There would appear to be no estimated effect on employment.

Carrol L. Herring
Fire Marshal

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program, under the authority granted by R.S. 42:821 through R.S. 42:879, and in accordance with the applicable provisions of the Administrative Procedure Act, intends to amend the rules and regulations of the State Employees Group Benefits Program, effective January 1, 1982, to:

- 1. Increase the premiums for the health benefit portion of the Program an average of 31.26 percent;
- 2. Increase the annual deductible per person (not to exceed three deductibles per family unit) to \$200;
- 3. Increase the lifetime major medical benefits from \$100,000 to \$500,000; and
- 4. Increase the amount of life insurance for which an employee is eligible to an amount equaling one and one-half times his annual salary, to a maximum of \$100,000, and allow dependent life insurance in increments of \$1,000 to a maximum of \$5,000.

Interested persons may direct inquiries and comments to: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, Louisiana 70804.

A public hearing on these proposed amendments will be held on Tuesday, October 27, 1981, at 9:30 a.m. at the Auditorium of the Department of Transportation and Development (Highways), 1201 Capitol Access Road, Baton Rouge, Louisiana. Interested persons are encouraged to attend.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative rules
Rule Title: Amended Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The State Employees Group Benefits Program would incur the following additional costs: Expenses chargeable to Other Charges Category would be reduced in the amount shown below:
- | | | |
|---|----------------------|--|
| | Other Charges | |
| 1. Reimbursement to School Boards with Private Insurance Carriers | \$ 677,112 | |
| 2. Additional Premium due CAC resulting from Increase to Face Life Amount | 348,827 | |
| 3. Increase in Medical Claims Expense attributable to the increase in Major Medical maximum | 520,224 | |
| 4. Decrease in Medical Claims Expense due to increase in annual Major Medical Deductible | (4,543,000) | |
| Total Other Services Cost | <u>\$(2,996,837)</u> | |

The above savings will be realized with the implementation of all four proposed rule changes. The savings will be in the agency's ancillary fund account which houses funds for the entire program but which is budgeted in Group Benefits.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenues for FY 81/82 would increase in the amount of \$9,398,974 as reflected below:

	General Fund	Self-Generated	FY 81/82 Total
1. 31.26 % Rate Increase	\$669,192	\$11,980,992	\$12,650,184
2. Annual Major Medical deductible increased from \$100 to \$200	-0-	(4,312,284)	(4,312,284)
3. Major Medical Maximum increased to \$500,000	-0-	520,224	520,224
4. Maximum Face Life Amount increased to \$100,000	7,920	532,930	540,850
	<u>\$677,112</u>	<u>\$ 8,721,862</u>	<u>\$ 9,398,974</u>

Revenues as shown are applicable only if all 4 charges are implemented on 1 January 1982.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Each agency which is a member of the State Employees Group Benefits Program will incur additional cost in the Group Insurance Contributions Category, this will mean \$4,367,702 in additional costs to come from employer contributions, and a corresponding increase in employee contributions of \$4,273,712.

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

There will be no effect on competition and/or employment as a result of this rate increase.

James D. McElveen
Executive Director

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Urban and Community Affairs
Office of State Clearinghouse**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:951-966, notice is hereby given that the Office of State Clearinghouse intends to designate the Rapides Area Planning Commission to act as the A-95 Clearinghouse Board for Rapides Parish. The board will have A-95 jurisdiction for all projects located within the parish.

As the A-95 Clearinghouse Board the Commission shall:

A. Review and evaluate the significance of proposed federal or federally-assisted projects to the parish, on local plans or programs.

B. Receive and disseminate project assistance notifications to appropriate parish agencies and organizations. Also serve as liaison between these activities and the applicants.

C. Assure that agencies concerned with the environmental, civil rights, social and other areas of public interests are given the opportunity to review and comment on proposed projects.

D. Provide coordination between federal and state agencies contemplating assistance within the Commission Areas of jurisdiction.

E. Forward to the Louisiana Department of Urban and Community Affairs/Office of State Clearinghouse all review comments on the applications.

F. A position on the staff will be designated as the A-95 Coordinator and shall:

1. Coordinate and compile all requests received for A-95 review. This will be done throughout the month, resulting in a monthly A-95 agenda.

2. Give written notice of all meetings to the Commission at least seven days prior to the date of the meeting. Further, notify all political subdivisions, governmental units and public agencies which may be affected by any proposed projects.

3. Review all applications, comment on them, and present these comments, along with those of the agencies or organizations affected by the project, to the Commission at each regularly scheduled meeting.

4. Compile all parish-wide comments, review board comments, staff comments, and minutes into one package. This package will be compiled and sent to DUCA/OSC within three to five days after the regularly scheduled meeting.

5. Keep a permanent record of all projects and minutes of all meetings reviewed by the A-95 Clearinghouse.

Any interested person may submit, orally or in writing, his views, arguments, data or reason in support of or in opposition to this intended designation by November 3, 1981, to Mr. Clarence Cunningham, Assistant Secretary, Office of State Clearinghouse, Box 44455, Baton Rouge, LA 70804.

Clarence Cunningham
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Designation of A-95 Clearinghouse
Board for Rapides Parish**

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

No additional implementation cost to the agency. The designation of Rapides Planning Commission will be consistent with the structure of other planning bodies and clearinghouse responsibilities throughout the state. There will be no savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)

There will be no impact on revenue collections

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

There would be no cost to groups affected. The designation will save the affected groups time in processing their grant application.

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

There will be no effect on competition and employment.

Clarence Cunningham
Assistant Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

WHEREAS, the ultimate goal of the Louisiana Hunter Education Program is the reduction of hunting accidents; and

WHEREAS, the Hunter Safety Program is rapidly expanding in Louisiana; and

WHEREAS, it is presently in all parishes of the State, including the public school system of 25 parishes, and in other parishes through youth camps, 4-H, junior deputy programs, boys clubs, Boy Scouts and our district offices; and

WHEREAS, we are under mandate by resolution of the Louisiana State Legislature to study mandatory Hunter Safety training for Louisiana; and

WHEREAS, live firing is a mandatory part of our Hunter Safety Program in accordance with our federal aid project agreement; and

WHEREAS, there are no public shooting ranges in our State; and

WHEREAS, we emphasize sport hunting as a tool of wildlife management and support private ownership of legal firearms; and

WHEREAS, we promote better marksmanship both for safety and clean kill; and

WHEREAS, we have some 36 wildlife management areas either owned or leased by the Louisiana Department of Wildlife and Fisheries which can provide safe shooting areas; and

WHEREAS, these areas are supervised and patrolled by Department personnel; and

WHEREAS, funds for the needed ranges are available through Pittman-Robertson Funding and by the use of Departmental personnel and equipment for construction;

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission goes on record this date supporting the use of small designated areas located in Departmentally controlled wildlife management areas for Hunter Safety Educa-

tion classes including supervised shooting for training purposes and other supervised activities such as zeroing rifles and patterning shotguns.

BE IT FURTHER RESOLVED, that the Commission regulations governing the use of wildlife management areas be amended to allow firearm educational activities to include shooting on the designated areas effective immediately upon proper publication in the *Louisiana Register*.

Jesse J. Guidry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Certain Regulations
on Wildlife Management Areas**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Approximately \$2,000 is needed for construction of each range, with two or three ranges planned for each fiscal year for a five year period.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections due to implementation of this amendment.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The Department's Firearm and Hunter Education Program requires gun handling and active live firing, therefore, shooting ranges are a necessary part of the program. Also, hunters would benefit by having a legal place to zero rifles and pattern shotguns.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment due to implementation of this amendment.

Mary Mitchell
Fiscal Officer

Jean S. Perry
Legislative Fiscal Analyst

Potpourri

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979, 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 rule of the Secretary of this Department, notice is hereby given that five claims were received during the month of September, 1981, amounting to \$4,990.98. Public hearings to consider the following claims will be held as follows:

Wednesday, November 4, 1981 at 11 a.m. in the Cameron Parish Courthouse Building, Cameron, Louisiana, to consider payment of the following claims against the fund.

Claim No. 81-319

Mr. Paul Lee Shavers, while trawling southeast of Holly Beach, Cameron Parish in the vessel "Amberjack," at approximately 11:00 a.m., on July 14, 1981, encountered an unknown obstruction, causing damage to his trawl. Amount of claim: \$1,244.50.

Claim No. 81-343

Mr. Clarence Dyson, Jr., while trawling near Rutherford Beach, Cameron Parish, in the vessel "Fisherman," at approximately 3:00 p.m., on September 8, 1981, encountered an unknown obstruction, causing damage to his trawl. Amount of claim: \$700.

Wednesday, November 18, 1981 at 10:30 a.m., in the Police Jury Chambers, 2201 West Judge Perez Drive, in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-258

Mr. Shelby Olano, while trawling to a fishing area in Freshwater Bayou in the vessel "Mr. Prowler," at approximately 12 noon on May 19, 1981, encountered an unknown obstruction, causing damage to his vessel. Amount of claim: \$1,067.67 (Rescheduled)

Claim No. 81-268

Mr. Opeo H. Frey, while trawling in Lake Borgne, Orleans Parish, in the vessel "South Wind," at approximately 10 a.m., on June 4, 1981, encountered an unknown obstruction, causing damage to his trawl. Amount of claim: \$1,569.22.

Claim No. 81-276

Mr. Arnold F. Rodriguez, while trawling southwest of Deadman Island, St. Bernard Parish, in the vessel "Our Grand Kids," at approximately 9 a.m., on June 1, 1981, encountered an unknown obstruction, causing damage to his trawl. Amount of claim: \$1,376.23.

Claim No. 81-282

Mr. Wilson Assavado, while trawling east of Gardner Island, St. Bernard Parish, in the vessel "Mitzi Lynne," at approximately 2 p.m., on June 9, 1981 encountered two submerged logs, causing damage to this trawl. Amount of claim: \$947.47

Claim No. 81-286

Mr. William H. Harvey, while trawling northwest of Main Pass, Plaquemines Parish, in the vessel "Darla - Yvette," at approximately 10:30 a.m., on June 22, 1981, encountered an unknown obstruction, causing damage to his trawl. Amount of claim: \$1,000.00 (Rescheduled)

Claim No. 81-309

Mr. Chris Dobard, while trawling to a fishing area in the Atchafalaya River, St. Mary Parish, in the vessel "Capt. Chris," at approximately 4 p.m., on July 13, 1981, encountered an unknown obstruction, causing damage to his vessel. Amount of claim: \$395.87.

Any written objections to these claims must be received by the close of business November 3, 1981, by the Secretary, whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

Department of Public Safety Municipal Police Officers Supplemental Pay

The next scheduled meeting of the Board of Review, Municipal Police Officers' Supplemental Pay, will be held in Room 218, State Police Headquarters, 265 South Foster Drive, Baton Rouge, Louisiana on Tuesday, November 10, 1981 at 10 a.m.

Larry A. Messina
Secretary
Treasurer

POTPOURRI

Department of Urban and Community Affairs Office of Community Services

The Office of Community Services' Weatherization Assistance for Low Income Persons Program will hold a public hearing beginning at 2 p.m., November 23, 1981, in the Conservation Hearing Room of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, to discuss and consider revisions to the Weatherization Programs' State Plan for 1982.

A copy of the draft of the 1982 State Plan can be obtained by writing, visiting, or calling Caryn J. Rozeboom, Director of Weatherization, Department of Urban and Community Affairs, Box 44455, 5790 Florida Boulevard, Baton Rouge, Louisiana 70804, (504) 925-3728. Written comments on the State Plan should also be sent to the aforementioned address.

Watson S. Finister, Jr.
Assistant Secretary

CUMULATIVE INDEX
(Volume 7, Number 1-10)

Accountants (see Commerce Department, Certified Public Accountants)
Administration, Division of (see Governor's Office)
Agriculture Department:
Animal Vaccines, 51N, 66R
Apiary Regulations, 52N, 67R
Auction Sale days, 52N, 68R
Dairy Stabilization Board, 12N, 66R, 123N, 156P, 163R, 201N, 449N, 507N
Family Farm Credit, 52N, 201N, 254R
Fertilizer Commission, 53N, 123N, 164R
Horticulture Commission, 1R
Livestock Sanitary Board, 2R, 66R, 68R, 69R, 202N, 202N, 203N, 260R
Market Commission, 204N, 205N, 260R, 261R, 369N, 369N, 399ER, 404R, 406R
Pesticide, Advisory Commission on, 448N, 449N
Pseudorabies, 54N, 69R
Seed Commission, 123N, 164R, 271N, 285R
State Entomologist, 399ER
Alligator Season, 278N, 413R
Apprenticeship standards, 8R
BESE, Board of Elementary and Secondary Education (see Education)
Certified Public Accountants, Board of (see Commerce Department)
Civil Service Department:
Ethics for Elected Officials, Board of, 2R, 507N
Colleges and Universities, Board of Trustees for (see Education)
Commerce Department:
Certified Public Accountants, Board of, 13N
Financial Institutions, Office of, 125N, 126N, 165R, 165R, 271N, 285R, 310N, 313N, 338R, 406R, 450N, 484R
Licensing Board for Contractors, 479ER
Minority Business Development Authority, 508N
Racing Commission, 55N, 138N, 262R, 274N, 279P, 371N
Contractual Review, Office of (see Governor's Office)
Corrections Department:
Secretary, Office of, 6R, 138N, 139N, 177R, 177R, 206N
Culture, Recreation and Tourism Department, 206N, 248P, 262R, 371N, 372N, 373N, 407R, 508N
Dairy Stabilization Board (see Agriculture Department)
Death penalty (see Department of Corrections)
Drugs:
Maximum Costs for drugs, 7R, 401ER
Pentazocine, 149N
Education Department:
Bureau of Evaluation, 332P
Colleges and Universities, Board of Trustees for State:
Athletic eligibility, 14N, 70R, 208N, 288R
Athletic policies, 376N, 436R
Coaches, 209N, 288R
Interim courses, 376N, 441R
Policy manual, 376N, 441R
Search committee, 210N, 288R
Educational Television Authority, 140N, 178R
Elementary and Secondary Education, Board of:
Act 754 Revisions, 313N, 337ER
Bulletin 741, 207N, 287R, 313N
Bulletin 746, 313N, 419N
Bulletin 1134, 207N, 287R
Bulletin 1508, 139N, 263R, 333E, 419N, 433ER
Bulletin 1525, 283ER, 313N, 407R

Bulletins and Regulations, 6R
Certification of Paraprofessionals, Standards for, 14N, 69R
Certification requirements for preschool handicapped, 65ER
Certification of School Personnel, Standards for State (Bulletin 746), 6R
Evaluation, 313N
High School Credit, 207N, 287R
Hiring Noncertified Personnel, 283ER, R
Home Study, 313N, 419R
Omissions from minutes, 66ER
Policy manual, 376N
Procedure Manual, 207N, 287R
Professional Improvement Program, 283ER, 315N
Psychology, certification in, 139N, 263R, 333E
Pupil appraisal handbook, 484R
References; gifted students; pre-schoolers; evaluations, 43R
School buses, 6R, 436R
Special education funds, 481ER
Speech therapists, 6R
Textbooks, 313N
Tuition exemption, 401ER, 451N
Visually impaired, 139N
Vocational education, 451N
Regents, Board of, 375N
Southern University Board of Supervisors, 274N, 316N, 445R, 446R
Energy utilization (See Executive Orders)
Ethics for Elected Officials, Board of, 2R
Executive Orders:
DCT 80-21—Responsibility for State Buildings and Grounds, 1
DCT 81-1—Executive branch reorganization, 65
DCT 81-2—Energy utilization, 163
DCT 81-3—Continue Talent Bank of Women, 163
Family Security, Office of (see Health and Human Resources Department)
Food Stamps (See Health and Human Resources Department)
Fruit fly quarantine, 399ER
Governor's Office:
Administration, Division of:
Architect selection, 377N, 408R
Capital Outlay Budget Request Procedures, 6R
Contractual Review, Office of, 141N, 179R
Data Processing, Office of, 453N, 487R
Leased Space, 210N, 289R
Minority business, 15N, 71R
Property Control Section, 55N, 71R, 241N, 265R
Travel Regulations, (PPM No. 49 Revised), 7R
Vehicles, state-owned (PPM No. 63 Revised), 15N, 71R
Elderly Affairs, Office of, 66ER, 316N, 378N, 379N, 396E, 421N
Governor's Special Commission on Education Services, 377N, 378N, 378N, 408R, 408R, 420N, 421N
Tax Commission, 44R, 147N, 156P, 185R, 253ER, 275N, 279P, 332P, 332P, 309R, 395P, 510N
Telecommunications Management, Office of, 241N, 265R, 423N, 447R
Veterans Affairs, Department of, 451N, 452N, 452N, 452N, 485R, 485R, 486R, 486R

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule

Health and Human Resources Department:

Dentistry, Board of, 510N

Family Security, Office of:

AFDC policies, 433ER, 468N

Cuban/Haitian Entrants Program, 148N, 401ER, 471N

Dispensing fee, 471N, 501R

Energy assistance program, 7R, 321N, 340R

Food Stamps, 242N, 265R, 434ER

Income limit for Medical Assistance Program, 387N, 401ER, 446R

Increases in AFDC and GA programs, 1ER, 148N, 188R, 401ER, 468N

Licensing and Regulation, Office of, 149N

Long-term care, 435ER, 511N

Maximum allowable costs list, 7R, 401ER

Medically Needy Standards, 7R, 471N

Mentally retarded, incentive factor, 1ER

Non-emergency transportation, 36P, 80R

Nursing home rates, 404ER

Reimbursement for Transportation, 43ER

Vendor payments for emergency services, 7R

Health Services and Environmental Quality, Office of, 79R, 283ER, 511N

Human Development, Office of:

Amendments to Client Placement, 43ER, 387N, 408R

Blind Services Manual, 482ER

Comprehensive Annual Services Program, 254ER, 322N

Cuban/Haitian Entrants Program, 148N

Foster Care Rate Increase, 58N, 189R, 482ER

Intercountry Adoption, 388N, 408R

Respite care, 388N, 409R

Secretary, Office of, 275N, 309R, 483ER

Vocational Rehabilitation Manual, 482ER

Nursing, Board of:

Advanced Practitioners of Nursing, 32N, 72R

Legal Standards, changes in numbering, 38E

Nurse Practice Act, 25N, 73R

Nursing Home Administrators, Board of Examiners of, 275N, 321N

Pharmacy, Board of, 58CR, 186R

Practical Nurse Examiners, Board of, 253ER, 424N

Psychologists, Board of Examiners of, 56N, 187R

Social Work Examiners, Board of Certified, 24N

Veterinary Medicine, Board of, 36P

Home study guidelines, 419R

Hunting Season, 278N, 357R, 476E, 447R

Insurance Department:

Division of Property and Casualty, 323N, 340R

Labor Department:

Labor, Office of:

Apprenticeship standards, 8R

Employment Security, Office of, 426P

Minor labor laws, 33N, 45R, 157E

Plumbing Board, 471N

Library, Office of the State, 371N, 407R

Livestock Sanitary Board (see Agriculture Department, Animal Health Services)

Minority Business, 15N, 71R

Mortgage instruments (see Department of Commerce)

Natural Resources Department:

Conservation, Office of, 80R, 425N

Environmental Affairs, Office of, 34N, 10R, 11R, 12R, 38P, 90R, 149N, 189, 242N, 249E, 266R, 276N, 280E, 324N, 325, 325N, 334E, 310R, 341R, 341R, 389N, 410R, 410R, 447R, 472N, 474N, 501R

Fishermen's Gear Compensation Fund, 36P, 62P, 157P, 248P, 279P, 333P, 395P, 426P, 475P, 519P

Forestry, Office of, 248P, 510N

Secretary, Office of, 150N, 277N, 342R

Parks, Office of State, 372N, 373N

Policy and Procedure Memoranda,

PPM No. 49, Travel Regulations, 7R

PPM No. 63, State-owned Vehicles, 15N, 71R

Prisons:

Mattress standards, 12R

Public Safety Department:

Firemen's Supplemental Pay Board, 475P

Liquified Petroleum Gas, Commission of, 512N

Municipal Police Officers Supplemental Pay, 157P, 249P, 280P, 396P, 475P, 520P

State Fire Marshal, Office of, 12R, 151N, 243N, 244N, 344R, 516N, 516N

State Police, Office of, 151N, 189R, 512N

River Port Pilots Commissioners, Board of, 337ER, 370N

Shrimp Season, 61N, 270R

State Department:

Board of Election Supervisors, 59N, 266R

Tax Commission (See Governor's Office)

Supervisory Committee on Campaign Finance, 34N, 90R

Transportation and Development Department:

Diesel fuel specifications, 191R

Escort Requirements, 390N, 410R

Gasoline specifications, 392N, 412R

General Counsel, Office of, 507R

Oilfield equipment, 393N, 413R

Outdoor Advertising, 244N, 269R

Professional Engineers and Land Surveyors, Board of Registration for, 425N

Well drillers, 474N

Trapping Season, 278N, 418R, 476E

Travel Regulations, PPM No. 49, 7R

Treasury Department:

State Bond Commission, 35N, 12R, 50R

State Employees Group Benefits Program, 59N, 49R, 122R, 152N, 245N, 249P, 249P, 270R, 310R, 345R, 394N, 426N, 517N

State Employees Retirement System, 38P

State Police Retirement System, 59N, 122R

Urban and Community Affairs, Department of:

Community services, Office of, Weatherization, 520P

Consumer Protection, Office of, 35N, 50R, 60N, 156N, 199R, 331N, 394N

Governor's Commission on Indian Affairs, 193R

Housing Finance Agency, 152N, 195R

State Clearinghouse, Office of, 518N

Wildlife and Fisheries, Department of:

Calcasieu Lake Oyster regulations, 483ER

Continued Closure of Lakes, 61N, 249E

Fishing Prohibited During Drawdown, 60N

Hunting, Trapping and Alligator Season, 278N, 357R, 413R, 418R, 476E

Lakes Closed to Commercial Fishing, 51R, 356R

Mullet Fishery Permits, 404ER

Oyster Lease Survey Surcharge, 61N

Oyster seed grounds, 418R

Spring Shrimp Season, 61N, 270N

Toledo Bend, 331N, 447R

Trapping, 418R, 476E

Waterfowl season, 395N, 447R

Wildlife Management amendment, 518N

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule