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Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on May 28, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following emergency rules:

1. The Board adopted as an emergency rule, the 1981 Revised Edition of Bulletin 1525, Personnel Evaluation as submitted by the State Department of Education.

This emergency request was made because LEAs are requested to submit by July 15, their personnel evaluation plans in compliance with Bulletin 1525. The State Department of Education was cognizant of time constraints and needed this item to be placed as an emergency item.

2. The Board adopted an emergency rule, the Interim Emergency Policy for Hiring Fulltime/Parttime Noncertified Personnel.

School systems in Louisiana suffered a shortage of classroom teachers in the 1980-81 school year. The State Board allowed the systems to employ noncertified personnel to man the classes when fully certified teachers were not available for 1980-81 only. It is anticipated that the shortage in certain geographic areas and certain academic areas will continue this fall. Since systems are presently hiring personnel for the fall semester, the policy must be approved to allow them this option or schools will open in August with classes taught by substitute teachers.

Interim Emergency Policy for Hiring Fulltime/Parttime Noncertified School Personnel

In an effort to assist Local Education Agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following interim emergency policy is proposed.

Fulltime/parttime noncertified school personnel may be employed by parishes having difficulty in employing certified persons in certain positions provided that proper documentation be submitted to the Department of Education. This documentation shall include:

1. A signed affidavit by the local school superintendent that the position could not be filled by a certified teacher;

2. Documentation that efforts for recruitment for certified teachers have been made (i.e. newspaper advertisements, letters, contacts with colleges, etc.)

3. Submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report.

4. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area.

These individuals shall be employed at the same salary on an hourly basis based on the effective state salary schedule for a beginning teacher with a baccalaureate degree and a certificate.

Fulltime/parttime noncertified school personnel shall be considered part of the regular teacher allotment and local systems shall be reimbursed in the same manner as regular teachers.

This Interim Emergency Policy will remain in effect until July 1, 1983.

3. The Board adopted as an emergency, a word change in the *Interim Requirements for Special Education Certification*, on Page 5, under Paragraph 2, Line 9, to change the word "and" to "or."

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Education Educational Employees Professional Improvement Program

The State Committee for the Louisiana Educational Employees Professional Improvement Program (Act 207) at its June 2, 1981 meeting exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following emergency rule:

Dr. Kenneth Brown moved that the Committee instruct the staff to promulgate the Guidelines for local PIPS committees in keeping with the Administrative Procedure Act, R.S. 49:951, *et seq.*, and also instruct the staff to advise the Governor, the Attorney General, and the Department of the State Register that under the provisions of Louisiana Revised Statutes 49:953B that these guidelines were being adopted on an emergency basis. The committee is of the opinion that if the guidelines are not adopted on an emergency basis, there will be a significant risk that the PIPS program, along with a significant amount of state money which is being appropriated for the PIPS program, cannot be administered properly nor can the public fisc be protected to ensure that the monies appropriated for the PIPS program are used in a manner consistent with the legislative intent and, furthermore, that the program is administered in a manner consistent with the legislative intent. Dr. Helen Brown seconded, and the motion passed with seven yeas, zero nays, and one abstention.

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality hereby orders that the area described below is closed to oyster harvesting immediately as of May 19, 1981.

1981 - Cocodrie Line Extension

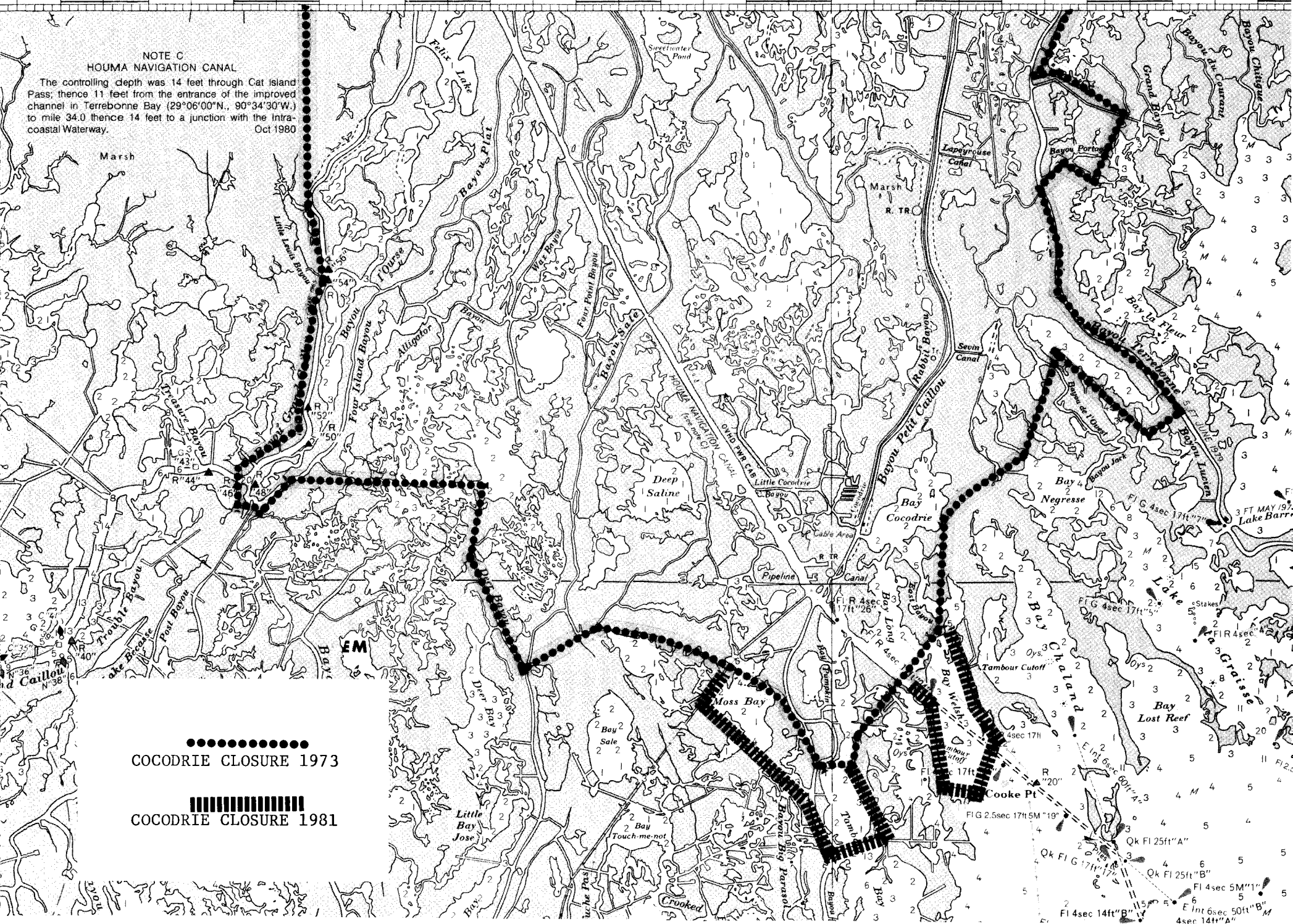
Moss Bay, Bay Tambour and Bay Welsh

A line beginning at the 1973 Cocodrie Closure at the intersection of Moss Bay and Bay Couteau; thence along the western shoreline of Moss Bay in its entirety to the junction of Moss Bay at the southeastern portion and the pass to Moss Bay and Bayou Petit Caillou; thence southeasterly along the western shore line of Bayou Petit Caillou and Tambour Bay; thence east-northeast to a point (29° 11' 33" North latitude and 90° 40' 17" West longitude); thence easterly through the landmass across Bay Tambour through Tambour Cutoff to the Intersection of the 1973 Closure Line at a point (29° 12' 30" North latitude and 90° 39' 24" West longitude) [Map Reference: U.S. Dept. Commerce, N.O.A.A. #11357 - formerly C&GS #1274].

From a point 29° 13' 0" North latitude and 90° 39' 15" West longitude [Map Reference: U.S. Dept. Commerce, N.O.A.A. #11357 formerly C&GS #1274] at the intersection of the Houma Navigational Canal and the 1973 Cocodrie Oyster Closure Line in West Bay Welsh; thence in a southeasterly direction along the southernmost edge of the Houma Navigational Canal to a point located at 29° 12' 53" North latitude and 90° 38' 45" West longitude; thence in a southerly trend along the landmass in the westernmost part of Bay Welsh; thence easterly to Cooke Point; thence northeast to the landmass in eastern Bay Welsh to a point located at 29° 12' 20" North latitude and 90° 37'

NOTE C
HOUMA NAVIGATION CANAL

The controlling depth was 14 feet through Cat Island Pass; thence 11 feet from the entrance of the improved channel in Terrebonne Bay (29°06'00"N., 90°34'30"W.) to mile 34.0 thence 14 feet to a junction with the Intra-coastal Waterway. Oct 1980



.....
COCODRIE CLOSURE 1973

████████████████████
COCODRIE CLOSURE 1981

FIG 2.5sec 17ft 5M "19"

FIG 4sec 17ft "5"

FIG 17ft "15"

Qk FI 25ft "A"

Qk FI 25ft "B"

Fl 4sec 5M "1"

Fl 4sec 14ft "B" "4"

E Int 6sec 50ft "B" M 4sec 14ft "A"

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58" West longitude; thence along the easternmost edge of the landmass: thence in a northerly direction to the intersection of the 1973 Cocodrie Closure line located at a point 29° 14' 13" North latitude and 90° 38' 38" West longitude.

All areas within the described closure line and/or shown on the enclosed map are closed for oyster harvesting.

The statistical evaluation of the bacteriological analyses of a recent sanitary survey conducted in the Cocodrie area - Terrebonne Parish, Louisiana has indicated that the water quality of the area is substandard in the respect that fecal coliform limits were in excess of the standards prescribed by State and Federal guidelines regulating oyster waters.

Specifically, these standards require that all oyster growing waters whose bacteriological quality has exceeded the fecal coliform median of 14 fecal coliforms per 100 ml. and more than 10 percent of the samples ordinarily exceed a median of 43 fecal coliforms per 100 ml. be closed to oyster harvesting. Additionally, the area may be so contaminated with fecal material that consumption of the oysters might be hazardous.

So ordered this date May 19, 1981.

Sarah M. Braud, M.D.
Acting State Health Officer
George A. Fischer, Secretary
Department of Health and Human Resources

Rules

RULE **Department of Agriculture** **Seed Commission**

The Louisiana Department of Agriculture, Seed Commission, pursuant to the authority contained in LSA 3:1433 and in accordance with Notice of Intent published April 20, 1981, adopted the following amendment to Section VI of the Rules and Regulations of the Seed Law at a public hearing on June 9, 1981:

28. Itchgrass (Raoulgrass) (*Rottboellia exaltata*) Prohibited.

Bob Odom
Commissioner of Agriculture

RULE **Department of Commerce** **Office of Financial Institutions**

Under the authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions is adopting the following rule for the purpose of providing a means by which State-Chartered Banks may have authority consistent with that granted National Banks by the Comptroller of the Currency Rules and Regulations 12 CFR, Part 29, which was published on Page 18932, Volume 46, No. 59 of the Federal Register, dated March 27, 1981.

RULE

Notwithstanding any limitations imposed by R.S. 6:237 and 322, State-Chartered Banks are hereby authorized to make, purchase, and participate in adjustable rate mortgage instruments authorized for National Banks by the Comptroller of the Currency Regulation 12 CFR, Part 29. For the information and guidance of

State-Chartered banks, the Comptroller of the Currency Regulation is outlined below. The words "national" and "Comptroller of the Currency" have been changed to "state" and "Commissioner of Financial Institutions."

Adjustable-Rate Mortgage Instruments

1. Purpose

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

2. Definitions

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

3. General Rule

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

4. Index

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in an index specified in the loan documents, *i.e.*, a one basis point (one basis point = .01 percentage point) change in the index must be translated into a one basis point change of the same direction in the contract interest rate, except as otherwise provided in 5. The index values used for the purpose of determining changes shall be either (1) the most recently available values on the date of loan origination and on subsequent dates for notifying borrowers of impending rate changes or (2) the moving averages on such dates of all values of an index over the interval from the prior rate-change notification date to the current rate-change notification date, using as the starting index value the moving average of index values over an equivalent interval ending with the date of loan origination. The index must be one of the following:

(a) The monthly average contract interest rate charged by all lenders on mortgage loans for previously occupied homes, as published by the Federal Home Loan Bank Board in its "Journal" and made available by the Federal Home Loan Bank Board in news releases on about the twelfth day of each month.

(b) The monthly average yield on United States Treasury securities adjusted to a constant maturity of three years, as published in the "Federal Reserve Bulletin" and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

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

If a state bank uses the six-month Treasury bill rate index and adjusts interest rates less frequently than once every six months, then the bank must use the moving average, as described above, of the index values to measure interest rate changes.

5. Rate Changes

(a) *Frequency of Changes.* Interest rate changes on adjustable-rate mortgage loans may occur only at regular intervals of not less than six months, as specified in the loan documents. Notwithstanding the foregoing, a state bank may extend the length of the interval before the first potential interest rate change by any pre-terminated period.

(b) *Magnitude of Changes.* Interest rate adjustments to adjustable-rate mortgage loans may not exceed 100 basis points each six months. If the interval between interest rate changes exceeds six months, then the limitation on interest rate changes shall be 100 basis points multiplied by the number of whole consecutive six-month periods in the interval between interest rate changes. In no event may any one interest rate change exceed 500 basis points. Notwithstanding the rules contained in this subsection, a state bank may decrease the contract rate of interest on an adjustable-rate mortgage loan at any time and by any amount beyond decreases required by the rules contained in this Regulation.

(c) *Required and Permitted Rate Changes.* Interest rate changes on adjustable-rate mortgage loans made or purchased by state banks shall be subject to the following additional restrictions:

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

(2) Interest bank decreases warranted by decreases in the index shall be mandatory except to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of the limitation on increases specified in paragraph (b) of this section. If the bank agrees to impose a periodic or aggregate limitation on interest rate changes that is more restrictive than the limitation specified in paragraph (b) of this section, the same limitation shall apply to both increases and decreases.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents any minimum interest rate change limitations and minimum increments of interest rate changes.

(4) Changes in the index not translated into changes in the interest rate because of the limitations contained in this Rule or, consistent with this Rule, at the discretion of the bank shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate-change dates.

(5) There shall be no charge by the state bank to the borrower, in the form of new closing cost, new processing fees, new finance charges, or similar fees, for any changes in the interest rate on an adjustable-rate mortgage loan.

(d) *Method of Rate Changes.* (1) Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization (i.e., the amount, if any, of each installment payment allocated to repayment of principal) or any combination of these two methods, according to any schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of any interest rate change.

(2) Changing the rate of amortization, including utilization of a period or periods of negative amortization, is permissible only if (1) the payment is adjusted at least every five years to a level sufficient to amortize the outstanding principal at the interest rate then in effect over the remainder of the original loan term, which may not exceed 30 years; and (2) the amount of negative amortization, if any, permitted during any such period does not exceed 1.0 percent of the principal outstanding at the beginning of that period multiplied by the number of whole consecutive six-month periods included in the interval between payment changes. In no event may the amount of negative amortization allowed under the

preceding sentence exceed 10.0 percent of the principal outstanding at the beginning of the period.

6. Prepayment Fees

State banks offering or purchasing adjustable-rate mortgage loans must allow the borrowers to prepay in whole or in part without penalty at any time beginning 30 days before the first scheduled interest rate adjustment date. State banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments made prior to the date specified in the preceding sentence of this paragraph.

7. Assumption

State banks offering or purchasing adjustable-rate mortgage loans are not required to allow those loans to be assumed by new purchasers of the mortgaged property, or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this rule. If a state bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this rule, the interest rate and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

8. Disclosure

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

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

2) The index used, including the name of at least one readily available source in which it is published;

3) A 10-year series updated at least annually showing the values of the index on at least a semi-annual basis, presented in tabular form;

4) The frequency with which the interest rate and payment levels will be adjusted, including provision for any extended interval before the first interest rate adjustment;

5) Any rules relating to changes in the interest rate and/or installment payment amount;

6) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization if it may occur in connection with the loan;

7) The rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

8) A statement, if appropriate, that other fees will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing; and

9) A schedule of the dollar amounts of the installment payments (principal and interest) on a \$10,000 loan at a commitment rate offered by the bank within the preceding 12-month period if the mortgage interest rate were to increase as rapidly as possible, consistent with the interest rate limitations of the loan, by 10 percentage points (or by such lower aggregate interest rate limit as the bank may impose on its adjustable-rate mortgage loans).

Use of the optional model disclosure form provided in the Appendix to this rule, amended where necessary to describe accurately permissible variations found in the bank's adjustable-

rate mortgage loans, will constitute compliance with this Subsection.

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

- 1) The current and proposed new interest rate;
- 2) The base and current index values;
- 3) The extent to which the bank has forgone any increase in the mortgage interest rate;
- 4) The new monthly payment and/or other contractual effects of the rate change;
- 5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term; and

6) The fact that the loan may be prepaid at any time without penalty.

Use of the optional notification form provided in the Appendix to this rule will constitute compliance with this Subsection.

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

This loan is payable in full (at the end of _____ years or on demand). (At maturity or if the bank demands payment) you must repay the entire principal balance of the loan and unpaid interest then due. The bank is under no obligation to refinance the loan at that time. You will therefore be required to make payment out of other assets you may own, or you will have to find a lender willing to lend you the money at prevailing market rates, which may be considerably higher than the interest rate on this loan.

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

(d) No later than the date on which an adjustable-rate mortgage loan is made by a state bank, the bank must inform the borrower of the base index value against which interest rate changes will be measured. This base value must be included in the note the borrower signs, and the borrower must be given a copy of this note no later than at loan closing.

9. Certain Payment-Capped Mortgages

(a) *Authority to Lend, Subject to Review by the Commissioner of Financial Institutions.* The limitations imposed by this Rule shall not apply to adjustable-rate mortgage loans which contain meaningful limitations on the magnitude of permissible changes in the amount of installment payments that offer borrowers sufficient protection against payment volatility. The Office of Financial Institutions may at any time require a state bank to modify or terminate a loan program qualifying under this Subsection if it is determined that the program does not adequately provide for repayment of the loans in a timely manner or that the program does not sufficiently protect borrowers against payment volatility.

10. Transition Rule

If on the effective date of this Rule a state bank has already made a loan or a binding commitment to lend under an adjustable-rate mortgage loan program which would violate any of the provisions of this rule, the state bank may continue to make loans or binding commitments to lend under the program for 120 days

from the effective date of this Rule before the program must be brought into conformity with all the provisions of this Rule.

Appendix to Rule

A. Model Form for Initial Adjustable-Rate Mortgage Disclosure Important Mortgage Loan Information - Please Read Carefully

If you wish to apply for an Adjustable-Rate Mortgage (ARM) loan with _____, you should read the information below concerning the difference between this mortgage and other mortgages with which you may be familiar.

General Description of Adjustable-rate Mortgage Loan

The loan offered by _____ is an adjustable-rate mortgage. Its interest rate will change (fill in frequency) based on movements of an interest rate index. Your monthly payments will increase if the interest rate rises or decrease if the interest rate falls. Because future movements of the index are related to market conditions that cannot be predicted, it is impossible to know in advance how much you will have to pay, either each month or over the life of the loan. Interest rate and payment changes will be made according to certain rules that are explained below.

Key Terms of _____ State Bank's Adjustable Rate Mortgage

The following outline of the terms on ARM's offered by — State Bank is intended for easy reference only. You will find other essential information in this disclosure statement and in the loan note itself.

- Loan term
- Frequency of rate changes
- *(Grace period before first rate change
- Interest rate index
- Maximum rate change at one time
- Maximum rate change over life of loan
- *(Minimum rate change at one time
- *(Minimum increments of rate change
- *(Prepayment fee
- Assumability (assumable, not assumable or at lender's discretion)
- Possibility of increasing loan balance (yes or no)

*Bracketed items and footnotes are instructions to State banks or contain optional language to be selected as appropriate.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULES

Board of Elementary and Secondary Education

Rule 4.00.74a

Amend Bulletin 1134, *Standards and Guidelines for Library Media* to delete Item 8 on the censorship form on page 13, and that Paragraph 5, page 11 of Chapter VI relative to censorship procedures be amended to read as follows: "Any censorship of media shall be challenged in order to maintain the local system's responsibility to provide information and enrichment. The local school board of education is legally responsible for all matters relating to the operation of its library media centers. The local school board is

responsible for adopting a written statement of procedures for meeting the challenge of censorship. The attached form may be used as a guide for challenged materials.”

Rule 3.01.51z

Amendment to Bulletin 741 to add Page 35A: High School Credit for College Courses for Evaluated Gifted Students as follows:

High School Credit for College Courses
For Evaluated Gifted Students

1. College courses for credit in regard to this Section shall be limited to gifted students who have met the evaluation criteria established in Bulletin 1508 (Pupil Appraisal Handbook).
2. An elementary or secondary student must have at least a 3.0 cumulative average on a 4.0 scale for all subjects taken during the previous two years.
3. Entry into a college course for credit must be stated in the student’s Individualized Education Program, (I.E.P.).
4. The student must earn at least two or three college hours of credit per semester. (The two or three hour course per semester shall be counted as one unit of credit toward high school graduation.)
5. The school administrator must establish a procedure with the college to receive reports of the students’ class attendance and performance at six or nine week intervals.
6. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary state organizations.

Amendment to Louisiana State Board of Elementary and Secondary Education Policy and Procedure Manual to:

a. Delete Board Policy 3.07.11.b

b. Amend language in Board Policy 3.07.11.c to read:

“Any request for a waiver of the age requirement for taking the General Education Test (GED) shall be made directly to the Board.”

Rule 3.01.51.aa

Amendment to Bulletin 741, *Handbook for School Administrators*, pages 8 and 16, to substitute the minimum attendance requirement for elementary and secondary students as follows:

“Each parish school board will have the option of establishing attendance requirements for elementary (grades one through eight) and secondary (grades nine through twelve) students, providing the limit for elementary students is not less than 140 days of attendance per year and secondary students not less than 70 days per semester. Credit will not be given if attendance goes below parish-set limits. Exception can be made only in the event of extended personal illness, verified by a physician, or other extenuating circumstances approved in accordance with procedures established by the local school systems.”

James V. Soileau
Executive Director

RULES

Board of Trustees for State Colleges and Universities

The following is added to the Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities as paragraph 18 of Part IX, Section 9.5A:

“18. All students, prior to participating in any intercollegiate athletic activity, must sign a statement allowing the Coordinator of Athletics to examine the student’s entire academic record at his discretion.”

Part IX, Section 9.7D is deleted and the following is substituted for that paragraph:

“D. The number of coaches permitted at each institution shall be that number allowed under the guidelines of the NCAA (Article Six, Personnel and Squad Limitation, Bylaw 6-1 of the Bylaws and Interpretations of the National Collegiate Athletic Association.”

Bill Junkin
Executive Director

RULE

Board of Trustees for State Colleges and Universities

The following is added to the Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities as Part VII, Section 7.4C:

“C. Chief Executive Search Procedures

1. Constitution of Search Committee

According to Board Policy (Section 7.4B above) an incumbent president shall announce a decision to retire or resign at least six months prior to the effective date of the decision. Upon receipt of such notice, the President of the Board of Trustees for State Colleges and Universities shall within 15 calendar days appoint five members of the Board to serve, with the Board’s President as its Chairperson, on a Search Committee. The President’s selection of five members shall be such that a majority of that number be those Board members having the strongest ties with the institution in question. Other members of the Board may attend meetings of the Search Committee; however, only those appointed to that Committee shall vote, as it exercises its function of preparing its recommendation for the Board.

2. Search Procedure

The detailed procedure to be employed and the timetable to be followed in carrying out the search shall be designed by the Search Committee (SC) as its first order of business. The SC shall present the aforesaid procedure and timetable to the Board at that body’s first regular meeting after the appointment of the SC.

3. Advisory Committees to Search Committee

Upon appointment, the SC shall invite the student body of the institution involved, its faculty, and its alumni each to institute, through their respective recognized organization or association, an Advisory Committee (AC) selected from their respected memberships.

The AC shall assist the SC in a consultative and an advisory role and in such fashion as the SC shall stipulate.

The selection of the individual to fill a presidential vacancy is and shall be the responsibility solely of the Board of Trustees of State Colleges and Universities. By inviting the advisory assistance of the AC’s above described, it is not the intent of the Board to shirk or to share its constitutionally mandated duty to so select.

4. Eligibility of Candidates

No individual who has accepted appointment to membership on the Board of Trustees for State Colleges and Universities shall be eligible for consideration as a presidential candidate until two calendar years shall have elapsed since the individual ceased to serve as a member of the Board of Trustees for State Colleges and Universities.

5. Lack of Requisite Notice

If, for whatever reason, the incumbent president of an institution governed by the Board of Trustees does not give the mandated minimum notice at least six months prior to the date the position is to be, or has been, relinquished (Section 7.4B above), the Board shall, upon receipt of notice of a present, or projected, presidential vacancy, call a special meeting and at that meeting name an Acting President.

The effective date of the appointment of an Acting President shall be the date on which the office of president came, or shall come, to be vacant."

Bill Junkin
Executive Director

RULE

Office of the Governor Division of Administration

The Commissioner of Administration has adopted regulations and procedures for the procurement of rented or leased space by state agencies.

Rental and Lease Procedure and Regulations (For distribution to user agencies)

I.

Authority, Policy and Purpose

A. The Statutes

Louisiana Revised Statutes provide that all agreements for the lease or rental of space shall be made by the agency whose offices and/or activities are to be housed, but shall be made and entered into only with the approval of the Commissioner of Administration. Louisiana Revised Statutes, Chapter 17 of Title 39 (R.S. 39:1551-1736) with particular reference to 39:1641-1643. The Commissioner has designated the Office of Rentals and Leases to administer this function.

It is the policy of the Division of Administration to acquire for State agencies the best rental or lease space for the least dollar amount with the greatest amount of competition between and among lessors of privately-owned facilities.

Agency is as defined in R. S. 39: 2 (1) and the fact that an agency is a non-budget agency shall not be a test as to whether this Section shall be applicable.

C. Purposes

The purposes of this state of Procedure and Regulations are to simplify and clarify the procurement practices for the renting and leasing of space for State agencies, to provide increased economy and efficiency in procurement activities, to foster more effective competition for bid space and ensure fair and equitable treatment of all persons involved, to enable greater public confidence in the lease procurement process, and to maintain a procurement system of quality and integrity.

D. Exceptions

These provisions do not apply to:

Exempt Agencies.

- (1) Colleges, Universities and Trade Schools.
- (2) The Department of Transportation and Development.
- (3) The Military Department.
- (4) Any agency which is established as a corporate entity and enjoying corporate status.

(5) Any agency or office exempted by executive order of the governor.

Exempt types of space.

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

II.

Space Acquisition Method

The Rental and Lease Section will retain the originals of the pertinent leases and will notify the affected User Agency, reminding them when their lease is about to expire.

Every lease for the use of 2500 square feet or more of space in a privately owned building entered into by a State agency as lessee shall be competitively bid and awarded, pursuant to R.S. 39:1594-1595.

Any lease for the use of less than 2500 square feet may be negotiated by the User Agency, subject to approval by the Division of Administration.

A. Request for Approval

All leases and lease amendments, including amendments both for space of less than 2500 square feet which is to be negotiated, and for 2500 square feet or more which is to be bid, must be preceded by a Request For Approval Form RL-2. The User Agency prepares and forwards to the Rental and Lease Section a Request For Approval Form RL-2 on which agency requests for space, location and terms of lease are detailed. The RL-2A Form gives guidelines to assist the agency in completing RL-2.

In preparing Request For Approval Form RL-2 the User Agency checks its request for space against the "Standards for Capital Projects, Section III B. Net Space Requirement," a copy of which is given in the Appendix.

The Budget Office of the Division of Administration will examine the request in relation to authorized programs, funds, and personnel, and the Rental and Lease Section will approve, take under advisement, or disapprove, the User Agency request, taking into consideration the existing or offered price per square foot of rental space, which is deemed comparable by the Rental and Lease Section.

B. Space Less Than 2500 Square Feet

After approval by the Rental and Lease Section of the requested space of less than 2500 square feet, the User Agency negotiates for the desired space, and submits an RL-1 Form to the Rental and Lease Section. The Rental and Lease Section will submit the RL-1 Form to the Budget Office for approval of the lease expenditure.

The Rental and Lease Section will request the Fire Marshal to make his inspection and report; the Rental and Lease Section will also request liability insurance for the user space. The lease is executed, first by the lessor, then by the lessee, who is the User Agency or Department. Then the lease package, containing four copies of the executed lease, the purchase order, the RL-1, and the Fire Marshal's report is approved or disapproved by the Rental and Lease Section. Should a lease be disapproved it is returned to the Requisitioning Agency. Copies of executed leases are distributed, two copies to the User Agency, and one copy each to the lessor and the Legislative Fiscal Office and the original retained by the Rental and Lease Section. Copies of the Standard State Lease, the RL-2 and RL-2A Forms are given in the Appendix.

C. Space 2500 Square Feet or Greater

1. Advertisement and Notice

As required by R.S. 39:1643, leases for the use of 2500 square feet or more of space are to be awarded pursuant to R.S. 39:1594 which requires adequate public notice of the invitation for bids to be given at least ten days prior to bid opening date. This notice is by written notice to bidders on a bid list maintained by Rentals and Leases and by advertising in the official journal of the state and in a newspaper of general circulation in the parish where the property is to be leased. The requirement of R.S. 39:1643 is implemented in the following manner.

2. The Bid Package

The Rental and Lease Section receives the RL-2 Form from the User Agency and prepares the bid package, which includes: RL-3 Invitation to Bid,

La. Register of 6-20-81

RL-4 Bid Proposal Form,
RL-5 Specifications for Lease,
RL-6 Sample Lease.

The Rental and Lease Section forwards the bid package to the User Agency for its final opportunity to review and comment prior to distribution to prospective bidders. Any reservations or objections to the bid package must be submitted to the Rental and Lease Section within five days, and the decision of the Rental and Lease Section as to the reflection of any requested changes is final. Copies of RL-3, RL-4, RL-5 and RL-6, which constitute the bid package, are given in the Appendix.

3. Bid Opening

The bid package is then advertised and transmitted to prospective bidders. Bids are opened by the Rental and Lease Section on the specified date. The Rental and Lease Section evaluates the bids and sends a tabulation to the Assistant Commissioner with a copy to the Legislative Fiscal Officer.

4. Agency Notification and Report

On receipt of bids, the User Agency is notified and has a representative visit all bid premises and the agency reports to the Rental and Lease Section concerning conformity with advertised specifications. The apparent successful bidder is notified of the intent to award and the agency is notified.

5. RL-1 Form and Lease Completion.

Just as for space less than 2500 square feet, the User Agency requesting space of 2500 square feet or more must submit a Space Rental Requisition RL-1 Form to the Rental and Lease Section. The Rental and Lease Section will transmit this form to the State Budget Office to ascertain that the required funds are budgeted.

The lease completion procedure is also the same as for space less than 2500 square feet. The Rental and Lease Section requests the Fire Marshal to make his inspection and report; the Rental and Lease Section also requests liability insurance for the user space. The lease is executed, first by the lessor, then by the lessee. The lessor must furnish evidence of acceptable financial resources to the Rental and Lease Section as provided in Section V below. The lease package, containing four copies of the executed lease, the purchase order, the RL-1, the Fire Marshal's report and a copy of the advertisement of the bid, is approved by the Rental and Lease Section. Following this approval, copies of the executed and approved lease are distributed, two copies to the User Agency, and one copy each to the lessor, the Legislative Fiscal Office and the original retained by the Rental and Lease Section.

III.

Renovation and New Construction

Space requirements of the state may be met by lessors utilizing any of the following:

Owned or leased space ready for occupancy.

Owned or leased space renovatable for occupancy on or before the proposed or required due date.

Owned or leased new construction to be completed on or before the proposed or required due date.

Bidders or prospective lessors shall indicate which type space is being offered, the specific space to be confirmed in an affidavit by the successful lessor at the time he executed his lease.

Offerors of space not ready for occupancy shall provide sketch plans and outline specifications, or such equivalent representations of the planned renovations or remodeling, or the building to be constructed, so as to demonstrate suitability of the space offered for the use intended.

If such an offeror is the apparent successful offeror or bidder, he must submit suitable evidence of his financial responsibility. Such suitable evidence is described below in Section V. He

must also submit preliminary plans and outline specifications of the space which he will provide.

IV.

Additional Requirements of Lessor

Any lessor of space, either less than 2500 square feet or 2500 square feet or greater, must return a signed lease, and the accompanying affidavit, within ten days after receipt of same for his execution.

V.

Determination of Responsibility

A. In addition to providing preliminary plans, outline specifications, or equivalent satisfactory representations of planned renovations or building construction, to qualify as responsible a prospective lessor must:

1. Have adequate financial resources for performance, or have the ability to obtain such resources as required during performance;

2. Have the necessary experience, organization, technical qualifications, skills, and facilities, or have the ability to obtain them (this may include subcontractor arrangements);

3. Be able to comply with the proposed or required occupancy date;

4. Have a satisfactory record of contract performance.

B. In order to make a determination of responsibility on the part of the lessor and to assist him in determining that the lessor meets the standards in Section A, the Rental and Lease Administrator may request information as follows:

1. A letter of commitment from the bank or other institution financing the project and addressed to the Rental and Lease Administrator stating the amount and terms of commitment to the lessor;

2. Information from the prospective lessor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements;

3. Other existing information within the agency or another State department, including financial data, the list of debarred and ineligible bidders and records concerning lessor performance;

4. Publications, including credit ratings and trade and financial journals;

5. Information from other sources, including banks, other financial companies, State departments and agencies, and courts.

VI.

Resolution of Controversies

A. Right to Protest

Any prospective lessor who is aggrieved in connection with the solicitation or award of a contract may protest to the Rental and Lease Administrator. Protests with respect to a solicitation shall be submitted in writing prior to the opening of bids. If a person protests a solicitation, an award cannot be made until said protest is resolved. Protests with respect to the award of a contract shall be submitted in writing within sixty days after bid opening or fourteen days after contract award, whichever is later. Said protest shall state fully and in particularity the reason for protest. If a protest is made with respect to the award of a contract, work on the contract cannot be commenced until it is resolved administratively.

B. Decision

The Rental and Lease Administrator must notify the protesting party in writing and the Legal Counsel of the Division of Administration within fourteen days after receipt of said protest whether or not the protest is denied or granted. If the protest with reference to the solicitation is granted the solicitation will be canceled and reissued. If the protest with reference to the award is granted, then the lease will be voided and the remaining solicitations may be re-evaluated for another selection. If another selec-

tion cannot be made or if it appears to be in the best interest of the State, a new solicitation will be issued.

C. Appeal

If an aggrieved party is not satisfied with the Rental and Lease Administrator's decision then that party may appeal said decision in writing to the Commissioner of Administration within seven days of the decision. The protesting party should fully explain the basis of his appeal. The Commissioner then must render a decision in writing within fourteen days of receipt of the appeal. The Commissioner's decision is final and an aggrieved party may bring judicial action within six months from receipt of said decision; but, the Rental and Lease Administrator may proceed with an award after the Commissioner so decides.

VII.

Emergency Procurement

The Rental and Lease Administrator may make emergency procurements when there exists an imminent threat to the public health, welfare, safety or public property. The declaration of an emergency must be made in writing fully documenting the nature of the emergency, the circumstances leading up to the emergency and a description of the threat to public health, welfare, safety or public property.

VIII.

Alterations, Modifications, and Additional Space Requirements

In the event alterations or modifications of space currently under lease are required to meet changed operating requirements (e.g., a change in functional usage such as from business office to clinic or clinic to computer room), and the provisions of Section II,

Subsection A of these Regulations have been complied with, a lease may be amended. Such lease amendment may provide an adjustment in monthly lease payments sufficient to reimburse the lessor paying for the leasehold improvements, but must be approved by the Division of Administration.

The Division will consider the length of time remaining on the lease and its options, favorability of the lease rental rate, and such other factors as may be presented with the agency-approved rental requisition (RL-1) proposing the lease amendment.

Alterations for the sake of aesthetics alone, or repairs which are properly the responsibility of the lessor under the existing lease, will not be approved.

In the even a lessee agency requires additional adjacent space and it is available at the same price as that now occupied, the agency may contract for up to 2500 additional square feet, in accordance with Section II, Subsection A and B. Additions of 2500 square feet or more are to be bid in accordance with Section II, Subsection C.

The additional space added is to be only that for which the requirement could not reasonably have been foreseen at the time of execution of the lease or at option renewal; the additional adjacent space provision is not to be used to circumvent the bid law.

IX.

Revised Statutes

These regulations shall be read and interpreted jointly with Chapter 17 of Title 39.

Exhibit "A"

RL-2

REQUEST FOR APPROVAL

TO: Rental and Lease Section
Division of Administration
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804

LEASE BID PROPOSAL

PROPOSAL TO NEGOTIATE LEASE

(Check Applicable Proposal)

FROM: _____

(Department, Office, Division, Board, Commission, etc.)

Currently located at _____

1. Date Submitted: _____

Prepared By: _____

(Name, Title): _____

Address, Telephone No.: _____

2. Space Required For: _____

3. Anticipated Occupancy Date: _____

Property

Present
(If Applicable)

Requested

4. Total Number of Square Feet _____

5. Administrative Area (Sq. Ft.) _____

Rooms _____

Rooms _____

Rooms _____

Rooms _____

Rooms _____

Rooms _____

Rooms _____

Present

Requested

6. Common Function Areas

Reception (Waiting) Area
(Sq. Ft.)

Conference Rooms (Sq. Ft.)

Kitchen (Sq. Ft.)

Storage (Sq. Ft.)

Other (Sq. Ft.)

7. Total Area with
Specialized Functions

8. Number of Staff Housed

9. Request for Special Lease Term (If Applicable)

From:

To:

Option to Renew (Years)

Justify:

Present

Requested

10. Rental Rate (\$/sq. ft.)	<input type="text"/> *	<input type="text"/> *
Rent per month (\$)	<input type="text"/> *	<input type="text"/> *

*To be filled in by Rentals & Leases

11. Other Specifications: _____

12. If a specific geographic area is requested, identify and state justification: _____

(a) Operational Cost Considerations: _____

(b) Client Service Area Considerations: _____

13. By: _____

Title:

(Undersecretary for Management & Finance,
or Head of Management & Finance Section)

Exhibit "B"

RL-2A

(2/19/81)

Guidelines for Agency
Completion of RL - 2 Form

TO: Agencies Requesting Approval of Lease

FROM: Rental and Lease Section, Louisiana Division of Administration

All items except Item #10 are to be completed by requesting agency.

- Item #2. Give type of occupancy, such as Family Security Office, clinic, warehouse, etc.
- Item #3. Give the expiration date of your agency's lease, or other anticipated occupancy date.
- Item #4. Give the total square footage Administrative Area, total Common Function Areas, and total area with Special Functions; both present (if applicable) and requested.
- Item #5. Give the total square foot area of each office room, for example: 4 rooms @ 450 square feet each.
- Item #6. Give the total square footage of areas such as those listed; the listed rooms are examples only. They should not be requested unless needed. Add any other areas requested.
- Item #7. List any areas needed for specialized functions such as data processing, printing, or other specialized equipment. Where indicated, use the space requirements which are recommended by the manufacturer of the equipment.
- Item #8. Give number of staff to occupy the space.
- Item #9. A five (5) year lease, with option to renew for three (3) years is standard. If a different duration or other special terms are requested, give details and justify.

- Item #10. Do not fill in these blanks. Item #10 will be completed by the Rental and Lease Section.
- Item #11. Add any other specifications requested, such as additional wiring, special air conditioning, or greater load-bearing capacity for special equipment.
- Item #12. If a specific geographic area is requested, identify this area and give justification, primarily in terms of savings in operational time and cost, and of more effective service to the client service area. If other considerations further justify the request, give these.
- Item #13. Please have the request signed by the Department Undersecretary for Management and Finance, or the Head of the Management and Finance Section of the requesting agency.

Please call the Rental and Lease Section if we may assist you or if you have questions, (504) 342-6835, LINC 421-6835.

Exhibit "C"

STANDARDS FOR CAPITAL PROJECTS

Section III B.

Net Space Requirement

The net space requirement represents in total the agency's space requirement based upon administrative space standards and administrative space allowances plus an additional twenty percent for circulation and traffic flow. The amount of space needed for an agency to function in an efficient manner will be derived from application of standards for administrative space, detailed listings of furniture and/or equipment for each employee, detailed listings of furniture, equipment, and supplementary common space used by various employees, and other requirements for which there are no existing standards and that are unique to the agency. The net space requirement represents that amount of space the agency would occupy under ideal circumstances where no portions would be wasted due to structural irregularities of a building, leftover corners of a floor, columns, pilasters or the like. Therefore, the space occupied by the agency would rarely exactly equal the net space requirement. The standards are used to quantify the total space and are not intended to be literally applied for each employee's individual work station or for a specific area such as a conference room.

1. Administrative Space Standards

The administrative space standards represent the area in square feet which should normally be sufficient to accommodate typical office space. The standards provide the occupant of each work station with space sufficient to conduct his business in an efficient manner and with a reasonable degree of dignity.

(a) Administrative Work Station Standards

The allowable area for administrative work stations shall be 150 square feet for each person occupying the area including management personnel. The apportionment of the total area by individual function is the responsibility of the agency head and careful thought should be given to this apportionment.

(b) Common Function Standards

(1) Conference and Meeting Rooms

20 square feet per person for first ten (10) persons and 15 square feet for each additional person based on average number of persons in attendance.

(2) Classrooms and Training Rooms

Desk/arm chair at 10 square feet per person.
Desk and chair at 40 square feet per person.

(3) Reception Areas

Based on average visitor load at 10 square feet per person.

(4) Exhibit Areas, Internal Duplicating Libraries, Mailrooms, Supply Rooms

Actual measurements of equipment plus circulation.

(2) Administrative Space Allowance

It is recognized that agency functions and needs do vary and cannot always conform to the administrative space standards; therefore, space allowances are derived by DOA from direct input of the agency and from specific studies of the operations of the agency in order to provide that agency with sufficient space to function efficiently. Space allowances are usually applied to the following:

- (a) Individual work stations when standards afford too little or too much space for the best utilization of space.
- (b) Common office functions such as conference rooms, storage rooms, training rooms, etc., when standards are not applicable or there is no standard.
- (c) Areas with specialized functions such as laboratories, printing facilities, warehouses, etc.

(3) Appeals

The quantity of space needed as determined by DOA may be appealed by the affected agency as provided in Section III. A. 3.

(Editor's Note: Exhibit D, RL1, is the Rentals and Leases Space Rental Requisition, and is not shown.)

Bidders Initials _____

Page _____

INVITATION TO BID

STATE OF LOUISIANA
DIVISION OF ADMINISTRATION
BATON ROUGE, LOUISIANA

LEASE PROPOSAL NO. _____

(To be sent by Purchasing or Rentals & Leases)

In accordance with the provisions of R.S. 39:1643, the Division of Administration, State of Louisiana invites bid proposals for the lease of office space for the _____, in the City/Parish of _____, Louisiana, usable office space requirement of _____ square feet. The terms of the lease shall be for _____ years, with the option to renew for _____ additional years. The occupancy date shall be no later than _____.

NOTICE TO BIDDERS

Sealed bids for the lease of office space as described below will be received by the State of Louisiana, Division of Administration, Office of Rentals and Leases, P. O. Box 44095, Baton Rouge, Louisiana 70804, situated in the Parish of East Baton Rouge, State of Louisiana. Bids will be opened on _____, 1981, at 10:00 a.m. in the Conference Room on the 4th Floor of the Capitol Annex, North Riverside Mall, Baton Rouge, Louisiana.

Successful offeror must enter into lease as per attached sample form.

No part of this bid may be altered or any requirement removed. Any alteration of this bid form will constitute no bid.

"Usable space" is defined as the total square foot area of the interior building space being or to be rented or leased, i.e. the total square foot building area less all walls and partitions, including offices, hallways, restrooms, utility rooms, conference rooms, computer facility rooms, etc.

Invitation to Bid (cont.)

Bidders Initials _____

Page _____

Bidder must return all pages of this bid packet. Each page must be initialed in ink by the bidder. Bidder must place initials in the upper left corner of each page in space provided indicating acceptance of all conditions on that page. Any bid received not complying with this provision shall be rejected by the Division of Administration.

The sealed bid will remain firm for a period of 30 days from date of Bid Opening.

Failure of the successful bidder to return a signed lease with affidavit within ten (10) days after the receipt of the lease and affidavit shall cause the bidder to be determined an unresponsive bidder and to be disqualified as a bidder in accordance with the provisions of LSA-R.S. 39:1601.

The Division of Administration reserves the right to reject any and all bid proposals upon determination in writing that such action is taken in the best interest of the State. Consideration will be given to both bid price and suitability of space for the user agency.

If new space is to be constructed, or if space is to be structurally altered, this must be indicated in the bid proposal; satisfactory evidence of financial responsibility must be attached to the bid proposal; and sketch plans and outline specifications or equivalent representations must be submitted to the Louisiana Office of Rentals and Leases

Further information concerning this request for bid proposals may be obtained from Administrator, Rental and Lease Section, Division of Administration, State of Louisiana, P. O. Box 44095, Baton Rouge, Louisiana 70804, telephone number (504) 342-5835.

E. L. Henry
Commissioner of Administration

Bidders Initials _____

Page _____

BID PROPOSAL

BID OPENING DATE _____ PROPOSAL NO. _____

ADMINISTRATOR: _____ DATE: _____

I, _____, herewith offer to lease to the State of Louisiana, _____, in the City/Parish of _____, Louisiana, office space as described below. My offer includes the following items:

ITEM #1: Usable space of _____ square feet, usable space being as defined in the "Invitation to Bid".

ITEM #2: The Lessor to be responsible for providing janitorial services and supplies and to bear the cost of maintenance of light fixtures on the leased premises and the replacement of bulbs or globes.

LOCATION (Street Address): _____

_____ square feet of the space offered is existing space; _____ square feet of the space offered is to be constructed. If space is to be constructed, or if space is to be structurally altered, evidence of financial responsibility is attached, and sketch plans and outline specifications will be submitted to the Louisiana Office of Rentals and Leases as soon as possible after bid award.

Price of the space offered will be \$ _____ per square foot, per year, for a period of _____ () years, and the Lessor will grant to the Lessee the option to renew the lease from the end of its term for an additional period of _____ () years, on the same terms and conditions as specified in the primary lease.

SIGNATURE _____

ADDRESS _____

NAME (Printed or Typed) _____

CITY & STATE _____

PARTY REPRESENTED _____

TELEPHONE NO. _____

Bidders Initials _____

Page _____

SPECIFICATIONS FOR

LEASE PROPOSAL NO. _____

The lease of office space in a building within the (City, Parish) of _____,
Louisiana, and located _____

for the housing of the _____, State of Louisiana.

The space offered must meet the following specifications:

1. Contain _____ square feet of usable space as defined in the "Invitation to Bid."
2. Be in a state of good repair at bid opening date. A building in such state of disrepair that inadequate building maintenance is evident will not be considered.
3. Comply with all Federal, State and local codes, ordinances, and regulations.
4. STRUCTURAL REQUIREMENTS: Building must meet all current Life Safety Code Standards, subject to the approval of the State Fire Marshal.
5. PARKING: Provide concrete or asphalt off-street parking for _____ vehicles, 300 square feet per vehicle. Parking for the physically handicapped shall be provided, accessible, 12 feet in width and near an entrance to the building.
6. DRIVEWAYS: Concrete or asphalt.

7. USABILITY BY THE PHYSICALLY HANDICAPPED: The building must be accessible to the physically handicapped at habitable grade levels meeting the specifications adopted by the American National Standards Institute in its publication "Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People" in the most current edition. The exceptions to this requirement are those specifically enumerated in R.S. 40:1734 B.
8. HEATING, VENTILATING, AND AIR CONDITIONING:
 - A. Capacity. Air conditioning shall be capable of maintaining a temperature of 78°F. Heating shall be capable of maintaining a temperature of 65°F. Factors considered in determining acceptable standards are those published in the Federal Register, Vol. 44, No. 130.
 - B. Controls. Provide temperature control for multi-zone systems.
 - C. Regulations. Entire HVAC System shall meet recommendations of the latest edition of ASHRAE.
9. WINDOWS: Glazed with SSB type glaze or equivalent with either venetian blinds or drapes. Draperies shall be fire resistant and labeled as such. Draperies or venetian blinds may not be required if window-glazing provides adequate filtering of sunlight.
10. DOORS: Doors shall meet ANSI requirements per the 32" requirement in the ANSI publication referred to in Item #7.

11. ILLUMINATION: Interior illumination shall conform to the Illumination Engineering Society recommended foot-candle values for the various types of facility areas, latest edition.
 - A. Convenience Outlets. Provide one duplex outlet per eight (8) linear feet of interior partition and exterior wall.
 - B. Wall Switches. Provide separate switching for each office and separate space as required by partition arrangement.
12. WATER COOLERS: An electric water cooler shall be installed in an area easily accessible both to the staff, general public, and physically handicapped.
13. REST ROOMS: Two (2) restrooms are required. At least one water closet enclosure in each of the two rest rooms shall meet the following specifications:
 - A. Enclosure 36" width by 60" depth.
 - B. Door width - 32" outward swing door.
 - C. Handrails on each side, 33" high and parallel to the floor, 1½" clearance between the rail and the wall, and securely anchored at ends and the center.
 - D. Equipped with a water closet with the seat 20" from the floor.

14. OTHER COMMON FUNCTION AREA REQUIREMENTS: Contain or be renovatable to the following approximate dimensions:

15. ADMINISTRATIVE AREA REQUIREMENTS:

Room

Rooms

Rooms

Rooms

Rooms

Rooms

Rooms

16. AREAS OF SPECIALIZED FUNCTIONS:

17. TELEPHONES: Have capacity to accommodate _____ telephone lines.

18. SPECIAL EQUIPMENT:

Should the Lessee be unable to obtain possession of the leased premises on _____, whether or not said delay is caused by the Lessor, the Lessee shall be entitled to the remission of rent for such term during which the Lessee is deprived of possession, and to reimbursement for any damages which the Lessee may suffer as a result of said deprivation of possession. In addition, should the Lessee be deprived of possession of the leased premises for a period of more than sixty (60) days then the lease may be cancelled at the option of the Lessee. The lease shall be for a primary term of _____ years; the Lessor to grant to the Lessee an option to renew on the same terms and conditions as specified in the primary lease, provided that the Lessee shall give to Lessor ninety (90) days written notice prior to the expiration date of the primary lease of its election to exercise this option. The option, if exercised shall be for a term of _____ years.

E. L. Henry
Commissioner of Administration

RULE

Office of the Governor Tax Commission

In accordance with the Administrative Procedure Act (R.S. 49:953), the Tax Commission has adopted the following guidelines for the receipt and expenditure of funds to be appropriated by the 1981 Legislature in connection with the implementation of the constitutional mandate in Article VII, Section 18 of the Louisiana Constitution of 1974, relative to the assessment of property for ad valorem property tax purposes.

Of the amount to be made available to and used solely by parish assessors for property reassessment, the assessors shall use the funds they receive in accordance with the following rules and guidelines:

1. Funds shall be allocated to the assessors based upon need after each assessor has submitted a proposal to the Tax Commission setting forth needs and projected expenses.
2. When assessors submit a proposal, consideration shall be given to funds remaining from previous reappraisal period in determining need.
3. After need has been determined, each parish assessor shall receive an amount based upon \$3.00 per assessment listing as contained on the 1980 assessment roll.
4. Payment shall be made by the Tax Commission on a quarterly basis. The first payment shall be made after the assessor submits a statement of the anticipated expenses necessary to complete the reappraisal as referred to in item one. Subsequent payments will be made after the reappraisal program has been in progress for a period of three months, and quarterly thereafter, and verification by the Tax Commission that the allocations have been properly utilized. This may be amended during the quarter if the work is behind or ahead of the assessor's projected schedule in order to assure a smooth flow of work and production.
5. Upon receipt by the assessor, the funds shall be deposited in a separate bank account (i.e., separate and apart from the Assessor's Salary and Expense Fund), to be designated as the "Assessment Fund".
6. Expenditures from the separate Assessment Fund shall be made only in connection with the performance of duties required by Article VII, Section 18 of the Louisiana Constitution of 1974. These funds shall be used in the assembly of data, extensions of value, classification, entry of information and clerical help in the revaluation program. Funds shall not be used to pay those salaries or other expenses normally paid by the Assessor's Salary and Expense Fund for regular employees, nor shall any such funds be used for investment purposes, the purchase of office furniture or automobiles. Upon the approval by the Tax Commission, certain specialized equipment may be purchased.
7. Expenditures from the Assessment Fund shall be accounted for in the same manner as expenditures from the Assessor's Salary and Expense Fund.
8. The assessors shall report to the Tax Commission each quarter, the total amount of expenditures, proof of production and the outstanding balance on a form provided by the Tax Commission.
9. Reimbursements from the Assessment Fund to the Assessor's Salary and Expense Fund for expenses already incurred, and attributable to the assessment procedure, shall reflect the particular item of expense and the specific check number for which reimbursement is made.
10. The funds shall be subject to audit by the Legislative Auditor in the same manner as other public funds.

J. Reginald Coco, Jr.
Chairman

RULE

Department of Health and Human Resources Office of the Secretary

Amendments to the Rate Determination Manual for Non-state Operated Residential Facilities Where Office of Human Development Funds are Used to Care for Children, Youth, and Handicapped Persons

1. Under the Introduction, change the third paragraph to read:
"The determination of appropriate placement for any client in any of these broad categories is made by the placing agency within the Department of Health and Human Resources, and all referrals for placement must originate and/or be approved through the placing agency of the Department before OHD funding will be committed for a particular client. It is the policy of this Department to place clients so as to achieve comparable services for the lowest available cost; thus the Department of Health and Human Resources will in no way guarantee placement to any particular facility. Private facilities from which placement services are purchased retain the right of acceptance or rejection of the clients referred by the Department's supervising agencies with the exception of emergency shelter-care facilities which do not have the right of rejection."

2. Under the Section entitled, "Cost-Related Reimbursement," add No. 5 to read:

"Upward change in the level of care provided."

3. Also, under the Section entitled, "Cost-Related Reimbursement," change the seventh and eighth paragraph to read:

"Such adjustments to the determined rates, if approved by DHHR and the Legislature, would not go into effect until the first day of the succeeding state fiscal year, as mandated by Act 786. These adjustments should be recorded in the regular accounting books. During the initial year, these adjustments must also be recorded separately, and quarterly reports on the utilization of these funds must be submitted to the DHHR Rate Coordinator for the purpose of accountability. If these expenses are not incurred as stated and approved, the facility will be required to reimburse DHHR for the adjustments.

A facility, administrator, board, or other governing body may appeal the rate determined for the facility by submitting, within 30 days of the receipt of the rate determined, specific grievances in writing to the DHHR Rate Coordinator. The decision of the Secretary shall address each specific grievance and be provided in writing to the appealing party within 30 days of the receipt of the written appeal, or shall notify the appealing party of the reasons why a decision cannot be made within that time period.

4. Under the Sub-Section entitled, "General Instructions for Cost Reporting," change No. 3 to read as follows:

"Cost reports will be sent to: DHHR Rate Coordinator, Box 3776, Baton Rouge, LA 70821.

5. Under the Sub-Section entitled, "Clothing and Other Personal Need Cost," change the first and fifth paragraphs to read:

"A. Client's personal wardrobe, when necessary, not to exceed \$450.00 per client annually, including initial and replacement clothing; such items will be the client's personal property which they may take with them upon discharge."

"E. Client's personal allowance must be provided by the facility for all residents. For clients ages 13 and up, \$5.00 per week, and \$2.50 per week for clients below age 13. This allowance is above and beyond work payments.

Emergency care facilities are not required to give an allowance, but allowances are reimbursable under the same requirements as stated above."

6. Under the Sub-Section entitled, "Administrative Cost," delete No. 8 in item "D" and change item "J" to read:

"Attorneys' fees. Only actual and reasonable attorney fees incurred for nonlitigation legal services which are directly related to child care will be allowed."

7. Under the Sub-Section entitled, "In-Kind Contributions," change the first paragraph to read:

"In-kind contributions represent the value of non-cost contributions related to the direct care of clients provided by (1) the facility, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment and value goods and services directly benefiting and specifically identifiable to all clients in the approved program."

8. Under the Sub-Section entitled, "Unallowable Cost for Services Provided," add No. 5 to read:

"5. Fines, penalties, judgments or settlements of any kind."

9. Under the Sub-Section entitled, "Limits of Reimbursement," change No. 4, "Occupancy Limits," to read:

"Those facilities which operate at less than 50 percent capacity will be penalized by using the 50 percent occupancy level. New facilities and/or newly established levels within existing facilities will be allowed one full fiscal year from opening date before the 50 percent occupancy penalty is enforced."

10. Under the definition of "New Facility," delete in its entirety, item "D."

George A. Fischer
Secretary

RULE

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

The following revision to the Air Quality Regulations was approved May 28, 1981 by the Environmental Control Commission. Copies of the revision are available from the Department of Natural Resources, (Natural Resources Building - Sixth Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804.

Revision to Section 22.9.3(a) of the Air Quality Regulations:
In Section 22.9.3(a) delete the last sentence, i.e. the example.

B. Jim Porter
Assistant Secretary
Office of Environmental Affairs

RULE

**Department of The Treasury
Board of Trustees
State Employees Group Benefits Program**

At its meeting of May 27, 1981, the Board of Trustees of the State Employees Group Benefits Program adopted the following new rates for participants in the program with Medicare coverage to become effective July 1, 1981:

Class	Employee Share	State Share	Total Premium Due
Employee Only	\$10.68	10.68	\$21.36
Employee and One Dependent			
One with Medicare	34.74	34.74	69.48
Two with Medicare	29.06	29.06	58.12
Employee and Family			
One with Medicare	45.94	45.94	91.88
Two with Medicare	34.88	34.88	69.76

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902 B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal Associations by Federal Home Loan Bank Board Rules and Regulation 545.6-4a, which was published on page 24148, Volume 46 of the Federal Register dated April 30, 1981.

Proposed Rule

Notwithstanding any limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, State Chartered Savings and Loan Associations are hereby authorized to make, purchase and participate in adjustable mortgage loan instruments authorized Federal Associations by Federal Home Loan Bank Regulation 545.6-4a. For the information and guidance of State Chartered Associations, the Federal Home Loan Bank Board Regulation is outlined below:

I. Adjustable Mortgage Loan Instruments

(a) **Authorization.** (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6-2(a) of this Part may use adjustable mortgage loan instruments as described in this Section. (2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in § 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, participate, or otherwise deal in adjustable mortgage loans, or to directly or indirectly restrict such ability or right.

(b) **Description.** (1) An adjustable mortgage loan is a loan that permits adjustment of the interest rate. Adjustments to the interest rate may be implemented through changes in the payment amount and/or through adjustments to the outstanding principal loan balance or the loan term, provided that the total loan term may not exceed 40 years, and shall reflect the movement of one of the indices authorized by paragraph (c) of this Section. (2) Adjustments to the principal loan balance are permissible only if the initial

payment amount is sufficient to fully amortize the loan and if the payment amount is adjusted at least every five years to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan. (3) For purposes of determining compliance with the loan-to-value limitations set out in § 545.6-2(a) of this Part, the Board will assume continued compliance where the original loan-to-value ratio met the requirements of § 545.6-2(a). (4) Prepayment in full or in part of the outstanding principal loan balance may be made without penalty at any time.

(c) **Index.** (1) Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of an index authorized by subparagraph (2) of this paragraph, subject to such rate-adjustment limitations, if any, as an association may provide. The amount of a rate adjustment shall reflect the difference between the initial index value and either the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or the index value most recently available as of the date of notification of a payment adjustment. Where the movement of the index permits an interest-rate increase, the association may decline to increase the interest rate by the indicated amount, and the association may decrease the interest rate at any time.

(2) For the purpose of adjusting the interest rate, an association may use any interest-rate index that is readily verifiable by the borrower and is beyond the control of the association. An association may use:

(i) The national average mortgage contract rate for major lenders on the purchase of previously-occupied homes, as computed monthly by the Board, published in the Board's *Journal*, and made available in news releases;

(ii) The average cost of funds to FSLIC-insured savings and loan associations, either for all Federal Home Loan Bank Districts or for a particular District or Districts, as computed semi-annually by the Board, published in the Board's *Journal*, and made available in news releases;

(iii) The monthly average of weekly auction rates on United States Treasury bills with a maturity of three months or six months, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month;

(iv) The monthly average yield on United States Treasury Securities adjusted to a constant maturity of one, two, three, or five years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release B.13(415) during the first week of each month; or

(v) Any other interest-rate index that meets the requirements of this subparagraph (c) (2).

(d) **Costs or fees.** The borrower may not be charged any costs or fees in connection with regularly-scheduled adjustments to the interest rate, the payment, the outstanding principal loan balance, or the loan term.

(e) **Notice to borrower of payment adjustment.** At least 30 but not more than 45 days before adjustment of the payment, the association shall send written notification to the borrower containing the following information:

(1) The fact that the payment on the loan with the association, secured by a mortgage or deed of trust on property located at the appropriate address, is scheduled to be adjusted on a particular date;

(2) The outstanding balance of the loan on the adjustment date, assuming timely payment of the remaining payments due by that date;

(3) The interest rate on the loan as of the adjustment date, the index value on which that rate is based, the period of time for

which that interest rate will be in effect, the next following payment adjustment date, and the rate adjustment dates, if any, between the upcoming payment adjustment date and the next following payment adjustment date;

(4) The payment amount as of the payment adjustment date;

(5) The date(s), if any, on which the rate was adjusted since the last payment adjustment, the rates on each such rate adjustment date, and the index values corresponding to each such date;

(6) The dates, if any, on which the outstanding principal loan balance was adjusted since the last payment adjustment, and the net change in the outstanding principal loan balance since the last payment adjustment;

(7) The fact that the borrower may pay off the entire loan or a part of it without penalty at any time; and

(8) The title and telephone number of an association employee who can answer questions about the notice.

(f) **Disclosure.** An applicant must be given, at the time of receipt of an application, or upon request, a disclosure notice in the following form:

IMPORTANT INFORMATION ABOUT THE ADJUSTABLE MORTGAGE LOAN - PLEASE READ CAREFULLY

You have received an application form for an adjustable mortgage loan ("AML"). The AML may differ from other mortgages with which you are familiar.

GENERAL DESCRIPTION OF ADJUSTABLE MORTGAGE LOAN

The adjustable mortgage loan is a flexible loan instrument. Its interest rate may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Federal regulations place no limit on the amount by which the interest rate may be adjusted either at any one time or over the life of the loan, or on the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). This does not mean that the particular loan agreement you sign must, by law, permit unlimited interest rate changes. It merely means that, if you desire to have certain rate adjustment limitations placed in your loan agreement, that is a matter you should negotiate with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on AMLs to compare the terms and conditions.

Another flexible feature of the AML is that the regular payment amount may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, Federal regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate such terms with the lender.

A third flexible feature of the AML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when, because of adjustments to the interest rate, the payment amount is either too small to cover interest due on the loan, or larger than is necessary to pay off the loan over the remaining term of the loan.

The final flexible feature of the AML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is

extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.

The combination of these four basic features allows an association to offer a variety of mortgage loans. For example, one type of loan could permit rate adjustments with corresponding changes in the payment amount. Alternatively, a loan could permit rate adjustments to occur more frequently than payment adjustments, limit the amount by which the payment could be adjusted, and/or provide for corresponding adjustments to the principal loan balance.

INDEX

Adjustments to the interest rate of an AML must correspond directly to the movement of an index, subject to such rate-adjustment limitations as may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although taking such an increase is optional by the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

(Name and description of index to be used for applicant's loan, initial index value (if known) or date of initial index value, a source or sources where the index may be readily obtained by the borrower, and the high and low index rates during the previous calendar year.)

Key terms of _____ Federal Savings and Loan Association's adjustable mortgage loan

Following is a summary of the basic terms on the type of AML to be offered to you. This summary is intended for reference purposes only. Important information relating specifically to your loan will be contained in the loan agreement.

(Provide summary of basic terms of the loan, including the loan term, the frequency of rate changes, the frequency of payment changes, the maximum rate change, if any, at one time, the maximum rate change, if any, over the life of the loan, the maximum payment change, if any, at one time, minimum increments, if any, of rate changes, and whether there will be adjustments to the principal loan balance, in the following format:

- Loan Term
- Frequency of rate changes
- Frequency of payment changes

HOW YOUR ADJUSTABLE MORTGAGE LOAN WOULD WORK

Initial interest rate

The initial interest rate offered by _____ Federal Savings and Loan Association on your AML will be established and disclosed to you on (commitment date, etc.) based on market conditions at the time.

(Insert a short description of each of the key terms of the type of AML to be offered to the borrower, using headings where appropriate.)

Notice of payment adjustments

_____ Federal Savings and Loan Association will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. (Describe what information the notice will contain.)

Prepayment penalty

You may prepay an AML in whole or in part *without penalty at any time* during the term of the loan.

Fees

You will be charged fees by _____ Federal Savings and Loan Association and by other persons in connection with the origination of your AML. The association will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly-scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan term initiated by the lender.

EXAMPLE OF OPERATION OF YOUR TYPE OF AML

(Set out an example of the operation of the type of AML to be offered to the borrower, including, where appropriate, the use of the table)

(g) Transition period. Until July 31, 1981, associations may continue to make, purchase, participate or otherwise deal in variable-rate mortgage loans pursuant to § 545.6-4(c) of this Part or in renegotiable rate mortgage loans pursuant to § 545.6-4(a) of this Part, as those Sections were constituted prior to April 30, 1981.

II. Rescission

(a) This rule rescinds rules published in Volume 6, Number 12, *Louisiana Register*, dated December 20, 1980 and Volume 7, Number 4, *Louisiana Register*, dated April 20, 1981, pertaining to Renegotiable Rate Mortgages (RRM's), effective July 31, 1981.

(b) Until July 31, 1981, State Chartered Savings and Loan Associations may continue to make, purchase, participate or otherwise deal in Renegotiable Rate Mortgages as outlined in the rules referred to in Section II (a) above.

Interested persons may submit written comments on the proposed rule through July 5, 1981, 4:30 p.m., to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095-Capitol Station, Baton Rouge, Louisiana 70804.

Mr. Wagner is the person responsible for responding to inquiries about the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

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

Rule Title: Adjustable Mortgage Loan Instruments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The implementation of this rule will not increase or decrease the operating budget of this office in any manner.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The adoption of this rule should allow state chartered savings and loan associations to make more residential loans thereby stimulating the industry which in turn would increase our revenue which is calculated on the size of the institution.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The interest rates permitted on an adjustable mortgage loan (AML) is pegged to some national index the lender is unable to control and is readily verifiable by the borrower. Adjustments to the interest rate must be based upon the movement of the index after due notice to the borrower. Increases in rates could result in an increase in the borrower's payment, or extend the term of the loan, or negatively amortize the interest or com-

mination of the above. This rule should encourage S and L's to make home loans remain profitable during periods of time when the cost of funds and interest rates are extremely volatile.

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

This rule enables state chartered S and L's to operate on an equal parity basis with federal S and L's. There should be no effect on industry employment, but could increase building starts and stimulate that industry.

Hunter O. Wagner, Jr.
Commissioner of
Financial Institutions

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions

The Commissioner of Financial Institutions hereby issues the following intent of a change in the Rule which contains instructions for completing an application for permission to establish a new State-chartered bank or a branch office by an existing State-chartered bank.

The following entire paragraph, under the General Provisions section, is to be eliminated:

"Evidence of publication in an area news media must be furnished the Commissioner prior to the acceptance of the application. Upon receiving proof of publication, and after the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing."

The following corrected paragraph is to replace the original paragraph stated above:

"After the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing. Evidence of proof of publication in an area news media must be furnished the Commissioner after acceptance and prior to the investigation of the application."

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., July 6, at the following address: Mr. Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Applications for new banks
and bank branches

- 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)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

- 1. Amend Bulletin 1525 to remove all references to categories (probationary or permanent) and provide that any certified and/or professional employee shall be evaluated annually for three years and, thereafter, at least triennially or as the need dictates or arises, provided, however, that whenever an employee is promoted, the process shall begin anew.
- 2. Proposed Revisions of Act 754 Regulations.
- 3. Amend Policy 3.01.84 to read as follows:
"Textbooks shall not promote discrimination on the basis of sex, race, color, creed, national origin, or against the handicapped."
- 4. The Board adopted as policy, "A document is considered to be "filed" on the date it is received in the offices of the State Board."
- 5. Amend Bulletin 746 to include certification requirements for teachers of preschool handicapped as follows:

a. For institutions offering graduate programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a six semester hour graduate level practicum to be accepted in lieu of the twelve semester hour student teaching requirement specified for the undergraduate program, provided that students in the graduate program are degreed teachers and have had student teaching. For persons in the program who do not hold kindergarten certification, an additional three hour kindergarten practicum shall be required.

b. For institutions offering graduate level programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a two hour nutrition course in lieu of the three semester hours of nutrition required in the undergraduate program.

6. The Board approved the Proposed Implementation Guidelines for Training in the Standards for Evaluation of Educational Programs, Projects and Materials with the exclusion of the "exit exercise" and with the proviso that the wording "printed certificate" on Page 5 be amended to read "ancillary certificate". The Board directed the Board staff to delete Rule 4.01.70 from the Policy and Procedure Manual.

7. Amend Bulletin 741, Page 73, Item 14, with the proposed new policy to read: "The maximum enrollment allowed in any class or section in grades K-3 is 30 students and in grades 4-12, 33 students, except in certain activity type classes such as physical education, music, art, etc. It is recommended that this policy become effective with the 1982-83 school year."

8. The Board approved the Home Study Guidelines as presented by the State Department of Education.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m. July 6, 1981, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1525

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- 80-81 \$500.00
- 81-82 \$4,250.00
- 82.83 \$500.00

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

Rule Title: Evaluation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The anticipated cost to the Department of Education for implementing the proposed rule is \$20,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The proposed rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The only costs to affected groups are one-time-only expenses incurred for the required training in the interpretation and application of the *Standards for Evaluations of Educational Programs, Projects and Materials*. The major benefit is certification of program evaluators which will provide assurance to employing state and local boards of education that potential evaluators have met minimum education, experience and training requirements.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Adoption of the proposed rule will effect competition and employment among educational evaluators to the extent that programs, projects and materials approved by the BESE which have evaluation requirements must be evaluated by an evaluator with a valid Louisiana certificate. The rule does not threaten the employment of currently employed or contracted evaluators who will be certified upon recommendation of the state or a local superintendent and successful completion of the required training. And, the rule does not impose additional evaluation requirements on educational programs, projects or materials in Louisiana.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Bulletin 741

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The proposed amendment will cost approximately \$700.00 to the Department of Education for printing 3,000 copies of page 71 for Bulletin 741.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The proposed amendment will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The Superintendents' Association has indicated that no additional funds will be required by local school systems to implement this policy, however, school superintendents feel strongly that at least one year is necessary to gear up for implementation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The rule would provide for the employment of additional teachers if necessary to meet the reduction for maximum class size.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Home Study Guidelines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation of costs (savings) to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
All reasonable costs directly attributable to the home study program shall be borne by the parents.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is assumed that with the implementation of the home study program several parents will take advantage of the option to educate their children at home if they are dissatisfied with local school conditions. Some certified teachers may choose to become tutors rather than work in adverse school situations.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Educational Employees Professional Improvement
Program**

Notice is hereby given that the State Committee for the Louisiana Educational Employees Professional Improvement Program intends to adopt at its July 6, 1981 meeting Bulletin 1619 which contains the guidelines and the criteria for the implementation and the administration of this program. This document is in accordance with the mandates of Act 207 of the 1980 Regular Session.

The State Committee for the Louisiana Educational Employees Professional Improvement Program will accept written comments until 4:30 p.m., July 6, 1981 at the following address: State Department of Education, Box 44064, Baton Rouge, Louisiana 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1619**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
In order to implement the Professional Improvement Program, a budget of approximately \$65,000,000.00 will be needed to provide for full funding. Of this amount, approximately \$64,500,000.00 will be needed to provide for the salary increments, which are figured upon an average of \$2,000.00 per participant (over 32,000 educators have applied for the program). The remaining \$500,000.00 will be used for the administration of the program; this figure includes expenses for clerical and professional personnel, for equipment, for printing and postage, and for personal ex-

penses incurred by both the State Committee and all local committees who administer the program.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No impact.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The benefits to educators who participate in the Professional Improvement Program and who successfully complete a year's program include a salary increase of from \$1,100 to \$3,700; in addition, educators stand to gain added professional growth as well as advanced degrees by participating. As far as costs are concerned for participants, there will be slight fees assessed for most of the inservice projects included in the program. In the academic area, participants may utilize Act 379, the Tuition Exemption Program, for Louisiana institutions of higher education. For academic pursuits at other such institutions, participants must pay the tuition rates for said colleges and universities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is assumed that with the implementation of the Professional Improvement Program that many educators will remain in the profession longer with the incentive of salary inducement that increases with added tenure. Also, it is readily assumed that with such a program more young people will be attracted to the education profession, thus making competition for positions more stringent.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that it intends to consider for adoption an increase in student fees for Southern University at Shreveport-Bossier City at its meeting on July 25, 1981 at 10:00 a.m. in the Science Lecture Room on the Southern University at Shreveport-Bossier City Campus, 3050 Cooper Road, Shreveport, Louisiana.

The proposed increases include an assessment of \$8.00 per semester and \$4.00 per Summer Session to cover the costs of services, operations and activities in the Student Center and an increase of \$2.75 per semester in the assessment of the Yearbook.

A copy of the proposed increases may be reviewed at the Office of the Board of Supervisors, Administration Building, Southern University at Baton Rouge. The Office of the Board will be open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

The Board of Supervisors of Southern University shall accept written comments until 5:00 p.m. July 6, 1981 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10870, Baton Rouge, Louisiana 70813.

Jesse N. Stone, Jr.
President, Southern University System

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Yearbook Assessment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No implementation cost or savings are involved.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The rule will become effective in 1981-82. It is anticipated that income for production of the yearbook will increase by \$4,180 in 1981-82 and \$4,400 in 1982-83.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Students will be affected by having to pay an additional \$2.75 per semester. No other persons or groups are affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Student Center Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No implementation cost or savings are involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The rule will become effective as of the Fall Semester 1981. It is expected that income from the assessment will be \$12,160 in 1981-82 and \$14,800 in 1982-83.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Students will be affected by having to pay an additional \$8.00 per semester and \$4.00 in the Summer Session.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT Office of the Governor Office of Elderly Affairs

The Office of the Governor proposes to adopt rules and regulations which amend the Older Americans Act of 1965. These rules are being enacted under the authority granted to the Governor by the Department of Health and Human Services, Administration on Aging, in Public Law 95-478.

The rules and regulations are being enacted pursuant to the requirements of the Administrative Procedure Act of Louisiana as amended.

The following is an excerpt from the complete text of the proposed rules of the Office of Elderly Affairs.

Section 1000 Hearing Procedures Section 1001 General Hearing Provisions

The Governor's Office of Elderly Affairs proposes to adopt Rules to be codified which establish procedures for hearings pursuant to the federal regulations applicable to grants for state and community programs on aging.

1001.1 Purpose

The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing to area agencies on aging, applicants for designation as a planning and service area, nutrition projects, and service providers when particular types of action have been taken or proposed.

1001.2 Definitions

(A) **Act**-is the Older Americans Act (42 United States Code Section 3001 et. seq).

(B) **Area agency**-is the agency designated by Governor's Office of Elderly Affairs in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

(C) **Area plan**-is the document submitted by an area agency to the Governor's Office of Elderly Affairs in order to receive grants or contracts from the Governor's Office of Elderly Affairs.

(D) **Advisory Board**-is the nine member board appointed by the governor to advise the work of the Governor's Office of Elderly Affairs.

(E) **Chairman**-is the presiding officer of the board, appointed by the governor.

(F) **Commissioner**-is the commissioner on aging of the Administration on Aging, Office of Human Development Services, U.S. Department of Health and Human Services.

(G) **Governor's Office of Elderly Affairs**-is the single state agency designated to develop and administer the state plan and be the focal point on aging in the State of Louisiana.

(H) **Director**-is the Director of the Governor's Office of Elderly Affairs.

(I) **Contract**-is an award of financial assistance by the Governor's Office of Elderly Affairs to an eligible recipient.

(J) **Hearing examiner**-is an impartial person designated to preside at the hearing and render a proposed final decision.

(K) **Interested person**-is any person who has a justifiable and clearly identifiable interest in the decision being appealed.

(L) **Party**-is any petitioner and the area agency or the Governor's Office of Elderly Affairs which proposed or decided the action being appealed.

(M) **Petitioner**-is any person who has a right to a hearing under these rules and has filed a written request for a hearing.

(N) **Person**-is an individual, partnership, corporation, association, governmental agency or subdivision, or public or private organization of any character.

(O) **Planning and service area**-is a geographic area of the state that is designated by the Governor for purpose of planning, development, delivery, and overall administration of services under an area plan.

(P) **Service provider**-is an entity that is awarded a contract from an area agency to provide services under the area plan.

(Q) **State agency**-is the single state agency designated to develop and administer the state plan and to be the focal point on aging in the state.

1001.2 General Procedures for Hearing

(A) Decisions unresolved on effective date of these rules. These rules shall be applicable to all cases involving actions in which the petitioner has filed a request for hearing within 30 days of the receipt of the notice of such action, and a hearing has not yet been held or informal disposition or arrangements made as specified in Subsection (D) of this rule.

(B) Computation of time. In computing any record of time prescribed by these rules, or by any applicable statute, the period shall begin on the day after the event or act cited in the rule or statute and conclude on the last day of the computed period, unless the last day be a Saturday, Sunday, or a legal holiday, in which case the period concludes on the next day which is neither a Saturday, Sunday nor a legal holiday.

(C) Representation of petitioner. Any party may be assisted by an attorney at law authorized to practice law before the Supreme Court of the State of Louisiana. Any party may appear

personally by an employee or officer, or other person authorized by the party to represent the party.

(D) Informal disposition. Informal disposition or arrangements may be made of any matters under these rules by written agreement between petitioner and the area agency or the Governor's Office of Elderly Affairs proposing or deciding the action that resolves the issues(s) that lead to the hearing.

1001.3 Incorporation of Administrative Procedure Act.

There is hereby incorporated as a part of these rules, to the extent same be applicable and pertinent, the provisions of La. R.S. 49:951 et seq., the Louisiana Administrative Procedure Act, as amended.

Section 1001.2 Hearing Procedures for Area Agencies

1002.1 Purpose

The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing to area agencies on aging when particular types of action have been taken or are proposed.

1002.2 Right to a Hearing

An area agency has a right to a hearing under these rules when the Governor's Office of Elderly Affairs proposes to:

- (1) Disapprove an area plan or plan amendment; or
- (2) Withdraw an area agency's designation as provided in

45 CFR §1321.85.

1002.3 Notice of Proposed Action

(A) The Governor's Office of Elderly Affairs shall issue a written notice to the area agency which shall include:

- (1) A statement of the proposed action;
- (2) A short and plain statement of the reasons for the proposed action and the evidence on which the proposed action is based;

(3) A reference to the particular sections of statutes, regulations, and rules involved; and

(4) A notice shall be sent by registered or certified mail, return receipt requested.

1002.4 Return for Hearing

(A) The request for hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the proposed action.

(B) A request for hearing must be in writing and must state with specificity the grounds upon which the proposed action is appealed and all grounds upon which petitioner refutes the basis of the proposed action. The request must include:

- (1) The dates of all relevant actions;
- (2) The names of individuals or organizations involved in the proposed action;

(3) A specific statement of any section of the Act or regulations believed to have been violated; and

(4) A certified copy of the minutes or resolution in which petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum of the governing body of the agency or organization.

1002.5 Notice of Hearing

(A) Upon receipt of a request for hearing the Director shall, within 10 days, set a date for the hearing.

(B) The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner and interested persons which shall include:

- (1) A statement of time, date, and location of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular sections of statutes, regulations, and rules involved; and

(4) A short and plain statement of the reasons for the proposed action that is being appealed and the evidence on which

the proposed action is based.

(C) Petitioner and other parties shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

1002.6 Hearing Examiner

The Director or his designated representative shall be the hearing examiner and preside at the hearing subject to the provisions of La. R.S. 49:960. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by the Governor's Office of Elderly Affairs or petitioner.

1002.7 Rules of Evidence

(A) In hearings under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objection to evidentiary offers may be made and shall be noted in the record.

(B) Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

(C) If a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

(D) Either party may conduct cross-examination required for a full and true disclosure of the facts.

(E) Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the Governor's Office of Elderly Affairs specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Governor's Office of Elderly Affairs and its staff may be utilized in evaluating the evidence.

(F) Formal exceptions to ruling of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

1002.8 Ex Parte Consultations

Communications between the hearing examiner, and any party or interested person or their representatives shall be governed by La. R.S. 49:960.

1002.9 Depositions and Subpoena

The taking and use of depositions, the issuance of subpoenas shall be governed by La. R.S. 49:956 (5)-(8).

1002.10 Hearing

(A) Petitioner shall open and present its evidence to establish its position on the matters involved. Interested persons shall follow and present their evidence; then the Governor's Office of

Elderly Affairs shall present its evidence. Petitioner may thereafter present rebuttal evidence only, such evidence to be confined to issues raised in petitioner's opening presentation and Governor's Office of Elderly Affairs following presentation or that of others. Petitioner shall be given the opportunity to offer final argument, but with no additional presentation of evidence.

(B) The hearing shall be completed within 120 days of the date the request for hearing was received.

1002.11 Transcript

The proceedings of the hearing shall be transcribed on request of any party or person. The cost of transcription will be borne by the person requesting the transcript, unless otherwise provided by law. The Governor's Office of Elderly Affairs may require a deposit in the form of a certified check or cashier's check in an amount reasonably determined by the Governor's Office of Elderly Affairs to be adequate to cover all costs of transcription. In the event that transcription is not requested, the Governor's Office of Elderly Affairs, at its option, may produce a summary record of the proceedings of the hearing; provided that if such a summary record is produced by Governor's Office of Elderly Affairs, it shall provide the area agency with notice of the fact that such summary record was prepared and with the opportunity to copy or inspect same.

1002.12 Final Decision

(A) All final decisions shall be in writing and shall be rendered and acted upon by the Director within 60 days of the close of the hearing. The area agency shall comply with the final decision. A copy of the decision shall be sent immediately to the parties by registered or certified mail, return receipt requested.

(B) Procedures for rehearing and appeal shall be governed by La.R.S. 49:959 and 965.

1002.13 Record

The record in a hearing under these rules includes:

(1) All pleadings, motions, and intermediate rulings;

(2) Evidence received or considered, or a resume thereof if not transcribed, except matters so obvious that a statement of them would serve no useful purpose.

(3) A statement of matters officially noticed;

(4) Offers of proof, objections and rulings on them;

(5) Proposed findings and exceptions; and

(6) Any decision, opinion, or report by the hearing examiner presiding at the hearing.

1003 Hearing Procedures for Applicants for Planning and Service Area Designation

1003.1 Purpose

The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing when any applicant for designation as a planning and service area is denied by the Governor's Office of Elderly Affairs.

1003.2 Right to a Hearing

Any applicant for designation as a planning and service area pursuant to 45 CFR §1321.53 whose application is denied has a right to a hearing to appeal such denial.

1003.3 Request for Hearing

(A) The request for a hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the adverse decision.

(B) A request for hearing must be in writing and must state with specificity the grounds upon which the Governor's Office of Elderly Affairs decision is appealed and all grounds upon which petitioner refutes the basis of the adverse decision. The request must include:

(1) The dates of all relevant actions;

(2) The names of individuals or organizations involved in the action;

(3) A specific statement of any section of the Act or regulations believed to have been violated; and

(4) A certified copy of the minutes or resolution in which the applicant's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of a quorum of the governing body of the agency or organization.

1003.4 Notice of Hearing

(A) Upon receipt of a request for hearing, the Director shall, within 10 days, set a date for the hearing.

(B) The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner, which shall include:

(1) A statement of time, date location, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular section of statutes, regulations, and rules involved; and

(4) A short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

(C) If the Governor's Office of Elderly Affairs is unable to state in detail the evidence and reasons for the decision at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

(D) Petitioner shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

1003.5 Hearing Examiner

The Director or his designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of La.R.S. 49:960. The hearing examiner shall conduct the hearing in an orderly fashion and in accordance with the procedures outlined herein. It is the responsibility of the hearing examiner to fully consider information relevant to the complaint and to draft a fair proposal decision based on such information.

1003.6 Rules of Evidence

The rules of evidence for hearings held under §1003 shall be as provided in §1002.7.

1003.7 Ex Parte Consultations

Communications between the hearing examiner and any party or interested person or their representatives shall be governed by La.R.S. 49:960, the Louisiana Administrative Procedure Act.

1003.8 Depositions and Subpoenas

The taking and use of depositions, and the issuance of subpoenas shall be governed by La.R.S. 49:956 (5)-(8) of the Louisiana Administrative Procedure Act.

1003.9 Hearing

The procedure to be followed for hearings held under §1003 shall be as provided in §1002.10.

1003.10 Transcript

The rules governing transcripts for hearings held under §1003 shall be as provided in §1002.11.

1003.11 Final Decision

All final decisions shall be in writing and shall be rendered and acted upon by the Director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested.

1003.12 Rehearing

Procedures for rehearings shall be governed by La.R.S. 49:959.

1003.13 Record

The record in a hearing under these rules shall consist of the materials listed in §1002.13.

1003.14 Appeal to Commissioner

Any petitioner whose appeal is denied by the Governor's Office of Elderly Affairs may appeal to the commissioner. Such appeal shall be governed by the procedures outlined in 45 CFR §1321.55.

1004. Hearing Procedures for Nutrition Projects

1004.1 Purpose

The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing when any nutrition project that was receiving funds under the former Title VII, Older Americans Act of 1965, as amended, (42 United States Code §3001, et. seq.) is proposed for defunding by an area agency.

1004.2 Right to a Hearing

A nutrition project that was receiving funds under the former Title VII of the Act on September 30, 1978, has right to a hearing under these rules when an area agency or the Governor's Office of Elderly Affairs proposes to defund it, as stated in 45 CFR 1321.143(b) (1).

1004.3 Notice of Proposed Action

(A) The area agency shall issue a written notice to the nutrition project which shall include:

(1) A statement of the proposed action;

(2) A short and plain statement of the reasons for the proposed action and the evidence on which the proposed action is based;

(3) A reference to the particular sections of statutes, regulations, and rules involved; and

(4) A notice of the right to request a hearing.

(B) Notice shall be sent by registered or certified mail, return receipt requested.

(C) The area agency shall submit a copy of such notice to the Governor's Office of Elderly Affairs when such notice is issued to the nutrition project.

1004.4 Request for Hearing

(A) The request for hearing must be received by Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the adverse action.

(B) A request for hearing must be in writing to the Governor's Office of Elderly Affairs and must state with specificity the grounds upon which the proposed action is appealed and all grounds upon which petitioner refutes the basis of the proposed action. The request must include:

(1) The dates of all relevant actions;

(2) The names of individuals or organizations involved in the proposed action;

(3) A specific statement of any Section of the Act or regulations believed to have been violated; and

(4) A certified copy of the minutes or resolution in which the petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum of the governing body of the agency or organization.

1004.5 Notice of Hearing

(a) Upon receipt of a request for a hearing, the Director shall, within 10 days, set a date for the hearing.

(B) The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner, area agency, and interested persons which shall include:

(1) A statement of time, date, and location of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of statutes, regulations, and rules involved; and

(4) A short and plain statement of the reasons for the proposed action that is being appealed and the evidence on which the proposed action is based.

(C) Petitioner and the agency shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

1004.6 Hearing Examiner

The Director or his designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of La R.S. 49:960. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by area agency or petitioner.

1004.7 Rules of Evidence

The rules of evidence for hearings under §1003 shall be as provided in §1002.7.

1004.8 Ex Parte Consultations

Communications between the hearing examiner assigned to render a decision or to make findings of fact and conclusions of law in a contested case, and any party or interested person or their representative shall be governed by La. R.S. 49:960.

1004.9 Depositions and Subpoenas

The taking and use of depositions, and the issuance of subpoenas shall be governed by La.R.S. 49:956 (5)-(8).

1004.10 Hearing

The procedure to be followed for hearings under §1004 shall be as provided in §1002.10.

1004.11 Transcript

The rules governing transcripts for hearings held under §1004 shall be as provided in §1002.11.

1004.12 Final Decision

(A) All final decisions shall be in writing and shall be rendered and acted upon by the Director within 60 days of the close of the hearing. The area agency shall comply with the final decision. A copy of the decision shall be immediately sent to the area agency and nutrition project by registered or certified mail, return receipt requested.

(B) Procedures for rehearing and appeal shall be governed by La. R.S. 49:959.

1004.13 Record

The record in a hearing under these rules shall consist of the material listed in §1002.13.

1005 Hearing Procedures for Service Providers and Applicants

1005.1 Purpose

The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing to service providers or applicants to provide services whose applications under an area plan is denied or whose contract is terminated or not renewed.

1005.2 Right to Hearing

Any service provider or applicant to provide services whose application under an area plan is denied or whose contract is terminated or not renewed, except as provided in 45 CFR Part 74, Subpart M, has a right to a hearing on such action.

1005.3 Request for Hearing

(A) A petitioner must request the hearing from both the area agency and the Governor's Office of Elderly Affairs within 30 days after it receives the area agency's action letter.

(B) The request for the hearing must be in writing and must state with specificity all grounds upon which petitioner refutes the basis of the action. The notice must also include:

- (1) A copy of the area agency's action letter;
- (2) The dates of all relevant actions;

(3) The names of individuals and organizations involved in the action appealed from;

(4) A citation to any provision of the Act or accompanying regulations believed to have been violated by the area agency in taking the action appealed from; and

(5) A certified copy of the resolution by which, or of the minutes of the meeting at which, the petitioner's governing body authorized the appeal and designation of one or more persons to represent it during the appeal, both by majority vote of quorum of the governing body.

1005.4 Informal Disposition

(A) On receipt of a request for a hearing, the area agency and petitioner shall attempt to informally resolve the dispute that is the subject of the hearing in accordance with procedures developed by the area agency.

(B) At this time, if it has not already done so, the area agency at petitioner's request and expense, shall furnish petitioner with copies of:

- (1) Its current area plan;
- (2) The minutes of the meeting of the area agency's governing body at which the subject action was considered and taken;
- (3) The minutes of the meeting of the area agency's advisory council at which the subject action was considered and recommended;
- (4) Area agency memoranda, staff reports, and evaluations relevant to the action appealed from;
- (5) The criteria used in awarding the contract involved in the hearing; and
- (6) The petitioner's application for the contract involved in the hearing.

(C) If the area agency and petitioner resolve their dispute, they shall jointly notify the Governor's Office of Elderly Affairs of this fact in writing, within five days of such resolution.

(D) If the dispute cannot be resolved informally, the area agency shall notify the Governor's Office of Elderly Affairs of this fact in writing within 15 days after it receives the request for a hearing.

1005.5 Submission of Hearing

(A) At the same time it notifies the Governor's Office of Elderly Affairs that the dispute cannot be informally resolved, the area agency shall furnish the Governor's Office of Elderly Affairs with copies of all documents (except the area plan) described in Section 1005.3(B) of this rule, together with a concise statement identifying each remaining disputed issue. The area agency at this time may also respond in writing to the petitioner's hearing request. The area agency shall furnish a copy of its issue statement and response, if any, to the petitioner.

(B) Within 10 days after receiving the issue statement and any response from the area agency, the petitioner may reply to either or both in writing, furnishing a copy to the area agency.

(C) Unless the Director of the Governor's Office of Elderly Affairs requests it or schedules an evidentiary hearing under Section 1005.6, no additional evidence may be admitted on the hearing.

1005.6 Evidentiary Hearing

(A) If the Director determines that a hearing involves a dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Director may schedule a hearing to take testimony by notifying all parties of the date, place, and time of the hearing by registered or certified mail, return receipt requested.

(B) The Director may appoint an impartial hearing examiner to preside at the hearing or may serve as the hearing examiner himself. The hearing examiner has the powers described in Section 1002.6.

(C) The rules of evidence described in Section 1002.7 apply to an evidentiary hearing under this Section.

(D) The hearing examiner shall make a record of the evidentiary hearing in accordance with Section 1002.13.

(E) The rules pertaining to evidence, ex parte consultations, depositions, hearings, and transcript shall be as provided in §1002.7, 1002.8, 1002.9, 1002.10, and 1002.11, respectively. 1005.7 Final Decision

(A) The Director shall decide all hearings under this rule but may delegate to a Governor's Office of Elderly Affairs employee the responsibility for making an initial review and recommending a decision.

(B) The Director shall decide the hearing solely on the basis of the record. The Director shall not substitute his judgment for that of the area agency as to the weight of the evidence on matters committed to the area agency's discretion. The Director shall affirm the action heard unless it is unlawful, arbitrary, or not reasonably supported by substantial evidence in the record.

(C) The Director shall render a final decision on the hearing in writing within 120 days after receipt of the notice of appeal. The Director shall send a copy of the final decision to each party by registered or certified mail, return receipt requested, within three days after it is rendered.

1005.8 Rehearing

Procedures for rehearing and appeal shall be governed by La. R.S. 49:959 and 965.

1005.9 Record

The record for the hearing under this rule shall consist of the material listed in §1002.13.

Interested persons may examine the complete text of the proposed rules or submit comments to: Mr. Larry Kinlaw, Director, Governor's Office of Elderly Affairs, 530 Lakeland Drive, Baton Rouge, Louisiana 70804, Phone: 342-2743. Written comments may be submitted until 4:30 p.m., July 31, 1981 to the above address. Mr. Kinlaw is the person responsible for responding to inquiries about the proposed rules.

Larry Kinlaw, Director
Office of Elderly Affairs

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Notice of Intent Policy Manual

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The publication of these policies will no affect implementation costs for programs administered by the Office of Elderly Affairs. These policies or similar policies have been in effect for a number of years and are being published to comply with State and Federal requirements.
- 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 are no monetary costs or benefits to affected groups. The purpose of these policies is to ensure the availability of consistent policies and procedures to local organizations who plan, coordinate and deliver services to the elderly statewide.

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

There will be no effect on competition and employment.

Larry Kinlaw
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

The State Board of Examiners for Nursing Home Administrators proposes the following change in its rules and regulations:

The number of hours of Continuing Education required each year for licensees will be reduced from 20 to 15.

Interested persons may comment in writing on the proposed change through July 6, 1981, at the following address: State Board of Examiners for Nursing Home Administrators, 3535 Government Street, Suite D, Baton Rouge, La. 70806.

Winborn E. Davis
Executive Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no cost and no savings for the Board in implementing this change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No additional costs will accrue to licensed NHA's sponsoring organizations, or instructors. All will save time and energy and be a part of shorter, more beneficial training sessions.
- V. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Winborn E. Davis,
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a rule to implement the Low Income Energy Assistance Program to assist low income households with the high cost of energy.

Eligible households are those with liquid assets such as cash on hand, checking and savings accounts, stock, bonds and credit shares, valued at \$1,500 or less for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not be more than \$276 for a single person household and \$451 for a multi-person household. Eligible households shall be paying for a cooling utility or paying rent which includes an

unspecified amount for utilities and shall not be a resident of Low Rent Public Housing or Section 8 Public Housing. Finally, persons under the age of 60 who apply for cooling assistance at the local OFS office shall provide a statement from a medical doctor verifying the applicant's need for cooling assistance.

Applications for assistance will be accepted from August 3, 1981 through August 31, 1981. Payments will be made in the month of September, 1981 to automatic eligibles and to eligible households who apply for cooling assistance at the local OFS office. It is estimated that payments in the month of September to eligible recipients will range from \$55 to \$70 depending upon income and household size.

A copy of the proposed amendments to the state plan is available in all local OFS offices for on-site inspection. Interested persons may submit written comments on the proposed rule through July 6, 1981, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Low Income Energy Assistance Program

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

A total of \$15,413,687 is allotted to the State of Louisiana to provide for administration and benefits of the program. Administrative cost cannot exceed 7½ percent of allotment and are estimated to be \$1,151,421. The remaining \$14,262,266 will be applied to benefit cost. An estimated \$11,412,488 has been disbursed thus far to eligible recipients in the months of January - April, 1981. To date, an estimated \$644,975 has been spent in administrative cost. Implementation of the LIEAP cooling program will result in \$3,078,162 benefits costs, remaining funds of \$278,062 will be spent in administrative costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None.

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

Estimate obtained using data from the Office of Family Security's file on AFDC, GA, SSI, Food Stamp, Refugee and Medicaid recipients indicates 50,000 households have automatic eligibility for cooling assistance based on declared income and need for cooling (age 60 plus). An additional 2,000 households are estimated to gain eligibility through individual walk-in applications.

Estimated benefits will range from \$55-\$70. Total benefits for the LIEAP cooling eligible groups statewide will be \$3,078,162.

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

Competition and employment will not be noticeably affected by the Home Energy Assistance Program as benefits to eligible recipients will be applied to on-going/current utility bills for the households. The economic impact is that the State will have an additional \$3,078,162 in circulation by the low income consumer group.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources proposes to adopt the Title XX Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1981 through June 30, 1982.

The CASP will offer the following services:

Adoption (pre-placement to termination of parental rights)
Counseling (assessment, evaluation and appropriate therapy)
Day Care for Adults and Children (direct care for portion of the 24-hour day)
Training and Treatment (evaluation, counseling, day development, training, referrals)
Employment (assessment, placement, job development)
Family Planning (counseling, education, medical care)
Substitute Care (evaluation, placement, counseling)
Health Related (assistance in obtaining and utilizing necessary health care)
Home Delivered and Congregate Meals (preparation and delivery of meals)
Home Management (instruction, training, counseling)
Homemaker (direct personal in-home care)
Housing Improvement (counseling, advocacy, minor home repairs)
Information and Referral (assessment, information, referrals, follow-up)
Protection for Adults and Children (investigation, assessment, evaluation, intervention shelter care, counseling, referrals and follow-up)
Recreation (opportunities for constructive leisure activities)
Placement (direct care and treatment on a 24-hour basis)
Transportation (travel to and from service resources)

Persons eligible for services are:

- (1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.
- (2) Recipients of Supplemental Security Income payments or state supplemental payments, and individuals eligible for such payments except for their income.
- (3) Persons whose gross monthly income is not more than 57.8 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$971.00 is eligible for services.
- (4) Persons without regard to income, who are in need of Protection and Information and Referral Services.
- (5) Persons who are members of groups identified in the proposed plan to receive certain services except child day care.

The proposed plan includes information on standards for non-medical and medical (other than those certified for Medicaid or Medicare) residential facilities for SSI recipients; a system for enforcing the standards; and the name and address of the standard-setting authority who will respond to requests for information on standards, their enforcement, waivers, and the identity of deficient facilities.

Copies of the proposed Title XX State Plan (CASP) are available without charge upon written or telephone request to: Public Assistance Line, Division of Administration, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804. Telephone: 1-800-272-9868 (8:00 a.m. - Noon) (1:00 p.m. - 5 p.m.).

The proposed plan is available for public review at each parish office of the Office of Human Development, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

Interested persons may submit written comments on the

proposed plan from March 28, 1981 through May 16, 1982 to: Mr. A. J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Capitol Station, Baton Rouge, Louisiana 70804.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Title XX State Plan

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

Implementation of the plan for the SFY 81/82 is \$70,425,507. This includes \$54,402,279 federal funds, \$12,914,687 state matching funds, and \$3,108,544 in local matching funds. These funds are currently reflected in the Division of Administration budget recommendation for SFY 81/82. The President's proposed federal reduction is not reflected in these figures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

An increase of \$134,742 in local private providers match is estimated in SFY 81/82 over SFY 80/81. This increase is reflected in the Division of Administration's budget recommendation.

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

An increase in federal allocations for FY 82 will enable continuation of FY 81 level of service delivery to Louisiana's eligible citizens. Contingent federal budget cuts in October, 1981 would reduce revenue to Louisiana.

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

No effect on competition and employment in the public and private sectors anticipated.

Arthur S. Dixon,
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Insurance Division of Property and Casualty

The Department of Insurance, Division of Property and Casualty, intends to adopt a rule pursuant to the provisions of Louisiana R.S. 22:2 and Act 520 of the 1978 Regular Session of the Louisiana Legislature.

The purposes of the rule are to accomplish a degree of uniformity in maintenance of solvency as respects a vehicle mechanical breakdown insurer and to establish guidelines relative to trade practices of such insurers.

RULE 6

Section 1 - Authority

This rule is adopted by the Commissioner of Insurance pursuant to the authority vested in him by Chapter 1, Title 22, Section 2, Louisiana Revised Statutes of 1950 as amended, and Act 520 of the 1978 Regular Session of the Louisiana Legislature.

Section 2 - Purpose

The purpose of this rule is to adopt provisions and uniform guidelines for their interpretation as authorized specifically by Act 520 of the 1978 Regular Session of the Louisiana Legislature. It is

designed to facilitate and implement the provisions of that Act. It is intended to supplement and not alter in any manner certain provisions of the Act. A further purpose is to establish reasonable guidelines pertaining to reserves and the adequacy of those reserves, to maintain solvency as respects vehicle mechanical breakdown insurers doing business in this state.

Section 3 - Applicability

Those provisions shall be applicable to any and all entities which may be defined as a "vehicle mechanical breakdown insurer" under the provisions of Act 520 of the 1978 Regular Session of the Louisiana Legislature. The term shall include any person or other entity which receives any fee or compensation for administration of a mechanical breakdown program.

Section 4 - Definitions

When used in this rule, the following words or terms have the meaning described in this section.

(1) "Vehicle mechanical breakdown insurer" means any person or organization, whether domestic, foreign or alien that issues or attempts to issue vehicle mechanical breakdown policies as defined herein.

(2) "Vehicle mechanical breakdown insurance policy" means any contract, agreement, or other instrument whereby a person other than the owner, seller, or lessor of a vehicle assumes the risk of and/or the expense portion thereof for the mechanical breakdown or mechanical failure of a motor vehicle and shall include those agreements commonly known as vehicle service agreements or extended warranty agreements.

(3) "Insurer" means any property or casualty insurer duly authorized to transact vehicle physical damage insurance in this state under provisions of the Louisiana Insurance Code other than Sections 1800 through 1810.

(4) "Commissioner" means the Commissioner of Insurance for the State of Louisiana.

Section 5 - Qualifications

1. Evidence must be submitted to the Commissioner of Insurance that the applicant is a solvent corporation, incorporated under the laws of Louisiana, or another state, district, territory or possession of the United States of America. That evidence must be submitted as required by Form VMB-1 furnished by the Commissioner of Insurance and must be to his satisfaction.

2. The applicant shall furnish such proof as necessary to the commissioner that the directors and management of the company are competent and trustworthy and are capable of successfully managing its affairs in compliance with law. That information shall be submitted on form VMB-2 which is furnished by the Commissioner.

3. The applicant shall make the deposit required by Louisiana R.S. 22:1804. Should the applicant furnish a surety bond it shall be in the style of Form VMB-4 which is furnished by the Commissioner. Such bond must be written by a company that is lawfully authorized to transact surety insurance in this state.

4. The applicant must complete and file form VMB-4 "Consent to Service and Appointment of Registered, Resident Agent" with the Commissioner. The Commissioner shall provide the applicable forms.

5. No applicant shall be licensed unless it maintains reserves as required by Section 6 of this Rule.

6. Upon meeting these requirements to the satisfaction of the Commissioner, a Certificate of Authority to do business in this state will be issued.

Section 6 - Reserves

A. Reserving

1. The reserve to be maintained on policies issued covering new vehicles shall be one which generates an unearned premium reserve of not less than the unearned premium reserve

which is generated by applying the reverse sum of the digits earnings method to each policy issued covering a new vehicle.

2. The reserve to be maintained on policies issued on used vehicles shall be a reserve of not less than the unearned premium reserve which is generated when the "straight line" or pro-rated earnings method is applied to each policy issued on a used vehicle.

B. Premium Definition

1. In items 1 and 2 above, the unearned premium reserves generated shall be those which are generated when the earnings method is applied to the net premium (after commissions to agents) received by the vehicle mechanical breakdown insurer.

C. Reinsurance

1. Should any vehicle mechanical breakdown insurer reinsure all or a portion of its risks through another insurance company, the sum of the reserves maintained by said reinsurance company (for the risk in question) and the reserves maintained by the vehicle mechanical breakdown insurer shall equal not less than the reserve required in Section A. Further, such reinsurance shall be admissible toward achieving required reserves only when said reinsurance is with a company or companies that are approved to do business in this state either as a domestic, admitted, or surplus lines insurer.

2. The Commissioner shall have the right to examine any reinsurance documents or agreements that may be made between vehicle mechanical breakdown insurers and any such approved company and shall have the power to secure such financial information as he deems necessary from said approved reinsurer.

D. At such time as authority is required to conduct the business of vehicle mechanical breakdown insurer, the applicant shall fully disclose the reserving method used or to be used by the vehicle mechanical breakdown insurer and shall also disclose any reinsurance agreements which are in existence. Further, if at any time during the conduct of business the mechanical breakdown insurer changes its method of reserving or alters its reinsurance arrangements, if any, written notice shall be given to the Insurance Commissioner.

Section 7

A. Each vehicle mechanical breakdown insurer shall on or before the fifteenth day of March of each year submit to the Commissioner a report signed by the President and Secretary which shall certify the premiums received by said insurer for the proceeding year. That report shall be audited by a certified public accountant and shall be attested to by him. In conjunction with, and to be submitted at the same time, a complete audited financial statement on the mechanical breakdown insurer shall be made. Such audited financial statement shall fully disclose the reserving method used and any reinsurance arrangements in force. Additionally, the audited reports shall contain the following:

1. Auditor's report
2. Balance Sheet
3. Statement of Income and Retained Earnings
4. Statement of Shareholder's Equity
5. Statement of Changes in Financial Position
6. Notes to Financial Statements, which disclose all significant accounting practices.

B. The accounting method used shall not allow for the deferring of acquisition costs, but shall recognize those costs in the period in which they were incurred.

C. The audited statement required shall cover the operations of the mechanical breakdown insurer only. A statement of a holding company, or other parent company, which includes in it the operations of the mechanical breakdown insurer shall not be acceptable to the Commissioner.

Section 8 - Penalty for Non-compliance

A. Non-compliance with the provisions of this Rule may result in

the suspension, revocation or non-renewal of the Certificate of Authority issued by the Commissioner of Insurance pursuant to the provisions of Act 520 of the 1978 Regular Session of the Louisiana Legislature.

Section 9 - Severability

If any of the provisions of this rule are held invalid, such invalidity shall not effect other provisions which can be given effect without the invalid item and to this end provisions of this rule are hereby declared severed.

Interested persons may comment on the proposed rule, in writing through July 6, 1981 at the following address: Mr. Louis Jordan, Chief of Property and Casualty Insurance, Box 44214, Baton Rouge, Louisiana 70804. Mr. Jordan is the person responsible for responding to inquiries about the proposed rule.

Sherman A. Bernard
Commissioner of Insurance

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Vehicle Mechanical Breakdown Insurers

- 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)
This rule is designed to cause the affected groups no expenses other than those normally encountered in the operation of any business in a prudent manner, with a view toward maintaining solvency.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
One purpose of the rule is to allow uniform and fair competition between those entities which market vehicle mechanical breakdown insurance on a commercial and competitive basis. We know of no adverse effect on competition or employment.

Louis Jordan
Chief of Property and Casualty

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The Environmental Control Commission will hold a public hearing beginning at 10:00 a. m., July 23, 1981, in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana and will consider adoption of a proposed revision to the Air Quality Regulations. The revision is to Section 22.3.2.

The person within the agency responsible for responding to inquiries about the proposed revisions is Mr. Gus Von Bodungen, Program Administrator, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail, before the public hearing will be considered by the Commission before making the final decision on any of the proposed actions. All comments and requests to speak at the hearing should

be submitted to Mr. B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.:

Room 409, State Office Building, 325 Loyola Avenue, New Orleans, La.

Reception area, Sixth floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, La.

Office of Environmental Affairs, 804 31st Street, Monroe, La.

State Office Building, 1525 Fairfield Avenue, Shreveport, La.

Office of Environmental Affairs, 1155 Ryan St., Lake Charles, La.

B. Jim Porter

Assistant Secretary

Office of Environmental Affairs

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Revision to Air Quality Regulations - Section 22.3.2

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs.
- 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 are no estimated costs or benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Jerry D. Hill Jr.
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The Environmental Control Commission will hold a public hearing on July 23, 1981 at 10:00 a.m. in the State Land and Natural Resources Building, Conservation Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana to consider the adoption of changes to Revision 2 of the Louisiana Radiation Regulations. These changes (addition of Section D.306) will allow the disposal without regard to radioactivity of tritium, carbon-14 and iodine-125, used for scintillation counting, in concentrations less than 0.05 microcuries per gram. The changes are as follows: Section D.301(b) is to be changed as follows:

(b) as authorized pursuant to Sections D.106, D.302, D.303, D.304 or D.306.

A new section D.306 is to be added as follows:

Sec. D.306 DISPOSAL OF SPECIFIC WASTES. Any licensee may dispose of the following licensed material without regard to its radioactivity:¹⁶

(a) 0.05 Microcuries or less of hydrogen-3, carbon-14, or iodine-125, per gram of medium, used for scintillation counting; and

(b) 0.05 microcuries or less of hydrogen-3, carbon-14 or iodine-125 per gram of animal tissue; provided however, tissue may not be disposed of under this section in a manner that would permit its use either as food for humans or as animal feed.

¹⁶This provision does not relieve any person from complying with other applicable regulations of federal, state and local government agencies regarding the disposal of non-radioactive materials.

The person within the agency responsible for responding to inquiries about the proposed changes to the regulations is William H. Spell, Administrator, Nuclear Energy Division, Box 14690, Baton Rouge, Louisiana 70898, telephone (504) 925-4518. Written comments may be submitted to the above address until 4:30 p.m. on July 22, 1981.

Information concerning the proposed changes is available for review at the Louisiana Nuclear Energy Division, 4845 James-town Avenue, Baton Rouge, Louisiana.

B. Jim Porter

Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Radiation Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
It is estimated that there are no implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
This revision of the regulations will have no effect on revenue collections in Louisiana.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is estimated that there are no costs to affected groups in Louisiana, but savings of about three hundred dollars per barrel of waste normally buried will be realized by each affected licensee. The annual savings to all affected Louisiana licensees is estimated to be at least \$30,000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is estimated that there will be effect on competition and employment in Louisiana.

B. Jim Porter
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Environmental Affairs Resource Recovery and Development Authority

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:951 et seq.), notice is hereby given that the Department of Natural Resources, Louisiana Resource Recovery and Development Authority intends to adopt Rules of Procedure implementing Act 507 of 1980 (R.S. 30:1150.1 et seq.) In summary, the Rules of Procedure provide policies and procedures for the conduct of business by the Authority.

**Louisiana 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 Development Authority,” also referred to as “the Authority” and “LRRDA.”

1.2 LEGISLATIVE AUTHORITY AND GOVERNANCE—The Louisiana Resource Recovery and Development Authority receives its statutory authority under Act 507 of 1980, codified as R.S. 30:1150.1 et seq., hereinafter referred to as “Act 507 of 1980.”

The Authority is subject to the provisions of Act 507 of 1980 and 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 Act 507 of 1980 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—Act 507 of 1980 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 Act 507 of 1980, 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 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, manage-

ment 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 Act 507 of 1980, the “Louisiana Resource Recovery and Development Act (R.S. 30:1150.1 et seq.). Practices and procedures provided for in this statute 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 either the Louisiana Resource Recovery and Development Act, the Louisiana Administrative Procedure Act (R.S. 49:951-964) or applicable federal law, the statutory provisions or law shall control.

1.5 DEFINITIONS—All terms used in these rules, unless the context otherwise requires or unless specifically defined in Act 507 of 1980 or in substantive regulations which have been promulgated by the Authority, shall have their usual meaning.

1.6 FILINGS WITH AUTHORITY—Whenever these rules or Act 507 of 1980 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.

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.

(a) 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:

(1) Notice of meetings as required by law;

(2) Public hearings on activities which the chairman determines to be of interest to the public and when requested by those groups and individuals impacted by Authority actions; and

(3) A summary of Authority actions to be entered into the Bulletin of the Office of Environmental Affairs as an insert, or published by such other means as may be determined by the Authority to be required.

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,” as provided for under R.S. 30:1150.5.B Act 507 of 1980).

2.2 TERM OF OFFICE—The term of office of each of the appointed directors shall be four years or until officially replaced 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 PROXIES—The secretary of Natural Resources is the only director who may delegate his responsibility as a member of the Authority to a designee. Should the secretary choose to do so, the 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 (vacancies) and the governor shall request a nominee (or nominees) from the appropriate organization or industry in accordance with Act 507 of 1980 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 chairman’s position be vacated, the vice chairman shall notify the governor of the vacancy.

2.7 OFFICERS.

(a) Chairman and Vice Chairman—The Directors of Authority shall select a chairman and a vice chairman from the 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 Act 507 of 1980, 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—Standing or special committees, as

the directors shall from time to time deem necessary to carry on the work of the Authority, may be appointed by the chairman. The chairman shall be ex-officio member of all committees.

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 meetings open to the public, and such meetings shall be timely noticed in the media and otherwise as required by the Louisiana Administrative Procedure Act.

3.3 EXECUTIVE SESSION—By a two-thirds majority of those members present, the Authority may adjourn into executive session in accordance with the requirements of the Public Meetings Act (R.S. 42:41-42:12) 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 AND HEARINGS—Special meetings and hearings may be called at any time by the chairman of the Authority. 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. Except as otherwise provided by law all hearings shall be 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 duties under Act 507 of 1980. The purpose of the meeting or hearing shall be stated in the notice, and no business shall be considered except that which is stated in the notice.

3.7 NOTICE—Written notice of all regular and special meetings and hearings of the Authority shall be provided in accordance with the requirements of the Louisiana Administrative Procedure Act. This notice shall include the time, place and date of the meeting or hearing and the matters to be considered.

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

3.9 PETITIONS FOR SPECIAL MEETINGS OR ACTION—A petition for a 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 it deems necessary, the Authority members shall decide at their next scheduled meeting after receipt of the request whether to call a public hearing and shall direct the program administrator to provide written notification of their decision and the reasons therefore to the petitioner within 20 days of their decision on the petition.

3.11 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 called for under the provisions of Section 3.6 of these Rules of Procedure, the chairman may delegate, in writing, the program administrator to preside and to 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. Any person may appear and present relevant oral or written comments at a fact-finding hearing. Reasonable restrictions, including time allotted to each speaker or group, may be imposed on such comments by the person conducting the hearing. Questions and answers are not in order unless agreed to in advance of the hearing by the person conducting the 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 relating 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—These Rules of Procedure shall be reviewed annually, or as often as needed by the Authority. These Rules of Procedure may be amended at any regular meeting of the Authority by a two-thirds vote of all of the members, provided that the amendment has been submitted in writing at the previous meeting. Any person may petition the Authority to amend these or any other rules and regulations promulgated by the Authority under the Louisiana Resource Recovery and Development Act. The petition shall be in writing and shall contain the suggested language for the amendment, a statement as to the necessity or reason 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 herein.

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 Act 507 of 1980;

(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 Act 507 of 1980;

(e) The power to authorize the segregation of revenues and the equitable redistribution of segregated surplus revenues in accordance with the provisions of Act 507 of 1980;

(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 15.2 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 Act 507 of 1980 not specifically retained by the directors shall be performed by the program administrator and staff, subject to the following requirements:

(1) At each meeting of the Authority, the program administrator shall submit a report listing all functions and acts performed by the staff as authorized by this Section; 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 selec-

tion 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 considerations:

- (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) Facility planning shall be scheduled to provide the opportunity for the development of a statewide system prior to 1986;

(b) 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.

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

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

- Customer agreement for purchase of steam or other products;
- Master plan including facility location, routing of wastes, disposal of residue, applicable permits, environmental impact assessments and studies required, site development including drainage and utilities, landscaping, including visual screens as conceptual facility design technology selection, preliminary capital and operating cost analysis, and other requirements;

- Proof of financial feasibility, including pro forma operating statement and cashflow projections for first five years; and

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

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

- (1) Need;
- (2) Feasibility of 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 shall be charged for wastes collected from commercial and industrial sources; and

(2) Tipping fees for wastes collected from residential sources shall be imposed only as required to insure the feasibility of a project.

(b) 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 DESIGN, CONSTRUCTION, AND OPERATION OF AUTHORITY FACILITIES.

(a) To the extent permitted by law, 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;

(b) The "Full-Service Contractor" will be chosen in accordance with Section 7. Consideration will be given to proposed use of local sub-contractors and labor.

(c) 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).

(d) 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 PROCUREMENT OF GOODS AND SERVICES.

7.1 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 Sections 7.2 and 7.3 of these Rules of Procedure.

7.2 PROCUREMENT OF PERSONAL, PROFESSIONAL AND CONSULTING SERVICE—The procurement of personal, professional and consulting services shall be conducted in accordance with the 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.

7.3 PROCUREMENTS RELATED TO CONSTRUCTION OF PUBLIC WORKS—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.

7.4 CONFIDENTIALITY OF DATA—The Authority shall be responsible for protecting technical data, financial information, overheads rates, and trade secrets which may come into its possession from individuals and businesses doing business with the state as a result of participation in any procurement procedure carried out in accordance with Sections 7.1-7.3 of these Rules of Procedure.

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. 30:1159.7.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 doing business with the State as a result of participation in the procedures specified in Section 8.1 of these Rules of Procedure. This procedure may be modified as deemed necessary or desirable by the Authority to best achieve its purposes under Act 507 of 1980.

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 Act 507 of 1980 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 Act 507 of 1980.

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 applicable substantive rule or regulation of the Authority provides for procedures, time-frames, delays, notice requirements, conduct of hearing, or similar procedural matters which are required by federal law or regulation or by state law and which conflict with these rules, other rules or regulations shall be controlling, solely to the extent of such conflict, unless otherwise specifically provided for herein. Such conflict shall not affect the operation of the remaining provisions of these rules and their application to the functions of the Authority or its staff.

10.3 If any provision 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 provision, and to this end the provisions of these rules and regulations are declared to be severable.

Public meetings to receive comments on these proposed Rules of Procedure are scheduled as follows:

1. City of Lafayette, Parish Courthouse, Thursday, July 2, 1981, 6:30 P.M.
2. City of New Orleans, New Orleans City Hall, Monday, July 6, 1981, 6:30 P.M.
3. City of Thibodaux, Lafourche Parish Courthouse Building, (old), Tuesday, July 7, 1981, 6:30 P.M.
4. City of Lake Charles, City Hall, Thursday, July 9, 1981, 6:30 P.M.
5. City of Baton Rouge, State Land and Natural Resources Building, Monday, July 13, 1981, 6:30 P.M.
6. City of Monroe, Monroe City Hall, Monday, July 20, 1981, 6:30 P.M.
7. City of Shreveport, Parish Courthouse, Tuesday, July 21, 1981, 6:30 P.M.
8. City of Alexandria, Alexandria City Hall, Thursday, July 23, 1981, 6:30 P.M.

Requests for the full text of these rules as well as questions and comments should be addressed to Ms. Karen D. Cole, Assistant Program Administrator, Louisiana Resource Recovery and Development Authority, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804, or at 504-342-4507. Comments will be accepted through July 31, 1981.

Frank A. Ashby, Jr., Chairman
Louisiana Resource Recovery and
Development Authority

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rules of Procedure LRRDA

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation cost or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no estimated cost to affected groups. Benefits are a uniform set of policies and procedures for conduct of the Authority's business which will facilitate interaction between the Authority, local governments and the public.

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

There is no estimated effect on competition and employment.

Frank A. Ashby, Jr. Mark C. Drennen
Secretary of Natural Resources Legislative Fiscal Officer
Chairman, LRRDA

NOTICE OF INTENT

**Department of Urban and Community Affairs
Office of Consumer Protection**

The Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, hereby gives notice of his intention to adopt the following rule and regulation (subject to the approval of the Consumer Protection Advisory Board and the Attorney General) on July 6, 1981, at 5:00 p.m., at the agency's office, 2610-A Wooddale Boulevard, Baton Rouge, Louisiana 70806:

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5012 regarding the advertising of air conditioning, refrigeration, and heating contractors and repairmen and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405(A), and providing further in respect thereto.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of this rule by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same. Any person who wishes additional information may contact Mr. Charles W. Tapp, Assistant Secretary, Office of Consumer Protection, Box 44091, Baton Rouge, Louisiana 70804.

Charles W. Tapp
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: CPR 3:5012**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional cost to the agency. This rule will be promulgated and administered within the current budget. Likewise, no savings will accrue to the agency from this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no change in revenue collections by the State. Those consumers who now utilize unlicensed repair firms and persons will still have a need for repair work. If such work is not directed to those unlicensed persons and firms, it will go to licensed persons and firms. Hence, no loss of State and local sales taxes will accrue.
- III. ESTIMATED COST AND BENEFITS TO AFFECTED GROUPS - (Summary)
Hopefully, this rule will mean that those firms and persons who are not now licensed by local governing authorities where such licensing is required will become licensed as required by local laws. If not, they will lose business because of their inability to advertise. It is impossible to determine how much business could be lost in terms of dollars.

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

Fairer competition between repair firms and persons who are abiding by the law and those who are now in violation of local ordinances. Also, this rule should provide more local compliance with existing ordinances. The rule will have no effect in those locales that do not require licensing of these professions.

Charles W. Tapp
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission will hold a public meeting on Tuesday, July 28, 1981, at 10:00 a.m. at the Wildlife and Fisheries Building, 400 Royal Street, New Orleans and will consider the following:

1. The prohibition of commercial netting on Toledo Bend Reservoir to include hoop nets, gill nets, trammel nets, flag webbing and fish seines.

Interested persons may submit their views in writing to Mr. Bennie Fontenot, Chief, Fish Division, Box 44095, Baton Rouge, Louisiana 70804. Testimony also will be allowed at the public meeting.

Jesse J. Guidry, Secretary
Department of Wildlife and Fisheries

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

**Rule Title: Prohibit Commercial Netting
On Toledo Bend Reservoir**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs. Enforcement of this regulation will be performed during regular work periods.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Loss of revenue to the Department of Wildlife and Fisheries will be approximately \$5,167.00 annually. This figure is based on commercial license sales for 1980 for the parishes of DeSoto, Sabine, and Vernon. We feel these parishes will be impacted the most by this prohibition.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
We estimate that striped bass sport fishing on Toledo Bend for Louisiana portion of the reservoir is 400,000 mandays annually. The 1975 National Survey of Hunting, Fishing and Wildlife Associated Recreation reports \$11.50 is spent by sportfishermen per fishing day. Using these figures the annual value of the striped bass sport fishery for Louisiana projects to \$4,600,000.00. These figures will certainly increase as the striped bass fishery is allowed to expand in future years. Based on the best commercial fish harvest data available to us (National Reservoir Research Program, U.S. Fish and Wildlife Services) the commercial fish harvest for 1981 projects to 354,120 pounds valued at \$354,120.00. The benefit cost ratio for this prohibition is 12.99:1.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition. Employment will be

affected by the displacement of approximately 19 full-time commercial fishermen, 13 that earn more than half of their income and 69 that earn less than half of their income fishing Toledo Bend. Other nearby areas remain open to commercial fishing where they can pursue their trade.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

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Department of Education

The first workshop for training in the Standards for Evaluations of Educational Programs, Projects, and Materials will be held at the Bossier Parish Learning Resources Center at 3228 Barksdale Boulevard, Bossier City, on July 28, 29 and 30. For information contact William Schroyer at the Bureau of Evaluation, State Department of Education, Box 44064, Baton Rouge, Louisiana 70804, or call Dr. Schroyer at 342-3835.

Dr. William Schroyer
Administrative Officer

POTPOURRI

Office of the Governor

Tax Commission

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisals and/or assessments and the degree of uniformity of assessments for commercial property in each parish throughout the state for the tax year 1980 (Orleans 1981). This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements for each parish in the State.

Parish	Mean (%)	Median (%)	Coefficient of Dispersion (%)
Acadia	12.1	9.9	59.1
Allen	13.4	14.2	14.1
Ascension	13.6	14.0	9.1
Assumption	14.7	14.3	7.3
Avoyelles	13.1	13.8	18.8
Beauregard	14.1	14.8	11.1
Bienville	15.8	15.0	9.7
Bossier	15.1	15.0	9.7
Caddo	15.5	15.4	4.9
Calcasieu	13.9	14.3	13.2
Caldwell	15.1	15.0	2.4
Cameron	13.7	14.4	17.3
Catahoula	14.9	14.9	10.7
Claiborne	14.5	15.0	5.6
Concordia	14.5	14.7	3.6
DeSoto	13.8	14.9	20.0
East Baton Rouge	15.2	14.8	9.6
East Carroll	14.9	15.5	9.9
East Feliciana	13.7	13.8	19.9
Evangeline	12.6	11.3	30.9
Franklin	14.9	15.0	8.9
Grant	13.5	13.5	6.4

	Mean (%)	Median (%)	Coefficient of Dispersion (%)
Iberia	14.2	14.5	18.7
Iberville	13.9	14.8	9.8
Jackson	15.1	15.0	6.0
Jefferson	14.7	14.5	9.1
Jefferson Davis	15.4	15.2	17.7
Lafayette	14.3	13.8	16.6
Lafourche	13.9	14.1	10.1
LaSalle	14.9	15.0	2.3
Lincoln	14.2	14.7	15.8
Livingston	13.7	13.5	2.7
Madison	15.2	15.3	13.4
Morehouse	14.7	14.9	7.0
Natchitoches	14.3	14.7	15.2
Orleans-1st M.D.	14.9	15.0	1.9
2nd M.D.	16.1	15.2	12.1
3rd M.D.	16.7	14.5	50.2
4th M.D.	15.0	14.4	7.6
5th M.D.	14.4	14.9	8.1
6th M.D.	13.5	14.6	9.3
7th M.D.	14.0	14.9	16.2
Ouachita	12.5	13.6	36.8
Plaquemines	15.8	15.9	8.0
Pointe Coupee	14.8	15.0	3.9
Rapides	12.7	13.8	19.4
Red River	15.6	15.0	6.5
Richland	15.9	15.1	13.0
Sabine	10.4	9.0	54.3
St. Bernard	15.2	15.0	.15
St. Charles	13.9	15.0	9.3
St. Helena	15.0	15.0	.3
St. James	15.0	15.0	.6
St. John the Baptist	15.0	15.0	.4
St. Landry	13.9	14.2	17.4
St. Martin	14.6	14.8	5.1
St. Mary	13.3	13.7	19.9
St. Tammany	14.9	15.0	2.3
Tangipahoa	14.5	14.4	10.0
Tensas	15.0	14.9	6.3
Terrebonne	13.8	14.2	8.0
Union	14.5	14.4	4.3
Vermilion	13.3	14.4	14.9
Vernon	14.4	15.1	10.8
Washington	14.8	15.0	4.0
Webster	14.1	13.9	8.9
West Baton Rouge	14.5	14.8	5.4
West Carroll	14.6	15.1	10.5
West Feliciana	13.7	14.7	12.0
Winn	11.5	11.0	33.0

J. Reginald Coco, Jr.
Chairman

POTPOURRI

Office of the Governor Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:951-968), notice is hereby given that the Louisiana Tax Commission (Louisiana Constitution 1974, Article VII, Section 18, and R.S. 47:1831-1837) intends to hold a public hearing on Thursday, July 16, 1981 at 10:00 a.m. in Room 215, Capitol Annex, Baton Rouge, Louisiana.

The purpose of this hearing is to hear protests from ACF Industries, Inc. Shippers Car Line Division, Trailer Train Company, General American Transportation Corporation, The Dow Chemical Company, Railbox Company and Pullman Leasing Company. The Commission shall conduct such further business as appears before it, but shall not adopt, amend, or repeal a Rule nor engage in Rulemaking.

Those desiring to be heard will be given reasonable opportunity to make their presentations. All protests are concerning Public Service Properties.

J. Reginald Coco, Jr. Chairman
Louisiana Tax Commission

Parish, causing damage to his vessel and his gear.
Amount of claim: \$1,100.00

Any written objections to these claims must be received by the close of business June 30, 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 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 completed claims were received during the month of May, 1981, amounting to \$7,307.18. Public hearings to consider these and previously completed claims will be held as follows:

Wednesday, July 1, 1981 at 11:00 a.m. in the Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana.

- 80-118 Dumas Pitre, Jr., while trawling in the vessel "Patty Ann" on June 17, 1980, encountered a concrete filled pipe in Barataria Bay, east of Pelican Point, Jefferson Parish, causing extensive damage to his boat. Amount of claim: \$4,975.52.
- 80-148 Joseph B. Billiot, while trawling in the vessel "Captain Ed" on August 26, 1980, encountered an unknown object in Bayou Fifi, north of Grand Isle, Jefferson Parish, causing damage to his trawl. Amount of claim: \$200.35.
- 80-217 Harry Cheramie, Sr., while trawling in the vessel "Lady Audrey" on December 17, 1980, encountered a sunken boat in the Gulf of Mexico, south of Bayou Moreau, Lafourche Parish, causing damage to his trawl and boards. Amount of claim: \$588.36.
- 81-246 Earl P. Vidal, while trawling in the vessel "Butler J" on April 17, 1981, encountered an unknown obstruction in Quatre Bayou Pass, Plaquemines Parish, causing damage to his 50 foot trawl and related gear. Amount of claim: \$1,012.95.

Tuesday, July 7, 1981 at 11:00 a.m. in the Cameron Parish Courthouse Building in Cameron, Louisiana.

- 80-101 Johnny Wilson, while trawling in the vessel "Lady Glenda" on May 27, 1980, encountered a cement block in the Gulf of Mexico west of Calcasieu Pass, Cameron Parish, causing damage to a 35 foot trawl and a 16 foot tri-net. Amount of claim: \$530.00.
- 80-206 Ronald Gaspard, while trawling in the vessel "Pattie L" on November 29, 1980, encountered an unknown obstruction in the Gulf of Mexico, east of Sabine Bank Channel, Cameron Parish causing damage to his trawl, doors, lazy line, and tickle chain. Amount of claim: \$575.00.
- 81-231 Ronald Gaspard, while trawling in the vessel "Pattie L" on Marcy 6, 1981, encountered a tank decking in the Gulf of Mexico, west of Calcasieu Pass, Cameron

Errata

ERRATA

Board of Elementary and Secondary Education

The following are changes to the Board of Elementary and Secondary Education rules published on Page 263 of the May, 1981 *Register*.

Rule 3.01.70u(3) - Certification in School Psychology

I. A Change to read:

Issued upon completion of a school psychology training program in Louisiana which meets the requirements of the Standards for Training Programs in School Psychology.

I. C(2) Insert the words "graduate semester" between the words "additional hours" in the first line and delete the words "graduate semester hours" in the second line.

II. Delete in its entirety and substitute the following:

II. Provisional Certificate (valid for one year; renewable once, except for Lapsed Certificates)

A. Issued to persons who have completed academic preparation in school psychology that meets the requirements of the Standards for Training Programs in School Psychology, except for the internship. The internship shall be completed during the time of the provisional certificate in accordance with the internship requirements specified in the Standards for Training Programs in School Psychology.

B. Issued to persons whose certification has lapsed and who have not met the requirements for certification renewal.

III. A(2) Delete in its entirety and substitute the following:

2. Six semester hours of additional graduate credit in any of the areas specified in the Standards for Training Programs in School Psychology, or

III. A(3) Change to read:

3. The equivalent number of Continuing Professional Development/Education Units currently awarded by the State Department of Education, the National Association of School Psychologists, or the American Psychological Association, or

III. A(4) New addition, add as follows:

4. A combination of graduate credit hours and Continuing Professional Development Education Units equivalent to six semester hours.

III. C New addition, add as follows:

C. Lapsed certificates may be renewed upon verification of A 2, 3, or 4 above. A Provisional Certificate may be awarded for a one year period during which time the individual must meet the renewal requirements to be awarded the Standard Certificate.

IV. Delete in its entirety and substitute the following paragraph.

A School Psychologist or School Psychological Assistant certified at Levels E, D or C (if less than two year's experience) according to criteria previously adopted by the Board of Elementary and Secondary Education shall have continuing approval for the provision of School Psychological services so long as such certification is kept valid according to the previous renewal criteria. Graduate training taken to meet the renewal requirements of the previous criteria shall be obtained in any of the areas specified in the Standards for Training Programs in Psychology.

Rule 3.01.70w(2) - delete words "the Approval of" from Rule title. Rule title will then read, Standards for Training Programs in School Psychology.

I. B(1) delete the word "curriculum".

I. B(2) delete the word "historical".

I. B(4) delete the word "instructional" and insert the word "instruction".

The following is a correction in Rule 3.01.70v(34) which was published in the February, 1981 issue of the *Register* on Page 43. Delete the word "proposed" in the third line from bottom of page, right hand column.

James V. Soileau
Executive Director

ERRATA

**Department of Natural Resources
Office of Environmental Affairs
Air Quality Division**

In the May 20, 1981 *Louisiana Register*, revisions to the Air Quality Regulations were presented. Section 22.10 of the Air Quality Regulations is a revision and not a proposed revision.

B. Jim Porter
Assistant Secretary
Office of Environmental Affairs

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