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Executive Order

EXECUTIVE ORDER

Executive Order DCT 81-1

WHEREAS, the reorganization of the executive branch of state government required by constitutional mandate is nearly complete; and

WHEREAS, total reorganization of the executive branch will achieve a governmental structure in which authority is integrated in the governor through a hierarchical structure which permits the exercise of gubernatorial leadership and permits the legislature to require departmental accountability; and

WHEREAS, the benefits of this structure will include: (1) greater ability of the governor to exert policy leadership; (2) greater facility for the legislature oversight; (3) more accountability to the public; (4) easier access for citizens to state assistance and information about state programs; (5) centralization of budget preparation and control, purchasing, and related functions; (6) a new thrust and opportunity for state government to produce better services with present resources, to combine like programs, to eliminate duplication and thereby to deter the growth of government as population growth and inflation drive up personnel and cost demands;

WHEREAS, the reorganization process is a two-fold process of enacting statutory framework for reorganization and oversight; and

WHEREAS, at this point in the reorganization process such continuous review is particularly necessary in order to consolidate duplicate functions, coordinate complimentary functions, and prepare legislation to fully implement the reorganization of the executive branch of government as intended in the Executive Reorganization Act,

NOW, THEREFORE, I, DAVID C. TREEN, by powers vested in me as Governor of the State of Louisiana, do hereby create and establish the Joint Committee on Executive Branch Reorganization to conduct such studies and propose such legislation as may be necessary to accomplish the continued reorganization of the executive branch of state government as contemplated by Article XIV, Section 6, and Article IV, Section 1 of the Louisiana Constitution of 1974 and in particular by the transfer, allocation, or consolidation of state agencies and their powers, duties, functions, and responsibilities as contemplated by Sections 2 and 4 of Title 36 of the Louisiana Revised Statutes, and generally to carry out the intent of this Executive Order to oversee the fullest implementations of the potential and intent of Title 36.

BE IT FURTHER RESOLVED, that the committee herein created shall be composed of five members of the House of Representatives and five members of the Senate, appointed by the governor. The chairman of the committee shall be appointed by the governor from the membership of the committee. The committee shall make all such studies and propose such legislation as it finds necessary to carry out the purposes of this Executive Order and to respond to the specific concerns stated herein. It shall hold its organizational meeting on call of the governor, at which time it shall determine particular areas of study and procedures for making such studies. The committee shall meet as often as necessary to carry out the purposes of this Executive Order.

The committee shall submit a report of its findings and recommendations based thereon to the governor prior to the 1981 session of the legislature together with drafts of such legislation as

shall be necessary to accomplish its recommendations and at such other times as it shall deem necessary.

For the purposes of conducting the study herein contemplated, the committee is authorized to make, or cause to be made, any studies it may find helpful to the purposes of this Executive Order through such personnel as may be available to the committee or in cooperation with any public or private agency, including universities, colleges, foundations, charitable corporations and research organizations. The committee may call upon the members or staffs of any and all existing departments or agencies of the state for data and assistance and all such agencies and departments are hereby directed to cooperate with the committee. The committee may request of and utilize such counsel, assistance, personnel, facilities and advice as may be obtained from any and all private sources, including but not necessarily restricted to business, labor and private research agencies, individuals or organizations. At the written request of the committee, the heads or governing authorities of any state department, agency or other instrumentality of the executive branch shall make available to the committee any employees thereof, selected by the committee in consultation with the agency head, to be assigned to the committee to aid and assist in the carrying out of its functions, duties and obligations for as long as is deemed necessary by said committee and that the compensation and expenses of any such person so assigned shall be borne by and paid out of the funds appropriated to the particular agency from which he was selected.

The committee may create or appoint such advisory committees or task forces to act in any advisory capacity or to assist in its studies, composed of such representatives of the public and private sectors, as it shall deem appropriate.

The committee shall coordinate its efforts with and otherwise cooperate with any private consultants the governor may employ to study and make recommendations for improved organizations and/or management of state government.

The committee is authorized to receive grants, donations or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of this study.

The members of the committee shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the legislature. Such per diem and travel allowance and all other expenses incurred by the committee shall be paid for out of such funds as may be made available to the committee by the governor or the presiding officers of the Louisiana Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of February, A.D., 1981.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education Certification Requirements for Preschool Handicapped

The State Board of Elementary and Secondary Education intends to adopt as an Emergency Rule and inclusion in Bulletin 746, the following:

Rules

RULE

Department of Agriculture Dairy Stabilization Board

On recommendation of the Louisiana Dairy Stabilization Board, the Commissioner of Agriculture has adopted the following rule:

To be read in context with LAC 2-17:13.1 which states as follows: "Unfair methods of competition, unfair or deceptive acts or practices and disruptive trade practices are hereby declared unlawful with respect to the sale of milk and milk products". (R.S. 40:931.8A). The following trade practices are hereby declared to be disruptive trade practices.

Advertisement of Lowfat Fluid Milk

The advertising of Lowfat Fluid Milk products, (milk with a milk fat content of not less than 0.5 percent nor more than 2 percent) in any form of mass media without clearly stating the percentage of milk fat contained in said product.

C. James Gelpi
Director-Attorney

RULE

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

Regulation 12. Intrastate Manufacture, Sale, or Distribution of
Animal Vaccines

1. No person, firm, association, or corporation shall manufacture, sell, or distribute any animal vaccine within the State of Louisiana unless such person, firm, association, or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, sell, or distribute such animal vaccine, except as provided hereinafter.

2. The Board shall authorize the intrastate manufacture, sale, or distribution of animal vaccines on an individual basis to meet emergency situations within the State of Louisiana under special permit of the State Veterinarian, provided that no special permit for the intrastate manufacture, sale, or distribution of animal vaccines shall be issued by the State Veterinarian except under the authorization of the Board.

3. The Board reserves the right to prohibit the intrastate manufacture, sale, or distribution of animal vaccines which, in the judgment of the Board, would be detrimental to any phase of the livestock and/or animal health industries of the State. The Board shall distribute, through the State Veterinarian, on an annual basis, no later than December 31 of each year, a complete list of all vaccines which are prohibited for use within Louisiana, and such list shall be available to any interested person who makes request therefor.

* * *

The previously existing Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board is repealed in its entirety upon the effective date of the Rules herein adopted.

Bob Odom
Commissioner of Agriculture

1. 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.

2. 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.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on February 26, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following emergency rule:

The items referred to in motions 8 and 9 in the February 1981 Teacher Certification Committee minutes were submitted for referral to the Certification Committee in January, 1981. Because these items were listed on the same page with another item, they were overlooked in Dr. Parker's office. Therefore, it is requested that they be adopted as emergency rules in March.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Office of The Governor Office of Elderly Affairs

The Office of the Governor - Office of Elderly Affairs has adopted the following rules and regulations which affect the administration of the Office's Programs.

1. Older Americans Act of 1965 as amended on October 18, 1978. Public Law 95-478.

2. The Federal Register for the Act as published on March 31, 1980.

3. Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950, as amended in 1979.

4. CFR Title 45 Part 74.

5. Division of Administration State Purchasing Manual.

6. Office of Management and Budget Circulars A102, 122, 74-4.

7. Administration on Aging Policy Announcements.

8. Guidelines for Financial and Compliance Audits of Federally Assisted Programs.

9. Louisiana Revised Statute R.S. 46:931-940; R.S. 46:1751 - 1867; R.S. 46:1601 - 1605; Title 40-2009.13 - 18.

10. 7CFR Part 250 Food Distribution Program.

11. Title 29 Subpart A - Senior Community Service Employment Program.

Ronald Blereau
Assistant Director

RULE

Department of Agriculture Office of Agriculture and Environmental Science

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:2302, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations for the administration of the Apiary Program:

- 1.0 Definitions
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages
- 4.0 Authority of agents to enter premises
- 5.0 Applications for inspections
- 6.0 Shipment or movement of restricted articles
- 7.0 Issuance and use of certificate permits in Louisiana
- 8.0 Shipment or movement of restricted articles from any quarantined area except under special permit
- 9.0 Eradication measures
- 10.0 Levy of assessments
- 11.0 Penalties

* * *

- 1.0 Definitions
 - 1.1 Department - the Louisiana State Department of Agriculture
 - 1.2 Commissioner - The Commissioner of Agriculture
 - 1.3 State Entomologist - the Entomologist of the State Department of Agriculture
 - 1.4 Agent or Inspector - an authorized representative of the State Entomologist and/or the State Department of Agriculture
 - 1.5 Person - an individual, firm, or corporation
 - 1.6 Beekeeper - an individual, firm or corporation who owns or has charge of one or more colonies of bees
 - 1.7 Apiary or Yard - the assembly of one or more colonies of bees at a single location
 - 1.8 Hive, Colony, or Colony of Bees - an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey and the receptacles inhabited by the bees
 - 1.9 Nucleus - bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place
 - 1.10 Package - a comb or combless package of bees prepared for shipment or movement
 - 1.11 Comb Package - a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen
 - 1.12 Combless Package - a package of bees shipped or moved without comb, with or without a queen
 - 1.13 Combless Package Cage - a container made of wood and wire screen constructed in such a manner to permit the insertion of a feeder can to be used in shipping bees without comb or foundation
 - 1.14 Queen - a fully developed female bee, capable of being fertilized
 - 1.15 Beekeeping Fixtures or Beekeeping Equipment - anything that is used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, extractors, and so forth
 - 1.16 Strap - two or more packages of bees and/or queen cages strapped or tied together for shipment
 - 1.17 Disease - any infectious disease of bees which is detrimental to the honey bee industry, such as American foulbrood, European foulbrood, Isle of Wight, Nosema, and so forth
 - 1.18 Quarantied Area - a yard in which American foul-

brood infection has been found, and all that area within a one-mile radius of such yard; or any area defined as a quarantined area by the State Entomologist because of excessive disease found present in bees within the area or because restricted articles were moved into the area from a quarantined area

- 1.19 Restricted Articles - colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
 - 2.1 The movement or shipment of used or second-hand beekeeping equipment, colonies of bees, nuclei or comb packages of bees into Louisiana is prohibited.
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages.
 - 3.1 Combless packages of bees and/or queens shall not be shipped or moved into Louisiana unless there is firmly attached to each package or container, or to each strap of packages or containers, a certificate permit issued by proper officials of the State or country of origin, certifying that the apiary from which the combless packages of bees and/or queens originated was inspected and found free of American foulbrood for a period of at least one year previous to date of shipment, and that an inspection was made of the apiary within sixty days of the date of shipment. Diseases other than American foulbrood found present in the apiary from which the shipment originated must have been effectively controlled in an approved manner. The feed for combless packages of bees and/or queens shall be of sugar syrups or sugar candies only.
 - 3.2 Package bee shippers of Louisiana may bring or have shipped back into the State combless package cages previously used and re-use same in making subsequent shipments.
- 4.0 Authority of agents to enter premises
 - 4.1 Agents of the Department are authorized and shall be allowed entrance onto any property or premises in the State of Louisiana for the purpose of carrying out the provisions of these regulations.
 - 4.2 No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.
- 5.0 Applications for inspections
 - 5.1 Beekeepers who desire certificate permits authorizing the movement of packages of bees and/or queens shall make application for inspection by February 15 of each year on a form that will be furnished by the Department and shall give the location of each and every apiary or yard owned or controlled or from which package bees and/or queens are to be moved or shipped by the applicant.
 - 5.1 In application for inspection and at the time of inspection, beekeepers shall declare the yards in which sulfa drugs (or other chemicals) have been fed or administered to one or more colonies.
- 6.0 Shipment or movement of restricted articles
 - 6.1 Combs or combless packages of bees and/or queens An official, unexpired Apiary Package Certificate Permit, issued by the Department, shall be pasted on each package, queen cage, or strap of packages; and an official Apiary Certificate Permit, issued by the Department to cover shipments or movements of bees and/or queens, shall be filled out (in duplicate) by the beekeeper on each complete shipment to show the name and address of the consignor, name and address of the consignee, the contents of the shipment and the serial number or numbers of the package permits used on the shipment. The original copy of the certificate shall be either pasted on the shipment or attached to the bill of lading covering the shipment; and the duplicate copy shall be kept by the

beekeeper for a period of at least three years, during which time the State Entomologist or his agents may examine such duplicates and tabulate such information as he deems necessary.

6.2 Colonies of bees, used or second-hand beekeeping equipment

Colonies of bees, used or second-hand beekeeping equipment shall not be shipped, moved or sold unless accompanied by a special permit issued by the State Entomologist, except as provided for in Rule 8.0 of these regulations.

6.3 Requirements covering the return into Louisiana of supers and frames used in shipping comb honey to points outside the state

Under special permit issued by the State Entomologist, comb honey producers of Louisiana may ship comb honey supers filled with frames and honey back to points outside the State and move or ship the same supers and frames back into Louisiana, provided: (1) each super and frame is branded by burning into the wood the name of the shipper, or an official brand which may be obtained from the Louisiana Brand Commission; (2) all supers and frames returned shall have been cleaned of all honey and comb; (3) upon receipt of such supers and frames returned into the State, the State Entomologist shall be advised of same, indicating the number of supers and frames returned and name and address of consignee. All such returned equipment shall be subject to inspection by agents of the Department.

7.0 Issuance and use of certificate permits in Louisiana

7.1 Package permits and certificate permits shall not be issued by the Department except to cover the shipment or movement of package bees and/or queens from a yard or yards that are not under quarantine and have been inspected at least once each year (prior to the shipment or movement of bees therefrom) and found free of American Foulbrood infection and other diseases found have been effectively controlled.

7.2 Package permits and certificate permits shall not be issued to cover the shipment or movement of package bees and/or queens from an area that has been quarantined on account of American Foulbrood infection until two consecutive inspections have been made of the colonies within the area and no further infection was found; the first inspection to be made not less than twenty-one days nor more than thirty days after the American Foulbrood infection was found and destroyed. If found free after the initial inspection (21-30 days), the quarantine shall be lifted. However, if American Foulbrood is again found, an additional twenty-one to thirty day quarantine period will be enforced with destruction of those colonies found to be infested. An additional sixty day quarantine will be enforced on any yard found to be treating with drugs to mask the presence of American Foulbrood.

7.3 Special permits shall be issued to cover the shipment or movement of colonies of bees, used or second-hand beekeeping equipment into other states only with the approval of the proper officials of the state of destination.

7.4 Package permits and certificate permits issued by the Department shall be used by beekeepers only to cover the shipment or movement of package bees and/or queens from a yard or yards designated by the State Entomologist or his agents.

8.0 Shipment or movement of restricted articles from any quarantined area except under special permit

8.1 The shipment or movement of restricted articles from any quarantined area of Louisiana is prohibited except under special permit issued by the authorized official of the State or country of destination.

9.0 Eradication measures

9.1 All colonies of bees infected with American Foulbrood shall be destroyed by burning, in the presence of or by an inspector.

9.2 All colonies of bees found infected with European Foulbrood shall be queened within thirty days after infection is found; or the infected colonies shall be destroyed.

9.3 Nuclei exposed to American Foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

9.4 All other bee diseases shall be treated as prescribed by the State Entomologist or his agents for the control of same.

10.0 Levy of Assessments

10.1 The State Entomologist may levy an assessment of fifteen cents per colony of bees as provided by R.S. 3:2306, which assessment shall be due by May 1 of each year.

11.0 Penalties

11.1 Restricted articles shipped or moved into Louisiana in violation of these regulations shall be destroyed in accordance with LSA 3:2301-2308; any person who fails to comply with the requirements of these regulations is subject to the penalties provided for in LSA 3:2301-2308.

Bob Odom

Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2091 and 3:665, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following addition to Regulation 3 of the Rules and Regulations of the Board, at a public hearing held on March 10, 1981:

SECTION 3. Conditions for Issuing a Livestock Auction Market Permit

* * *

D. The day of the week approved by the Board for the conduct of the sale must be established prior to the issuance of the charter.

(1) In the application for charter, the applicant shall specify the day(s) of the week on which he desires to conduct sales.

(2) No requested sales day shall be approved for any applicant if any established, chartered auction market(s) located within a fifty mile radius of the applicant has received prior Board approval for the conduct of a sale on the same day of the week, provided that the Board may approve an applicant's request for approval of a sale on the same day of the week as a sale conducted by an established, chartered market within a fifty-mile radius if the operator(s) of the established market(s) submits a statement, in writing, to the effect that he has no objections to the Board's approval of the same sales day.

(3) Whenever any established, previously chartered auction market desires to change the day of the week approved by the Board for the conduct of his sale, the operator shall submit a request for a change of approved sales days at least fifteen days prior to the desired change, which request shall include, but not be limited to, the following information: (a) day of the week previously approved for the sale, (b) day of the week for which approval is sought, (c) statement identifying reasons for the requested change, specific benefits which are expected to accrue to producers and buyers, and proposed allocation of Board personnel to handle the change of sales day. If the established market desires to change the approved sales day to the same day previously approved for another established auction market within a fifty-mile radius, the operator shall submit the same statement as required by Rule D (2) above.

(4) Within fifteen days following the effective date of this Rule, each chartered auction market operator in this State shall submit to

the Board a request for sales days, which request shall include: (a) day of the week on which his sale is currently held, (b) first sale conducted on this day (for example, "first Monday sale in June, 1967; sales held on Mondays only continuously since June, 1967"), and (c) present location of the sale (i.e., street and city). The Board at its next meeting shall establish sales days for every livestock auction charter. Any chartered markets which are presently conducting sales on the same day of the week shall be required to submit the statement required in Rule D (2) above. (5) In any case where two or more chartered markets located within a fifty-mile radius desire to conduct sales on the same day of the week, and the statement required under Rule D (2) above is not filed by all such chartered operators, the Board shall establish the day of the week on which each operator shall conduct his sale.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

The following addition to Regulation 1, Section 3, Sub-Section (5) was added immediately after Paragraph (3) thereof:

Exceptions: (a) Feeder swine going to an approved quarantine feed lot.

* * *

The following new Regulation 29 was adopted:
Section 1. Definition of Terms.

1. Quarantined Feed Lot — A confined area for the finish feeding of swine with no provision for pasturing and grazing, from which swine may move only to immediate slaughter and which is maintained under the direct supervision and control of the state livestock official who shall establish procedures to insure individual identify of all animals entering the lot.
2. Person — An individual, partnership, corporation or association.
3. Permit — A license issued annually by the Louisiana Department of Agriculture, Livestock Sanitary Board.

Section 2. Permit Required.

1. No person may operate a quarantined swine feed lot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a feed lot without a valid permit will be in violation of this regulation and subject to prosecution.

Section 3. Conditions for Issuing a Quarantined Feed Lot Permit.

1. The operation must not constitute a health hazard to livestock on surrounding premises or create a public nuisance.
2. The operator must agree to abide by the provisions of this regulation and all other regulations of the Livestock Sanitary Board and the U.S. Department of Agriculture governing such operations and movements.

Section 4. Requirements for Operation of Quarantined Feed Lots.

1. All swine must be maintained at a safe distance and apart from all other neighboring swine of other producers.
2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to State-Federal personnel upon request.

3. All swine movements from a quarantined feed lot must be directly to a slaughtering establishment operating under approved State or Federal meat inspection.

Section 5. Cancellation of Quarantined Feed Lot Permit.

1. A quarantined swine feed lot permit may be cancelled whenever the operation does not meet the requirements of this regulation or the operator of such quarantined swine feed lot has violated the provisions of this regulation in any respect.
2. The Board shall give written notice of the cancellation of a quarantined swine feed lot permit to the operator thereof.
3. Any operator of a quarantined swine feed lot whose permit is so cancelled may appeal the cancellation thereof by written notice to the Board within ten days of receipt of the notice of cancellation. Any operator of a quarantined swine feed lot who appeals cancellation of his permit shall be entitled to a full hearing before the Board, and the decision of the Board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

Section 6. Penalty.

1. All violations are subject to cancellation of permit, prosecution under LSA 3:2095, and the penalties set forth in LSA 3:2096.

Bob Odom
Commissioner of Agriculture

RULE

Board of Elementary and Secondary Education

Rule 3.01.70v(34) - The Board adopted the amended Louisiana Standards for Special Education Paraprofessional Permits as follows:

Louisiana Standards for Special Education
Paraprofessional Permits
Permit LEVEL I

Level I paraprofessionals working in special education programs in Louisiana shall demonstrate the following competencies by successful completion of an approved inservice training program.

1. Understanding of Level I paraprofessional role, responsibilities, and limitations.
2. Ability to work effectively and cooperatively with other staff members.
3. Ability to communicate effectively (oral, written, and non-verbal).
4. Understanding of the intellectual, physical, and social/emotional characteristics of the various handicapping condition.
5. Awareness of terminology associated with special education and various handicapping conditions.
6. Awareness of generalized training procedures associated with academic, self-help, motor and social skills.
7. Knowledge of general health and safety procedures.
8. Ability to maintain an attractive, safe, hygienic classroom environment.
9. Ability to define and demonstrate basic personal grooming skills.
10. Awareness of requirements for safely positioning and handling handicapped students.
11. Ability to identify orthopedic appliances, equipment and prosthetic devices.
12. Knowledge and skills necessary to safely accompany handicapped children in a passenger vehicle.
13. Ability to operate commonly used audio-visual and duplicating equipment.

Permit Level II

Level II paraprofessionals working in special education programs in Louisiana shall demonstrate all Level I competencies

and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level II paraprofessional role, responsibilities and limitations.
2. Understanding of role and responsibilities of teachers.
3. Understanding of role and responsibilities of related service personnel.
4. Ability to interpret, communicate, and carry out written and oral instructions.
5. Knowledge and understanding of developmental patterns (normal and atypical).
6. Ability to define and utilize terminology commonly associated with special education and various handicapping conditions.
7. Knowledge of special education rules and procedures associated with screening and evaluation and development and implementation of IEP.
8. Knowledge of confidentiality requirements and procedures.
9. Awareness of various community and regional agencies which serve handicapped children and their families.
10. Ability to administer classroom assessment instruments.
11. Ability to observe and recall behaviors in an objective, systematic manner.
12. Ability to express observations in a clear, concise, factual manner, both orally and in writing.
13. Knowledge of basic principles of behavior shaping and classroom management.
14. Ability to count pinpointed behaviors.
15. Ability to implement recommended educational and training programs associated with academic, self-help, social and motor skills.
16. Ability to sequence recommended instructional activities or steps.
17. Ability to safely and appropriately position and handle handicapped children.
18. Ability to monitor use of orthopedic appliances, equipment, and prosthetic devices.
19. Ability to carry out basic health and first aid procedures.
20. Knowledge of health and safety procedures associated with medication, seizure management, etc.
21. Ability to implement recommended procedures associated with care of a child with specific handicapping conditions.
22. Ability to prepare routine classroom reports.

Permit LEVEL III

Level III paraprofessionals working in special education programs in Louisiana shall demonstrate all Level I and Level II competencies and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level III paraprofessional role, responsibilities, and limitations.
2. Ability to describe the characteristics and causes of various handicapping conditions.
3. Understanding the impact of a child's handicapping condition on the family.
4. Knowledge and skills required to communicate with various community agencies which serve handicapped children and their families.
5. Knowledge of special education rules and regulations associated with implementation of federal and state law.
6. Ability to score and interpret basic classroom assessment instruments.

7. Ability to task analyze goals and objectives.
8. Knowledge and skills required to develop recommended educational and training programs associated with academic, self-help, social and motor skills.
9. Knowledge and skills required to develop recommended behavior shaping and classroom management programs.
10. Ability to evaluate and report on effectiveness of educational and behavioral programs.
11. Ability to make recommended changes and adaptations in instructional activities and materials.
12. Knowledge and skills required to present information and demonstrate program procedures to parents/guardians of handicapped children.
13. Knowledge and skills required to make recommended adjustments on orthopedic appliances, equipment, and prosthetic devices.
14. Knowledge and skills (as specified by employing agency) required to safely transport a handicapped student in a passenger vehicle.

Permit LEVEL IV

Level IV paraprofessionals working in Louisiana shall demonstrate all Level I, and Level II, and Level III competencies. Additionally they will have earned a *Special Education Paraprofessional Associate of Arts* degree from an approved program.

AMENDMENT TO ITEM 8 ON THE BOARD AGENDA Louisiana Standards for Special Education Paraprofessional Permits

EFFECTIVE DATE:

The Louisiana Standards for Special Education Paraprofessionals Permits will become effective October 31, 1981.

PROVISIONS:

1. A person certified as a special education teacher who serves as a special education paraprofessional will automatically receive a Level III permit.
2. Persons employed as a special education paraprofessional will have until September 1, 1985, to earn an appropriate level permit.
3. Each person serving as a paraprofessional and having successfully completed a paraprofessional training program approved by the Department and offered through another agency, as documented by the training officer of the agency, will receive the appropriate level permit.
4. Persons participating in pilot training activities will be issued permits according to the level of training completed.

James V. Soileau
Executive Director

RULE

Board of Trustees for State Colleges and Universities.

The Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Part IX, Section 9.6E, is changed to read as follows:

Paragraph 2:

"2. A migrant or transfer from an institution not under the jurisdiction of the Board shall cease to be classified as such after the completion of twenty-four semester hours, or the equivalent, in residence at an institution under the jurisdiction of the Board, some part of which must have been earned during a regular fall or spring semester; provided he or she meets all other eligibility requirements."

* * * * *

Paragraph 4:

"4. If an institution is a member of the NCAA or NJCAA, a migrant or transfer shall be eligible for practice and financial aid.

The student-athlete shall not be eligible for competition until the completion of twenty-four semester hours, some part of which must have been earned during a regular fall or spring semester, at that institution."

All other paragraphs remain unchanged.
Bill Junkin
Executive Director

RULE

PPM No. 63 (Revised)

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Policy and Procedure Memorandum No. 63 (Revised), relative to the use of state-owned vehicles, mileage reimbursements and reporting requirements. These rules and regulations are identical to those published under emergency procedures in the December 20, 1980, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Division of Administration
Property Control Section**

The Property Control Section revised the State Property Control Regulations as follows:

Section 1.

1.4 "Property" means all tangible non-consumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner. The Commissioner hereby designates that State-owned timber should be considered to be movable and State-owned pecans shall be considered to be non-consumable for purposes of the Louisiana Property Control Law (LSA-R.S. 39:321 et seq.).

6.2 Agencies shall submit their Release Order requisitions for State of Louisiana identification tags to the State Property Control Director. The tags are purchased in large quantities on state contract and shall be issued at actual cost.

7.1 The Agency Property Manager shall establish and maintain a Property Location Index. This index may have up to four numbers of alphabetical characters and shall be used to keep track of the location of the property of the agency.

Example:

Code	Location
0100	605 Main Street - Room 100
0101	605 Main Street - Room 101
0200	615 Main Street - Room 45
A101	Administration - First Floor

The Agency Property Manager shall keep the Property Location Index for the agency current and shall submit to the State Property Control Director an up-to-date index each time a change or modification is made in the Property Location Index.

7.2.7. Serial Number (columns 20-23). The Agency Property Manager shall fill in the last four numbers of the manufacturer's serial number.

Alphabetical characters can be used with numbers. If there is no serial number on the item, leave all four spaces blank. Do not leave blanks in between the numbers and if the numbers are less than four, the column(s) on the left must be left blank under this heading.

10.2.1. Active Duplicate Item - This is when the same tag number and classification code being submitted is already on the master file.

10.2.2. Inactive Duplicate Item - This is when the same tag number and classification code being submitted was once on the file and was permanently removed.

10.2.3. Active Duplicate Tag - This is when an item is submitted using a tag number which is already on the master file.

10.2.4. Inactive Duplicate Tag - This is when an item is submitted using a tag number which has been permanently removed from the master file.

Section II.

2.4 No Agency Property Manager or head of the agency shall authorize the transfer of any items of surplus property to the State Property Control Section without a prior approved BF-11 for each item and a scheduled delivery date from the State Property Control Section. Items which arrive with unapproved BF-11's at the State Property Control Section for disposition will be returned to the shipping agency for proper compliance to these Regulations. When more than one item is to be transferred, not located, scrapped, or dismantled for parts, one BF-11 may be used with the necessary information on an attached sheet.

5.5.1. Originating purchase from participating Federal Funds - The agency transferring the item shall be reimbursed eighty percent of the percentage of Federal Funds used for the original purchase. A copy of supporting Federal documentation must be enclosed with BF-11 request for transfer to the Property Control Section.

Example: If an item was purchased with 75/25 Federal Funds and was sold at surplus public bid for \$100.00 the amount reimbursed would be eighty percent of \$75.00 or \$60.00. Note: The use by the agency of the reimbursed percentage of Federal funds must be documented for the Legislative Auditor.

5.5.2. Originating purchase from the State Revolving Fund - The agency transferring the item shall be reimbursed up to eighty percent of the proceeds received by State Property Control for the item.

5.5.5. As an exception to the general state property disposition regulations, state agencies may sell their livestock at any authorized public auction or sale. A BF-11 and any documentation pertaining to the sale should be sent to the State Property Control Office immediately after the sale for approval to remove the livestock from the master file.

Phillip Collins, Director
State Property Control

RULE

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of policies, rules and regulations, relative to the Small and Minority Business Set-Aside Program, mandated by R.S. 39:1731-1736. These policies, rules and regulations are identical to those published in the January, 1981, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULES

Department of Health and Human Resources Board of Nursing

R.N. 3.04 *Advanced Practitioner of Nursing* is a health care provider who is currently licensed as a registered nurse in Louisiana and who, by virtue of additional educational preparation, has gained knowledge and skills in a specialty area of nursing. This educational preparation shall be fulfilled by one of the following:

(1) Satisfactorily complete a program of studies offered through an institution of higher education leading to an advanced degree in nursing (or its equivalent) and/or to national certification; or

(2) Satisfactorily complete a program of studies accredited by a nationally recognized accrediting agency which is recognized by the Louisiana State Board of Nursing.

Programs of study not meeting one of the above criteria, or in the case of questions regarding the quality of the program, said programs will be evaluated by the Louisiana State Board of Nursing prior to recognition of its graduates.

Advanced Practitioners of Nursing are authorized, within the scope of their preparation for practice, to perform advanced nursing functions.

Advanced Practitioners of Nursing shall include, but not be limited to the following:

R.N. 3.041 *Primary Nurse Associate* (also known as nurse practitioner):

(1) A registered nurse who provides direct nursing care to individuals, families and other groups in a variety of settings including homes, institutions, offices, industry, schools and other community agencies. The nursing service provided by the primary nurse associate is aimed at the delivery of primary acute or chronic care which focuses on the maintenance, achievement, and restoration of optimal functions in the population. The primary nurse associate engages in nursing care decision making. The primary nurse associate also participates in making decisions with other health care professionals regarding the needs of clients, and functions under the direction of a physician.

(2) By virtue of and consistent with additional educational preparation, knowledge and clinical skills, a primary nurse associate, under the direction of a physician, may perform appropriate nursing functions, including:

(a) Assess and develop a comprehensive health data base (including the elicitation of a comprehensive health history and performance of physical assessment, using skills of observation, inspection, palpation, percussion and auscultation, as well as basic instruments and indicated screening procedures) for the purpose of reporting abnormal findings to the physician;

(b) Plan, implement and evaluate nursing care consistent with medical treatment and care prescribed by a physician;

(c) Evaluate, plan, implement, and re-evaluate nursing care of individuals requiring emergency nursing measures;

(d) Initiate or modify medical treatment when and to the extent authorized by the treating physician within established plan of medical and nursing protocol;

(e) Assist the consumer in identifying and using the community resources available for follow-up health care services;

(f) Create and maintain accurate records, appropriate legal documents and other reports of client care consistent with the law;

(g) Develop individualized client teaching plans based on assessed nursing needs;

(h) Counsel individuals, families and groups about health and illness and promote health maintenance; and

(i) Recognize, initiate and participate in the development and implementation of professional and community educational programs related to health care.

R.N. 3.042 *Certified Nurse-Midwife*:

(1) A registered nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives (ACNM), and subsequent certification by the ACNM, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

(2) A nurse-midwife never works as an independent practitioner, but always as a member of a physician-directed health care team. (S) he functions within the framework of medically approved criteria, policies and standing orders.

(a) Assume responsibility for the management and complete care of the essentially healthy woman and newborn related to the childbearing processes.

(b) Develop with the woman an appropriate plan of care attentive to her interrelated needs.

(c) Participate in individual and group counseling and teaching throughout the childbearing processes.

(d) Manage, through mutual agreement and collaboration with the physician, that part of care of medically complicated women which is appropriate to the skills and knowledge of nurse-mid-wives.

(e) Collaborate with other health professionals in the delivery and evaluation of health care.

(f) Assess own professional abilities and function within identified capabilities.

(g) Assume responsibility for own self-determination within the boundaries of professional practice.

(h) Maintain and promote professional practice in concert with current trends.

(i) Utilize Standards for Evaluation of Nurse-Midwifery Procedural Functions in development and evaluation of practice.

(j) Promote the preparation of nurse-midwifery students.

(k) Assists with the education of other health care personnel.

(l) Support the philosophy and official policies of the American College of Nurse-Midwives.

R.N. 3.043 *Certified Registered Nurse Anesthetist*:

(1) A registered nurse who renders anesthesia care and meets the requirements of Louisiana R.S. 37:930.

(2) A certified registered nurse anesthetist works under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the State of Louisiana:

(a) Conduct a pre-anesthesia visit and assessment with appropriate documentation.

(b) Develop an anesthesia care plan.

(c) Induce anesthesia.

(d) Maintain anesthesia at the required levels.

(e) Support life functions during the perioperative period.

(f) Recognize and take appropriate action for untoward patient responses during anesthesia.

(g) Provide professional observation and management of the patient's emergence from anesthesia.

(h) Conduct postanesthesia visit and assessment with appropriate documentation.

(i) Participate in the life support of the patient for whatever cause.

R.N. 3.044 *Clinical Nurse Specialist*:

(1) A registered nurse holding a Master's degree in a specific area of clinical nursing. The advanced knowledge, skill and competence of this nurse is made available to the public through

the provision of direct nursing care to individuals. These services are further extended through the planning, guiding and directing of care given by other nursing personnel.

(2) The primary responsibility of the clinical nurse specialist is patient care delivery to a select population in a specialty area. The role functions of the clinical nurse specialist are: 1) direct nursing care; 2) indirect nursing care; 3) research; 4) change-agent; 5) teaching; and 6) consultation.

(a) Direct Nursing Care: Utilize a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, executing and evaluating those aspects of health and nursing care of individuals who require this specialized competence.

(b) Indirect Nursing Care: Plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions.

(c) Research: Create and test methods of nursing intervention and health care in the area of specialization.

(d) Change-Agent: Act as a catalyst and/or initiator of change by applying new scientific knowledge in nursing practice, disseminating new knowledge and its application in nursing practice; work with agencies or groups of health personnel to change nursing practice and the system of health care delivery.

(e) Teaching: Utilize theories and skills of communication and teaching-learning to increase the knowledge or functioning of individuals and groups, nursing personnel, students and other members of the health care team.

(f) Consultation: Act as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in nursing care.

Merlyn M. Maillian, R.N., Executive Director
Louisiana State Board of Nursing

RULE

Department of Health and Human Resources Board of Nursing

R.N. 1.05 Implementation of the Nurse Practice Act

The Louisiana Nurse Practice Act, R.S. 37:911 et seq., provides that, in order to safeguard life and health, any person practicing or offering to practice as a registered nurse in this state shall submit evidence that (s)he is qualified to do so and shall be licensed to practice as a registered nurse. The Act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office of the Board members. The duties of the Board are specified in the Act, and these duties provide for the implementation of the Nurse Practice Act through the adoption of rules and regulations.

R.N. 1.051 Officers of the Board

The officers of the Board shall consist of a President and a Secretary-treasurer.

(1) The officers of the Board shall be elected annually at the last regular meeting of the year. The candidate receiving the largest number of votes cast by Board members shall be declared elected and shall assume office when the New Business is begun at that meeting.

(2) A vacancy occurring in an office shall be filled by election to complete the unexpired term of the respective officer.

(3) The duties of the officers shall be as follows:

(a) The President shall preside at all meetings of the Board. (S)he shall appoint all standing and special committees not otherwise provided for, and perform all other duties pertaining to this office.

(b) The Secretary-treasurer shall prepare the annual budget, review financial records periodically and present a report at each regular meeting of the Board.

(c) Both the President and the Secretary-treasurer shall sign the registration certificate for each new licensee in Louisiana.

R.N. 1.052 Official Office of the Board

The domicile of the Board is Baton Rouge, Louisiana. The office for administration of Board work shall be established in the City of New Orleans.

(1) An Executive Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board.

(2) An Associate Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is administratively responsible to the Executive Director.

(3) A Nursing Practice Consultant(s), who shall be a registered nurse(s), shall be appointed by the Board to carry on the work defined by the Board. (S)he is responsible to the Executive Director.

(4) A clerical staff shall be maintained to carry on the office work.

R.N. 1.053 Meetings of the Board

Regular business meetings shall be held at the office of the Board or at a place designated by the Board.

(1) A minimum of four regular meetings shall be held each year. The annual meeting shall be held in the fall.

(2) Special meetings shall be called by the Executive Director, or a designee, at the request of the President, or upon the request of three members of the Board.

(3) Four members, including one officer, shall constitute a quorum of the Board for the purpose of conducting business.

(4) Any person wishing to have a special topic added to the agenda for a Board meeting shall notify the Executive Director, or a designee, at least twenty-one days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

(5) The Executive Director, or a designee, shall keep a record of all meetings and such records shall be retained as permanent records of the transactions of the Board.

(6) Meetings of the Board for the conduct of regular business and for the formation of policy shall be open to the public.

R.N. 1.054 Powers and Duties of the Board

R.S. 37:918 provides that the Board shall:

(1) Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this Part;

(2) Approve schools which meet the licensing requirements of the Board;

(3) Provide for hearings for nurse educational programs when approval is denied or withdrawn;

(4) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(5) Examine, license, and renew licenses of duly qualified applicants;

(6) Conduct hearings upon charges calling for discipline of a licensee;

(7) Cause the prosecution of all persons violating any provision of this Part and have the power to incur necessary expenses therefor;

(8) Keep a record of all board proceedings;

(9) Publish an annual report for distribution to the governor and the legislature;

(10) Publish an annual roster, and distribute same for professional purposes;

(11) Adopt, and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part;

(12) Employ an executive director who holds a current

Louisiana license to practice nursing as defined in this Act, and other persons necessary to carry on the work of the Board, define their duties, and fix their compensation;

(13) Appoint an attorney at law to represent it in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties;

(14) Have all other powers necessary and proper to the performance of their duties.

R.N. 1.055 Adoption of Rules and Regulations

R.S. 37:918 provides that the Board shall adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part. In promulgating rules, the Board is exercising powers that have been delegated by the Louisiana Legislature.

(1) Definition of Rules and Regulations: Statements, guides or requirements of conduct or action that are of general applicability. Rules and Regulations of the Board of Nursing implement or interpret the Nurse Practice Act or describe the organization, procedure or practice of the Board.

(2) All Rules and Regulations of the Board shall be adopted, revised or repealed in accordance with the Administrative Procedure Act, R.S. 49:951 thru 968.

(a) Except in emergency situations, the Board shall give at least fifteen days notice of its intent to adopt, revise, or repeal Rules and Regulations. The notice shall be in accordance with Statutory requirements and shall be published in the *Louisiana Register*.

(b) After adoption, and as soon as possible, the official text of the Rules and Regulations shall be submitted for publication in the *Louisiana Register*. The Rules and Regulations become effective on the date of their publication, unless otherwise specified.

(c) Any interested person may petition the Board, requesting the promulgation, revision or repeal of Rules and Regulations which would affect that person. The petition shall:

- (1) Be submitted in writing;
- (2) State the name and address of the petitioner;
- (3) Include an exact statement of the changes sought and the effect of the proposed change on existing practice;
- (4) Include data, opinions or arguments in support of request.

The Board shall act on the petition within ninety days after receiving said petition. The Board shall either deny the petition, stating reasons therefor, or shall initiate rule-making proceedings in accordance with its procedure for same.

R.N. 1.056 Declaratory Statements of the Board

The Board may issue a declaratory statement in response to a request for clarification of the effect of Rules and Regulations or of R.S. 37:911 et seq.

(1) A request for a declaratory statement is made in the form of a petition to the Board. The petition shall include at least:

- (a) The name and address of the petitioner;
- (b) Specific reference to the Statute or Rules and Regulations to which the petition relates;
- (c) A concise statement of the manner in which the petitioner is aggrieved by the Rule or Statute or by its potential application to her/him, or in which (s)he is uncertain of its effects;
- (d) A statement of whether an oral hearing is desired.

(2) Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least twenty-one days prior to said meeting.

(3) The declaratory statement of the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

R.N. 1.06 Disciplinary Proceedings before the Board

The Board of Nursing has the responsibility to consider and determine the action necessary upon all charges of conduct which

fail to conform to R.S. 37:911 et seq., or to the Rules and Regulations promulgated to carry out the provisions of this Part.

R.N. 1.061 Proceedings Against a Registered Nurse

The Board may deny, revoke, or suspend any license to practice as a registered nurse or otherwise discipline a licensee in accordance with R.S. 37:921-923.

Every licensee subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the Board or its duly appointed hearing officer or committee.

A complaint that a licensee has engaged in, or is engaging in, any conduct proscribed by R.S. 37:921, may be made by any person or the Board. Such complaints shall be in writing, shall be signed, and the Board may require that the complaints be sworn to.

(1) Grounds for disciplinary proceedings against a registered nurse are specified in R.S. 37:921:

(a) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse;

(b) Is guilty of a felony;

(c) Is unfit or incompetent by reason of negligence, habit or other causes;

(d) Is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs;

(e) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part;

(f) Is mentally incompetent; or

(g) Has violated any provisions of this Part.

(2) Definition of Terms: The Board in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

(a) "Deny" means to refuse for cause.

(b) "Revoke" means to annul or make void by calling back.

(c) "Suspend" means to hold in abeyance for a definite or an indefinite period of time.

(d) "Felony" means a crime of a serious nature usually punishable by imprisonment in a state penitentiary at hard labor or by death; or a crime in violation of federal statutes in which the punishment is more than one year incarceration.

(e) "Unfit or incompetent" means unsuitable.

(f) "Negligence" means a breach of duty of care owed to a party.

(g) "Habit" means a mode of negligent behavior which a registered nurse acquires over a period of time.

(h) "Other causes" includes, but is not limited to:

(1) Failure to practice nursing in accordance with the Legal Standards of Nursing Practice as adopted by the Board.

(2) Possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing as defined in R.S. 37:913, (3).

(3) Failure to utilize appropriate judgment in administering nursing practice.

(4) Failure to exercise technical competence in carrying out nursing care.

(5) Violating the confidentiality of information or knowledge concerning the patient.

(6) Performing procedures beyond the authorized scope of nursing or any specialty thereof.

(7) Performing duties and assuming responsibilities within the scope of the definition of nursing practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty.

(8) Improper use of drugs, medical supplies, or patient's records.

(9) Misappropriating personal items of an individual or the agency.

(10) Falsifying records.

(11) Intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient.

(12) Delegating nursing care, functions, tasks, or responsibilities to others contrary to regulations.

(13) Leaving a nursing assignment without properly notifying appropriate personnel.

(14) Failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider.

(i) "Habitually intemperate or addicted" includes, but is not limited to, the abuse of narcotics, hallucinogenics, stimulants, depressants, intoxicants, or other controlled drugs which could result in behavior that interferes with the practice of nursing and the responsibilities of the licensee.

(j) "Aiding and abetting" means to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating the Nurse Practice Act or the Rules and Regulations of the Board.

(k) "Mentally incompetent" means a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

(3) The Disciplinary Process and Procedures

A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

The purpose of a disciplinary proceeding is to determine contested issues of law and fact: whether the licensee did certain acts and, if he did, whether those acts violated the Nurse Practice Act or Rules and Regulations of the Board of Nursing; and to determine the appropriate disciplinary action.

(a) Informal disposition of Complaints

Some complaints may be settled informally by the Board and the licensee, without a formal hearing. The following types of informal dispositions may be utilized:

(1) Disposition by Correspondence: For less serious complaints, the Executive Director, or a designee of the Board, may write to the licensee explaining the nature of the complaint received. The licensee's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be brought before the Board for a formal hearing.

(2) Conference or Informal Hearing: The Executive Director, or a designee of the Board, may hold a conference with the licensee, in lieu of, or in addition to correspondence, in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

The licensee shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out at the conference may later be used in a formal hearing. Board members are not involved in informal hearings.

(3) Settlement: An agreement worked out between the persons making the complaint and the licensee does not preclude disciplinary action by the Board of Nursing. The nature of the offense alleged and the evidence before the Board must be considered.

(b) Consent Order

An order involving some type of disciplinary action may be made by the Board with the consent of the licensee. A consent order requires formal consent of a quorum of the Board. It is not the result of the Board's deliberation; it is the Board's acceptance

of an agreement reached between the Board and the licensee. The order is issued by the Board to carry out the parties' agreement.

(c) Formal Hearing

The Board of Nursing has the authority, granted by R.S. 37:922, to bring administrative proceedings to persons to whom it has issued a license to practice as a registered nurse. The Board and the licensee are the parties to the proceeding. The licensee has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

If the licensee does not appear, in person or through counsel, after proper notice has been given, the licensee may be considered to have waived these rights and the Board may proceed with the hearing without the presence of the licensee.

The process of a disciplinary proceeding shall include certain steps and may include other steps as follows:

(1) The Board of Nursing receives a complaint alleging that a licensee has acted in violation of the Nurse Practice Act. Communications from the complaining party shall be privileged and shall not be revealed to any person except when such documents are offered for evidence in a formal hearing and except those documents being subpoenaed by a Court.

(2) The complaint is investigated by the Board's employees to determine if there is sufficient evidence to warrant disciplinary proceedings. No Board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding, once notice of the proceeding has been served, and said member has notice thereof.

A decision to initiate formal complaint or charge is made if one or more of the following conditions exists:

(a) The complaint is sufficiently serious;

(b) The licensee fails to respond to the Board's correspondence concerning the complaint;

(c) The licensee's response to the Board's letter or investigative demand is not convincing that no action is necessary;

(d) An informal approach is used, but fails to resolve all of the issues.

(3) A sworn complaint is filed, charging the violation of one or more of the provisions of R.S. 37:921 and the specific violation thereof.

(4) A time and place for a hearing is fixed by the Executive Director or a designee of the Board.

(5) At least ten days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail to the last known address of the person accused. If the mailing is not returned to the Board, it is assumed to have been received. It is the licensee's obligation to keep the Board informed of his whereabouts.

The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

If the Board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the licensee's request, the Board shall supply a more definite and detailed statement to the licensee.

(6) Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance for due process.

(7) The Executive Director, or a designee of the Board, issues subpoenas for the Board for disciplinary proceedings, and

when requested to do so, may issue subpoenas for the other party. Subpoenas include:

- (a) A subpoena requiring a person to appear and give testimony; and
- (b) A subpoena *duces tecum*, which requires that a person produce books, records, correspondence, or other materials over which he has control.

A motion to limit or quash a subpoena may be filed with the Board, but not less than seventy-two hours prior to the hearing.

(8) The hearing is held, at which time the Board's primary role is to hear evidence and argument, and to reach a decision. Any Board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the Board members be recused for a particular proceeding, the Governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

The Board is represented by its staff or other personnel who conducted the investigation and presents evidence that disciplinary action should be taken against the licensee, and by the Board's attorney. The licensee may present evidence personally or through an attorney, and witnesses may testify in behalf of the licensee.

Evidence includes the following:

- (a) Oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition; (cost of the deposition is borne by requesting party)
- (b) Documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports;
- (c) Visual, physical and illustrative evidence;
- (d) Admissions, which are written or oral statements of a party made either before or during the hearing;
- (e) Facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

(9) The President of the Board presides and the customary order of proceedings at a hearing is as follows:

- (a) The person presenting evidence against the licensee makes an opening statement of what (s)he intends to prove, and what action, (s)he wants the Board to take.
- (b) The licensee, or her/his attorney, makes an opening statement, explaining why (s)he believes that the charges against her/him are not legally founded.
- (c) The person representing the Board presents the case against the licensee.
- (d) The licensee, or her/his attorney, cross-examines.
- (e) The licensee presents evidence.
- (f) The person who presented evidence against the licensee cross-examines.
- (g) The person presenting evidence against the licensee rebuts the latter's evidence.
- (h) The licensee rebuts the evidence against her/him.
- (i) Both parties make closing statements. The attorney for the Board makes the final statement.

(10) Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

(11) The records of the hearing shall include:

- (a) All papers filed and served in the proceeding;

- (b) All documents and other materials accepted as evidence at the hearing;
- (c) Statements of matters officially noticed;
- (d) Notices required by the statutes or rules, including notice of the hearing;
- (e) Affidavits of service or receipts for mailing of process or other evidence of service;
- (f) Stipulations, settlement agreements or consent orders, if any;
- (g) Records of matters agreed upon at a prehearing conference;
- (h) Reports filed by the hearing officer;
- (i) Orders of the Board and its final decision;
- (j) Actions taken subsequent to the decision, including requests for reconsideration and rehearing;
- (k) A transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

(12) The decision of the Board shall be reached according to the following process:

- (a) Determine the facts in the issue on the basis of the evidence submitted at the hearing.
- (b) Determine whether the facts in the case support the charges brought against the licensee.
- (c) Determine whether charges brought are a violation of the Nurse Practice Act or Rules and Regulations of the Board of Nursing.

The vote of the Board shall be recorded. Minority views may be made part of the record.

Sanctions against the licensee who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by mail of the decision of the Board.

(13) The Board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the Board files a petition requesting that the decision be reconsidered by the Board.

The Board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the Board's decision has been appealed.

A petition by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the Board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

- (a) The Board's decision is clearly contrary to the law and the evidence.
- (b) There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the Board's action.
- (c) There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly.

(d) It would be in the public interest to further consider the issues and the evidence.

(d) Emergency Action

If the Board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered

pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(e) Disciplinary Proceedings in Another Licensing Jurisdiction

When a licensee whose license has been granted on the basis of interstate endorsement has her/his license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons (other than non-payment of fees) by the original licensing jurisdiction or by a subsequent licensing authority, that licensee shall be notified that her/his Louisiana license is automatically suspended.

(4) Appeal from Board Decision

Any person whose license has been revoked, suspended or denied by the Board shall have the right to have the proceedings of the Board reviewed by the court having jurisdiction over the Board, provided that such appeal is made within thirty days after the notice of the decision of the Board. If an appeal is granted, the decision of the Board is not final and, therefore, is not implemented until a decision is reached in the judicial review. The Board's decision is enforceable in the interim unless the court orders a stay.

(5) Reinstatement of License

Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure.

Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the Board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the Board to evaluate changes in the person or conditions.

R.N. 1.062 Proceedings Against a Nursing Education Program - See R.N. 2.01 (3), 2.05 (3), 2.06, 2.078 (2) (g)

R.N. 1.07 Registration and Licensure

Registration in Louisiana is mandatory for practicing as a registered nurse.

Registration and licensure as a registered nurse shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 37:920. All applicants shall meet the same standards.

The Board shall issue a certificate of registration, carrying a permanent registration number, designating the date of issuance, the authorization to practice as a registered nurse in Louisiana, and signed by the president and the secretary-treasurer of the Board, to all applicants who qualify for initial licensure.

The Executive Director, or a designee of the Board, shall record the registration of the permanent records of the Board and shall issue a license to practice, valid from the date of issuance until December 31 of that year.

R.N. 1.071 Licensure by Examination

(1) The State Board Test Pool Examination is the examination for licensure as a registered nurse.

(a) The licensing examination shall be administered by the Board of Nursing in accordance with the contract between the Board and the National Council of State Boards of Nursing, Inc.

(b) This examination shall be administered twice a year on national testing dates which are determined by the National Council of State Boards of Nursing, Inc. The dates shall be published at least six months in advance.

(c) Each examination shall be given under the direction of the Executive Director of the Board or another designee of the Board.

(d) Individual results from the examination shall be released to individual candidates and to the director of their nursing education program. Aggregate results are published for statistical purposes.

(e) Pending adoption of the new State Board Test Pool Examination, the passing standard score shall be 350 in each of the five tests that make up the State Board Test Pool Examination. Following adoption of the new State Board Test Pool Examination, the passing standard score shall be determined by the Board.

(f) Pending adoption of the new State Board Test Pool Examination, all tests of the examination must be passed within a twenty-five month period. If, after twenty-five months, all tests have not been successfully completed, the candidate must repeat the entire examination.

(2) Requirements for eligibility to take the State Board Test Pool Examination in Louisiana include:

(a) Graduation from a school of nursing approved by the Board of Nursing in the state in which the school is located.

(b) Recommendation by the director of the school of nursing.

(c) Completion of the application form at least thirty days prior to the date set for the examination.

(d) Remittance of the required fee.

(e) Freedom from restrictions by the Board of Nursing of any state.

(f) Graduates of foreign nursing schools (except Canadian schools) must produce evidence of successful completion of the Commission on Graduates of Foreign Nursing Schools Examination.

(3) Proctoring Examinations

(a) Candidates for Louisiana licensure may write the State Board Test Pool Examination in another jurisdiction of the United States, providing arrangements are made through the Louisiana State Board of Nursing prior to the examination date and providing the Board of Nursing in that jurisdiction consents to proctor the examination. The candidates shall bear the cost charged by the proctoring board.

(b) The Louisiana State Board of Nursing will proctor examinations upon request by other state boards of nursing. Such requests shall be accompanied by the necessary forms for identification and examination required by that board. Proctoring services will be provided only at the regularly scheduled examination sessions. The proctoring fee shall be paid by the candidate and must be received by the Louisiana State Board of Nursing at least one month before the examination date.

R.N. 1.072 Licensure by Endorsement

The Board of Nursing may issue a license to practice nursing as a registered nurse in Louisiana without examination to persons who meet the requirements of R.S. 37:920, B.

(1) Requirements of the applicant for licensure by endorsement include:

(a) Must be duly licensed under the laws of another state, territory, or country; and

(b) Must have completed a nursing education program approved by the Board of Nursing, and following completion of said program,

(c) Must have successfully completed a licensing examination which is comparable to that required for licensure by examination in Louisiana at the time of applicant's graduation; and

(d) Must submit the required fee; and

(e) Must complete the required application for endorsement, including the obtainment of required documents, within one year. School records submitted by the applicant or a third party will not be accepted.

(2) The Executive Director, or a designee of the Board of

Nursing, is authorized to endorse an applicant provided that:

- (a) All of the above requirements are unquestionably met.
- (b) The applicant is not under restriction of any form by the Board of Nursing in any state where the applicant holds a license to practice nursing.
- (c) There is no civil or criminal charge pending against the applicant.
- (d) There is no allegation of cause for denial of licensure according to R.S. 37:921.

(3) Applicants who fail to meet the requirements under (1) above will be denied endorsement. Applicants who meet same requirements but who, for reasons listed under 2, (b), (c) or (d) above, will be considered individually by the Board of Nursing at a regular meeting. Due process will be afforded the applicant in all cases.

R.N. 1.073 Temporary Permits

In accordance with R.S. 37:920, the Board of Nursing may issue the following temporary permits to practice as a registered nurse:

(1) A working permit may be issued to graduates of approved schools pending the results of the first licensing examination scheduled by the Board following graduation.

(a) The terminology R.N. Applicant identifies those individuals who have been issued a temporary working permit. R.N. Applicant may be abbreviated as R.N. App. after signatures on records. The full spelling is required on identification pins.

(b) The temporary work permit is limited as follows:

The R.N. Applicant shall practice only in nursing situations where direct R.N. supervision is available.

The R.N. Applicant shall serve in a staff nurse position.

The R.N. Applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

(c) The working permit issued to the R.N. Applicant expires upon the R.N. Applicant's receipt of the results of the first examination after graduation.

(2) A ninety-day permit to practice as a registered nurse may be issued to any nurse currently registered in another state, territory, or country, pending receipt of endorsement credentials providing that said nurse has filed a complete application for licensure by endorsement and provided that:

(a) The person provides verification of current licensure.

(b) The person resides in Louisiana and plans to work in Louisiana.

(c) There be no record of conviction or pending charge of felonious crime. If information relative to conviction of a felonious crime, or an investigation of same, is received during the ninety-day permit interval, the permit will be recalled and the person's file will be presented to the Board.

(3) Graduates of foreign nursing schools, except for certain Canadian schools, are not eligible for work permits.

R.N. 1.074 Renewal of License

(1) Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the Board of changes in conditions as follows:

(a) Change of address: Notify the office of the Board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the Board immediately.

(b) Change of name: If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the Board. A copy of the

marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on Board records.

(2) Requirements for renewal of license include:

(a) Completion of application form, including statistical information.

(b) Payment of fee.

(c) Evidence of meeting other requirements for special categories of nursing practice, such as requirements for Advanced Practitioners of Nursing.

(3) A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided that no criminal charge is under adjudication.

R.N. 1.075 Change of Status

(1) A registrant who is no longer practicing as a registered nurse, may, by submitting a written notice to the Board, be granted nonpracticing status. No annual renewal nor fee is required of a person in nonpracticing status.

(2) A person who holds nonpracticing status may resume practicing status by submitting a completed application form, paying the required fee and meeting all other requirements for licensure renewal.

R.N. 1.076 Verification of Licensure

(1) Registered nurses shall show their license upon the request to do so by their employer or by a consumer of their practice.

(2) If there is any suspicion relative to the validity of a license, the office of the Board may be called to verify current licensure. Only the correct spelling of the name of the person in question is necessary. The only information given by telephone by the office of the Board is whether or not the person in question holds a current license to practice as a registered nurse and the address of the individual.

(3) Before employing a person as a registered nurse, current licensure should be verified by inspection of the document or by calling the office of the Board. Failure to do so may result in aiding and abetting an unlicensed person to practice nursing in violation of the law.

(4) Annually, immediately after December 31, current licensure of registered nurses should be verified by directors of nursing or supervisors. Visual inspection of the license form is necessary to ascertain that the year is current. Documentation of this inspection should be maintained.

(5) Licenses should not be photocopied. In extreme cases where a photocopy is necessary, the copy should be defaced by printing "COPY" in red ink across the copy of the seal of the Board.

(6) Recordation of license number is discouraged. The number in itself does not verify current licensure, only initial registration.

(7) Lost or stolen licenses should be immediately reported to the office of the Board. Names of persons whose licenses have been lost or stolen are reported in *The Examiner*. For the remainder of the current calendar year, the valid license for the person so listed will have the word "Duplicate" on it.

R.N. 3.01 Duties of the Board Directly Related to Nursing Practice as cited in R.S. 37:918

The Board shall:

(1) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(2) Adopt, and revise rules and regulations necessary to enable the board to carry into effect the provisions of this Part;

(3) Have all other powers necessary and proper to the

performance of their duties.

R.N. 3.02 Definition of Terms Applying to Nursing Practice

(1) Terms Applying to Legal Definition of Nursing Practice, R.S. 37:913, (3).

(a) "Specialized knowledge and skills" required for the practice of nursing means the current theory and practice taught in basic nursing education programs preparing persons for R.N. licensure as well as information in the biological, physical and behavioral sciences.

(b) "Medical diagnosis" means the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

(c) "Medical prescriptions" mean medical interventions. These include all medications and medical treatments.

(d) "Assessing human responses" means gathering information relative to physiologic, behavioral, sociologic, spiritual and environmental impairments and strengths of an individual by means of the nursing history, physical examination, and observation, in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(e) "Case Finding" means identifying human responses which indicate existing or potential unwellness.

(f) "Health instruction" means those nursing measures that provide health information and explanation.

(g) "Health counseling" means those nursing measures that assist an individual in analyzing his/her health status, formulating health goals and planning activities to reach these goals.

(h) "Care supportive to or restorative of life and well-being" means activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(i) "Executing medical regimes as prescribed by a licensed physician or dentist" means carrying out the medical orders of a physician or dentist licensed in Louisiana.

(j) "Supervision and instructions of personnel associated with nursing functions" means those activities which serve to fulfill the accountability of the registered nurse for the total nursing care of the individual when tasks in the nursing care are delegated to other nursing personnel. These activities include:

(1) Judging the priority of nursing needs of the individual(s);

(2) Determining actions required to meet the needs;

(3) Assigning personnel, including self, qualified to implement the prescribed nursing care or components of that care;

(4) Providing information needed by personnel for the implementation of the assigned nursing care and ascertaining the assimilation of same information;

(5) Directing the nursing care and evaluating the outcomes of that care;

(6) Determining and initiating changes in nursing care or in assignment of nursing personnel.

(k) "Additional acts" means activities beyond those taught in basic nursing education programs. Additional acts are authorized by the Board through rules and regulations or declaratory statements interpreting the legal definition of nursing.

(l) "Delegation of nursing functions" means entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered nurse retains the accountability for the total nursing care of the individual.

1) Any situation where tasks are delegated should meet the

following criteria:

a) The person has been adequately trained for the task.

b) The person has demonstrated that the task has been learned.

c) The person can perform the task safely in the given nursing situation.

d) The patient's status is safe for the person to carry out the task.

e) Appropriate supervision is available during the task implementation.

f) The task is in an established policy of the nursing practice setting and the policy is written, recorded and available to all.

2) The registered nurse may delegate to licensed practical nurses the major part of the nursing care needed by individuals in stable nursing situations, i.e., when the following three conditions prevail at the same time in a given situation:

a) nursing care ordered and directed by RN/MD requires abilities based on a relatively fixed and limited body of scientific fact and can be performed by following a defined nursing procedure with minimal alteration, and responses of the individual to the nursing care are predictable; and

b) change in the patient's clinical conditions is predictable; and

c) medical and nursing orders are not subject to continuous change or complex modification.

In complex (unstable) situations, the registered nurse may utilize the expertise of the licensed practical nurse by delegating selected tasks.

3) Contingent upon the registered nurse's evaluation of each patient's condition and also upon the registered nurse's evaluation of the competency of each unlicensed nursing personnel, registered nurses may delegate non-complex tasks to unlicensed nursing personnel.

(2) "Student nurse" means a person who is engaged in learning experiences in a program of study leading to candidacy for licensure to practice as a registered nurse. The term applies only when the person is participating in an integral part of the program of study, and not when that person is engaged in an employment situation.

(3) "R.N. Applicant" means a person who has completed the educational requirements and whose application to take the required examination for licensure as a registered nurse has been accepted by the Board.

Merlyn M. Maillian, R.N.
Executive Director

RULE

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, Food and Drug Control Unit, has adopted rules and regulations governing the use of "reusable" plastic or "second-hand" containers in the manufacturing, production, preparation, compounding, blending, or packing for sale, distribution, or transfer of a food, drug or beverage. These rules and regulations, promulgated pursuant to LSA - R.S. 40:688, are made necessary as a result of the introduction of such containers into the flow of commerce in this State. The proposed rules and regulations are as follows:

1.01 Sterilization Process:

a) All "reusable" glass containers shall be cleansed, sterilized and freed from rust and contamination of any kind by the process that is described in detail in LSA - R.S. 40:682.

b) Any person or firm wishing to reuse plastic containers in the manufacturing, production, preparation, compounding, blending or packing for sale, distribution or transfer of a food, drug or beverage must develop a suitable sterilization process and have it approved by the Secretary of the Department of Health and Human Resources (State Health Office) or his designee. From time to time, the Secretary of Health and Human Resources shall declare approval of such sterilization processes as having been proven effective for cleansing, sterilizing and removing rust from such plastic containers.

2.01 Prohibited Activities:

1) The using of reusable plastic containers as a vehicle to handle or store gasoline, kerosene, pesticides or other toxic organic chemicals

3) The attempted sterilization for reusable plastic containers by a process not approved by the Secretary of Health and Human Resources.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, has changed the rate and methodology of reimbursement to providers of medically necessary non-emergency medical transportation, under the Medical Assistance Program, Title XIX of the Social Security Act as follows:

Rate of Reimbursement: Providers of services shall be reimbursed at the provider's usual rate or a rate not to exceed:

- 1) \$10.00 per one-way pick-up for the first person; and
- 2) \$5.00 per one-way pick-up for each additional person;

and

- 3) 50 cents per Title XIX vehicle mile.

4) Implement a provision for wait time at the rate of \$4.00 per hour for each full hour a driver has to wait on recipients at the medical provider's office.

To exceed these maximum rates, approval by the Assistant Secretary of the Office of Family Security or his designee shall be required on a case by case basis.

Medically necessary non-emergency transportation provided by commercial aircraft, buses, or taxis shall be reimbursed at their usual and customary rate, subject to such maximum limitations as may be established by Office of Family Security.

Annual cost reports must be submitted by those providers who are reimbursed on the basis of a pick-up fee and mileage within ninety days following the provider's fiscal year end. The state may adjust mileage costs semi-annually if there is an increase or decrease in petroleum prices.

This change which is necessary to contain cost, will decrease annual expenditures for non-emergency medical transportation by approximately \$1,934,592.

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

RULES

**Department of Natural Resources
Office of Conservation**

Rules of Procedure

**Applicable to Matters Arising under
the Natural Resources and Energy Act of 1973,
Chapter 7 of Title 30 of Revised Statutes of 1950**

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised

Statutes of 1950 entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 79-137 in Baton Rouge, Louisiana, on the eighth day of January, 1980, the following Rules of Procedure are amended, reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Rule 1 — Definitions — The words used herein shall have their usual meanings unless specially defined herein or in Chapter 7, Title 30 of the Louisiana Revised Statutes of 1950, or in regulations promulgated by the Commissioner of Conservation pursuant thereto.

Rule 2 — Applications — All applications to the Commissioner, pursuant to Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950, or Article IX, Section 2 of the Louisiana Constitution 1974, shall comply with these rules of procedure.

Except as otherwise provided in these rules of procedure or in the Commissioner's regulations implementing the Natural Resources and Energy Act of 1973, all applications shall be made in duplicate in the form required by the Commissioner and to the extent required, shall contain an outline and explanation of the nature of the proposal and shall be accompanied by such attachments, if any, as are required for such applications under the provisions of Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950 and applicable regulations adopted by the Commissioner pursuant thereto, and Article IX, Section 2 of the Louisiana Constitution 1974. In those situations where a public hearing is required, applications shall be submitted to the Commissioner in triplicate.

Rule 3 — Applications Not Requiring Public Notice — Applications to the Commissioner for which no public notice is required shall be made in writing and shall be in the form required by the Commissioner and shall contain such information as is required for such applications under the applicable regulations.

If, in applicant's opinion, the public interest requires immediate action, the applicant may request a decision by telephone, and if approval is granted, the application must be submitted in writing within seventy-two hours thereafter.

Rule 4 — Applications Requiring Public Notice — Public notice with respect to all applications for which a public hearing is required shall be given by publication of a notice of said hearing in the Official Journal of the State of Louisiana not less than ten days prior to the hearing. Public notice shall be in writing and shall include (1) a statement of the time, place and nature of the hearing and the time within which a response is required, (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 the statutes, rules and regulations involved, and (4) a concise statement of the matters asserted.

The Commissioner shall mail a copy of the public notice to the applicant by certified mail. A copy of the public notice, with a copy of the application, shall be mailed by the applicant to all interested parties within two working days of the receipt of said public notice from the Commissioner.

Notice to owners of land to be traversed by a pipeline, for all purposes under the Act and these regulations, shall be sufficient and shall be reasonable notice if mailed to the persons and to the addresses identified in the ad valorem tax records of the parishes as owners of the traversed lands.

Rule 5 — Applications Requiring Public Hearing — No order, ruling or finding may be made or other action taken with respect to La. R.S. 30:553, 554, 555(A) through (C), 555(F), 555(H), 556, 557, 558, 571 through 576, 593, 596, 598(E), 599, 722, 723, and 607 without a public hearing after due notice to all

interested parties unless the right to a public hearing is waived pursuant to the provisions of the Administrative Procedure Act, as amended, (La. R.S. 49:951-968) or the Natural Resources and Energy Act of 1973 expressly provides that no hearing is required in that instance.

Applications to the Commissioner of Conservation for which a public hearing is required shall be submitted in writing, be verified under oath, and shall be in a form and contain such information as is required by the Commissioner. The hearing on the application shall be noticed in accordance with Rule 4. The hearing date of the application shall not be less than ten days following the date of publication of notice.

Interested parties who wish to object to said application or participate in the hearing must file a petition or notice with the Commissioner and the applicant within five days following the receipt by such interested parties of notice of the hearing. Petitions or notices filed in connection with the application shall set forth clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed participation, and the position of the petitioner in the proceeding, so as to fully and completely advise the parties and the Commissioner as to the specific issues of fact or law to be raised concerning public interest, provided however, that the right to participate in a proceeding commenced under this Chapter shall not extend to objections directed solely to the matters involving rights-of-way including, but not limited to, the public purpose and necessity to be served in an expropriation thereof or the compensation therefor which is a judicial question pursuant to the Constitution of the State of Louisiana 1974, Article 1, Section 4.

The Commissioner, either upon his own motion, or at the request of an interested party or the applicant, may call a conference of the parties to a proceeding at any time, if in his opinion, such a conference would resolve or narrow the issues in controversy or assist in the conduct of the hearing.

If no objection to the application is timely filed by an interested party, in accordance with the provisions of this rule, it will be unnecessary for the applicant to be present or to be represented at the hearing, and evidence shall be filed by affidavit or in such other form as is acceptable to or permitted by the Commissioner who shall render an order based upon the record in the proceeding. The order of the Commissioner shall be final, subject to reconsideration by him upon application for rehearing by the applicant or interested party filed within ten days from the date of its entry.

If the commissioner, in his judgment, determines that an emergency exists, which in the public interest, requires action on the application prior to the hearing date or the minimum ten day notice period herein required, the Commissioner may act on the application and issue a temporary order; however, such emergency authorization shall remain in force no longer than fifteen days from its effective date. In any event, a temporary order shall expire when the Commissioner's decision on the application after notice and hearing becomes effective.

An interested party who fails to comply with the requirements of this rule, may, at the Commissioner's discretion, be precluded from introducing witnesses or from presenting evidence at the hearing; however, any person shall be permitted to cross-examine witnesses and make statements confined to his position in the matter.

Hearings on applications for approval to connect an intrastate natural gas pipeline, gas gathering line or coal slurry pipeline to an interstate natural gas pipeline or coal slurry pipeline filed pursuant to La. R.S. 30:555(H) and 607 and Louisiana Constitution 1974, Article IX, Section 2, shall be held not less than ten days after notice given in the manner provided in Rule 4. Provided, however,

that if the Commissioner, in his judgment, determines that an emergency exists, which, in the interest of public health, safety or welfare, requires that said hearing be held on shorter notice, said emergency hearing may be held on any abbreviated notice, but not less than three days following the date of publication of notice of said hearing in the Official Journal of the State of Louisiana.

Rule 6 — Applications and Notices — All applications and notices filed pursuant to these rules of procedure shall contain a list of the names and addresses of the interested parties and show that a diligent effort has been made to obtain this list.

Rule 7 — Approvals by the Commissioner for Certain Matters Under the Act — All matters under the Act requiring the approval and permission of the Commissioner, and for which no objection thereto has been received within fifteen days after due notice, if required, and no public hearing is specifically required may be approved by the Commissioner without a public hearing by the issuance of an order, or administratively, on forms and in a manner determined by the Commissioner.

Rule 8 — Approvals by the Commissioner for Matters Involving a Public Hearing — As to matters under the Act requiring the approval of the Commissioner after a public hearing, the Commissioner shall issue his order and findings relative thereto on forms and in a manner determined by the Commissioner.

Rule 9 — Reports — All reports required to be submitted to the Commissioner under the Act shall be on forms approved by him and filed in accordance with schedules set by him. The Commissioner may at his discretion grant extensions of time to file said reports upon good cause shown.

Rule 10 — Applicability of Rules of Procedure — The rules of procedure set out herein apply only to the provisions of the Act (Chapter 7, Title 30), as implemented by applicable regulations. All other rules of procedure applicable to Chapters of Title 30 other than Chapter 7 shall not apply in any manner whatsoever to the Act, or Regulations implementing same.

Regulations, As Amended, Under the Natural Resources and Energy Act of 1973, Chapter 7, Title 30 of the Revised Statutes of 1950

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised Statutes of 1950, entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 79-137 in Baton Rouge, Louisiana, on the eighth day of January, 1980, the following Regulations are amended, reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Regulation 1 — Definitions — The words and terms defined herein shall have the following meanings when used in these Regulations. All other words and terms so used and not herein defined shall have their usual meanings unless specially defined in Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950.

Act or Chapter: shall mean the Natural Resources and Energy Act of 1973, being Act 16 of the Extraordinary Session of 1973, now Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950, as amended after 1950.

Commissioner: shall mean the Commissioner of Conservation of the State of Louisiana who shall be the Commissioner of Conservation within the Department of Natural Resources.

Excess Capacity of Intrastate Gas Pipelines: shall mean that part of the capability of a pipeline system to transport intrastate natural gas from point to point along its line in excess of the immediate needs of the pipeline company or its subsidiaries or its

parent or the subsidiary companies of its parent. In determining excess capacity, the Commissioner may disregard existing contracts for the transportation or sale of intrastate natural gas to the extent they are not then being performed or fulfilled. Excess capacity of intrastate pipelines may also be created as a result of intrastate natural gas delivery curtailment orders of the Commissioner in the implementation of the allocation, rationing and conservation measures governing the end-use of intrastate natural gas provided for in the Act.

Facility: shall mean any component of a pipeline or pipeline system except:

(1) **Auxiliary Installations.** Installations which are merely auxiliary or appurtenant to an existing transmission pipeline system and which are installed only for the purpose of obtaining more efficient or more economical operation of authorized transmission facilities, such as: valves; drips; yard and station piping; cathodic protection equipment; gas cleaning and treating equipment; heaters, cooling and dehydration equipment; residual refining equipment; water pumping treating and cooling equipment; production compressors; measurement equipment; pressure or flow regulation or control equipment; electrical and communication equipment and buildings.

(2) **Replacement of Facilities.** Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: Provided, that such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: Provided further, that such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(3) **New Delivery Points.** Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas, coal or lignite to an existing customer.

(4) **Taps.** Taps on existing transporter pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas, coal, or lignite from a producer.

Gas: shall mean any gas derived from or composed of hydrocarbons.

Interested Parties: shall mean those persons who have a direct interest in the subject matter for which an application is filed as such persons are specified in these regulations.

Intrastate Coal Slurry Pipeline: shall mean a pipeline located and operated in the State of Louisiana for the transportation of coal or lignite from within or outside state limits or any mixture of substances which includes coal or lignite, in any form, but does not include producer owned producing and gathering lines and facilities located within the mine limits associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of coal or lignite for others.

Intrastate Coal Slurry Transporter: shall mean any person owning or operating an intrastate coal slurry pipeline.

Intrastate Natural Gas: shall mean that gas produced, transported, and utilized wholly within the State of Louisiana, through the use of intrastate pipelines or of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder, and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

Intrastate Natural Gas Pipeline: shall mean a pipeline which is located and operated wholly within the State of Louisiana for the transportation of intrastate natural gas within the State of

Louisiana, which does not extend beyond the boundaries of the State of Louisiana, and which is not merely a local branch of an interstate pipeline system but does not include producer owned producing and gathering lines and facilities associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of natural gas for others, except as provided in R.S. 30:607.

Intrastate Natural Gas Transporter: shall mean any person owning or operating an intrastate natural gas pipeline pipeline.

Natural Gas Company: shall mean a person engaged in the sale of intrastate natural gas beyond the wellhead.

Person: shall mean any natural person, corporation, political subdivision, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

Rules of Procedure: shall be the rules of procedure promulgated by the Commissioner and which are stated to be applicable to the Act.

Sale of Intrastate Natural Gas at the Wellhead: shall mean the first transfer for value by the producer of such gas whether at the wellhead, a central gathering facility, or at the tailgate of a gas processing plant.

Regulation 2 — Certificate of Transportation or License to Be Issued Pursuant to the Provisions of Section 554 or 722 of the Act.

a. This regulation shall apply to a certificate of transportation issued to a qualified person(s) in accordance with the provisions of Section 554 of the Act or to a license to operate a coal slurry pipeline in accordance with the provisions of Section 722 of the Act.

b. All certificates of transportation heretofore issued by the Commissioner of Conservation pursuant to Section 554 of the Act, as implemented by Regulation No. 2, shall remain in force and effect pursuant to the terms and conditions thereof.

c. Any qualified person desiring a certificate of transportation, except those covered by b. above or license shall apply to the Commissioner for an order therefor upon such forms and in such manner as the Commissioner prescribes, and shall furnish such data and information as the Commissioner may direct; provided, however, that if a person has filed documents and evidence with the Commissioner in accordance with Section 555(C) of the Act, as required by Regulation No. 4, such filing shall be considered by the Commissioner in his determination with respect to the issuance of an order hereunder.

d. The Commissioner shall issue an order granting a certificate of transportation or license to any qualified applicant if after hearing with due notice by publication in the Official State Journal and if he finds that the applicant is able and willing to perform properly the service proposed and to conform to the provisions of Chapter 7 of Title 30 of the Revised Statutes of the State of Louisiana and the requirements, rules and regulations of the Commissioner thereunder, and that the proposed issuance of the certificate or license is or will be required by the present or future public interest.

e. All persons receiving a certificate of transportation or license shall be vested with all of the rights and privileges granted and extended under Section 554 or 722 of the Act.

Regulation 3 — Requirements For Abandonment of All or Any Portion of a Facility, or Any Service Rendered By Means of Such Facility Under Sections 555(B) and 722 of The Act.

a. This regulation shall apply to requirements of an intrastate natural gas or coal slurry transporter to abandon all or any portion of a facility, or any service rendered by means of such facility, pursuant to the provisions of Section 555(B) or 722 of the Act; provided, however, that this regulation shall not apply to any coal slurry transporter then being regulated by a federal agency

having jurisdiction. Application for abandonment shall be filed in accordance with the regulation and Rules 4 and 5. However, an application for the abandonment of a sale or transportation contract or related facility shall be submitted to the Commissioner at least 30 days, but no more than six months, prior to the contract termination date, or prior to the proposed date of termination of a service or abandonment of a facility in the absence of a contract. The Commissioner may for good cause shown grant an exception to said time limitations.

b. Where an abandonment of service or facility is proposed, the interested parties shall be the signatory parties to the contracts affecting said services or facilities and the owners or operators of such facility to be abandoned.

c. The Commissioner shall issue his permission and approval for the abandonment of all or any portion of the facilities of an intrastate natural gas or coal slurry transporter subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities, only after the intrastate natural gas or coal slurry transporter shall have demonstrated, to the satisfaction of the Commissioner, that the available supply of natural gas, coal, or lignite is depleted to the extent that the continuance of service is unwarranted or that the public interest and energy needs permit such abandonment. However, the Commissioner may deny abandonment based upon satisfactory evidence that a user of gas or coal or lignite located in the state, a majority of which users' employees are Louisiana residents, or which user produces goods or services for Louisiana residents, including gas or electric service, is or will be unable to secure adequate supplies of natural gas or coal or lignite to maintain employment, production, or service levels if abandonment is granted. Application for abandonment shall be made to the Commissioner in writing, executed under oath by an individual having authority to execute same with a copy to all interested parties and shall include the following information:

(1) Description and location, if applicable, of the facility, or portion thereof, or the service rendered by such facility, or portion thereof, to be abandoned.

(2) If a gas, coal or lignite sales or transportation contract:

(a) The exact legal name and status of the seller and purchaser and the name, title and mailing address of the person(s) to whom communications concerning the notice are to be addressed.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas, coal or lignite:

Maximum daily quantity seller is obligated to deliver: thousands of cubic feet per day (MCF/Day), millions of British thermal units per day (MMBTU/Day) or tons per day (TON/Day).

Minimum daily quantity purchaser is obligated to receive: MCF/Day, MMBTU/Day or tons per day (TON/Day).

Measurement — Pressure base.

Service—Firm or Interruptible. Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Service: (Industrial sale, sale for resale, transportation or other.)

(f) Point(s) of delivery.

(g) Delivery pressures, minimum, maximum.

(h) Price.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

(5) Where an agreement as to the terms and conditions of abandonment has been reached between the transporter and the person or persons who are parties to a contract relating to the use of facilities or services to be abandoned, the application for aban-

donment shall be accompanied by a letter of agreement, signed by the parties or an authorized agent of the parties, verified under oath.

(6) Forms PL-1(A) for abandonment of service and PL-1(B) for abandonment of facility may be obtained from the Office of Conservation.

d. Applications for pregranted abandonment of emergency or temporary sales and connections necessitated thereby, including those sales to supply an immediate and necessary demand for gas, coal, or lignite, shall contain the information required under Section c. above, and may be administratively approved by the Commissioner.

The Commissioner may request such additional information as in his opinion is reasonably necessary in order to properly evaluate the application.

Regulation 4 — Transportation of Intrastate Natural Gas, Coal or Lignite and the Construction, Extension, Acquisition, and Operation of Facilities or Extension Thereof Pursuant to Provisions of Sections 555(C) and 722 of the Act.

a. This regulation shall apply to the requirements placed by Sections 555(C) and 722 of the Act upon a person relative to the transportation of intrastate natural gas, coal or lignite, and the construction, extension, acquisition and operation of facilities or extensions thereof.

b. All applications by a person required to be filed with the Commissioner of Conservation pursuant to the provisions of Sections 555(C) and 722 of the Act shall be in writing, verified under oath by an individual having authority to execute same, shall be in the form approved by the Commissioner, and shall contain the following information:

(1) The exact legal name of the applicant; its principal place of business; whether an individual, partnership, corporation or otherwise; the State under the laws of which applicant was organized or authorized; if a corporation, a certificate of good standing and authorization to do business from the Secretary of State of Louisiana, the location and mailing address of applicant's registered office, the name and post office address of each registered agent in Louisiana, and the names and addresses of all its directors and principal officers; if a partnership or other similar organization, the names and addresses of its partners of record, officer or other responsible parties of record; applicant's current financial statement or such other information which may be submitted by the applicant and accepted by the Commissioner concerning the ability of the applicant to construct, acquire, or operate the proposed facility or extension thereof; and the name, title and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(2) The nature of the service rendered by applicant (industrial sale, sale for resale, transportation or other of gas coal or lignite).

(3) A concise description of applicant's existing operations.

(4) A table of contents which shall list all exhibits and documents filed with the application.

(5) A map(s), of its pipeline system(s), which shall reflect the location and capacity of all compressor sites, all points of connection between such system(s) and pipelines, or pipeline system(s) of other persons, the date of such connections, and all major points of supply.

(6) A listing of applicant's gas, coal or lignite sales contracts and gas, coal or lignite transportation contracts within the State of Louisiana on prescribed forms containing the following data:

(a) Parties: seller, purchaser, owner, transporter.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas, coal or lignite:

Maximum daily quantity seller is obligated to deliver: MCF/Day, MMBTU/Day or TON/Day

Minimum daily quantity purchaser is obligated to receive: MCF/Day, MMBTU/Day or TON/Day.

Measurement — Pressure base.

Service — Firm or Interruptible

Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Service: (Industrial, sale for resale, transportation or other).

(f) Points of delivery.

(g) Delivery pressures: minimum, maximum.

(h) Price.

(7) A listing of the location of interconnects between applicant's pipeline system(s) and pipeline or pipeline system(s) of other persons.

c. Subsequent filings may be required by the Commissioner to complete an evaluation of each pipeline system for the purposes of Sections 555(C) and 722 or other sections of the Act.

A person authorized to operate as an intrastate natural gas or coal slurry transporter may incorporate the information required to be filed under section b. paragraphs (1), (3), (5), (6), and (7) of this regulation by reference to prior hearing evidence, presented to the Commissioner, specifically identifying such prior evidence and the items to be incorporated therefrom.

d. All applications filed shall be noticed on interested parties, and all hearings required under Section 555(c) or 722 of the Act shall be in accordance with the rules of procedure of the Commissioner. Interested parties shall be as follows:

(1) Where a new supply of gas, coal or lignite from a producing field(s) or mine in Louisiana is to be connected by a new pipeline, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline (if different from owner(s) of proposed new pipeline), if any, to which the proposed new pipeline is to be connected.

(c) Each seller and each purchaser to the contract or contracts covering the new supply of gas, coal or lignite to be connected, or in the case of gas, coal or lignite to be transported or exchanged, the parties from whom the gas, coal or lignite is to be received, and the parties to whom the gas, coal or lignite is to be delivered.

(d) Owner(s) of the land to be traversed by the proposed pipeline in Louisiana.

(2) Where a new pipeline customer(s) is to be connected, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline, if any, (if different from the owner or owners of the proposed new pipeline) to which the proposed new pipeline is to be connected and from which pipeline gas, coal or lignite will flow to the proposed new pipeline.

(c) Each seller and each purchaser to the contract(s) under which gas, coal or lignite delivered by the new pipeline is to be sold in Louisiana, or in the case of gas, coal or lignite to be transported or exchanged in Louisiana, each party to each transportation or exchange agreement.

(d) Owner(s) of the land to be traversed by the proposed pipeline.

e. The Commissioner, upon proper showing, shall issue his order in accordance with the application submitted. Provided, however, the order shall expire on its first anniversary date if construction of facilities authorized by said order has not commenced. The Commissioner may, upon written request and for

good cause shown, extend the expiration date of said order. The Commissioner shall be given timely written notice when the construction authorized under this regulation is completed.

f. The Commissioner may issue, upon application by a person(s) a temporary order in cases of emergency without notice or hearing pending the application for a permanent order, all in accordance with the rules of procedure of the Commissioner.

g. Each transporter shall annually file by April 1 an updated map of its intrastate natural or coal slurry gas pipeline facilities depicting the location and size of all compressors, all points of connection between such facilities and pipelines of other persons, all major points of supply, and the nominal size of all lines. If none of the above data has changed during the previous year, the applicant shall so notify the Commissioner in writing by April 1.

Regulation 6 — Requirements for Connections Pursuant to Sections 555(H) and 722 of the Act and Louisiana Constitution 1974.

a. All applications to the Commissioner requesting approval for an intrastate natural gas or coal slurry transporter to connect its system with, move gas, coal or lignite into or receive gas, coal or lignite from another pipeline system in the State of Louisiana, including pipelines or pipeline systems owned by it, within the terms of Sections 555(H) and 722 of the Act, and Louisiana Constitution 1974, shall contain the following information:

(1) Point of connection or connections.

(2) Status or character of each pipeline, specifying whether said line or lines carry intrastate gas, coal or lignite or interstate gas, coal or lignite and whether they have been deemed jurisdictional by the Federal Energy Regulatory Commission or other Federal agency.

(3) Anticipated volumes of natural gas, coal or lignite to be transferred or exchanged from one pipeline to another.

(4) Term of exchange or transfer.

(5) Reasons for interconnections.

The Commissioner may request such additional information as in his opinion is reasonably necessary to properly evaluate the application.

b. No order, ruling or finding may be made or other action taken with respect to this regulation without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provisions of Administrative Procedures Act, as amended La. (R.S. 49:951-968).

c. Public interest does not require the issuance of an order authorizing any action taken by an intrastate natural gas or coal slurry transporter which would be covered by the provisions of Sections 555(H) and 722 of the Act where imminent danger of life and property can be eliminated by such action. Provided, however, that every person undertaking such action shall so advise the Commissioner immediately by telegram stating briefly the circumstances and shall within ten days file a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of the action, the facts warranting invocation of this section, and the anticipated period of the stated emergency. Emergency operations undertaken without an order pursuant to this section shall be discontinued upon the expiration of the emergency or as otherwise ordered by the Commissioner. All facilities installed for such temporary action shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commissioner in writing and under oath within ten days following the removal of facilities constructed for emergency operations that such removal of facilities has been completed pursuant to this section. Every person undertaking any such action pursuant to this section desiring to continue such action shall file an application with the Commissioner prior to the

expiration of the exempt period provided herein.

d. The Commissioner may issue, upon application by a person(s) a temporary order for the connection of intrastate facilities in cases of emergency without notice or hearing pending the application for a permanent order, all in accordance with the rules of procedure of the Commissioner.

e. Interested parties for the purpose of this Regulation shall be owners and operators of the pipelines concerned and the owners and operators of all other pipelines to which either of the pipelines concerned are already connected. If the Commissioner determines in connection with any application under Section 555(H) or 722 that a pipeline or pipelines other than defined immediately above may be an interested party, he may direct the applicant to serve notice of its application to such other pipeline or pipelines.

f. This Regulation shall not apply to any coal slurry transporter, the operations of which are then being regulated by a federal agency.

Regulation 8 — Transportation of Intrastate Natural Gas and the Construction, Extension, Acquisition and Operation of Facilities or Extensions Thereof for the Purpose of Acquisition of Gas Supplies Within a Gas Supply Acquisition Service Area Pursuant to the Provisions of Section 555(F) of the Act.

a. This regulation shall apply to the requirements placed by Section 555(F) of the Act upon an intrastate natural gas transporter relative to the transportation of intrastate natural gas and the construction, extension, acquisition and operation of facilities, or extensions thereof, for the purpose of acquisition of gas supplies within a gas supply acquisition service area.

b. Each transporter owning or operating an intrastate pipeline, the construction and operation of which has been approved by order of the Commissioner under Section 555(C) of the Act, shall have the right to apply to the Commissioner for the establishment of a gas supply acquisition service area. Within such gas supply acquisition service area a transporter may at its option enlarge or extend its facilities, by construction or acquisition, for the purpose of acquiring additional supplies of natural gas. All applications by the transporter filed with the Commissioner requesting the establishment of a gas supply acquisition service area shall be in writing, verified under oath by an individual having authority, shall be in the form approved by the Commissioner, shall be noticed upon interested parties by publication in the Official Journal of the State of Louisiana and the Official Journal of each parish within which the gas supply acquisition service area will be located, and shall contain the information required by Regulation 4b. All information required to be included within the application which has been presented to the Commissioner through prior hearing evidence and all records and documents in the possession of the Commissioner filed pursuant to the Natural Resources and Energy Act of 1973 may be incorporated in the application by reference. Each application shall include a map depicting the location of the transporter's existing intrastate pipeline to which facilities constructed or acquired pursuant to this regulation shall connect.

c. All orders of the Commissioner establishing gas supply acquisition service areas shall be subject to the following limitations and restrictions:

(1) Location. A gas supply acquisition service area shall be located adjacent to the applicant's existing pipeline facilities.

(2) Size. Facilities constructed or acquired pursuant to this regulation shall not exceed five miles in length and nominal eight inches (8") diameter pipe.

(3) Duration. An order of the Commissioner establishing a gas supply acquisition service area shall remain in effect until terminated by subsequent order of the Commissioner.

(4) Interconnections. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to connect its facilities located within the gas supply acquisition service area to another pipeline system, including other pipelines or pipeline systems owned by the transporter.

(5) Sales. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to construct, extend, acquire or operate facilities, or extensions thereof, within such gas supply acquisition service area for the purpose of connecting such transporter's facilities to a customer and making sales of gas to such customer.

(6) Abandonment of Facilities. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to abandon all or any portion of its facilities subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities, within such gas supply acquisition service area.

(7) Facilities not Subject to Jurisdiction of Commissioner. An order of the Commissioner shall not establish gas supply acquisition service areas in conjunction with facilities which are not subject to the jurisdiction of the Commissioner under the Act.

(8) Notice and Prohibition of Proposed Enlargement or Extension. Prior to enlarging or extending its facilities within a gas supply acquisition service area, a transporter shall give the Commissioner twenty days notice, on a form approved by the Commissioner, of the location, size, nature and purpose of the proposed enlargement or extension. The notice shall be contemporaneously mailed to those persons who are identified in the ad valorem tax records of the parish as the owners of the land to be traversed by the proposed facility, with notice that objections to the proposed facility, must be made to the Commissioner, in writing, within ten days of the date of the notice. The Commissioner may, within such twenty day period, beginning on the date of receipt of the written notice in the Office of Conservation, prohibit the proposed construction or acquisition under the order establishing the gas supply acquisition service area and require the transporter to apply for an order to construct and operate the proposed facilities pursuant to Section 555(C) of the Act. Upon request by the transporter, the Commissioner may notify the transporter verbally, to be immediately confirmed in writing prior to the end of the twenty day notice period that he has no objection to the construction or acquisition of the proposed facility and that the transporter may immediately construct or acquire and operate the proposed facility.

d. The Commissioner upon proper showing, shall issue his order in accordance with the application submitted.

e. A transporter who has been issued an order establishing a gas supply acquisition service area may make application for an extension or the establishment of additional gas supply acquisition service area in connection with an application made pursuant to Section 555(C) of the Act.

f. The Commissioner shall issue written confirmation to a transporter that the proposed construction, extension, acquisition and operation of facilities, or extensions thereof, within a gas supply acquisition service area is authorized by and in compliance with the order establishing the gas supply acquisition service area. Such confirmation shall be on a form adopted by the Commissioner and shall be issued within ten days after the end of the notification period provided in Section c, Paragraph (8) of this regulation.

g. All hearings under Section 555(F) of the Act shall be in accordance with the rules of procedure of the Commissioner, except that notification of interested parties shall be in accordance with this regulation.

h. Nothing contained in this regulation shall be construed as a limitation upon the power of the Commissioner to order

overlapping gas supply acquisition service areas for service of an area already being served by another transporter.

i. Any action taken by a transporter within a gas supply acquisition service area shall be subject to all other rules and regulations pursuant to R.S. 30:501 et seq. and the Louisiana Constitution 1974.

Regulation 9 — Governing Pipeline Safety Pursuant to the Provisions of Section 557(G) of the Act.

a. This regulation shall apply only to those persons identified in the certification or agreement in effect, pursuant to Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended, (Federal Act), duly executed by the Commissioner of Conservation and the United States Secretary of Transportation.

b. The words and terms used herein shall have the same meaning as defined in the Federal Act and more specifically in Parts 191 and 192, Title 49 of the Code of Federal Regulations, as revised. All other words and terms shall have their usual meanings.

c. All intrastate pipeline transportation subject to the jurisdiction of the Commissioner shall be constructed, operated and maintained, except as otherwise herein provided, in compliance with Title 49 of the Code of Federal Regulations, Part 191, Sections 191.1 through 191.19 inclusive and Part 192, Sections 192.1 through 192.755 inclusive, together with Appendices A,B,C, and D, as revised.

d. For the purpose of complying with the regulations herein adopted and prescribed, all persons shall be governed by the provisions of said Federal Code, including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this regulation, and by any deletions, additions, revisions, or amendments thereof, made after said date.

e. All records, such as plans, programs, specifications, maps and permits, relating to Corrosion Control under Subpart I, Operations under Subpart L, and Maintenance under Subpart M of the Federal Code, shall be made readily available for review by the Commissioner, upon request.

f. Notices, reports and plans pertinent to facilities covered by Section a. of this regulation and which are submitted to the United States Department of Transportation pursuant to the provisions of the Federal Code shall be forwarded simultaneously to the Commissioner. These filings shall be deemed in full compliance with all obligations imposed for submitting such notices and reports, and when accomplished, shall release and relieve the person making same from further responsibility therefor.

g. Where a person is required to prepare and submit a report of an accident or incident pertinent to facilities covered by Section a of this regulation to any other Federal agency in compliance with the outstanding order of such agency, a copy of such report shall be submitted to the Commissioner in lieu of filing a similar report which may be required by the State.

h. Every person who engages in the sale or transportation of gas subject to the jurisdiction of the Commissioner shall file with the Commissioner a list including the names, addresses and telephone numbers of responsible officials of such person who may be contacted in the event of an emergency. Such list shall be kept current.

i. To accomplish the purpose of Section 557(G) of the Act the Commissioner may request the filing of additional information and reports upon such forms and in such manner as prescribed by him.

Regulation 10 — Prohibition of Rate Discrimination by Coal Slurry Transporters Pursuant to Section 723(H) of the Act.

a. No owner or owners of an interstate coal or lignite slurry pipeline constructed in part in Louisiana pursuant to Part IX of the Act, shall discriminate or otherwise offer preferences or advantages as between rates or charges for product or services purch-

ased by users in the State of Louisiana and rates and charges for comparable product or services purchased by users in any other state.

b. The Commissioner may, upon his own motion or upon the receipt of a complaint from a Louisiana shipper of an interstate coal or lignite slurry pipeline, require by order the submission of such documents as may be necessary to demonstrate compliance with this regulation. The Commissioner may also call a public hearing in order to obtain additional information required to evaluate compliance by a coal slurry transporter with this regulation.

c. This regulation shall not apply to such coal slurry transporters whose rates or charges for product or services are regulated by a federal agency charged with that responsibility.

Regulation 11 — Governing the Use of Louisiana Water in Coal or Lignite Slurry Pipeline Operations Pursuant to Section 723(F) of the Act.

a. This regulation shall apply to the requirements placed by Sections 723(F) of the Act upon a coal slurry transporter relative to the use of Louisiana water in coal slurry pipeline operations.

b. Any coal slurry transporter desiring to use water from any source in Louisiana in conjunction with the transportation, maintenance or operation of coal slurry pipeline, other than that for drinking, toilet, bath or other personal uses, must file an application with the Commissioner and receive the approval of the Commissioner.

c. Applications requesting approval for such use of Louisiana water shall be made in writing, executed under oath by an individual having authority to execute same and shall contain the following information:

(1) Description of proposed water supply source.

(2) Anticipated quantities of water to be used daily and annually.

(3) Term of use.

(4) Whether or not the proposed water supply source is being used by other individuals or municipalities.

(5) Proposed use of water.

d. The Commissioner may grant such application after a public hearing held in accordance with Rule 5 of the Rules of Procedure upon a showing that such use will not be detrimental to the water supply of the area from which the water is sought to be extracted.

e. For purposes of this regulation, the term "interested parties", as said term is used in the rules of procedure, shall include all users of the water sought to be extracted and all owners of water rights which could be affected by the approval of the application called for hereunder.

f. Nothing in this part shall authorize expropriation of water or water rights.

g. In the event the Commissioner shall have authorized use of water as provided herein, he shall annually thereafter, and so long as such use continues, review the use of such water in order to determine if such continued use of such water will be detrimental to the water supply of the area from which the water is being extracted. Further, if the local governing body of the parish from which the water is being extracted makes a formal motion to the Commissioner suggesting that continued use of such water will be detrimental to the water supply of the area from which the water is being extracted, the Commissioner shall immediately call a public hearing in accordance with Rule 5 of the rules of procedure to determine whether such continued use will be detrimental to the water supply of such area.

Regulation 12 — Requirements for Disposal of Water Resulting from Coal Slurry Pipeline Operations under Section 723(G) of the Act.

a. Water used in the transportation of coal by pipeline to

any point in Louisiana shall conform to regulations of the Office of Environmental Affairs of the Department of Natural Resources prior to its discharge into rivers or streams or holding pits from which seepage can occur.

Regulation 13 — Establishment, Promulgation, and Implementation of Emergency Gas Allocation Plan.

a. This regulation shall apply to the establishment, promulgation, implementation and administration of a plan for statewide emergency intrastate natural gas conservation, allocation or rationing pursuant to Part IV of the Act.

b. The policy of the State of Louisiana, pursuant to Part IV of the Act 16, is to maintain, preserve and protect all those vital services and human needs which depend upon intrastate natural gas.

(1) The governor of Louisiana has the authority pursuant to Part IV, of the Act, to declare, from time to time, that as a result of extreme shortages of existing intrastate natural gas needed to maintain, protect and preserve human needs, that a state of emergency exists.

(2) If an emergency has been declared by the governor of the State of Louisiana, an Emergency Gas Allocation Plan shall be implemented immediately by the Commissioner. All intrastate natural gas transporters and purchasers of gas on such transporters' system shall be notified in writing by the Commissioner that the plan has been implemented, and such written notice shall specify the curtailment procedures, orders, rules or regulations of the Commissioner.

c. The following plan is established and promulgated by the Commissioner of Conservation, which is to take effect in the event the governor of Louisiana declares a state of emergency, unless otherwise provided below, as a result of extreme shortages of existing intrastate natural gas for human needs, in order to maintain, preserve and protect all vital services in Louisiana depending upon intrastate natural gas and, to the extent applicable, for the curtailment of unnecessary and lesser priority uses of intrastate natural gas.

(1) The Commissioner hereby adopts the following priority system:

(a) First priority shall be given to the protection of public health, safety, and welfare including maintenance of gas and electrical service for hospitals, juvenile and adult correctional institutions, nursing homes, dormitories, educational facilities, hotels, motels, and residences such as individual homes, apartments and similarly occupied dwelling units, publicly owned water, sewerage, and storm water drainage systems producing their own energy, which systems supply services to the aforesaid, and property owners who, through contract lease, or otherwise, reserve unto themselves a share of the natural gas produced from their property to serve their needs;

(b) Second priority shall be given to the maintenance of agricultural operations, and the processing of agricultural products, including farming, ranching, dairy, water conservation and commercial fishing activities, and services directly related thereto, operations of food processing plants, businesses and facilities processing products for human consumption;

(c) Third priority shall be given to exploration, production, processing, and refining efforts to attain maximum production or extraction of oil, natural gas, other hydrocarbons, and minerals mined by the French process;

(d) Fourth priority shall be given to the maintenance of commercial and industrial activities utilizing less than 1.5 million cubic feet of gas on a peak day;

(e) Fifth priority shall be given to the maintenance of all public services, including facilities and services provided by municipal, cooperative, or investor-owned utilities required for custom-

ers who come under priorities two, three or four, or by any state or local government or authority, and including transportation facilities and services which serve the public at large. This priority shall not apply to those publicly owned water, sewer and storm water drainage systems referred to under the first priority;

(f) Sixth priority shall be given to the preservation of an economically sound and competitive petroleum, petrochemical, and chemical industry, provided that, except in cases where the Commissioner finds that an extreme emergency exists and the above priority needs cannot be substantially otherwise provided for, those industries requiring the use of intrastate natural gas for plant protection, feedstock or process needs, and public utilities generating electricity for sale to consumers listed above under priorities one, two, three, four and five, which own or have acquired at the wellhead their own source of intrastate natural gas supply or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company and which are using such supply in the operation of their own facilities, shall, as long as they continue to use said gas for plant protection, feedstock or process needs, or for generating electricity for sale to consumers listed above under priorities one, two, three, four and five, have and be recognized as possessing first priority, above all others, for use of said gas. Industrial companies not owning intrastate natural gas reserves for their own use for plant protection, feedstock or process needs shall be subject to curtailment first, and those companies owning intrastate natural gas reserves for their own use or which acquires such gas supply or any portion thereof from a wholly owned subsidiary company for such purposes shall be subject to curtailment second; provided, further, that any person to whom those industries requiring the use of intrastate natural gas for plant protection, feedstock or process needs which own their own source of intrastate natural gas may have heretofore contracted to sell a portion of their own gas for plant protection, feedstock or process needs shall have a priority for the use of said gas for plant protection, feedstock or process needs equal to the priority accorded to their vendor by this paragraph;

(g) Seventh priority shall be given to the maintenance of industrial requirements not specified in priority six, except for boiler fuel;

(h) Subject to the first and second priorities, eighth priority shall be given to industrial plants, including electrical generating plants to the extent not provided for in priority five, having a present requirement for use of intrastate natural gas for boiler fuel not possessing present alternate fuel capabilities. Such plant, may, however, be required by the Commissioner to convert to alternate fuels within a reasonable time, considering all pertinent circumstances, or suffer curtailment by order of the Commissioner of its use of intrastate natural gas. The Commissioner may require the industry affected to submit to him evidence as to why the industrial plant cannot convert to alternate fuels within the delay specified; and, if the user alleges otherwise, and if required by the Commissioner, why the industrial plant cannot be operated on a profitable basis with the use of alternate fuels.

The Commissioner may authorize the use of intrastate natural gas for use as boiler fuel if the industry demonstrates that it cannot convert to alternate fuel capability by reason of the fact that it is economically unfeasible, that the industrial plant would otherwise have to close, because it could not operate with a margin of profit considered reasonable in the particular industry, or that the cost of converting to alternate fuels is totally disproportionate to the existing investment in plant facilities. If the Commissioner determines that for those reasons the industrial plant cannot reasonably be converted to the use of alternate fuel capabilities and remain in business, the Commissioner may, if he determines that intrastate natural gas is available for such use, grant to that industry a higher

priority of use than is herein provided;

(i). Ninth priority shall be given to industrial plants, including electrical generating plants to the extent not provided for in priorities five and eight, having a present requirement for boiler fuel use, in those instances where alternate fuel capabilities now exist, or may be installed with relatively minimal cost and delay. Industries possessing existing alternate fuel capabilities or, if the Commissioner determines that alternate fuel capability can be installed with relatively minimal cost or delay, may be curtailed in their gas supply by the Commissioner, and directed by the Commissioner to change from use of intrastate natural gas to use of alternate fuels within a limited time to be fixed by the Commissioner considering all pertinent circumstances. The Commissioner may, if he determines that intrastate natural gas is available for such use, and if the Commissioner determines that it is economically unfeasible to operate a plant with alternate fuels, grant to the plant a higher priority of use.

(2) The Commissioner shall initially notify each natural gas consumer in priority six, seven, eight or nine of its priority or priorities as soon as reasonably possible after the adoption of this plan by the Commissioner and subsequently shall provide similar notice to remaining natural gas consumers as the Commissioner, in his discretion, deems necessary and appropriate. In addition, intrastate natural gas sellers shall be notified of the priorities assigned to their customers.

(3) In the event the Governor of Louisiana declares a state of emergency pursuant to La. R.S. 30:571, as amended, then and for the duration of such emergency each intrastate natural gas transporter and/or seller shall curtail deliveries to its customers and shall allocate its natural gas, pursuant to order of the Commissioner so that all natural gas deliveries to its priority nine customers are curtailed before any curtailment of its priority eight customers. If all of the intrastate pipeline's priority nine customers are being curtailed to the maximum extent required by law and further curtailment is necessary, then deliveries of natural gas to all of its priority eight customers shall be curtailed before any curtailment of its priority seven customers. If deliveries of natural gas to all of the intrastate pipeline's priority eight customers are being curtailed to the maximum extent required by law and further curtailment is necessary, then deliveries of natural gas to all of its priority seven customers shall be curtailed before any curtailment of its priority six customers. If deliveries of natural gas to all of the intrastate pipeline's priority seven customers are being curtailed to the maximum extent required by law and further curtailment is necessary, then deliveries of natural gas to all of its priority six customers shall be curtailed before any curtailment of its priority five customers. All such curtailments shall be by order of the Commissioner.

(4) If after the curtailments required in Paragraph c.(3) have been effectuated, any intrastate natural gas transportation system still has a shortage of natural gas in its system that would require the curtailment of its priority five and higher customers, then, and in that event, the Commissioner shall order such additional curtailments and redeliveries of natural gas as he deems advisable and necessary to the extent authorized by law.

d. The Commissioner may, as he deems necessary, change the Emergency Gas Shortage Plan and/or the priorities contained therein, but in the absence of a serious immediate emergency as is hereinafter provided, may only do so after public hearings.

(1) All applicable procedures required by Section 953 of the Administrative Procedures Act, R.S. 49:951-962, for the adoption of administrative rules, shall be complied with for the establishment and promulgation of any such changes to said plan and/or priorities.

(2) The plan shall be implemented as so changed (2) and

promulgated in the event the state of emergency is or has been declared by the governor as specified in paragraph b.

(3) All intrastate natural gas transporters directly affected by any such change in the plan, priority assignments, curtailment procedures, orders, rules or regulations of the Commissioner and purchasers from and/or such transporters' system shall be notified in writing by the Commissioner of such change, specifying the curtailment procedures, orders, rules or regulations they must now comply with and/or are now subject to.

e. If after a state of emergency has been declared by the governor as specified in Section b, the Commissioner finds to exist a serious immediate emergency, which requires a change in the plan and/or the priorities therein, he may change the plan and/or the priorities without first having a hearing by issuing an emergency order providing for such changes.

(1) All applicable procedures set forth in the Administrative Procedures Act, R.S. 49:951-968, shall be complied with.

(2) All intrastate natural gas transporters directly affected by any such emergency order providing for any change in the plan, priority assignments, curtailment procedures, orders, rules or regulations of the Commissioner relating to the plan, and purchasers of and/or on such transporters' system shall be notified in writing by the Commissioner of such change, specifying the curtailment procedures, orders, rules or regulations they must now comply with.

(3) The emergency order shall only remain in force for 30 days from its effective date, unless and except the Commissioner has been physically unable to hold and complete public hearings by reason of the pressure of multiple public hearings on such matters.

(a) In such case, the emergency order shall only remain in effect until such time as the Commissioner can physically conduct and complete a hearing for the change of the plan and/or priorities, but in no case longer than 120 days from its effective date, after which time the order will automatically expire.

(b) Any such time period, commences on the effective date of such order.

(c) In any event, the emergency order shall expire whenever the change is established and promulgated after notice and public hearings as provided in Paragraph d.

f. If after a state of emergency has been declared by the Governor as specified in Section b., the Commissioner finds to exist a serious immediate emergency, he has the express authority to alter the Emergency Gas Shortage Allocation Plan as to individual situations in order to alleviate exceptional hardship cases.

(1) For purposes of Paragraph b., "interested parties" shall mean any transporter of intrastate natural gas that would be directly affected by the granting of an exception to the Emergency Gas Shortage Allocation Plan, as well as all purchasers from and/or on such transporters' system.

(2) Any individual seeking to take advantage of this provision shall:

(a) Request the Commissioner in writing for such an exception, which written application shall include:

(i) A statement of the facts and circumstances that create an exceptional hardship case;

(ii) A list of the names and addresses of all interested parties;

(iii) A statement that all interested parties have been notified in writing as required by this section.

(b) Notify in writing all interested parties of the application to the Commissioner for an individual exception based on exceptional hardship.

(c) Present to the Commission such evidence as he deems necessary to prove his case of exceptional hardship.

(3) The emergency order shall only remain in force for 30 days from its effective date, unless and except the Commissioner has been physically unable to hold and complete public hearings by reason of the pressure of multiple public hearings on such matters.

(a) In such case, the emergency order shall only remain in effect until such time as the Commissioner can physically conduct and complete a hearing for the change of the plan and/or priorities, but in no case longer than 120 days from its effective date, after which time the order will automatically expire.

(b) Any such time period, commences on the effective date of such order.

(c) In any event, the emergency order shall expire whenever the change is established and promulgated after notice and public hearings as provided in Paragraph d.

(4) Any action taken by the Commissioner pursuant to a hearing called in response to any person seeking an individual exception under this part shall be considered an "adjudication" for purposes of the Administrative Procedures Act, R.S. 49:951-968.

(5) Whatever action the Commissioner takes pursuant to the requested exception, all interested parties shall be notified in writing by the Commissioner of such action, specifying what curtailment procedures, orders, rules or regulations they must now comply with and/or are now subject to.

g. Any person directly affected by any assignment of priorities, curtailment procedures, rules, regulations or orders of the Commissioner relating to the Emergency Gas Shortage Allocation Plan, or changes therein may request the Commissioner to call a hearing to contest such assignment of priority, curtailment procedure, rule, regulation or order.

(1) For purposes of this paragraph, "interested parties" shall mean any transporter of intrastate natural gas that would be directly affected by any change in the assignment of priorities, curtailment procedures, orders, rules or regulations of the Commissioner relating to the plan, as well as all purchasers of and/or on such transporters' system.

(2) Any person contesting the assignment of priorities, curtailment procedures, orders, rules or regulations of the Commissioner relating to the plan, or changes therein, shall:

(a) Request the Commissioner in writing for a hearing in order to contest said priority assignment, curtailment procedure, order, rule or regulation of the Commissioner, which written application shall include:

(i) A concise statement of the matter(s) being contested and the reasons therefore;

(ii) A list of the names and addresses of all interested parties;

(iii) A statement that all interested parties have been notified in writing as required by this section.

(b) Notify in writing all interested parties of the requested hearing.

(c) Present to the Commissioner such evidence as he deems necessary to prove his case.

(3) The Commissioner shall, as soon as practical after receiving such request, call a public hearing.

(a) Interested parties shall be notified in writing by the person seeking the exception.

(b) In addition to the above notice, notice of the public hearing shall be published in the Official Journal of Louisiana at least 10 days prior to the date of the hearing.

(4) Any action taken by the Commissioner pursuant to a hearing called in response to any person seeking an individual exception under this part shall be considered an "adjudication" for purposes of the Administrative Procedures Act, R.S. 49:951-968.

(5) Within 30 days after the conclusion of such hearing, the Commissioner shall take whatever action he deems necessary by way of order, rule or regulation.

(a) Any change in assignment of priorities, curtailment procedure order, rule or regulation of the Commissioner pertaining to the plan as a result of such contested hearings may be promulgated without the necessity of further public hearings and the contested hearings shall serve as public hearings required in Section d.

(b) In the event the Commissioner fails or refuses to take action within 30 days after completion of such hearings, he may be compelled to do so by mandamus at the suite of any interested party.

(c) All interested parties shall be notified in writing by the Commissioner of any such change, specifying what curtailment procedures, orders, rules or regulations, they now must comply with and/or are now subject to.

(6) Any such party contesting the assignment of priorities, curtailment procedures, rules, regulations or orders of the Commissioner aggrieved by the ruling of the Commissioner is entitled to such rehearing and judicial review as provided in the Administrative Procedures Act, R.S. 49:951-968.

h. If the results of some aspects of the Emergency Gas Shortage Allocation Plan promulgated by the Commissioner are contrary to its stated intent, the person affected may request the Commissioner to grant an individual exception on the basis of unintended results.

(1) All requirements and procedures established above in Paragraph g (1)-(6) apply equally to any person seeking an individual exception on the basis of unintended results.

i. Any curtailment procedure provided for, whether contained in the Emergency Gas Shortage Allocation Plan promulgated by the Commissioner or not, must provide for curtailment to the extent permitted by law on each transporter's system of all those placed in the lower priority category before any curtailment of the next higher priority is commenced, unless and except the Commissioner finds exceptions as provided in Paragraphs f. or Section h. or that such exception is in the public interest.

j. No daily allocation, curtailment procedure, rule, regulation or order of the Commissioner relating to the Emergency Gas Shortage allocation Plan shall apply to natural gas in amounts less than 25 million cubic feet per day, inclusive, owned or purchased by a person at or near the field where produced and transported by said person through his own pipeline solely for his own consumption, except and unless,

(1) After a state of emergency has been declared by the Governor as specified in Section c. the Commissioner finds to exist a serious immediate emergency impairing gas otherwise required for the first five priorities of the Emergency Gas Shortage Allocation Plan which cannot be substantially otherwise provided for.

(a) Notwithstanding such a serious immediate emergency, no daily allocation, curtailment procedure, rule, regulation or order of the Commissioner relating to or part of the Emergency Gas Shortage Allocation Plan may ever result in the reduction of more than 10 percent of such gas above described in Paragraph j.

(b) Notwithstanding any other provision of this regulation, no daily allocation, curtailment, procedure, rule, regulation or order of the Commissioner relating to or forming part of the Emergency Gas Shortage Allocation Plan may result in a reduction of more than 10 percent of the maximum daily quantity of intrastate natural gas contracted to be delivered to a purchaser under any contract existing on the effective date of the Natural Resources and Energy Act of 1973.

k. Non-compliance with Emergency Gas Shortage Allocation Plan or any curtailment procedure, rule, regulation or order of the Commissioner relating thereto may not be excused on the grounds of any private contractual obligations.

l. No person who complies with the Emergency Gas Shortage Allocation Plan or any curtailment procedure, rule, regulation or order of the Commissioner relating thereto shall be liable to any person for any damages, including without limitation, consequential or indirect damages, whether ex contractu or ex delicto, by reason of such compliance.

R. T. Sutton
Commissioner

RULE

Department of Natural Resources Office of Environmental Affairs

The following revisions to the Air Quality Regulations were approved February 26, 1981 by the Environmental Control Commission:

4.14 Commission. The Environmental Control Commission of the State of Louisiana. Any reference in the Air Quality Regulations to "Air Control Commission" should be changed to "Commission."

4.36 Installation. An identifiable piece of processing equipment, manufacturing equipment, fuel burning equipment, incinerator, or other equipment or construction capable of creating or causing emissions.

6.6 (4) A copy of the notice, required in (3), shall be sent to the U.S. Environmental Protection Agency Via Region VI.

22.3.1.1 An internal floating roof consisting of a pontoon type roof, double deck type roof or internal floating cover which will rest . . .

22.3.1.2 An external floating roof consisting of a pontoon type roof, double deck type roof or external floating cover which will rest . . .

Copies of the above revisions are available from the Department of Natural Resources (Natural Resources Building - Sixth Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, LA 70804.

B. Jim Porter
Assistant Secretary

RULE

Supervisory Committee on Election Campaign Finance

In accordance with the provisions of LSA 49:951, et seq., the Louisiana Administrative Procedure Act, and Act 786 of 1980, the Election Campaign Finance Disclosure Act, the Supervisory Committee of the Election Campaign Finance Disclosure Act does hereby give notice of the adoption of Finance Disclosure Forms to be used by candidates and committees in the elections to be held on April 4, 1981 and May 16, 1981.

The forms to be implemented are reproduced as follows:

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
(PURSUANT TO L.R.S. 18:1481 THROUGH 18:1511)
CANDIDATES REPORT OF CONTRIBUTIONS AND EXPENDITURES

1. Name of Candidate _____ 2. Office Sought: _____

Address (Number and Street, No P. O. Box Please) Give District Where Applicable

City, State and Zip Code (Check if Address is different than previously reported. _____)

3. Type of Report

This Report Complete Through: PRIOR TO PRIMARY (Check One) _____ ANNUAL REPORT

_____ 190 Days _____ 100 Days _____ 40 Days _____ 20 Days

_____ 20 Days Prior to General Election _____ 30 Days After General Election

_____ Supplemental No. 1 _____ Supplemental No. 2 _____ Amended Report

4. Name and Address of Campaign Treasurer .

Campaign Treasurer

Deputy Campaign Treasurer

5. Subsidiary Committees: (Reports of Subsidiary Committees should be consolidated with this report).

_____ Name of Committee _____ Address _____

6. Banks, Depositories or Safety Deposit Boxes used for Candidate's Funds:

Name of Depository _____ Address _____

7. We certify that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at _____ this _____ day of _____, 19____.
(City and State)

Candidate

Campaign Treasurer

The original of this report should be delivered to:

Reporting Officials
Room 311, Capitol Annex
Baton Rouge, Louisiana 70804

OR mailed to:

Reporting Officials
P. O. Box 44366
Baton Rouge, Louisiana 70804

(Please retain a copy of this report for your records).

SCHEDULE C
FUNDS TRANSFERRED TO OR FROM POLITICAL COMMITTEES

Name, Address and Zip Code Political Committee (Receiving Funds Transfer)	Amount and Date Of Transfer	Name, Address and Zip Code of Political Committee (Disbursing Funds Transfer)
---------------------------------------------------------------------------------	--------------------------------	-------------------------------------------------------------------------------------

Total of Funds Transferred from (Received) _____

Total of Funds Transferred to (Disbursed) _____

SCHEDULE E-1
ITEMIZED EXPENDITURES
(BY CATEGORY)

Name, Address and Zip Code Recipient(s)	Total Expenditures During Aggregating Period	Expenditures During This Period	TOTALS
<u>(For Utilities)</u>			
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
<u>(For Telephone)</u>			
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
<u>(For Postage)</u>			
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
<u>(For Other Signs)</u>			
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____

Total of this Page _____
Grand Total _____

**SCHEDULE F
IN-KIND EXPENDITURES**

Name, Address and Zip Code of Recipient(s)	Prior In-Kind Expenditures Dates and Valuations	Type and Description of Expenditures
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>
		<u>Valuation This Period</u>
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>
		<u>Valuation This Period</u>
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>
		<u>Valuation This Period</u>
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>
		<u>Valuation This Period</u>
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>
		<u>Valuation This Period</u>

Total Valuation This Period _____

SCHEDULE K
OTHER DISBURSEMENTS

Name, Address and Zip Code
of Recipient

Amount and Date

Purpose

Total of Other Disbursements

AND RECEIPTS

CASH SUMMARY

Cash on Hand at end of Prior Reporting Period.....	\$ _____
Cash Investments on Hand at end of Prior Reporting Period.....	\$ _____
Total Receipts This Period.....	\$ _____
Subtotal.....	\$ _____
Total Disbursements This Period.....	\$ _____
Cash on Hand at Close of the Reporting Period.....	\$ _____

COLUMN A	COLUMN B
Total this Period	Aggregating Period

RECEIPTS

1. CONTRIBUTIONS FROM:

a. Sources in excess of Reporting Amount (Total from Schedule A).....	_____	_____
b. Total of all Other.....	_____	_____
c. Funds Transferred from Political Action Committees (Total from Schedule C).....	_____	_____
d. Gross Proceeds from sale of Political Items.....	_____	_____
e. Gross Proceeds from sale of tickets to Testimonials or similiar fund raising events.....	_____	_____
f. Monetary Contributions from the candidates own funds.....	_____	_____
 TOTAL CONTRIBUTIONS.....	_____	_____

2. LOANS:

a. From any Person or Committee...(Total Loans.. Received from Schedule D).....	_____	_____
 TOTAL LOANS.....	_____	_____

3. OTHER INCOME:

a. Refunds, Rebates, Overpayments, etc.....	_____	_____
b. Dividends, Interest, Proceeds from loans.....	_____	_____
c. Cash income from Investments.....	_____	_____
 TOTAL OTHER INCOME.....	_____	_____
 TOTAL RECEIPTS.....	_____	_____

DETAILED SUMMARY SHEET
OF DISBURSEMENTS

	COLUMN A Total this Period	COLUMN B Aggregating Period
--	-------------------------------	--------------------------------

DISBURSEMENTS

D. EXPENDITURES:

a. Funds Transferred to Political Action Committees (Total from Schedule C).....		
b. Itemized Expenditures...(Total from Schedule E).....		
c. Itemized Expenditures...By Category (Total from Schedule E-1.....)		
d. Itemized Expenditures...(Total of all Categories from Schedule E-1A).....		
e. Petty Cash.....		
f. Monetary Expenditures made by the Candidate from his own funds.....		
g. Anonymous contributions received and transmitted to the State..(Total from Schedule H).....		
h. Expenditures for Conveyance of Electors (Total from Schedule I).....		
TOTAL EXPENDITURES.....		

E. LOANS:

a. To any Person or Committee..(Total Loans Made from Schedule D).....		
TOTAL LOANS.....		

F. OTHER DISBURSEMENTS:

a. Interest on Loans, etc.....		
b. Loan Repayments.....		
c. All other items listed on Schedule K.....		
TOTAL OTHER DISBURSEMENTS.....		
TOTAL DISBURSEMENTS.....		

(Editor's Note: After the following report form for Political Action Committees, the forms are identical to those of the Candidate. The use of Schedule C is different from that used by Candidates.)

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
(PURSUANT TO L.R.S. 18:1481 THROUGH 18:1511)
COMMITTEES REPORT OF CONTRIBUTIONS AND EXPENDITURES

1. Name of Political Committee

2. Address (If the Committee has no address, give the address of the Chairman).

3. City, State and Zip Code

4. Name and Address of Campaign Treasurer AND Deputy Campaign Treasurer.
(If none has been appointed, give the name of the Committee Chairman).

Committee Campaign Treasurer Deputy Campaign Treasurer

Address Address

City, State and Zip Code City, State, And Zip Code

5. Type of Report

This Report Complete Through: PRIOR TO PRIMARY (Check One) ANNUAL REPORT

190 Days 100 Days 40 Days 20 Days

20 Days Prior to General Election 30 Days After General Election

Supplemental No. 1 Supplemental No. 2 Amended Report

6. Principal Committee Officers:

Name and Address Office Held

Chairman

7. If Reporting Committee is Principal Campaign Committee of a Candidate, give name and address of Candidate:

8. Subsidiary Committees: (List only those Committees designated by the Principal Committee and for whom the Principal Committee is reporting).

Name of Committee _____ Address _____

9. Name, Address, Office Sought, Party Affiliation of each Candidate the Committee is opposing or supporting:

Name and Address _____ Office Sought _____ Party of Candidate _____ Support(S) Oppose (0) _____

10. The Committee is supporting the entire ticket of a Political Party.

Yes _____ No. If "yes", that party is _____ Name of Party _____

I

WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at _____ this _____ day of _____, 19__.

Committee Chairman _____

Committee Campaign Treasurer _____

The original of this report should be delivered to:

Reporting Officials
Room 311, Capitol Annex
Baton Rouge, Louisiana 70804

OR MAILED TO:

Reporting Officials
P. O. Box 44366
Baton Rouge, Louisiana 70804

(Please retain a copy of this report for your records).

Instructions for Completion of Election Campaign Finance Disclosure Forms for Candidates

Line 1: List the complete name, including nicknames, and the complete mailing address, (not Post Office address), including zip code, of the candidate on whose behalf the report is being filed.

Line 2. Put the name of the office sought by the reporting candidate and where applicable the District, Parish, City, etc.

Line 3. Check the appropriate description of the reports being filed.

Line 4. Give the complete name and address of the campaign treasurer and all deputy treasurers appointed by the candidate. If additional space is needed, add a page, but number the pages in the following manner: Page of Pages.

Line 5. If the reporting candidate has appointed subsidiary committees, the names and addresses of all such committees should be reported on Line 5. If additional space is needed, add pages, but number all pages as follows: Page of Pages.

Line 6. List the name and address of the bank that the candidate has designated as its campaign depository; i.e., contributions received must be placed in the depository so designated and all expenditures be made by check drawn upon that account.

Line 7. The candidate and the candidate's campaign treasurer are required to certify the accuracy of the information set out in this report. Both candidate and his treasurer, where one has been appointed, should sign the report.

Schedule A: List the name and address of each contributor from whom the reporting candidate has received contributions, either singly or in the aggregate, in excess of the candidate's reporting amount. (For reporting amounts, see the definitions at the end of these instructions.) Place the name and address of the contributor in the first column of Schedule A; and in the second column of Schedule A, give the dates and amounts of all contributions received from that contributor prior to the beginning of the reporting period for this report if this is not a first report. In the third column, list those contributions received during this reporting period, and in the fourth column, give the total of all contributions received from the particular contributor.

Schedule B: On Schedule B give the names of contributors from whom the reporting candidate has received in-kind contributions. (For a definition of in-kind contribution, see the definitions at the end of these instructions.) In the first column of Schedule B, give the name and address of the contributor; and in the second column, give a brief description of contribution, the date of the contribution, and the valuation of those contributions received during the prior reporting period; in column three list the in-kind contributions received from that contributor during this reporting period by giving the description and the valuation. In-kind contributions are valued by the receiving candidate based upon fair market value. Where the fair market value of the in-kind contribution does not exceed the reporting amount of the candidate, it need not be listed on this schedule.

Schedule C: If the reporting candidate has appointed subsidiary committees, and those committees have received funds from other political committees or have paid funds to other political committees the amounts of those transfers and the dates thereof should be listed on Schedule C. If the reporting candidate has not appointed subsidiary committees, the candidate should report funds received from political committees in Schedule A if those funds were in excess of his reporting amount, or in the total contributions where the funds received were not above the reporting amount. Where funds were paid to political committees, these must be reported as expenditures.

Schedule D: On Schedule D, list all loans received by the candidate or made by the candidate, regardless of the amount. List the recipient of the loan, the original amount and date of the loan, the lending agency or person, list the names and addresses of all endorsers and the balance due on the loan at the time the report is made.

Schedule E: On Schedule E, list the name and address of each person, corporation, partnership, or other entity, including political committees, to whom the candidate has made expenditures, either singly or in the aggregate, in excess of the candidate's reporting amount. (For a definition of "reporting amount," see the definitions at the end of these instructions.) Do not list in Schedule E the recipients of expenditures for utilities, telephone, postage, television or radio advertising, newspaper ads, political signs, as these items will be reported separately in Schedules E-1 through E-1A. In the first column of Schedule E, give the name and address of the person to whom the expenditure was paid. In the second column give the dates and amounts of all expenditures to that recipient made in prior reporting periods if this is not the first report. In column three, give the expenditures (amounts and dates) made during this reporting period. In column four, give the purpose of the expenditure, and in column five give the total of all expenditures made to that recipient.

Schedule E-1: On Schedule E-1, give the name and address of each recipient of expenditures for utilities, telephone, postage and outdoor advertising where the recipient has received an amount in excess of the candidate's reporting amount. In column one give the name and address of the recipient of the expenditures. In column two, give the total amount paid to that recipient during the aggregating period. (For definition of aggregating period, see the definitions at the end of these instructions.) In column three give the total amount of expenditures to that recipient during this reporting period. In column four, give the total of all expenditures to that particular recipient.

Schedule E-1A: In Schedule E-1A give the same information as in Schedule E-1, with regard to payments for outdoor advertising, radio advertising, newspaper advertising and television advertising.

Schedule F: On Schedule F, list all in-kind expenditures made by the reporting candidate. (For a definition of in-kind expenditures, see the definitions at the end of these instructions.) In the first column of Schedule F give the name and address of each recipient of in-kind contributions in excess whether in-kind expenditures in excess of candidate's reporting amount. In column two give the dates and valuations of all in-kind expenditures to that recipient made prior to this reporting period. In column three list the description and valuation of in-kind expenditures to the recipient during this reporting period. The valuation of in-kind expenditures are to be made by the reporting candidate based upon fair market value. If the fair market value of the in-kind expenditures does not exceed the reporting amount of the candidate, it need not be listed on Schedule F.

Schedule G: On Schedule G list all debts and obligations owed by the candidate at the time this report is completed. This includes loans and other obligations which may have been reported in other schedules.

Schedule H: The Act prohibits the use of anonymous contributions. Any contribution, the source of which is unknown, must be transmitted by the receiving candidate to the Louisiana State Treasurer. On Schedule H report the amount and date received of each anonymous contribution and the date each was transmitted to the State. Funds received from the sale of tickets to testimonials and other fund raising events which are not in excess of one hundred dollars are not considered anonymous contribu-

tions and may be retained by the candidate. Similarly, funds received from the sale of campaign items such as buttons, flags, pins etc., which are for not in excess of twenty-five dollars are not considered to be anonymous contributions and may be retained by the candidate.

Schedule I: Any amount paid to any person or committee or other organization for the purpose of conveying electors to polling place must be reported in Schedule I. In the first column of Schedule I give the name and address of the person to whom the funds are paid. In column two, give the amount paid to that person or, if property other than money has been given to the recipient, give a valuation of that property. In column three give the date of the expenditure.

Schedule J: On Schedule J there should be reported the name and address of each candidate, committee or person required to file reports who makes endorsements, and to whom the reporting candidate has made any expenditure during this reporting period in excess of two hundred dollars. The amount and the date and purpose of each such expenditure, and a brief description and valuation of in-kind expenditures, to such parties must also be shown.

Schedule K: On Schedule K give the requested information concerning all other payments of campaign debts or disbursements of other campaign funds made by the candidate during this reporting period which have not been reported on any other schedule.

Definitions

As used in this booklet, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Affiliated organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

(2) "Aggregating period" means:

(a) For a political committee, except a political committee which supports only one candidate, the period from January 1 of the calendar year three years prior to the current calendar year through the closing date for the current report.

(b) For a candidate, the period from the date on which he became a candidate as defined herein through the closing date for the current report.

(c) For a committee which supports only one candidate, the period from the time when the committee first participates in the election through the closing date for the current report.

(3) "Candidate" means a person who seeks nomination or election to public office, except the office of president or vice president of the United States, presidential elector, delegate to a political party convention, United States senator, United States congressman or political party office. An individual shall be deemed to seek nomination or election to such office if he has:

(a) Since prior participation in an election, if any, received and accepted a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure, with a view to influencing his nomination or election to office, whether or not the specific public office for which he will be a candidate is known at the time the contribution is received or the expenditure is made, or

(b) Taken the action necessary under the laws of the state of Louisiana to qualify himself for nomination or election to public office.

(4) "Chairman" means the principal executive office of a political committee regardless of his title.

(5) "Closing date" means the date through which the report is complete.

(6) (a) "Contribution," except as otherwise provided in

this booklet, means a gift, conveyance, payment, or deposit, of money or anything of value, or the forgiveness of a loan or of a debt, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after the election.

(b) "Contribution" shall also include, without limitation:

(i) Contributions in-kind made for any of the purposes stated in this Paragraph, having an attributable monetary value in excess of the reporting amount. Contributions in-kind shall include without limitation: the donation by any person, other than a candidate or a political committee, of the services of paid employees, the value of which services exceeds the reporting amount, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the accepting candidate, the chairman of the accepting political committee, or accepting person required to file reports under this Chapter and the campaign treasurer of such recipient, if any, determines that its value or the use value, when only the right of use is given, exceeds the reporting amount and such determination shall be prima facie evidence of the correctness of the valuation of the item or of the use value when applicable. In addition, successive donations of, or successive donations of the right to use, the same item of tangible property or multiple items of the same kind of tangible property, made by the same person, which donations individually are valued below the reporting amount but which together exceed such amounts, shall be deemed to be in-kind contributions and shall be aggregated for purposes of the requirements of this Chapter.

(ii) A promissory note or written contract to make a contribution as defined above.

(iii) A payment to purchase campaign paraphernalia, such as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature, and similar items, other than expenditures made by a candidate or political committee to purchase its own paraphernalia.

(iv) A payment for tickets to a testimonial or similar fundraising event.

(c) "Contribution" shall not include:

(i) Personal services provided voluntarily by any person without compensation or by any person who is employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock.

(ii) Any dues or membership fees of any membership organization or corporation made by its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of supporting, opposing or otherwise influencing the nomination for election, or election, of any person to public office. However, any funds of such an organization or corporation used for the purpose of contributions to candidates or committees or to publicly advocate support or defeat of a candidate or for expenditures as defined in this Chapter shall be reportable and all contributions made by such membership organization or corporation which are otherwise reportable under the provisions of this Chapter shall be reported.

(iii) A transfer of funds between political committees.

(iv) A loan.

(d) A contribution of anything of value other than money or an in-kind contribution shall be considered for all purposes of this Chapter as a contribution of money in the amount of the fair market value thereof.

(7) "District office" means the following offices but shall not include any major office:

(a) The office of a member of the Louisiana Legislature.

- (b) All public offices elected parishwide.
- (c) All public offices elected in more than one parish or portions of more than one parish.
- (d) All public offices elected in any election district containing a population in excess of thirty-five thousand as determined by the most recently published decennial federal census.

(8) "Election" means any primary, general or special election held, pursuant to the laws of this state or a parish or municipal charter or ordinance or a court order, to choose a public officer or nominee. For purposes of this Chapter a primary election and a general election for a particular office shall constitute one election.

(9) (a) "Expenditure" means a purchase, payment, advance, deposit, or gift, of money or anything of value, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after the election.

(b) "Expenditure" shall also include:

(i) A promissory note or written contract to make an expenditure as defined above.

(ii) Expenditures in-kind which have an attributable monetary value in excess of the reporting amount, made for any of the purposes stated in this Paragraph. Expenditures in-kind shall include without limitation: the donation by any person, candidate, or political committee of the services of paid employees, the value of which services exceeds the reporting amount, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the donating candidate, the chairman of the donating committee, or the donating person required to file reports under this Chapter, and the campaign treasurer of such donor, if any, determines that its value or the use value, when only the right to use is given, exceeds the reporting amount and such determination shall be prima facie evidence of the correctness of the valuation of the item or the use value when applicable.

(c) Expenditures made by a public relations firm, an advertising agency, or agent for a candidate, political committee, or other person required to file reports under this Chapter, shall timely furnish to such candidate, political committee, or person such information relative thereto as may be required for compliance with this Chapter.

(d) "Expenditure" shall not include:

(i) Personal services provided voluntarily by any person without compensation or by any person who is employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock.

(ii) Any communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office. All other expenditures made by such membership organization or corporation which are otherwise reportable under the provisions of this Chapter shall be reported.

(iii) A transfer of funds between political committees.

(iv) A loan.

(e) An expenditure of anything of value other than money or an in-kind expenditure shall be considered for all purposes of this Chapter as an expenditure of money in the amount of the fair market value thereof.

(10) "Loan" means a transfer of money, property, or anything of value in exchange for an obligation to repay in whole or in part, made for the purpose of supporting, opposing, or

otherwise influencing the nomination for election, or election, of any person to public office, whether made before or after the election.

(11) "Major office" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, commissioner of elections, superintendent of education, public service commissioner, and justice of the supreme court, as long as these offices are elective offices, and any candidate for office with an election district containing a population in excess of two hundred fifty thousand persons as determined by the most recently published decennial federal census.

(12) "Participation" or "participating" in an election means the following:

(a) With regard to a candidate, that the candidate was opposed by another candidate in the election; however, any person who is a candidate as defined in this Chapter shall be deemed to participate in the primary election whether or not the candidate has failed to qualify for office after becoming a candidate, has withdrawn from the election, or is unopposed therefor. Additionally, any candidate who withdraws from a general election subsequent to the primary election and prior to the general election who would have been qualified to appear on the general election ballot shall be deemed to participate in the general election, as shall the person who would have been opposed by the one withdrawing.

(b) With regard to a political committee, that the committee:

(i) With regard to the primary election, gave or received a contribution prior to the primary election from or to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in the primary election, or made a transfer of funds to or from another committee participating in that primary election;

(ii) With regard to the general election, that the committee gave or received a contribution subsequent to the primary election from or to a candidate participating in the general election, made a loan to or received a loan from a candidate or committee participating in that general election, or made a transfer of funds to or from another committee participating in the general election.

(c) A candidate or committee which participates in a primary election or the general election shall be deemed to participate in the election.

(13) "Person" means any individual, partnership, association, labor union, political committee, corporation, or other legal entity, including their subsidiaries.

(14) "Political committee" or "committee" means two or more persons, other than a husband and wife, and any corporation organized for the primary purpose of supporting or opposing any candidate or political party, which accepts contributions in the name of the committee, or makes expenditures from committee funds or in the name of the committee, or makes a transfer of funds to or receives a transfer of funds from another committee, or receives or makes loans in an aggregate amount in excess of five hundred dollars within any calendar year. Any state central committee, parish executive committee, and any other committee of any political party which receives contributions or makes expenditures in such amount during such period shall be considered a "political committee" for the purposes of this Chapter.

(15) "Principal campaign committee" means a political committee designated by a candidate pursuant to R.S. 18:1491.3(A) or a political committee which has designated subsidiary committee(s).

(16) "Public office" means any state, parish, municipal, ward, district, or other office or position that is filled by election of the voters, except those specifically excepted in Paragraph (1) of this Section.

(17) "Reporting amount" means the following in the case of contributions or expenditures in support of or in opposition to candidates for the following office respectively: (a) two thousand dollars for any major offices; (b) seven hundred fifty dollars for any district office, and (c) two hundred fifty dollars for all other offices. In the case of contributions to or expenditures by political committees which are supporting or opposing candidates for offices with different reporting amounts, the reporting amount for such committees shall be the lowest reporting amount for any candidate which the committee is supporting or opposing at any time during the aggregating period. Candidates which the committee is supporting or opposing shall include those the committee is directly supporting or opposing and those candidates which any other committee, to which the committee makes a transfer of funds or from which it receives a transfer of funds, is supporting or opposing.

If any report of a political committee filed pursuant to R.S. 18:1491.6 states that the committee is supporting or opposing a candidate with lower reporting amount than the candidate(s) the committee has previously supported or opposed, such report shall include all information required by R.S. 18:1491.7 based on the new reporting amount, including all information required to be aggregated for the aggregating period.

(18) "Reporting period" shall mean those periods established by R.S. 18:1491.6(G) and R.S. 18:1495.4(G).

(19) "Subsidiary committee" means a political committee other than a principal campaign committee, designated by a candidate or by a principal campaign committee pursuant to R.S. 18:1491.3(B) or R.S. 18:1491.3(C) to receive contributions or make expenditures on behalf of the candidate or the committee.

(20) "Supervisory committee" means the Supervisory Committee, Campaign Finance Disclosure Act created in R.S. 18:1511.1.

Disclosure reports; persons required to file except as otherwise specifically provided, the following persons or their campaign treasurers, if any, shall file reports of contributions and expenditures as more specifically provided in this Chapter:

- (1) Each candidate for major office or district office.
- (2) Each candidate for any other public office who makes expenditures in excess of five thousand dollars or who receives a contribution in excess of the reporting amount, in the aggregate for aggregating period.
- (3) Each political committee.
- (4) Any person other than a candidate or political committee required to file reports under the provisions of Part IV of this Chapter.

Instructions for Completion of Election Campaign Finance Disclosure Forms For Political Committees

Line 1. Give the full name of the reporting political committee and acronym.

Lines 2 and 3: Give the address (do not give a Post Office Box address) of the political committee. If the committee has no address, give the address of the chairman or principal committee officer.

Line 4. List the names and address of the campaign committee treasurer and any deputy campaign committee treasurers. If additional space is needed attach additional sheets, but number

them: page ____ of ____ pages.

Line 5. Check the appropriate line to indicate the report being filed.

Line 6. List the names and addresses and offices held by all principal committee officers. Chairman, president, vice-president, secretary, treasurer.

Line 7. If the reporting committee has been designated the principal campaign committee of the candidate, give the name and address of that candidate.

Line 8. If the reporting committee has appointed any subsidiary committees, list the names and addresses of each such subsidiary committees. Reports of each subsidiary committee must be consolidated with this report.

Line 9: List the names and addresses, offices sought and party affiliation of each candidate whom the committee is supporting or opposing.

Line 10: Indicate whether or not the political committee is supporting an entire ticket of the political party and if so, give the name of that party.

Line 11: The committee chairman and the committee campaign treasurer must sign the report, certifying the contents of the report are true and correct.

Schedule A: List the name and address of each Contributor from whom the reporting committee has received contributions, either singly or in the aggregate, in excess of the committee's reporting amount. (For reporting amounts, see the definitions at the end of these instructions). Place the name and address of the contributor in the first column of Schedule A; and in the second column of Schedule A, give the dates and amounts of all contributions received from that contributor prior to the beginning of the reporting period for this report if this is not a first report. In the third column, list those contributions received during this reporting period, and in the fourth column, give the total of all contributions received from the particular contributor.

Schedule B: On Schedule B give the names of contributors from whom the reporting committee has received in-kind contributions. (For a definition of in-kind contribution, see the definitions at the end of these instructions). In the first column of Schedule B, give the name and address of the contributor; and in the second column, give a brief description of contribution, the date of the contribution, and the valuation of those contributions received during the prior reporting period; in column three list the in-kind contributions received from that contributor during this reporting period by giving the description and the valuation. In-kind contributions are valued by the receiving committee chairman based upon fair market value. Where the fair market value of the in-kind contribution does not exceed the reporting amount of the committee, it need not be listed on this schedule.

Schedule C: Here list all funds transferred to any political committee by the reporting committee, or received by the reporting committee from any other political committee. In column one of Schedule C, give the name and address of the political committee which received the funds transferred. In column two give the amount and dates of each such transfer. In column three give the names and addresses of each political committee which paid the funds transferred.

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
AFFIDAVIT IN LIEU OF REPORT

(R.S. 18:1495.6 provides: "Any candidate required by this Chapter to file reports of information provided in R.S. 18:1495.5 who did not receive a contribution in excess of the reporting amount and who did not make expenditures totaling in excess of five thousand dollars in the aggregate during the aggregating period, may file an affidavit setting out such facts, in lieu of any report required by R.S. 18:1495.4, but a separate affidavit shall be required in lieu of any such report).

Affidavit in Lieu of (Type of Report) Check appropriate box.

PRIOR TO PRIMARY

<input type="checkbox"/> 190 Days	<input type="checkbox"/> 100 Days	<input type="checkbox"/> 40 Days	<input type="checkbox"/> 20 Days
*****	*****		*****
<input type="checkbox"/> 20 Days Prior to General Election		<input type="checkbox"/> 30 Days After General Election	

Name of Candidate/Committee

Address of Candidate/Committee

OFFICE SOUGHT:

PARISH:

BEFORE ME, the undersigned authority, personally came and appeared:

_____ who, after being duly sworn, did dispose

Name of Affiant

and say that he or she or the committee is subject to the reporting provisions of R.S. 18:1495.6 with respect to the election or elections held on _____

Dates of Election(s)

but that he or she or the committee did not receive a contribution in excess of the reporting amount applicable to such candidate, political committee or person and did not make expenditures totaling in excess of \$5,000 in the aggregate during the aggregating period from the beginning of the first filing period covering the above elections through the final date of the report for which this affidavit is substituted.

SUBSCRIBED and sworn before me, the undersigned authority this _____ day of _____, 19____, at _____, Louisiana.

Signature of Affiant

Signature of Notary or Other Authority

The original of this report should be delivered to Reporting Officials, Room 311, Capitol Annex, Baton Rouge, La. OR MAILED TO: Reporting Officials, P. O. Box 44366, Baton Rouge, Louisiana 70804.

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
(PURSUANT TO L.R.S. 18:1481 THROUGH 18:1511)
STATEMENT OF ORGANIZATION

Name of Political Committee

Name of Campaign Treasurer

Address of Political Committee/Chairman

Address

City, State and Zip Code

City, State and Zip Code

PRINCIPAL COMMITTEE OFFICERS:

Name

Address

Office Held

AFFILIATED COMMITTEES OR ORGANIZATIONS:

Name

Address

Office Held

BANKS, DEPOSITORIES OR SAFETY DEPOSIT BOXES USED FOR COMMITTEE FUNDS:

Name of Depository

Address

This Committee is a Principal Campaign Committee and is so designated by:

Name of Candidate

This Committee is a Subsidiary Committee and is so designated by:

Name of Candidate

or

Name of Principal Committee

Estimated Membership of This Committee _____.

HIS REPORT SHOULD BE DELIVERED TO THE REPORTING OFFICIALS IN ROOM 311, CAPITOL ANNEX,
BATON ROUGE, OR MAILED TO P. O. BOX 44366, BATON ROUGE, LA. 70804

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
STATEMENT OF DISSOLUTION

(R.S. 18:1491.2 provides: "Each political committee, including any subsidiary committee, w/ after having filed an annual statement of organization wishes to dissolve or disband and (1) determines that it no longer meets the criteria in R.S. 18:1491.1(A), or (2) determines that it will no longer receive any contributions, loans, or transfers of funds and will no longer make any expenditures, loans, or transfers of funds, shall file a statement of dissolution with the supervisory committee prior to dissolving.")

Name of Committee

Address (Street address, City, State and Zip Code)

Name of Committee Campaign Treasurer

Address (Street Address, City, State and Zip Code)

Was this Committee the Principal Campaign Committee of a Candidate. If so give the name of the Candidate _____.

Was this Committee a Subsidiary Committee designated by either a Candidate or a Principal Campaign Committee. If so, give the names of both Candidate and Committee. _____

WE CERTIFY that this committee has no unpaid debts or obligations, and that all funds have been expended or otherwise distributed.

WE CERTIFY that this committee has not received contributions, transfers of funds, or loans, or made expenditures, transfers of funds, or loans in the aggregate during the calendar year in excess of five hundred (\$500) dollars and does not anticipate doing so, or (2) that the committee will receive no contributions, transfers of funds, or loans and will make no expenditures, transfers of funds, or loans, during the remainder of the calendar year.

WE FURTHER CERTIFY that a Committee report of Contributions and Expenditures as required by R.S. 18:1491.7 accompanies this Statement of Dissolution.

Committee Chairman

Committee Campaign Treasurer

THIS REPORT SHOULD BE DELIVERED TO THE REPORTING OFFICIALS IN ROOM 311, CAPITOL ANNEX, BATON ROUGE, OR MAILED TO P. O. BOX 44366, BATON ROUGE, LA. 70804.

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
(PURSUANT TO L.R.S. 18:1481 THROUGH 18:1511)

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE
AND SUBSIDIARY COMMITTEES

Name of Candidate

Address of Candidate

City, State and Zip Code

Office Sought:

HEREBY DESIGNATE the following committee as my Principal Campaign Committee:

Name of Committee:

Address of Committee:

Chairman of Committee:

(or Principal Officer)

HEREBY DESIGNATE the following Subsidiary Committees:

Name of Committee

Address

Chairman (Principal Officer)

Signature of Candidate

Date of Designation

This report must be filed with the Supervisory Committee no later than ten days after designation.

ALL REPORTS SHOULD BE DELIVERED TO THE REPORTING OFFICIALS IN ROOM 311, CAPITOL ANNEX, BATON ROUGE, OR MAILED TO P. O. BOX 44366, BATON ROUGE, LA. 70804

STATE OF LOUISIANA
ELECTION CAMPAIGN FINANCE DISCLOSURE ACT
(PURSUANT TO L.R.S. 18:1481 THROUGH 18:1511)
CANDIDATES SPECIAL REPORT
OF CONTRIBUTIONS AND EXPENDITURES

Name of Candidate

Address of Candidate (Number and Street)

City, State, and Zip Code

Office Sought: _____

Name and Address of Campaign Treasurer (If none has been appointed, the Name and Address of Candidate Reporting)

Campaign Treasurer

Deputy Campaign Treasurer

WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at _____ this _____ day of _____, 19__

Candidate

Campaign Treasurer

The original of this report should be delivered to:

Reporting Officials
Room 311, Capitol Annex
Baton Rouge, Louisiana 70804

OR MAILED TO:

Reporting Officials
P. O. Box 44366
Baton Rouge, La. 70804

(Please retain a copy of this report for your records).

David R. Poynter, Chairman
Supervisory Committee on
Election Campaign Finance

RULES

Department of Treasury Board of Trustees

State Employees Group Benefits Program

The following rules have been adopted by the Board of Trustees of the State Employees Group Benefits Program:
H. Uniform Election Dates

1. First Monday March - Group Benefits submits nomination sheets to agency's designated Invoice Coordinator.
2. First Monday April - Nomination cutoff date - Nominees must be certified by their agency before nominations can be accepted by Group Benefits.
3. Second Monday April - Drawing at State Employees Group Benefits Program Office at 2648 Wooddale Boulevard, Baton Rouge, to determine the position each candidate will have on the ballot. All candidates are invited to attend or send a representative.
4. Prior to first Monday in May, ballots will be sent to proper authority for distribution.
5. Second Monday June - COB - Deadline for receiving ballots in State Employees Group Benefits Program Office.
6. Third Monday June - All ballots counted.
7. Election results promulgated at next Board of Trustees meeting following the counting of ballots.

I. Severability - If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules which can be given effect without the invalidated provisions, items, or applications and to this end the provisions of these rules are hereby declared severable.

James D. McElveen
Executive Director

RULE

Department of Treasury State Police Retirement System

Rule - The Board of Trustees of the Louisiana State Police Retirement System will grant military service credit for active duty service spent in the United States Reserves or the National Guard. Such credit will be granted only for active duty service prior to September 9, 1977. Any active duty service in the U.S. Reserves or National Guard after September 9, 1977, may be purchased in accordance with L.R.S. 40:142B2b&c.

Richard J. Maciasz, Manager
State Police Retirement System

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Dairy Stabilization Board

The Department of Agriculture, Dairy Stabilization Board will hold a public hearing beginning at 9:00 a.m., Thursday, April 9, 1981, in the Office of Mr. Bob Odom, Commissioner of Agriculture, Twenty-first floor, State Capitol, Baton Rouge, Louisiana to consider the adoption of a proposed rule pertaining and relating to the following:

Licensed retailers selling fluid milk shall maintain competition in the dairy case.

Interested persons may comment on the proposed regulation, in writing, through April 3, 1981 at the following address: Mr. C. James Gelpi, Director-Attorney, 3342 Florida Blvd., Baton Rouge, Louisiana 70806.

C. James Gelpi
Director-Attorney

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Competition in Dairy Case

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation 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)
It is anticipated that the groups affected by the proposed rules will have no additional costs to be incurred as a result of the adoption of the rules. The benefits to be derived from this rule is that free and fair competition will be enhanced which is the cornerstone of our economic system thereby benefitting the consumer and industry alike.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition in the private sector (dairy processing industry) will be enhanced.

C. James Gelpi
Director-Attorney

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture Fertilizer Commission

Notice is hereby given that, due to extensive public interest, testimony was not completed at the public hearing called by the Fertilizer Commission on March 9-10, 1981. Therefore, in accord-

ance with the provisions of the LSA 49:951, et seq, the Administrative Procedure Act, and LSA 3:1312, relative to the powers and responsibilities of the Fertilizer Commission, notice is hereby given that the public hearing of March 9-10, 1981, has been continued to Tuesday, April 7, 1981, at 10:00 a.m. The public hearing will be conducted in the Department of Transportation and Development Auditorium, Capitol Access Road, Baton Rouge, Louisiana.

The purpose of the public hearing will be to promulgate rules and regulations for the administration of the regulatory program for fertilizers, including, but not limited to, the following general subject categories: definitions, registration requirements, labeling requirements; required guarantees; custom mixed fertilizers and fertilizer blends; sampling procedures; chemical analysis of fertilizers; tonnage reports and inspection fees; penalties, deficiencies, and curing of deficiencies; prohibitions against penalties; payment of penalties; recall of deficient fertilizer and cancellation of penalties upon proof of recall; stop sale orders; probationary status of registrants; revocation of registration and/or denial of application for renewal of registration; appeals from actions of the Fertilizer Commission/Department of Agriculture, including appeals concerning method of taking samples, appeals concerning probationary status, and public hearing on revocation of registration/denial of application for renewal of registration; confidentiality of records; and penalties for violation.

Interested persons may secure a copy of the full text of the proposed rules and regulations by written request to Mr. Barby R. Carroll, Louisiana State University, Box 18190-B, Baton Rouge, Louisiana 70803, or in person at Mr. Carroll's office in the Harry D. Wilson Building, Louisiana State University, Baton Rouge, Louisiana.

Since the public hearing has been continued, the period for public comment has been extended until Friday, April 3, 1981. Written comments will be accepted until that date by Mr. Barby R. Carroll at either of the above addresses, or may be presented in person at the public hearing.

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

Bob Odom
Commissioner of Agriculture

NOTICE OF INTENT

Department of Agriculture Seed Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1433, relative to the powers and duties of the Seed Commission, notice is hereby given that the Louisiana Department of Agriculture, Seed Commission, will conduct a public hearing on Tuesday, April 8, 1981, at 10:00 a.m. in the office of the Commissioner of Agriculture, twenty-first floor, State Capitol, Baton Rouge, Louisiana.

The purpose of said hearing is to consider re-enactment of the following presently non-numbered Rule as a new Regulation 31, as follows:

Certified Seed Regulation 31

Regulation Governing Certification of Seed Rice in Bulk

I. Application. Initial application for approval of certification of bulk seed rice shall be on a form furnished by the Seed Commission and shall be submitted thirty days prior to seed entering bins to be certified. Application shall designate an individual who shall be responsible for all records and procedures required to complete certification of bulk seed rice. At any time the person designated is replaced for any reason, the Commission shall immediately be furnished the name of the successor.

II. Storage Facilities. Primary storage facilities must be so constructed as to allow for bulk sampling according to provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979) and allow for sealing all seed ingress to the facility. All storage facilities and conveyors must be so constructed as to allow for complete clean out and all other procedures to assure maintenance of purity. Primary storage must be labeled to show lots contained within and all lot numbers from a given bin must contain a prefix peculiar to that bin. The operation of secondary facilities must include procedures to identify by lot number the seed contained within at all times.

III. Sampling Procedures. Sampling certified rice for sale in bulk will comply with provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979). Each official certified sample transcript will include the number of lots contained in the bin.

IV. Tagging. Each container of bulk certified rice seed other than primary and secondary storage will have attached a tag which complies with certified and seed law regulations. The tag will be attached in such a manner as to assure its remaining on the container until it reaches the consumer. Each container of certified bulk seed rice will be sealed in such a manner as to prevent contamination.

V. Sale of Bulk Certified Seed Rice.

A. Sale of bulk certified seed rice will be restricted to the blue tagged certified class only and will not be eligible for recertification.

B. Sale of bulk certified seed rice will be limited to sale by the processor to the final user except when in containers which can be sealed and lend themselves to normal storage. Bulk certified seed rice shall not be bagged for resale as certified seed, unless retested and retagged according to the certification regulation.

VI. Penalties. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided by Revised Statutes of 1950, Title 3, Chapter II, Parts I and II.

VII. Revisions. The above regulation may be revised or amended at any time that conditions warrant.

VIII. Effective Date. The above regulation shall be effective on and after April 20, 1981.

* * *

At the said public hearing on April 8, 1981, the Seed Commission will also consider adoption of the following amendments to the Certification Regulations of the Seed Commission:

Proposed Amendments to Rules

Amend Regulation 1, Section I, to read as follows:

* * *

"Application for certification of cottonseed shall be made on or before July 15 of each year, on forms to be provided by the Department."

* * *

Amend Regulation 2, Section I, to read as follows:

"Application for certification of seed oats shall be made on or before April 15 of each year, on forms to be provided by the Department."

* * *

Amend Regulation 10, Section I, to read as follows:

"Application for certification of seed rice shall be made on or before June 15 of each year, on forms to be provided by the Department."

* * *

Amend Regulation 16, Section I, to read as follows:

"Application for certification of wheat seed shall be made on or before April 15 of each year, on forms to be provided by the Department."

* * *

Amend Regulation 29, Section I, Subsection C, to read as follows:

"C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality and has been field inspected and found to meet the field standards for its class of certified seed."

* * *

Amend Regulation 29, Section IV, Subsection A, to read as follows:

"A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags."

* * *

At the said public hearing on April 8, 1981, the Seed Commission will also consider adoption of the following amendments to the Rules and Regulations governing the Louisiana Seed Law:

Proposed Amendments to Rules

Amend Section IV, Subsection B, of the Rules and Regulations of the Seed Law to read as follows:

"B. Germination tolerances. The following tolerances are adopted and are applicable to the percentage of germination and also to the sum of the germination plus the hard seed:

Found by Test	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
Over 60 but less than 70	9
60 or less	None"

* * *

Amend Section V, second paragraph (heading to tabular material), of the Rules and Regulations of the Seed Law to read as follows:

"Minimum germination of vegetable or garden seed shall be as follows, with no tolerances to be applied to such minimums in the administration of the Louisiana Seed Law and Rules and Regulations."

* * *

Amend Section VIII, Subsection A, of the Rules and Regulations of the Seed Law to read as follows:

"A. A grower of certified seed shall submit an application fee of \$10.00 per crop for the first variety, and an application fee of \$2.50 for each additional variety. A grower of certified seed shall pay a fee of \$100.00 for each crop kind application submitted after the filing date established in the applicable certified seed regulations for each crop kind."

* * *

Amend Section VIII of the Rules and Regulations of the Seed Law by adding thereto a new Subsection D, to read as follows:

"D. A grower of certified seed shall pay a fee of six cents per tag required for all certified seed sold by the grower."

* * *

Amend Section IX, Subsection B, of the Rules and Regulations of the Seed Law to read as follows:

"B. No agricultural and vegetable seed shall be sold, offered for sale, or exposed for sale, containing in excess of two and one-half percent of total weed seed. No tolerances shall be applied to this maximum two and one-half percent weed content in administration of the Louisiana Seed Law and Rules and Regulations."

* * *

At the said public hearing on April 8, 1981, the Seed

Commission will also consider the revision of the fee schedule for lab services established in Section VIII, Subsection C, and the adoption of a fee schedule for service samples in the same Section of the Rules and Regulations of the Seed Law.

Written comments will be accepted by Dr. Kenneth McClain, Box 16390-A, University Station, Baton Rouge, Louisiana 70803, up to and including April 6, 1981, or may be presented in person at the hearing.

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

Bob Odum
Commissioner of Agriculture

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

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

There will be no increased costs or savings to the agency, because the same workload will be maintained.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The agency anticipates an increase in revenues as follows:

(a) Sale of certified seed tags at two cents each for approximately 620,000 tags generated approximately \$12,400 in the previous fiscal year. Sale of the tags at six cents each is expected to generate an additional \$25,000 per fiscal year.

(b) Approximately 425 applications were filed after the filing date in the previous fiscal year. This number is expected to decrease with enactment of the fee schedule, but an anticipated \$20,000 increase in revenue is expected.

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

Growers of certified seed will bear the additional costs associated with these fee increases. However, the fee for the certified seed tags is based on actual cost, and the seed growers will not bear an undue burden by its enactment. Imposition of the late filing fee will result in more timely applications, which will allow reasonable inspection schedules and thereby benefit the growers as much as it benefits the Department.

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

There will be no effect on competition and employment in the private sector. No additional employees will be needed for the Department.

John Impson
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to amend the following sections of a rule pertaining to Renegotiable Rate Mortgages that was published on pages 720 and 721, Volume 6, Number 12, *Louisiana Register* dated December 20, 1980.

Rule

On December 20, 1980, the Commissioner of Financial Institutions published a rule on pages 720 and 721, Volume 6, Number 12, *Louisiana Register*, authorizing State Chartered Sav-

ings and Loan Associations to make, purchase, and participate in Renegotiable Rate Mortgage Instruments authorized Federal Associations by Federal Home Loan Bank Board Regulation 545.6-4a. On September 30, 1980 and December 4, 1980, the Federal Home Loan Bank Board amended certain sections of Regulation 545.6-4a, to read as follows:

545.6-4a - Renegotiable Rate Mortgage Instruments

(a) Authorization. * * * *

(b) Description. For purposes of this Section, a Renegotiable Rate Mortgage loan is a loan (1) issued for a term of three, four or five years and automatically renewable at equal intervals except as provided in Subparagraph (c)(1) of this section or (2) issued for a single term and providing for adjustment of the interest rate at intervals of three, four or five years except as provided in Subparagraph (c)(1) of this section. The loan must be repayable in equal monthly installments of principal and interest during the loan term or adjustment period in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining term of the mortgage. At renewal or adjustment, no change other than in the interest rate (and, correspondingly, in the monthly installment amount) may be made in the terms or conditions of the loan. Prepayment in full or in part of the loan balance secured by the mortgage may be made without penalty at any time after the beginning of the minimum notice period for the first renewal or adjustment, or at any earlier time specified in the loan contract.

* * * * *

(e) If the loan is structured as a renewable, short term note, at least ninety and not more than one-hundred twenty days before the due date of the note, the association shall send written notification in the following form to the borrower:

Notice

The interest rate on your loan with _____ Federal Savings and Loan Association, secured by a (mortgage/deed of trust) on property located at _____ (address) _____, is scheduled to be adjusted on * * * * *

(f) Application disclosure. * * * *

(As the borrower, you have the right to decline the lender's offer of renewal. If you decide not to renew, you will have to pay off the remaining balance of the mortgage. Even if you decide to renew, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the notice period for the first renewal. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before renewal, will send a notice stating the due date of the loan, the principal balance as of that date, the new interest rate and the monthly payment amount. If you elect not to pay the loan in full by the due date, the loan will be automatically renewed at the new rate. You will not have to pay any fees or charges at renewal time.) (As the borrower, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the notice period of the first interest rate adjustment. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before interest rate adjustment, will send a notice stating the date of adjustment, the principal balance as of that date, the new interest rate and the monthly payment amount. If you elect not to pay the loan in full by the due date, the interest rate will be adjusted to the new rate. You will not have to pay any fees or charges at the time of interest rate adjustment.)

* * * * *

This rule is intended to allow State Chartered Savings and Loan Associations to operate on an equal competitive basis with Federal Savings and Loan Associations.

The validity of Renegotiable Rate Mortgage Instruments

VI. Form Note and mortgage

Following is a sample note and mortgage that may be used in making "wrap-around mortgage" loans. These samples have been approved as to form and legality by Attorney General Opinion No. 80-734A.

Interested persons may submit written comments on the

proposed rule through 4:30 p.m., April 5, 1981 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.

NOTE

PARISH OF _____

US \$ _____

STATE OF LOUISIANA

(DATE)

FOR VALUE RECEIVED, the undersigned ("Borrower", whether one or more) promise to pay to _____, or order, the principal sum of _____ DOLLARS, with interest on the unpaid principal balance from the date of this Note, until paid, at the rate of _____ percent per annum. Principal and interest shall be payable at _____ or such other place as the Note holder may designate, in consecutive monthly installments of _____ DOLLARS (US\$ _____), on the _____ day of each month, beginning _____, 19____. Such monthly installments shall continue until the entire indebtedness evidenced by this Note is fully paid, except that any remaining indebtedness, if not sooner paid, shall be due and payable on _____.

If any monthly installment under this Note is not paid when due and remains unpaid after a date specified by a notice to Borrower, the entire principal amount outstanding and accrued interest thereon shall at once become due and payable at the option of the Note holder. The date specified shall not be less than ten days from the date such notice is mailed. The Note holder may exercise this option to accelerate during any default by Borrower regardless of any prior forbearance. If suit is brought to collect this Note, the Note holder shall be entitled to collect all reasonable costs and expenses of suit, including, but not limited to, attorney's fees of _____ percent of the sums due hereunder.

Borrower shall pay to the Note holder a late charge of _____ percent of any monthly installment not received by the Note holder within _____ days after the installment is due.

Borrower may prepay the principal amount outstanding in whole or in part. The Note holder may require that any partial prepayments (i) be made on the date monthly installments are due and (ii) be in the amount of that part of one or more monthly installments which would be applicable to principal. Any partial prepayment shall be applied against the principal amount outstanding and shall not postpone the due date of any subsequent monthly installments or change the amount of such installments, unless the Note holder shall otherwise agree in writing. If, within five years from the date of this Note, Borrower make(s) any prepayments in any twelve-month period beginning with the date of this Note or anniversary dates thereof ("loan year") with money lent to Borrower by a lender other than the Note holder, Borrower shall pay the Note holder (a) during each of the first three loan years _____ percent of the amount by which the sum of prepayments made in any such loan year exceeds twenty percent of the original principal amount of this Note and (b) during the fourth and fifth loan years _____ percent of the amount by which the sum of prepayments made in any such loan year exceeds twenty percent of the original principal amount of this Note.

The total principal amount of this Note includes the unpaid balance of principal and interest in the sum of \$ _____ of one certain promissory note dated _____ in the original principal amount of \$ _____, made and executed by _____, to the order of _____ ("Included Note"), which Included Note is paraphed for identification with and secured by an act of mortgage of even date before _____, Notary Public, recorded in MOB _____, folio _____ of the mortgage

records of _____ Parish, Louisiana ("Included Mortgage"), which Included Mortgage is prior and superior to the Mortgage securing this Note. So long as Borrower is not in default in the payment of principal and interest due hereunder, the holder of this Note shall pay, when due, the installments of principal and interest under the Included Note.

Nothing herein or in the Mortgage securing this Note shall be construed as an assumption by Maker of the Included Note.

Presentment, notice of dishonor and protest are hereby waived by all makers, sureties, guarantors and endorsers hereof. This Note shall be the joint and several obligation of all makers, sureties, guarantors and endorsers and shall be binding upon them and their successors and assigns.

Any notice to Borrower provided for in this Note shall be given by mailing such notice by certified mail addressed to Borrower at the Property Address stated below, or to such other address as Borrower may designate by notice to the Note holder. Any notice to the Note holder shall be given by mailing such notice by certified mail, return receipt requested, to the Note holder at the address stated in the first paragraph of this Note, or at such other address as may have been designated by notice to Borrower.

The indebtedness evidenced by this Note is secured by a Mortgage, dated _____ and reference is made to the Mortgage for rights as to acceleration of the indebtedness evidenced by this Note.

Property Address:

_____	_____
_____	_____
_____	_____

(Execute Original Only)

"NE VARIETUR" for identification with an act of mortgage passed this day before me, Notary.

_____, La. _____, 19__

NOTARY PUBLIC

MORTGAGE

ON THIS _____ day of _____, 19__ before me, _____, a Notary Public in and for the Parish of _____, State of Louisiana, and in the presence of the undersigned witnesses, appeared _____ (herein "Borrower"), a person(s) of the full age of majority and a resident(s) of said Parish and State, whose permanent mailing address is the Property Address stated below, who declared and acknowledged that Borrower is indebted to _____, a corporation organized and existing under the laws of _____ and whose permanent mailing address is _____ (herein "Lender"), in the principal sum of _____ DOLLARS, with interest on the outstanding principal balance at the rate of _____ percent per annum which indebtedness is evidenced by Borrower's note dated of even date herewith paraphed "Ne Varietur" by me, Notary, for identification herewith and delivered to Lender (herein "Note"), which Note provides for monthly installments of _____ Dollars of principal and interest payable on the _____ day of each month, beginning _____, 19____, with the balance of the indebtedness, if not sooner paid, due and payable on _____;

TO SECURE to Lender (a) the repayment of the indebtedness evidenced by the Note with interest thereon, the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Mortgage, and the performance of the covenants and agreements of Borrower herein contained, and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 21 hereof (herein "Future Advances"), Borrower does hereby mortgage and hypothecate to Lender the following described property located in the Parish of _____, State of Louisiana:

which has the address of _____ (herein "Property Address");

TOGETHER with all the improvements now or hereafter erected on the Property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing together with said property (or the leasehold estate if this Mortgage is on a leasehold) are herein referred to as the "Property".

Borrower covenants that Borrower is lawfully seised of the estate hereby mortgaged and has the right to mortgage and hypothecate the Property, that the Property is unencumbered, other than by that certain act of mortgage granted by _____ in favor of _____ by act before _____, Notary Public, dated _____ and recorded in MOB _____ Folio _____ of the Mortgage records of _____ Parish, Louisiana, (herein "Included Mortgage") to secure the promissory note of _____ dated _____ in the original principal amount of \$ _____ to the order of _____ (herein "Included Note") to which reference is made and provision for the satisfaction of which are established hereafter, and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to any declarations, easements or restrictions listed in a schedule of exceptions to coverage in any title insurance policy insuring Lender's interest in the Property.

Borrower and Lender covenant and agree as follows:

1. PAYMENT OF PRINCIPAL AND INTEREST. Borrower shall promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, prepayment and late charges as provided in the Note, and the principal of and interest on any Future Advances secured by this Mortgage.

2. FUNDS FOR TAXES AND INSURANCE. Subject to applicable law or to a written waiver by Lender, Borrower shall pay to Lender on the day monthly installments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments which may attain priority over this Mortgage, and ground rents on the Property, if any, plus one-twelfth of yearly premium installments for hazard insurance and flood insurance, plus one-twelfth of yearly premium installments for mortgage insurance, if any, all as reasonably estimated initially and from time to time by Lender on the basis of assessments and bills and reasonable estimates thereof.

The Funds shall be held in an institution, the deposits or accounts of which are insured or guaranteed by a Federal or state agency (including Lender if Lender is such an institution). Lender shall apply the Funds to pay said taxes, assessments, insurance premiums and ground rents. Lender may not charge for so holding and applying the Funds, analyzing said account or verifying and compiling said assessments and bills, unless Lender pays Borrower interest on the Funds and applicable law permits Lender to make such a charge. Borrower and Lender may agree in writing at the time of execution of this Mortgage that interest on the Funds shall be paid to Borrower, and, unless such agreement is made or applicable law requires such interest to be paid, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds showing credits and debits to the Funds and the purpose for which each debit to the Funds was made. The Funds are pledged as additional security for the sums secured by this Mortgage.

If the amount of the Funds held by Lender, together with the future monthly installments of Funds payable prior to the due dates of taxes, assessments, insurance premiums and ground rents, shall exceed the amount required to pay said taxes, assessments, insurance premiums and ground rents as they fall due, such excess shall be, at Borrower's option, either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds. If the amount of the Funds held by Lender shall not be sufficient to pay taxes, assessments, insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency within 30 days from the date notice is mailed by Lender to Borrower requesting payment thereof.

Upon payment in full of all sums secured by this Mortgage, Lender shall promptly refund to Borrower any Funds held by Lender. If under paragraph 18 hereof the Property is sold or the Property is otherwise

acquired by Lender, Lender shall apply, no later than immediately prior to the sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Mortgage.

3. INCLUDED NOTE AND INCLUDED MORTGAGE. Included as a part of the principal balance due on the Note is the unpaid balance of principal and interest in the sum of \$ _____ due _____ (herein "Prior Mortgage"), the present holder of the Included Note, on the Included Note, which Included Note is secured by the Included Mortgage, which Included Mortgage is prior and superior to this Mortgage, but without there being any expressed or implied assumption of the Included Mortgage and the Included Note which it secures.

Borrower agrees to perform, observe and abide by all terms and conditions of the Included Mortgage and the Included Note, other than (i) the fixed payment of principal and interest upon the Included Note (which fixed payments are included in the payments required to be made to Lender by Borrower under the Note), and (ii) payment of deposits equivalent to the Funds referred to in paragraph 2 hereof, which payments are to be made to Lender as provided herein.

So long as Borrower is not in default in the payment of principal and interest under the Note as provided in paragraph 1, makes payment to Lender of all Funds required in paragraph 2 hereof and has not failed to cure the breach of any of Borrower's other covenants or agreements in this Mortgage after compliance by Lender with its duties under paragraph 18, then Lender shall pay, when due, the installments of principal and interest due under the Included Note together with all other Funds due thereon.

Should Lender fail, having timely received funds therefor, to pay any installment or principal and interest on funds due on the Included Note, Borrower may pay such installment or Funds directly to the Prior Mortgagee and the amount thereof shall be credited to the next following installment due under the Note.

Lender may, at any time and at its option, prepay all or any portion of the balance due on the Included Note, subject to the terms and conditions of the Included Mortgage, and thereby be subrogated unto all the rights of the Prior Mortgagee under the Included Note and the Included Mortgage.

To the fullest extent that may be required or permitted by any applicable law, statute or regulation, or by the provisions of the Included Note and Included Mortgage or by the Prior Mortgagee, Borrower does hereby authorize and direct Prior Mortgagee (i) to receive from Lender all payments made by Lender on account of the Included Note and the Included Mortgage, (ii) to disclose to Lender upon its request all credit information concerning Borrower and the current status of the Included Note and Included Mortgage, (iii) to deliver to Lender, contemporaneously with delivery to Borrower, copies of all notices to which Borrower as owner of the Property may be entitled under the Included Note and Included Mortgage, and (iv) to accept performance and/or satisfaction by Lender of each and every obligation and duty incumbent upon the original maker of the Included Note and grantor of the Included Mortgage.

None of the foregoing shall be deemed to constitute any assumption by Lender of any obligation under the Included Note or the Included Mortgage in favor of the Prior Mortgagee or any other party or to impose upon Lender any duty or obligation unto Borrower other than to transmit to the Prior Mortgagee, in a timely manner, all installments of principal and interest and payments or deposits of Funds due under the Included Note and Included Mortgage for which Lender shall have received timely payment from Borrower.

4. APPLICATION OF PAYMENTS. Unless applicable law provides otherwise, all payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest and principal payable on the Included Note, then to interest payable on the Note, then to the principal of the Note, and then to interest and principal on any Future Advances.

5. CHARGES; LIENS. Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Mortgage, and leasehold payments or ground rents, if any, in the manner provided under paragraph 2 hereof, or, if not paid in such manner, by borrower making payment when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph, and, in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has priority over this Mortgage, except the Included Mortgage; provided, that Borrower shall not be required to discharge any such lien so long as Borrower shall agree in writing to the payment of the obligation secured by such lien in a manner acceptable to Lender, or shall in good faith contest such lien by, or defend enforcement of such lien in such legal proceedings which operate to prevent the enforcement of the lien or forfeiture of the Property or any part thereof.

6. HAZARD INSURANCE. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards, included within the term "extended coverage", and such other hazards as Lender may require and in such amounts and for such periods as Lender may require; provided, that Lender shall not require that the amount of such coverage exceed that amount of coverage required to pay the total sums secured by this Mortgage.

The insurance carrier providing the insurance shall be chosen by Borrower subject to approval by Lender and the Prior Mortgagee; provided, that such approval shall not be unreasonably withheld. All premiums on insurance policies shall be paid in the manner provided under paragraph 2 hereof or, if not paid in such manner, by Borrower making payment, when due, directly to the insurance carrier.

All insurance policies and renewals thereof shall be in form acceptable to Lender and shall include a standard mortgage clause in favor of and in form acceptable to Lender and to the Prior Mortgagee. Lender shall have the right to hold the policies and renewals thereof, and Borrower shall promptly furnish to Lender all renewal notices and all receipts of said premiums. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower.

Insurance proceeds shall be applied as required by the Prior Mortgage under the Included Mortgage; and if the Prior Mortgage requires no specific application of all or part of the proceeds, then, unless Lender and Borrower otherwise agree in writing, insurance proceeds shall be applied to restoration or repair of the Property damaged, provided such restoration or repair is economically feasible or if the security of this Mortgage would be impaired, the insurance proceeds shall be applied to the sums secured by this Mortgage, with the excess, if any, paid to Borrower. If the Property is abandoned by Borrower, or if Borrower fails to respond to Lender within 30 days from the date notice is mailed by Lender to Borrower that the insurance carrier offers to settle a claim for insurance benefits, Lender is authorized, subject to the rights of the Prior Mortgagee, to collect and apply the insurance proceeds at Lender's option either to restoration or repair of the Property or to the sums secured by this Mortgage.

Unless Lender and Borrower otherwise agree in writing, any such application of proceeds to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof, or change the amount of such installments. If under paragraph 18 hereof the Property is acquired by Lender, all rights, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition shall pass to Lender to the extent of the sums secured by this Mortgage immediately prior to such sale or acquisition.

7. PRESERVATION AND MAINTENANCE OF PROPERTY; LEASEHOLDS; CONDOMINIUMS; PLANNED UNIT DEVELOPMENTS. Borrower shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property and shall comply with the provisions of

any lease if this Mortgage is on a leasehold. If this Mortgage is on a unit in a condominium or a planned unit development, Borrower shall perform all of Borrower's obligations under the declaration or covenants creating or governing the condominium or planned unit development, by-laws and regulations of the condominium or planned unit development and constituent documents. If a condominium or planned unit development rider is executed by Borrower and recorded together with this Mortgage, the covenants and agreements of such rider shall be incorporated into and shall amend and supplement the covenants and agreements of this Mortgage as if the rider were a part hereof.

8. PROTECTION OF LENDER'S SECURITY. If Borrower fails to perform the covenants and agreements contained in this Mortgage, or if any action or proceeding is commenced which materially affects Lender's interest in the Property, including, but not limited to, eminent domain, insolvency, code enforcement or arrangements or proceedings involving a bankrupt or decedent, then Lender, at Lender's option, upon notice to Borrower, may make such appearances disburse such sums and take such action as is necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs.

Borrower shall be required to pay to Lender an amount (the "Prior Mortgage Insurance Premium") equal to the premium for all mortgage insurance required under the Included Mortgage and not previously paid by former owners of the Property. In addition, Borrower shall maintain such additional private mortgage insurance, insuring payment of the Note, as Lender shall require. Borrower shall pay the premiums for such additional private mortgage insurance and shall pay the Prior Mortgage Insurance Premium in the manner provided under paragraph 2 hereof.

Any amounts disbursed by Lender pursuant to this paragraph 8, with interest thereon, shall become additional indebtedness of Borrower secured by this Mortgage. Unless Borrower and Lender agree to other terms of payment, such amounts shall be payable upon notice from Lender to Borrower requesting payment thereof, and shall bear interest from the date of disbursement at the rate payable from time to time on outstanding principal under the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate permissible under applicable law. Nothing contained in this paragraph 8 shall require Lender to incur any expense or take any action hereunder.

9. INSPECTION. Lender may make or cause to be made reasonable entries upon and inspections of the Property, provided that Lender shall give Borrower notice prior to any such inspection specifying reasonable cause therefor related to Lender's interest in the Property.

10. CONDEMNATION. The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender subject to the rights of the Prior Mortgagee.

In the event of a total taking of the Property, the proceeds, subject to the rights of the Prior Mortgagee under the Included Mortgage shall be applied to the sums secured by this Mortgage, with the excess, if any, paid to Borrower. If there is a partial taking of the Property, the proceeds shall be applied as required by the Prior Mortgagee under the Included Mortgage; and, with regard to any excess of such proceeds, there shall be applied to the sums secured by this Mortgage such proportion of the excess as is equal to that proportion which the amount of the sums secured by this Mortgage immediately prior to the date of taking bears to the fair market value of the Property immediately prior to the date of taking, with the balance of the excess, if any, paid to Borrower.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the condemnor offers to make an award or settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date such notice is mailed, Lender is authorized to collect and apply the proceeds, at Lender's option, either to restoration or repair of the Property or to the sums secured by this Mortgage.

Unless Lender and Borrower otherwise agree in writing, any such application of proceeds to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof or change the amount of such installments.

11. BORROWER NOT RELEASED. Extension of the time for payment or modification of amortization of the sums secured by this Mortgage granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Mortgage by reason of any demand made by the original Borrower and Borrower's successors in interest.

12. FOREBEARANCE BY LENDER NOT A WAIVER. Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness secured by this Mortgage.

13. REMEDIES CUMULATIVE. All remedies provided in this Mortgage are distinct and cumulative to any other right or remedy under this Mortgage or afforded by law or equity, and may be exercised concurrently, independently or successively.

14. SUCCESSORS AND ASSIGNS BOUND; JOINT AND SEVERAL LIABILITY; CAPTIONS. The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower subject to the provisions of paragraph 17 hereof. All covenants and agreements of Borrower shall be joint and several. The captions and headings of the paragraphs of this Mortgage are for convenience only and are not to be used to interpret or define the provisions hereof.

15. NOTICE. Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Mortgage shall be given by mailing such notice by certified mail addressed to Borrower at the Property Address or at such other address as Borrower may designate by notice to Lender as provided herein, and (b) any notice to Lender shall be given by certified mail, return receipt requested, to Lender's address as stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Mortgage shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

Borrower and Lender agree to send promptly to each other, all notices received by them from the Prior Mortgagee.

16. BORROWER'S COPY. Borrower shall be furnished a conformed copy of the Note and of this Mortgage at the time of execution or after recordation thereof.

17. TRANSFER OF PROPERTY; ASSUMPTION. If all or any part of the Property or an interest therein is sold, transferred or conveyed by Borrower without Lender's prior written consent, Lender may, at Lender's option, declare all the sums secured by this Mortgage to be immediately due and payable.

If Lender exercises such option to accelerate, Lender shall mail Borrower notice of acceleration in accordance with paragraph 15 hereof. Such notice shall provide a period of not less than 10 days from the date the notice is mailed within which Borrower may pay the sums declared due. If Borrower fails to pay such sums prior to the expiration of such period, Lender may, without further notice or demand on Borrower, invoke any remedies permitted by paragraph 13 hereof.

18. ACCELERATION; REMEDIES. Upon Borrower's breach of any covenant or agreement of Borrower in this Mortgage, including the covenants to pay when due any sums secured by this Mortgage, and to comply with all

the terms and conditions of the Included Note and the Included Mortgage, Lender prior to acceleration shall mail notice to Borrower as provided in paragraph 15 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 10 days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Mortgage and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to assert in the foreclosure proceeding the non-existence of a default or any other defense of Borrower to acceleration and foreclosure. If the breach is not cured on or before the date specified in the notice, Lender, at Lender's option, may declare all of the sums secured by this Mortgage to be immediately due and payable without further demand and may cause the Property to be seized and sold under either ordinary or executory process, with or without appraisal, to the highest bidder for cash. Borrower hereby confesses judgment in favor of Lender and any future holder of the Note in the full amount of all sums secured by this Mortgage, including, but not limited to, attorney's fees of _____% of the sums due under the Note.

19. BORROWER'S RIGHT TO REINSTATE. Notwithstanding Lender's acceleration of the sums secured by this Mortgage, Borrower shall have the right to have any proceedings begun by Lender to enforce this Mortgage discontinued at any time prior to the earlier to occur of (i) acceleration of the sums due on the Included Note by the Prior Mortgagee, unless such acceleration shall be due solely on account of the failure of Lender to remit to the Prior Mortgagee any sums due on the Included Note or under the Included Mortgage which were timely received by Lender from Borrower; or (ii) entry of a judgment by a Court enforcing this Mortgage or (iii) issuance of a writ of seizure and sale pursuant to court order if: (a) Borrower pays Lender all sums which would be then due under this Mortgage, the Note and notes securing Future Advances, if any, had no acceleration occurred; (b) Borrower cures all breaches of any other covenants or agreements of Borrower contained in this Mortgage; (c) Borrower pays all reasonable expenses incurred by Lender in enforcing the covenants and agreements of Borrower contained in this Mortgage and in enforcing Lender's remedies as provided in paragraph 18 hereof, including, but not limited to, reasonable attorney's fees; and (d) Borrower takes such action as Lender may reasonably require to assure that the lien of this Mortgage, Lender's interest in the Property and Borrower's obligation to pay the sums secured by this Mortgage shall continue unimpaired. Upon such payment and cure by Borrower, this Mortgage and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

20. ASSIGNMENT OF RENTS; APPOINTMENT OF RECEIVER; LENDER IN POSSESSION. As additional security hereunder, Borrower hereby assigns to Lender the rents of the Property, provided that Borrower shall, prior to acceleration under paragraph 18 hereof or abandonment of the Property, have the right to collect and retain such rents as they become due and payable.

Upon acceleration under paragraph 18 hereof, or abandonment of the Property, Lender in person, by agent or by judicially appointed receiver, shall be entitled to enter upon, take possession of and manage the Property and to collect the rents of the Property including those past due. All rents collected by Lender or the receiver shall be applied first to the payment of the costs of management of the property and collection of rents including, but not limited to receiver's fees, premiums on receiver's bonds and reasonable attorney's fees, and then to the sums secured by this Mortgage. Lender and the receiver shall be liable to account only for those rents actually received.

21. FUTURE ADVANCES. Lender may make advances to protect the security of this Mortgage pursuant to paragraph 8 hereof and, in addition, if this is a Vendor's Lien Mortgage, Lender may at Lender's option prior to release of this Mortgage and upon the request of Borrower, make Future Advances to Borrower. Such advances and Future Advances with interest thereon at the rate of _____ percent per annum shall be secured by this Mortgage. At no time shall the principal amount of the indebtedness secured by this Mortgage, including advances pursuant to paragraph 8 hereof and Future Advances made pursuant to this paragraph, if any, exceed the original amount of the note plus US\$_____.

22. RELEASE. Upon payment of all sums secured by this Mortgage, Lender shall release this Mortgage without charge to Borrower. Borrower shall pay all costs of recordation, if any.

23. VENDOR'S LIEN MORTGAGE. If Lender is a savings and loan association, the Note and other sums secured by this Mortgage shall be secured by a vendor's lien and privilege on and against the Property pursuant to the provisions of Louisiana Revised Statutes, Title 6, Section 833.

24. REASONABLE ATTORNEY'S FEES. "Reasonable attorney's fees" as used in paragraphs 8, 19 and 20 of this Mortgage shall mean a fee of _____ % of all sums due under the Note.

25. WAIVER OF HOMESTEAD. Borrower and Borrower's spouse, if any, hereby waive all right of homestead exemption in the Property.

26. MORTGAGE AND CONVEYANCE CERTIFICATES. The production of Mortgage and Conveyance Certificates is waived by Lender and Borrower, who release me, Notary, from all liability for non-production.

27. LATE CHARGE. Borrower shall pay to Lender a late charge of _____ percent of any monthly installment of principal and interest as provided in the Note not received by Lender within _____ days after such installment is due.

28. MARITAL STATUS OF BORROWER. The marital status of Borrower is:

THUS DONE AND PASSED, on the _____ day of _____, 19____, before me, the undersigned Notary Public, qualified in said State and Parish, and in the presence of _____, the undersigned witnesses, who have signed with Lender, Borrower and me, the said Notary, after due reading of the whole.

WITNESSES:

Borrower

Borrower

LENDER:

BY: _____

NOTARY PUBLIC

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Wrap-Around Mortgages**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The implementation of this rule will not in itself increase the operating budget of this department; however, the gradual implementation of all the new powers authorized savings and loan associations and the normal growth of these institutions will eventually require an increase in examination personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
By granting State Chartered Savings and Loan Associations parity with federal associations, they will be encouraged to retain their state charter and continue to pay semi-annual assessments into the general fund.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Affects consumers who are attempting to assume a loan on a new home. This rule will enhance the earnings of State Chartered Savings and Loan Associations and enable consumers to finance homes at below market rates by essentially allowing the original mortgage loan to remain intact. The only new financing involves the difference in the original mortgage and the total amount needed. This new money would be financed at market rates for the same period of time as the original loan. It does not represent a second mortgage, essentially only an addition to the first.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This rule will place State Chartered Savings and Loan Associations on a par with federal associations when competing for home mortgages. Increased competition between financial institutions will normally benefit the consumers.

Hunter D. Wagner, Jr. Mark C. Drennen
Commissioner of Financial Institutions Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend Rule LAC 11-6:1.50 and adopt a new rule LAC 11-6:1.77.

Copies of Rules LAC 11-6:1.50 and LAC 11-6:1.77 may be obtained by telephoning the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9:00 a.m. to 4:00 p.m. and interested persons may call Alan J. LeVasseur during this time, holidays and weekends excluded, for a copy of these rules. All interested persons may submit written comments relative to these rules through April 3, 1981.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:1.77**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The adoption of the proposed rule is anticipated to have no

- fiscal impact on the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections will not be effected by the adoption of this rule.
 - III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Benefit: This rule in defining the state chemist will afford the same protection to the state chemist afforded to other racing officials by the Rules of Racing.
 - IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:1.50**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The adoption of the proposed amendment is anticipated to have no fiscal impact on the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections will not be effected by the adoption of this amendment.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Benefit: This amendment in listing officers, employees, agents and/or representatives of the state chemist as racing officials will afford the same protection to representatives of the state chemist afforded to other racing officials by the Rules of Racing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Corrections**

The Department of Corrections intends to amend its department regulation regarding attorney visitation at adult and juvenile institutions. Interested persons may obtain a copy of the proposed changes and make written comments through April 3, 1981, at the following address: Richard Crane, Chief Legal Counsel, Department of Corrections, Box 44304, Baton Rouge, Louisiana 70804.

C. Paul Phelps
Secretary of Corrections

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

Rule Title: Attorney Vistation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No fiscal impact due to adoption.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no impact as the adoption does not relate to revenue collection.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Inmates in the custody of the Department will not be impacted.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no impact on competition and employment.

C. Paul Phelps
Secretary of Corrections

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Corrections

The Department of Corrections intends to amend its department regulation regarding the death penalty adopted on February 11, 1980. Interested persons may obtain a copy of the proposed changes and make written comments through April 3, 1981, at the following address: Richard Crane, Chief Legal Counsel, Department of Corrections, Box 44304, Baton Rouge, Louisiana 70804.

C. Paul Phelps
Secretary of Corrections

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

Rule Title: Death Penalty Procedures

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No fiscal impact due to changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no impact as the changes do not relate to revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Inmates in the custody of the department will not be impacted.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no impact on competition and employment.

C. Paul Phelps
Secretary of Corrections

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. Amendment to Bulletin 1508, *Pupil Appraisal Handbook*: Amendment to proposed definition of "evaluation coordinator" to read as follows: "Evaluation Coordinator shall be certified as one of the following: psychologist, psychological assis-

tant, speech pathologist, assessment teacher, educational consultant."

2. Statewide Evaluation Process for the Visually Impaired.
3. Certification in School Psychology.
4. Standards for Training Programs in School Psychology.

Interested persons may comment on the proposed policies, in writing, until 4:30 p.m., April 3, 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 1508

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Improved efficiency of pupil appraisal services is expected. No additional funds are required.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect is expected on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is estimated that benefits will be improved efficiency to children with speech/language problems.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect is expected on competition and employment.

George B. Benton, Jr.
Associate Director of Finance

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: School Psychologist Certification Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
These changes will not entail additional costs on the part of the State Department of Education. They should reduce some man hours costs for the review of applicant's transcripts.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
These changes will not effect revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
These changes will permit currently certified school psychologists to obtain mandatory (per the current certification requirements) continuing training in more areas than is currently permissible. The changes will require non-certified School Psychologists and students in training after the 1981-82 school year to obtain additional training beyond that which is currently required. It is estimated that a cost of \$75.00 may occur at the higher education level.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
These certification changes will restrict employment in school psychology to persons who have completed university training in school psychology. Persons currently employed will

maintain their certification as long as the renewal criteria are met.

George B. Benton, Jr.
Associate Director of Finance

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title: State Dept. of Education Statewide
Eval. Process for the Visually Impaired**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be an increase of \$104,000 to implement this change in order to reactivate evaluation services at the Louisiana School for the Visually Impaired.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The proposed rule will not effect impact revenue to affected groups. These guidelines will benefit local school districts by making statewide services available to complete needed assessments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

George B. Benton, Jr.
Associate Director of Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Educational Television Authority**

The Louisiana Educational Television Authority proposes to repeal an existing rule concerning Compensation to Noncommercial Stations Not Licensed to the Authority under which the calculation of the level of requested State funding is based on operating expenses; and to adopt a substitute rule under which the level of requested State funding is incentive-based by being proportionate to the level of non-State funds generated by the recipient.

Policy on Compensation to Public Broadcasting Stations Not Licensed to the Louisiana Educational Television Authority

WHEREAS the Louisiana Educational Television Authority is created for the purpose of making the benefits of educational and public television and radio available to and promoting their use by the inhabitants of Louisiana, and

WHEREAS the Authority seeks to maximize these benefits by cooperating with all public television and radio stations in the state which are not licensed to the Authority, and

WHEREAS the Authority subscribes to the underlying principle that public broadcasting should operate from a diverse financial base including federal, state, local government, corporate, and private sources, and

WHEREAS the Congress has recognized this principle by making annual appropriations to the Corporation for Public Broadcasting for distribution as Community Service Grants to public broadcasting stations based on their pro rata share of aggregate

non-federal revenues earned by the stations; and

WHEREAS this incentive-based program strengthens the principle of diversity in funding, and a similar grant program at the state level would be consistent with Congressional intent,

NOW, THEREFORE BE IT RESOLVED THAT the Louisiana Educational Television Authority proposes to adopt the following Policy and Procedure for requesting and distributing funds for the support of public broadcasting stations for which it is not the licensee.

1. The Louisiana Educational Television Authority shall include in its Annual Operating Budget Request the larger of either:

(a) an amount equal to twenty-five percent of the non-state revenues reported in the most recent annual audited financial statement of each station (or other financial statements generally recognized as authoritative), or

b) an amount equal to the prior year's grant from the Authority increased proportionate to the average increase in the consumer price index of the U.S. Department of Labor's Bureau of Labor Statistics for the twelve month period ending September 30 immediately preceding the submission of the Authority's Annual Operating Budget Request.

2. In the event the Legislature appropriates an amount different from that requested, each station included in the Authority's Operating Budget Request shall share the actual appropriation in proportion to its share of the original request.

3. Funds distributed under this Policy shall not be used by the recipient for Fund-raising Expenses or General and Administrative Expenses as defined by the Corporation for Public Broadcasting, and shall not be reported to the Corporation for Public Broadcasting as non-duplicated, non-federal income for the purpose of establishing qualifying income for calculating a recipient's future Community Service Grant.

4. A station receiving funds under this Policy shall credit the Louisiana Educational Television Authority in the same manner as it would credit a corporate, foundation, or private underwriter when Authority funds are used for program acquisition, production or advertising.

5. A station receiving funds under this Policy shall, upon request, provide its annual audited financial statement to the Authority, and shall provide such other supporting records or information as may be requested by the Authority or the Legislative Auditor of the State of Louisiana.

6. A station receiving funds under this Policy must separately identify said funds by assigning a separate account classification which must be maintained to accumulate and identify every expenditure of Authority funds made by the recipient.

This amount should reflect the expense or budget category charged (i.e., acquisition, production and related costs, advertising, etc.), payee, reference or document number and date, check number and date, and the amount charged to Authority funds. If a recipient's existing automated accounting system cannot provide this required subsidiary ledger, then one will have to be maintained manually.

7. A station receiving funds under this Policy shall inform the Authority of and, upon request, make available to the Authority for statewide broadcast any program produced by the station, and, conversely, any program produced by the Authority shall be, upon request, made available for broadcast by a recipient of funds hereunder, provided, however, that no availability is required from either party where such broadcast is inconsistent with the rights of the program.

8. Prior to inclusion in the Authority's Annual Operating Budget Request, an official of a station to be included shall sign a Memorandum of Agreement signifying concurrence with the

amount to be requested, understanding of the provisions of this Policy, and a commitment not to undertake unilateral legislative activity without the prior knowledge of the Authority.

Interested persons may submit written comments on the proposed change through April 6, 1981, to the following address: A. Fred Frey, Executive Director, Louisiana Educational Television Authority, 2618 Wooddale Boulevard, Baton Rouge, Louisiana 70805.

A. Fred Frey
Executive Director

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

**Rule Title: Policy on Compensation To and
Cooperative Programming Arrangements
with Broadcast Stations Not Licensed to the LETA**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation of this rule will reduce the level of funds requested by \$162,634 for 1981-82. Exact amount of requests will fluctuate from year to year because of variables in the formula.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collection.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The State will benefit because of reductions in State funds requested--\$162,634 in FY 1981-82 and an estimated comparable amount for each year thereafter; LETA will benefit through a decrease in workload by the existence of a formula applicable to all recipients; in FY 1981-82, the WYES-TV, New Orleans, request will be \$210,790 less; the WWNO-FM, New Orleans, request will be \$9,343 more; and WRKF-FM, Baton Rouge, will receive first-year funding of \$38,813. In future years, the funding for all recipients will increase at predictable rates providing both LETA and the recipients an effective management planning tool.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

A. Fred Frey
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

**Proposed Regulations for the Procurement
of Professional, Personal, and Consulting Services**

**I
Delegation of Authority**

The Director of Contractual Review may delegate in writing certain responsibilities set forth herein; however, he shall review any actions taken by his designee.

**II
Contract for \$1,000 or Less**

A. The Director of the Office of Contractual Review may, in accordance with R.S. 39:1490B(3) and 1508, delegate to other state agencies certain responsibilities in the review and approval process of professional, personal and consulting service contracts,

to specifically include contracts of professional, personal and consulting services under one thousand dollars. Such delegations of authority may be made upon written request by the head of the using agency and shall be provided for in a written memorandum of agreement between the Office of Contractual Review and each agency receiving such a delegation. All provisions of law and of these regulations not delegated remain applicable. Upon execution of a Memorandum of Agreement as herein provided, such delegation of authority shall remain in full force and effect until cancelled, in writing, by the Office of Contractual Review.

B. A contract meeting the definition of "small purchase" under R.S. 39:1508 shall be approved by the agency director without the necessity of forwarding a copy to the Office of Contractual Review. The agency shall maintain a file for all small purchases contracts. This file shall be available for inspection by the Director of the Office of Contractual Review or his designee upon request.

C. The agency shall submit a quarterly report to the Office of Contractual Review. This report shall contain a listing of all small contracts to include: name of contractor, amount of contract, nature of services rendered, date of contract, and total dollar amount of all small contracts entered into by the agency for that quarter. If no contracts have been entered into during this period, a report shall still be submitted notifying the Office of Contractual Review of same.

III

Source Selection Methods

Since professional, personal, and consulting services contracts less than \$75,000 may be awarded without competitive negotiation, this part shall be applicable to consulting services contracts in excess of \$75,000.

A. Emergency Purchases. An emergency situation must be determined in writing by the Director of Contractual Review or his designee. The agency which requests an emergency procurement must indicate in writing the basis of the emergency.

B. Sole Source Procurement. A determination in writing, supported by agency documentation, must be made by the Director of Contractual Review or his designee that only one source exists for the services requested by the agency. If such determination is made Request for Proposals may be dispensed with.

C. Record. A record of emergency procurements and Sole Source Procurements shall be maintained by the Office of Contractual Review, and shall contain:

- 1. Contractor's name
- 2. The amount of contract
- 3. Services to be rendered
- 4. Reason for the emergency or sole source procurement

IV

Request for Proposals

A. Prequalification of Offerers. An Agency which intends to issue a Request for Proposal (RFP), must request the Prequalified Offerers list, as described below, prior to issuing an RFP. It shall be the intent of this section to require an agency to forward a request for proposals to those businesses on said list who offer the services requested in the RFP.

1. The Office of Contractual Review will prepare and maintain a prequalified list of offerers to be used in the request for proposal procedure as provided for in R.S. 39:1506.

2. Potential contractors who are interested in being placed on this list must submit a statement of qualifications to the Office of Contractual Review. This statement must describe the potential contractor's current qualifications by subject area to include key personnel currently employed or associated, accompanied by a resume of each. Additionally, a list should be provided describing previous work done (by subject area), with whom (governmental agency or private business) and the names of contact persons for

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each client listed.

3. Each statement of qualifications should have attached to it a financial statement or other representation of financial solvency.

4. Finally, any other current information or material which would further describe a potential contractor's qualifications will be accepted.

B. Advertisements. Written notices shall contain a general description of the consulting services desired and state the name and address of agency desiring to contract for consulting services; where and how the Request for Proposal may be obtained and where proposals are to be sent; in the event of a proposer's conference, the date, time and place it will be held; the date and time not later than which proposals must be received; and the date, time, and place that a proposal will be accepted.

C. Questions to be received from potential contractors must be in writing and all responding answers must be provided to all potential contractors participating in the selection process. A proposer's conference may be provided in lieu of the above question-and-answer process. However, copies of the proceedings shall be made available to all those who are participating in the selection process.

D. Written or oral discussions shall be conducted with all responsible offerers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerers. Discussions need not be conducted:

(1) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(2) Where time of delivery or performance will not permit discussions, or

(3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with that particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the Request for Proposals notifies all offerers of the possibility that award may be made on the basis of the initial offers.

E. Supplemental and in addition to the requirements of R.S. 39:1503(B), a Request for Proposals must:

1. Specifically define the task and desired results of project;

2. Identify agency liaison personnel and what resources are available to the consultant, both in preliminary studies and the project itself;

3. State approximately when the consultant can begin the study, plus an estimate of the time necessary to accomplish the work;

4. Specify applicable procedures concerning billing, documentation requirements, progress reports, and final reports;

5. Require that a minimum of two copies of the proposal be submitted; and

6. Inform the potential contractors of the criteria and the selection methodology and weight (if weighting is used) which will be applied to each significant evaluation criteria to be used in evaluating the proposals' responsiveness to the RFP.

F. Require potential contractors to include the following information in their proposals:

1. A description of the consultant firm's qualifications to include a specific list of personnel to be used in this project and their qualifications (at least list the number and the qualifications of each position). However, a resume will be required on each of the key personnel. Additionally, consultant must stipulate that these personnel will not be removed from the contract without prior approval of the using agency.

2. A list of the agencies, with names and contact persons, for whom similar work has been done.

3. The length of time needed for the project, broken down by phases, if phasing is necessary.

4. The proposed methodology for accomplishing the project with a precise statement of what the State will receive as an end product of the project (this is sometimes referred to as the technical section of the proposal).

5. An itemized cost statement showing various classes of man-hours at appropriate rate, delineated by phase, if phasing is used. Also included should be an itemized listing of all other expenses or fees that are expected to be paid by the State and a complete breakdown of consultant overhead rate.

G. The final selection of a contractor shall be made by the using agency in accordance with the selection criteria established in the RFP. However, no contract can be awarded until final approval of the selection has been granted by the Director of the Office of Contractual Review. When a final selection has been made by the using agency, the contract file containing that information outlined in sections A through F, and the proposed contract, along with a selection memorandum justifying the final selection shall be sent to the Office of Contractual Review for final concurrence (R.S. 39:1503C).

H. No contract shall be valid, nor shall the State be bound by the contract, until it has first been executed by the head of the using agency which is a party to the contract, and the contractor, and has been approved in writing by the Director of the Office of Contractual Review (R.S. 39:1502).

I. Right to Protest. Any Contractor who is aggrieved in connection with the request for proposal or award may protest to the head of the agency issuing the proposal, at which time the agency shall notify the Office of Contractual Review that a protest has been lodged. Said protest shall be in writing and state fully the reason for the protest. A protest of a solicitation must be filed at least two weeks prior to the date for receipt of proposals. Protest with respect to an award shall be submitted within fourteen days after the award has been announced.

J. Stay of Award during protest. If a person protests the proposal, then an award can not be made until said protest is resolved. If a person protests an award, then work on the contract can not be commenced until it is resolved administratively.

K. Decision. The head of the agency must notify the protesting party within ten days after receipt of said protest whether or not the protest is denied or granted. If granted as to the proposal the request for proposal may be amended if possible or cancelled and reissued. If the protest is granted as to the award then the contract will be voided and the remaining proposals may be re-evaluated for another selection. If another selection can not be made or if it appears to be in the best interest of the state, a new request for proposal should be issued.

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

M. Delays. The delays provided for in this part may be extended only with the concurrence of all parties involved.

V

Confidentiality of Technical Data of Trade Secrets

The using agency shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets

which may come into their possession from individuals and businesses doing business with the state. If the Office of Contractual Review should request this information in the review process said information will be returned to the using agency upon completion of said review.

VI

Multi-Year Contracts

All contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39: 1514 in compliance with the Delegation of Authority from the Commissioner of Administration.

VII

Definitions and Classes of Contractual Services

The following services shall be contracted out in accordance with these regulations:

A. **Personal Service.** Means work rendered by an independent contractor which requires the use of creative or artistic skills, such as, but not limited to, graphic artists, sculptors, musicians, photographers, and writers, or which requires the use of highly technical or unique individual skills or talents, such as, but not limited to, paramedicals, therapists, handwriting analysts, and expert witnesses for adjudications or other court proceedings.

B. **Professional Service.** Means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others in or in the practice of an art founded on it including, but not limited to, lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill.

C. **Consulting Service.** Means work, other than professional or personal service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, personnel, finance, accounting, planning and feasibility studies, data processing, advertising and public relations.

VIII

Determination of Responsibility

A. In order to qualify as responsible, an offerer must meet the following standards as they relate to the particular procurement under consideration:

1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance.

2. Has the necessary experience, organizations, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements).

3. Is able to comply with the proposed or required time of delivery or performance schedule.

4. Has a satisfactory record of integrity, judgment, and performance (contractors which are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill the requirement).

5. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

B. Acceptable evidence of financial resources, experience,

organization, technical qualifications, skills, and facilities, to perform the service called for by the contract.

C. No contract for consulting services for \$75,000 or more shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible within the meaning of Sections A and B.

D. In any case where a contract for consulting services is for \$75,000 or more, the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of offerer or potential subcontractors should be kept on file with the agency, subject to inspection upon the request of the Director of Contractual Review or his designee.

E. Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective contractor meets the standards in Sections A and B. Information from the following sources should be utilized before making a determination of responsibility:

1. Information from the prospective contractor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangement.

2. Other existing information within the agency, including financial data, the list of debarred and ineligible bidders and records concerning contractor performance.

3. Publications, including credit ratings and trade and financial journals.

4. Other sources, including banks, other financial companies, and State departments and agencies.

F. To the extent that a prospective contractor cannot meet the standard in Section A.2 except by means of proposed subcontracting, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the head of the using agency to satisfy that standard.

IX

Suspension, Debarment and Reinstatement

A. **Authority.** After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Director of the Office of Contractual Review shall have authority to suspend or debar a person for cause from consideration for a contract, provided that doing so is in the best interest of the State.

B. **Suspension.** The Director of the Office of Contractual Review may suspend a person from consideration for a contract if he determines in writing that there is probable cause to believe that such person has engaged in any activity which might lead to debarment. Said suspension shall not exceed 60 days if debarment is not forthcoming.

C. **Causes for Debarment.** The causes for debarment include, but are not limited to, the following:

1. Conviction for a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state contractor;

3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

4. Violation of contract provisions, or a recent record of failure to perform, or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to

perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; and

5. Any other cause the Director of Contractual Review determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations.

D. Decision. The Director of the Office of Contractual Review shall issue a written decision stating his reasons and findings therein.

E. Notice of decisions. A copy of the decisions under Subsection D of this Section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

F. Finality of decision. A decision under Section D of this Part shall be final and conclusive; unless appealed as provided for in Section G.

G. Appeal. The Contractor or business who is directly affected by the decision of the Director of Contractual Review may appeal to the Commissioner of Administration within ten days of the receipt of said decision.

H. Reinstatement. If the Commissioner finds that the Director of Contractual Review was in error, then he may reinstate said individual or business. If the Commissioner affirms the Decision of the Director of Contractual Review that Decision is final and conclusive.

I. The Director of Contractual Review, upon request of a debarred contractor, shall review debarred contractors on an annual basis, and may reinstate said contractor for future consideration if he believes the circumstances warrant reinstatement and it would be in the best interest of the state. A list of debarred contractors shall be kept by the Office of Contractual Review and made available upon request to other state agencies.

X

Contract Contents

A. Each contract for professional, personal, and consulting services shall follow the provisions of R.S. 39:1498.1.

B. Contract funded fully or in part by Federal funds, in addition to meeting all the requirements of these guidelines and R.S. 39:1428-1473, shall meet all applicable Federal standards and shall contain all necessary clauses required by Federal statutes, rules or regulations. The burden of assuring compliance with Federal regulations shall rest with the using agency.

C. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (the State General Travel Regulations).

D. When a contract is to include travel and/or other reimbursable expenses, it shall contain language to effect the following:

1. Travel and other reimbursable expenses shall constitute part of the total maximum payable under the contract; or

2. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel and other reimbursable expenses.

XI

Modification of Contract

All amendments to contracts for professional, personal and consulting services shall be submitted to the Office of Contractual Review for prior approval. All such amendments shall become effective only upon approval by the Director of the Office of Contractual Review. If an amendment extends a contract beyond one year, justification for a multi-year contract must be submitted with said amendment in accordance with Part VII, and if an amendment increases the amount of a contract to \$25,000 or more, an extra copy of the contract and amendment must be submitted in accordance with Part XIII.

XII

Termination of Contract

Whenever a contract is terminated prior to the termination date stated in the contract, the Office of Contractual Review shall be notified in writing by the using agency of such prior termination, and the reasons therefor.

XIII

Submission of Contracts

The original contract and two copies of said contract and attachments shall be submitted to the Office of Contractual Review for contracts less than \$25,000.00. Contract for \$25,000.00 or more must be submitted with three copies (the extra copy will be forwarded to the Legislative Fiscal office). The Office of Contractual Review will not accept for review and approval any contract that is not accompanied by the necessary attachments and copies as required herein. (Attachments being submittal letters, R.S. 39:1497 certification, BA-22, etc.)

XIV

Contractual Review Process

A. Contracts arriving in the Office of Contractual Review will be date stamped and logged in. Contracts should be submitted prior to its effective date and in no case will a contract be approved which has been submitted 60 days after its effective date, unless written justification is provided by the using agency and approval granted by the Director of Contractual Review or his designee. All submittals will be required to have a cover letter attached thereto in conformity with attachment D.

B. If a contract does not appear to be out of the ordinary and does appear to have the necessary attachments and inclusions, it will be routed to the appropriate Budget Analyst for the submitting agency. A BA-22, or its equivalent, must be submitted with every contract submitted to the Office of Contractual Review.

C. Contracts that are incomplete as to form will be returned to the submitting agency. If a contract is merely missing an attachment then the necessary attachment will be secured from the submitting agency.

D. Contracts returned from Budget

1. Not Recommended for Approval - If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the Budget Analyst. If the problem can not be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

2. Recommended for Approval - If a contract is recommended for approval the review process shall continue.

E. Legal and content review. There are a number of different types of contracts, and content requirements may vary a little. All contracts should contain the following:

1. Signature of both submitting agency representative and contractors.

2. Scope of services that clearly and completely identifies the work to be performed and products to be delivered.

3. Beginning and termination dates for the contract. Normally, such dates should be for no greater than a one year period, although the Director of Contractual Review can approve up to three years. Contracts may not include a clause permitting automatic renewal or extension of the original.

4. A maximum amount of compensation to be paid under the contract. This maximum must be inclusive of all payment, fees, travel expenses, etc. The amounts may be stated by category rather than as a comprehensive total.

5. A statement giving the Legislative Auditor authority to audit the financial records of the contract relative to work done under the contract.

6. All contracts for professional, personal, and consulting

services shall contain a clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the Director of the Office of Contractual Review.

F. A certification letter as described in R.S. 39:1497, signed by the using agency's representative (See Attachment B).

G. Prior to submitting for review, proof of review and approval by other agencies will be required as follows, or contracts will be returned to the submitting agency without approval:

1. Civil Service - All contracts must have Civil Service approval except agreements between state agencies. If a non-state agency is involved, the contract must have Civil Service approval.

2. Attorney General - Contracts for legal services that are not consulting work and that do involve or lead to litigation must be reviewed by the Attorney General for approval of the fee structure. Approval of the Attorney General can be evidenced by the signature on the contract documents or by a letter from the Attorney General. Contracts with Louisiana District Attorneys do not require this approval.

3. Legislative Auditor - Contracts for financial auditing of state agencies must have prior written approval of the Legislative Auditor.

4. Data Processing, Coordinating and Advisory Council - The Council shall review any contract for data processing or related service, returning it to Contractual Review for completion of the analysis.

H. Consulting Services Contracts exceeding \$75,000.00. If a contract is for services defined as consulting in R.S. 39:1484(4) and is an amount equal to or exceeding \$75,000.00 it must have been awarded pursuant to the requirements of R.S. 39:1503, unless exempt by Section III (A) or (B). If this has not been done, the submitting agency will be required to conduct the process over again. A statement in accordance with R.S. 39:1503 C as to why the award was made must be submitted with the contract.

I. When a contractor is a corporation, a formal, dated, Board Resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

J. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the Director of Contractual Review.

XV

Revised Statutes

A. These guidelines shall be read and interpreted jointly with R.S. 39:1481-1526.

B. A rule or regulation shall not change any contract commitment, right, or obligation of the state or of a contractor under a state contract in existence on the effective date of that rule or regulation. (R.S. 39:1491 D).

Attachment A

Sample Contract adaptable for use by state agencies. (This sample contract contains the minimum language required in a state contract. Additional items may be added as required by the individual agency's needs and applicable federal requirements.)

STATE OF LOUISIANA
PARISH OF _____

CONTRACT

Be it known, that on this _____ day of _____, 19 ____, the _____ (Agency Name) _____ (hereinafter sometimes referred to as "state") and _____ (Contractor's name and legal address) _____ (hereinafter sometimes referred to as "Contractor") do hereby enter into contract under the following terms and conditions.

1.

Contractor hereby agrees to furnish the following services:
(If the Scope of Services is more lengthy than will fit here, it may be attached separately as an addendum.)

2.

In consideration of the services described above, state hereby agrees to pay to Contractor a maximum fee of _____ . Payment will be made only on approval of _____ .

3.

This contract may be terminated by mutual consent of both parties upon _____ days written notice.
(other conditions for termination may be stated here.)

4.

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the State.

5.

Contractor hereby agrees that the responsibility for payment of taxes from the funds thus received under this agreement and/or legislative appropriation shall be said contractor's obligation and identified under tax identification number _____ .

6.

The contract shall not assign any interest in this contract and shall not transfer any interest in same (whether by assignment or novation), without prior written consent of the State, provided however, that claims for money due or to become due to the Contractor from the State may be assigned to a bank, trust company, or other financial institution without such prior written consent. Notice of any such assignment or transfer shall be furnished promptly to the State.

7.

It is hereby agreed that the Legislative Auditor of the State of Louisiana shall have the option of auditing all accounts of contractor which relate to this contract.

8.

This contract shall begin on (the date of final statutory approval) and shall terminated on _____ .

THUS DONE AND SIGNED AT Baton Rouge, Louisiana, on the day, month and year first written above.

CONTRACTOR

STATE AGENCY

Attachment B

Sample Certification as required by R.S. 39:1497

Mr. Thomas McFerrin, Director
 Department of Contractual Review
 Division of Administration
 State Capitol Annex
 Baton Rouge, Louisiana 70804

Dear Mr. McFerrin:

In reference to the attached contract we do certify the following:

1. Either no employee of our agency is both competent and available to perform the services called for by the proposed contract or the services called for are not the type readily susceptible of being performed by persons who are employed by the state on a continuing basis.

2. The services are not available as a product of a prior or existing professional, personal or consulting service contract.

3. When applicable, the requirements for consultant service contracts, as provided for under Subpart B and Subpart C of Act 772, have been complied with.

4. The Department of _____ has developed and fully intends to implement a written plan providing for:

A. The assignment of specific Department personnel to a monitoring and liaison function:

B. The periodic review of interim reports or other indicia of performance to date: and

C. The ultimate use of the final product of the service.

Sincerely,

Attachment C

Suggested checklist for review of personal, professional and consulting contracts

1. Minimum Contract Content:

- | Yes | No | |
|-------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 1. Contains a date upon which the contract is to begin and upon which the contract will terminate. |
| _____ | _____ | 2. Contains a description of the work to be performed and objectives to be met. |
| _____ | _____ | 3. Contains an amount and time of payments to be made. |
| _____ | _____ | 4. Contains a description of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 5. Contains a date of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 6. When a contract includes travel and/or other reimbursable expenses, it contains language to effect the following: <ul style="list-style-type: none"> a. Travel and other reimbursable expenses constitute part of the total maximum payable under the contract; or b. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel or other reimbursable ex- |

penses; and

c. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (The State General Travel Regulation).

- _____ 7. Contains the responsibility for payment of taxes, when applicable.
- _____ 8. Contain the circumstances under which the contract can be terminated either with or without cause and contains the remedies for default.
- _____ 9. Contains a statement giving the Legislative Auditor the authority to audit records of the individual(s) or firm(s).
- _____ 10. Contains an Assignability clause.
- _____ 11. Budget Form BA-22 P.S., fully completed and attached to the contract.

2. Determination of Responsibility:

- | Yes | No | |
|-------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance. |
| _____ | _____ | 2. Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements). |
| _____ | _____ | 3. Is able to comply with the proposed or required time of delivery or performance schedule. |
| _____ | _____ | 4. Has a satisfactory record of integrity, judgment and performance (contractors which are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement). |
| _____ | _____ | 5. Is otherwise qualified eligible to receive an award under applicable laws and regulations. |
| _____ | _____ | 6. A contract for consulting services is for \$75,000.00 or more, the head of the submitting agency has prepared, signed and placed in the contract file a statement of the facts on which a determination of responsibility was based. |
| _____ | _____ | 7. On subcontracting, it has been established that contractors recent performance history indicates acceptable subcontracting systems; or, major subcontractors have been determined by the head of the submitting agency to satisfy standard. |

3. Consulting Contract for \$75,000.00 or more:

- | | | |
|-------|-------|-------------------------------------------|
| _____ | _____ | Contract file attached and this includes: |
| _____ | _____ | Criteria for Selection. |
| _____ | _____ | Proposals. |
| _____ | _____ | Pertinent Documents. |
| _____ | _____ | Selection Memorandum. |

Attachment D
Agency Transmittal Letter

Mr. Thomas McFerrin, Director
Office of Contractual Review
Division of Administration
Fifth Floor - Capitol Annex
P. O. Box 44095
Baton Rouge, Louisiana 70804

Mr. McFerrin:

The following contract(s) is/are being submitted to your office this date for review and approval in accordance with R.S. 39:1481 et. seq. and the rules and regulations adopted pursuant thereto:

Submitting Agency	Contractor	Amount
-------------------	------------	--------

Upon approval of said contract(s) please return to:

(List Return Address)

Your cooperation in this regard is greatly appreciated.

Sincerely,

Thomas McFerrin
Director

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

Rule Title: Updated rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation cost or 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)
The benefits will be a uniform system for submitting, review and approval of personal, professional and consulting services contracts.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Thomas McFerrin
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Tax Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Tuesday, April 7, 1981 at 10:00 a.m. in Room 215, Capitol Annex, Baton Rouge, Louisiana.

The purpose of the hearing is to establish the date assessors shall furnish reporting forms to taxpayers and the date the taxpayer shall return the reporting forms to the assessor.

The following changes will be made in the rules:

On Page 1 of the Tax Commission rules, change Paragraph 1 to read as follows:

The purpose of these rules and regulations which are adopted by the Louisiana Tax Commission in accordance with the Administrative Procedure Act is to set uniform guidelines and procedures for the use of reporting forms and appraisal manuals by the assessors. These rules and regulations shall be used by all assessors to implement the criteria for determining fair market value of all property subject to taxation pursuant to R.S. 47:2321 through 47:2332.

On Page 2 of the Tax Commission rules, change Paragraph 2 to read as follows:

If an assessor chooses to use the self-reporting form he shall furnish the appropriate self-reporting form, in duplicate, for real property to each property owner within his respective parish or district, on or before February 15 in the year in which the property is to be appraised. Upon completion, the property owner shall return one copy to the assessor by the first day of April of that year or forty-five days after receipt, whichever is later, while retaining a copy for his record. The self-reporting forms are to assist the assessor in determining the fair market value of real property and shall be delivered to each person in whose name the real property is assessed at least every four years.

On Page 2 of the Tax Commission rules, change Paragraph 1 to read as follows:

The appropriate self-reporting Personal Property Report form is to be forwarded each year on or before February 15 in the year in which the property is to be appraised, to each person in whose name the property is assessed. Upon completion, the property owner shall return one copy to the assessor by the first day of April of that year or forty-five days after receipt, whichever is later, while retaining one copy for his record.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr., Chairman
Louisiana Tax Commission

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

Rule Title: Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There would be no implementation cost and no savings to this Agency if the rule is enacted.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no fiscal impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no extra cost to taxpayers or assessors to implement this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
If this rule is enacted as proposed, it will have no effect on competition or employment in the offices of the assessors or taxpayers affected by the rule change.

J. Reginald Coco, Jr.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security and Office of Human Development, proposes to adopt a rule to implement the Cuban/Haitian Entrants Program. This program provided for by P.L. 96-422, covers the Cuban and Haitian immigrants, those who began arriving in the United States in the Spring of 1980 and who were given the special "entrants" status. These immigrants, due to their entrants status, are not eligible under the currently funded Refugee Resettlement Program.

Within the limits of available appropriations, the Department of Health and Human Services through the Office of Refugee Resettlement will provide special Federal funding to states for one hundred percent of the costs of cash and medical assistance and related administrative costs for Cuban/Haitian Entrants. Cash assistance through this program is based on AFDC and GA grant standards and is limited to thirty-six months. The Office of Family Security will administer the Cash and Medical Assistance Program. Funds will also be available to provide services for unaccompanied minors and an appropriation will be made for social services and the related administrative costs. These services will be administered by the Office of Human Development.

Interested persons may submit written comments on the proposed rule through April 3, 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: Cuban/Haitian Program**

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

Of the 2,300 Entrants population in the state, it is anticipated that 575 persons will apply for cash and medical assistance. Existing staff within the Office of Family Security will absorb this additional workload and staff time will be allocated to the Cuban/Haitian Program. Anticipated administrative cost in the Cuban/Haitian Program is \$41,400. The Office of Human Development will provide, through purchase of service, services to unaccompanied minors and social services to approximately ninety percent of the Entrants population, that is 2,070 persons. The Office of Human Development will administer this program with existing staff and staff time will be allocated to the Cuban/Haitian Program. The anticipated six month administrative cost for OHD is \$10,906.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Cuban/Haitian Program will have no effect on revenue collections.

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

Under the Cuban/Haitian Program, cash assistance and medical benefits will be available to Cuban and Haitian Entrants based on AFDC Standards of Need and AFDC and GA level of grants. It is estimated that 431 single persons will receive General Assistance of \$83 a month for a six month period at a cost of \$214,638. It is anticipated that 43 families will apply for AFDC of \$184 per month (3.32 persons per

family) for a six month cost of \$47,472. The total cash assistance cost is anticipated to be \$262,110 for six months. Medical assistance for these 575 persons for six months at an average medical cost of \$41.07 per person is anticipated to be \$141,690. Provision of social services will be through contract with private providers. An anticipated amount of \$314,124 will be available for the care of unaccompanied minors and \$285,138 for purchase of service contracts. Actual expenditures will depend on people served, services provided, and approval of contract amounts by the Office of Refugee Resettlement, H.H.S.

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

The impact on employment will be in the private sector as private providers of social services who contract under the Cuban/Haitian Program will be able to add additional staff. It is more cost effective to contract for these social services for the following reasons: part of the service staff must be bilingual; services are needed by this population immediately; the services are needed where the Entrants are located and the location of the population may change; the program is time limited. Once this group is assimilated, services will no longer be needed. A benefit to the state should be that these Entrants do not become long term dependent.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a rule which will effect a 14.4 per cent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

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

The current need standards are shown in parentheses. Using a 14.4 percent increase standard, the new AFDC and GA Need Standards are proposed as follows:

Size of Household	Non-Urban	Urban
1	\$159(139)	\$173(151)
2	296(259)	331(289)
3	419(366)	460(402)
4	522(456)	565(494)
5	621(543)	667(583)
6	712(622)	760(664)
7	805(704)	849(742)
8	895(782)	939(821)
9	979(856)	1025(896)
10	1067(933)	1112(972)
11	1160(1014)	1206(1054)
12	1256(1098)	1302(1138)

Size of Household	Non-Urban	Urban
13	1358(1187)	1395(1219)
14	1456(1273)	1494(1306)
15	1557(1361)	1595(1394)
16	1657(1448)	1702(1488)
17	1757(1536)	1785(1560)
18	1857(1623)	1898(1659)
	For each additional person, add \$108.00	For each additional person, add \$118.00

Size of Household	GA Need Standard
1	\$262(229)
2	\$331(289)

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

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

Rule Title: AFDC/GA Need Standards Increase

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

A. The only cost of implementation is for the additional benefits due to the change in the AFDC Need Standard: 1980-81 (six months): \$55,447 (\$17,288 State/\$38,159 Federal); 1981-82: \$133,941 (\$43,745 State/\$90,196 Federal); 1982-83: \$162,281 (\$53,796 State/\$108,485 Federal)

There is no additional cost in GA as the Need Standard is no longer used as it related only to GA clients receiving Vocational Rehabilitation maintenance, which is no longer applicable.

B. No new staff or additional administrative costs will be required as the number of applications will not increase, only the number of approved applications.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

A. There will be no costs to affected groups.

B. It is estimated in FY1980-81, fifty-four new families will receive \$55,447 in benefits; in FY1981-82, fifty-seven families will receive \$133,941 in benefits; and in FY1982-83, sixty families will receive \$162,281 in benefits.

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

No effect on competition and employment is anticipated.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Licensing and Regulation**

The Department of Health and Human Resources, Office of Licensing and Regulation, proposes to adopt under the power given to the Secretary in Louisiana Revised Statute 40:962(A), a

rule which will remove Paragraph 26 of Subsection A of Schedule IV of Section 964 of Title 40 of the Louisiana Revised Statutes of 1950 and to add the substance pentazocine to Schedule II Subsection B of Section 960 of Title 40 of Louisiana Revised Statutes of 1950. The transference of pentazocine from Schedule IV to Schedule II is made upon a finding by the Secretary of the Department of Health and Human Resources under the criteria provided in Louisiana Revised Statutes 40:962 and 963 that the substance has a high potential for abuse. Interested persons may submit comments until 4:30 p.m., April 7, 1981 to Ray Fagot, Director of the Division of Narcotics and Dangerous Drugs, 325 Loyola Street, Room 611, New Orleans, Louisiana, 70112.

An opportunity for oral presentations will be given to all interested persons on April 7, 1981 at 10:00 a.m. at LSU Medical School, Room 313, 1542 Tulane Avenue, New Orleans, Louisiana.

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

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

Rule Title: Uniform Controlled Substances Law

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

This rule change will not require any additional funds. Reclassification of the drug just increases the penalty for illegal diversion.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The rule change will have no effect on revenue collections.

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

The rule change will benefit law enforcement agencies.

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

None.

Jim Harris
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Environmental Control Commission will hold a public hearing beginning at 10:00 a.m., April 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 proposed revisions to the Air Quality Regulations. The revisions include Sections 22.10, 8.5.1, 22.21.2(E), 22.3.1.1 and 22.3.1.2.

The person within the agency responsible for responding to inquiries about the proposed revisions is Mr. Gus Von Bodungen, Director, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804.

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, Louisiana; Reception area, sixth floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana; Office of Environmental Affairs, 804 Thirty-first Street, Monroe, Louisiana; State Office Building, 1525 Fairfield Avenue, Shreveport, Louisiana; Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, Louisiana.

B. Jim Porter
Assistant Secretary

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

**Rule Title: Revision to Air Quality Regulation
Sections 22.3.1.1 and 22.3.1.2.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs or savings to DNR.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Since floating roof tanks are usually not used when there is a vapor pressure of 11.0 pounds psi, those companies dealing with organic compounds would not be using this as control equipment and are therefore in compliance.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title: Revision to Air Quality Regulation
Section 8.5.1**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs 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)
Facilities will be required to submit one instead of two reports. However, since the reports are merely computer data sheets, there will be minimal cost or benefits to the facility.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title: Revision to Air Quality Regulation
Section 22.21.2(E)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs 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 are no estimated costs or benefits to affected groups. Facilities have already been complying with the twenty-four hour period.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Regulation Revision to Section 22.10

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs 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 are no estimated costs or benefits to affected groups. Relaxing the standards will have a minimal cost or benefit effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

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, Division of State Lands intends to change the Rules and Regulations implementing Act 645 of 1978 (L.R.S. 41:1131 and L.R.S. 41:1701 through 1714).

In summary, it is being proposed that the organization and presentation of Act 645 Rules and Regulations be changed to reduce their written length and enhance their clarity. In addition, it is being proposed that the requirements for map or plat certification on all permit applications (except for Class A reclamation permits) be abolished.

Requests for the full text of these changes as well as questions and comments should be addressed to Mr. Stephen Zeran-

gue, Chief of Title and Records, Division of State Lands, Department of Natural Resources, Box 44124, Baton Rouge, Louisiana 70804, or at 504-342-4582. Comments will be accepted through April 10, 1981.

Michael J. Bourgeois
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Act 645 (1978)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional costs or savings to the Department of Natural Resources in implementing these changes. Although new regulations will streamline the permitting process by consolidating the five original permits issued into two permit categories, no major addition or reduction in workload is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no net effect on revenue collections resulting from the changes.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The savings to the applicant for each permit sought (excluding Class A Reclamation permits for the recovery of lands lost through erosion or the construction of sanitary land fills) will range between \$300 and \$500 because the requirement to submit maps or plats prepared by a registered land surveyor have been dropped. To date, fifteen permits of the type affected by this rule change have been issued. Adverse impact will be experienced by registered surveyors who will no longer receive fees for preparation of the originally required maps or plats.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Based on permits issued to date pursuant to Act 645 (1978), there is nothing to indicate that these regulations have an impact on competition or employment.

Michael J. Bourgeois
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

I, Daniel L. Kelly, State Fire Marshal for the State of Louisiana, intend to adopt the following amendment to the present administrative rules:

L.A.C. 17-4:1 et seq. In every place in the administrative rulings where the terms "plans" or "plans and specifications", appear, those terms should be deleted and in their place the term "construction documents" should be substituted.

Anyone having any questions should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115, 504-895-6607 on or before Tuesday, April 7, 1981 at 12:00 noon in his office at which time and place any interested person may present their views.

Daniel L. Kelly
State Fire Marshal

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 17-4:1 et seq**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional costs nor will there be any savings to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
This proposed rule will have no impact on revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no additional cost to any affected group.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

Daniel L. Kelly
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Police**

The Department of Public Safety, Office of State Police, intends to adopt regulations governing emergency plans relative to the storage and maintenance of toxic gases as mandated by Act 642 of the Regular Session of the Legislature 1979 and Act 364 of the 1980 Legislature. These regulations may be cited as the Toxic Substances Emergency Response Plan.

Interested persons may make written comment on the proposed regulations through April 6, 1981, at the following address: Lt. Alvis J. Goudeau, Louisiana State Police, Hazardous Materials Section, Box 66614, Baton Rouge, Louisiana 70896. Lt. Goudeau is the person responsible for responding to inquiries about the proposed rules.

Lt. Al Goudeau
Hazardous Materials Section

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Toxic Substance Emergency Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation cost or 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)
There is no estimated cost, but benefits to affected groups include increased safety and better communication between private industry and public service agencies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Oris B. Johnson,
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of the Treasury
Board of Trustees
State Employees Group Benefits Program

In accordance with the provisions of R.S. 49:951, et seq., notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program will enact and amend the rules and regulations governing the payment and administration of the health benefit portion of the State Employees Group Benefits Program.

Interested persons may secure a copy of the full text of the proposed rules and regulations by writing to Dr. James D. McElveen, Executive Director, Box 44036, Baton Rouge, Louisiana 70804. Written comments or objections will be accepted by Dr. McElveen until close of business on Monday, April 6, 1981, at the address listed above. Interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, upon request, as provided by R.S. 49:953.

James D. McElveen
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Plan Document of Benefits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The cost of printing copies of the new group health insurance plan document will be approximately \$75,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The printing of copies of the new group insurance plan documents for distribution to plan members will not have any effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The costs of printing and distributing copies of the new plan documents to affected groups and plan members will be an expense of the Board of Trustees, State Employees Group Benefits Program. There will be no cost to affected groups or plan members.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment incident to the printing of copies of the new plan documents.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Urban and Community Affairs
Housing Finance Agency

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:951 et seq., notice is hereby given that the Louisiana Housing Finance Agency intends to adopt rules and regulations, the full text of which is hereinafter set forth.

Written comments may be addressed to Mr. Linton Ardoin, Secretary, Department of Urban and Community Affairs, Box 44455, Baton Rouge, Louisiana 70804, until 4:30 p.m., April 5, 1981.

The Board of Commissioners of the Louisiana Housing

Finance Agency will conduct an open hearing on the proposed rules and regulations at 10:00 a.m. on April 6, 1981, at the State Capitol, Baton Rouge, Louisiana. Oral comments will be welcomed.

Proposed
General Rules and Regulations
Part 1. General Provisions

Rule 1.01. Definitions

- (1) The terms defined in the Act have the same meaning when used in these rules as are ascribed to them in the Act.
- (2) "Act" means Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended.
- (3) "Adjusted family income" means the gross annual income, from all sources and before taxes or withholding, of all members of a family living in a dwelling unit or housing unit, after deducting the following: unusual or temporary income of any family member, \$1,000 for each family member, earnings of any family member who is a minor under 21 years of age or who is physically or mentally handicapped and the lesser of \$5,000 or ten percent of such gross annual income.
- (4) "Agency" means the Louisiana Housing Finance Agency created by the Act.
- (5) "Agreement" means the Sale and Service Agreement, in the case of the Agency's insured mortgage loan purchase program, or the Lender Agreement, in the case of the Agency's loans to lenders program.
- (6) "Applicant" means a corporation, partnership, joint venture, trust, individual, public body or agency or other entity, making application to receive Agency moneys or services under the act.
- (7) "Application" means a request for Agency assistance under the Act made on forms furnished by the Agency and containing such information as the Executive Director requires.
- (8) "Executive Director" means the executive director employed by the Agency who is the chief administrative officer of the Agency.
- (9) "Family" means: (a) a person who is physically or mentally handicapped; (b) a person who is 62 or more years of age; (c) two or more persons living together not contrary to law; (d) a single person who is neither handicapped nor 62 or more years of age.
- (10) "Feasible housing project" means a proposed housing project as to which the Agency has made a determination that such project can reasonably be expected to be successfully constructed on the proposed site within cost limitations acceptable to the Agency and can reasonably be expected to be operated in a fiscally sound manner.
- (11) "Housing unit" means living accommodations intended for occupancy by a single family (one-four units) and which will be owned by the occupant thereof.

Rule 1.02 Persons or Families of Low or Moderate Income

(1) With respect to a housing project or a housing unit financed by an insured mortgage loan, which insured mortgage loan is a federally aided mortgage in whole or in part, the Agency's action in authorizing such mortgage loan shall have the effect of adopting as the Agency's income limitations for initial occupancy of the housing project or part thereof or housing unit, which is financed by a mortgage loan which is a federally aided mortgage, the income limitations for initial occupancy then provided in the federal program pursuant to which the mortgage loan or part thereof qualifies as a federally aided mortgage.

(2) With respect to a housing project or a housing unit financed by an insured mortgage loan not federally aided in whole or in part, the Agency's income limitations for initial occupancy of a housing project or part thereof or housing unit shall be an adjusted

family income not exceeding \$40,000 per annum, as evidenced to the satisfaction of the Agency, provided that the Agency by resolution may adjust the maximum income in accordance with changes in the federal Consumer Price Index. In any event, the Agency by resolution may set a lower adjusted family income maximum with respect to any particular housing project or housing unit in order to accomplish the purposes of the Act to provide housing for low and moderate income persons.

Rule 1.03. Asset Criteria

The Agency by resolution may establish asset criteria when it determines that action to be necessary to preserve the integrity of established income limitations and to effectuate the purposes of the Act.

Rule 1.04. Acceptance of Aid and Guarantees

(1) Pursuant to the Act, the Agency, by resolution, may accept financial or technical assistance, including insurance and guarantees, from the federal or state governments or any persons or corporations, agree and comply with any condition attached thereto, and authorize and direct the execution on behalf of the Agency of any agreement which it considers necessary or appropriate to implement any such financial and technical assistance, insurance, guarantees or other aid.

(2) Without limitation on the provisions of Subrule (1), the Agency by resolution may accept any guarantee or commitment to guarantee its bonds or notes and authorize and direct the execution on behalf of the Agency of any agreement which it considers necessary or appropriate with respect thereto.

Rule 1.05. Hearings

(1) To inform itself and the public, the Agency may hold public hearings anywhere in the state and may limit the scope of such hearings.

(2) A person, firm, corporation or public body or agency, aggrieved by a decision of the Agency or the Executive Director, may request in writing that the Agency hold a hearing in accordance with the Administrative Procedure Act.

Rule 1.06. Bylaws

The bylaws of the Agency shall be adopted and amended by resolution and shall be public records. The bylaws shall include the time and place of regular meetings, the manner of calling special meetings and such internal procedures as the Agency requires.

Part 2. Applications And Applicant Eligibility

Rule 2.01. Applications

(1) The Agency staff may provide staff services to assist an applicant in complying with the requirements of the Act and these rules. The Executive Director may establish a preapplication procedure.

(2) Forms to be employed for applications may be prepared by the Agency and shall be approved by the Executive Director and shall specify the information to be included therein and the supporting materials to be submitted therewith.

Rule 2.02. Eligible Applicants

(1) An insured mortgage loan, or part thereof, shall not be made or disbursed to an applicant until such time as the applicant is an eligible applicant.

(2) An eligible applicant is an applicant satisfying the criteria established by and in accordance with the Act and these rules and regulations for eligibility to participate in a housing program of the Agency.

Part 3. Feasible Housing Projects

Rule 3.01. Applications

An application for a loan to a lending institution shall require a determination that the proposed housing project is a feasible housing project and shall include information, and where

required by the Agency, supporting materials and evidence, with respect to:

(a) The status of the applicant as an eligible applicant, or that reasonable steps have been taken to become an eligible applicant.

(b) The site of the proposed housing project, including location, dimensions, ownership, present zoning, present use and occupancy and relocation requirements as to present occupants, present on-site improvements such as streets, utilities and structures, status of off-site utilities and streets, present property taxes and assessments, utility charges and liens or other charges on the land and all physical characteristics of the site that might affect construction.

(c) The status and characteristics of the proposed housing projects, including number and size of dwelling units, types of occupancy (ownership, rental or cooperative), rehabilitation or new construction, range of proposed rents, occupancy charges or sale prices, operating expenses, building type, federally aided mortgage or otherwise, and proposed incidental or appurtenant social, recreational, commercial and communal facilities.

(d) The status of the federal, state or private mortgage loan insurance or guarantee for the proposed housing project, if any, and the security to be pledged with respect to the loan from the Agency.

(e) Other matters as to the proposed housing project, the applicant and other parties involved in the housing project as the Agency may require.

Rule 3.02. Processing and Evaluation of Applications

(1) An application for a determination that a proposed housing project is a feasible housing project shall be processed by the Agency on the basis of project evaluation factors hereinafter called the "Agency's evaluation factors" as to economic, physical and social characteristics developed by the Agency.

(2) An applicant may be required to furnish to the Agency supplementary information and to amend the application to cause the proposed housing project to be fully consistent with the Agency's evaluation factors.

(3) Upon completion of the processing and the approval of the application by the Executive Director, the Agency staff analysis of the application and the Executive Director's recommendations with respect thereto shall be presented to the Agency.

(4) Notwithstanding anything in this Rule 3.02 to the contrary, until such time as the Agency shall have an Executive Director and staff, the Agency may process and evaluate applications without recourse to an Executive Director and staff.

Rule 3.03. Determinations of Feasibility and Authorization of Loans

(1) The Agency shall review each analysis and recommendation and, if it determines that the application meets the requirements of the Act and these rules and is consistent with the Agency's evaluation factors, by resolution, it may determine that the proposed housing project is a feasible project and a loan may be made to the lending institution to finance the same.

(2) The resolution shall include determinations by the Agency that:

(a) The proposed housing project will provide housing for persons of low and moderate income.

(b) The applicant has adequate security to secure repayment of the loan and the applicant reasonably expects the owner to achieve successful completion of the proposed housing project.

(c) The proposed housing project will meet a social need in the area in which it is to be located.

(3) The resolution may include such conditions as the Agency considers appropriate with respect to an application for an insured mortgage loan as to a feasible housing project.

Part 4. Insured Mortgage Loans

Rule 4.01. Applications

An application for an insured mortgage loan for a housing project to be funded by the proceeds of the Agency's notes or bonds shall include, where applicable, information, and, where required by the Agency or a lending institution acting on behalf of the Agency, supporting materials and evidence, with respect to:

(a) The status of the applicant as an eligible applicant.

(b) The site of the proposed housing project or housing unit, including location, dimensions, ownership, present zoning, present use and occupancy and relocation requirements as to present occupants, present on-site improvements such as streets, utilities and structures, status of off-site utilities and streets, present property taxes and assessments, utility charges and liens or other charges on the land and all physical characteristics of the site that might effect construction.

(c) The status and characteristics of the proposed housing project, including number and size of dwelling units, type of occupancy (ownership, rental or cooperative), rehabilitation or new construction, building type, federally aided mortgage or otherwise, and proposed incidental or appurtenant social, recreational, commercial, and communal facilities.

(d) Identity and qualifications of the design architect, supervisory architect, applicant's attorney, housing consultant, general contractor, marketing or sales agent and management agent.

(e) Proposed marketing plan, reports of market surveys or analyses, schedule of proposed rents, occupancy charges or sale prices, proposed operating budget, proposed management plan, schedule of the proposed uses of the requested mortgage loan and the amounts to be allocated to each such use including the applicant's equity investment where applicable and a proposed construction schedule.

(f) Other matters as to the proposed housing project, the applicant and other parties involved in the housing project as the Agency, the Agency staff and the Executive Director may require.

(2) Notwithstanding the foregoing Subrule, an application for an insured mortgage loan also shall include other matters as to the proposed housing project, the applicant and other parties involved in the housing project as the Agency, the Agency staff and the Executive Director may require.

Rule 4.02. Processing and Evaluation of Applications

(1) An application for the purchase of an insured mortgage loan shall be processed by the Agency or by a lending institution on behalf of the Agency on the basis of the Agency's evaluation factors. The lending institution shall undertake such land appraisals, market surveys and analyses, reviews of the architectural design, site plan and construction costs, materials and methods, and other matters as may be determined to be appropriate to insure that the proposed housing project is consistent in all respects with the Agency's evaluation factors.

(2) An applicant may be required to furnish the Agency and lending institution supplementary information and to amend the application to cause the proposed housing project to be fully consistent with the Agency's evaluation factors.

(3) Upon completion of the processing and approval of the application by the lending institution, the lending institution's analysis of the application and recommendation with respect thereto shall be presented to the Agency.

Rule 4.03. Authorization of Purchase of Insured Mortgage Loans for Housing Projects

(1) The Agency shall review each analysis and recommendation and if it determines that the application meets the requirements of the Act and these rules and is consistent with the Agency's evaluation factors, by resolution, it may authorize the

purchase of an insured mortgage loan made to the applicant.

(2) The resolution shall include determinations by the Agency that:

(a) The applicant is an eligible applicant.

(b) The proposed housing project will provide housing for persons or families of low or moderate income.

(c) The applicant is reasonably expected to be able to achieve successful completion of the proposed housing project.

(d) The proposed housing project will meet a social need in the area in which it is to be located.

(e) The proposed housing project may reasonably be expected to be marketed successfully.

(f) All elements of the proposed housing project, including, without limitation, the ownership, design, construction, occupancy, management and operation thereof, have been established in a manner consistent with the Agency evaluation except as to any such elements as are the subject of conditions as to the authorization of the insured mortgage loan as provided in Rule 3.04.

(g) In light of the estimated project cost of the proposed housing project, the amount of the insured mortgage loan authorized by such resolution is consistent with such maximum limitations on the ratio of mortgage loan amount to estimated project cost as the Agency by resolution may establish.

Rule 4.04. Conditions and Special Determinations in Authorization

An insured mortgage loan purchase commitment of the Agency, the issuance of which is authorized by an Agency resolution, shall include such conditions as the Agency considers appropriate with respect to the commencement of construction of the proposed housing project, the marketing and the occupancy of such housing project and the use, disbursement and repayment of the insured mortgage loan authorized. A mortgage loan purchase commitment may include a financial analysis of the subject housing project, which shall establish the initial schedule of rents or occupancy charges, the approved budget for operation of the housing project and the schedule of use of the proceeds of the insured mortgage loan.

Rule 4.05. Priorities for Allocation of Moneys for Insured Mortgage Loans

Priorities for allocation of Agency moneys available for the purchase of insured mortgage loans may be established and reviewed by the Agency. Priorities shall be based on criteria established by the Agency as best effectuating the purposes of the Act including, without limitation, a determination by the Agency of an area's need for housing for persons or families of low or moderate income as compared to the agency's determination of the overall housing needs of the area.

Part 5. Mortgage Lending Institutions

Rule 5.01. Invitation to Mortgage Lending Institutions

The Agency from time to time by resolution shall approve the submission of the Invitation to mortgage lending institutions to lending institutions with offices in the state. The invitation to mortgage lending institutions shall inform lending institutions of the nature and features of the Agency's insured mortgage loan purchase program and shall in particular state the following:

(a) The amount of the origination fee which a lending institution may charge a mortgagor;

(b) The amount of the service fee which a lending institution may charge a mortgagee;

(c) The definition of the lending institution commitment fee to accompany the Offer to Participate; and

(d) The definition of the letter of credit which the Agency by resolution may require each lending institution to submit.

Rule 5.02. Offer to Participate

(1) The Agency from time to time by resolution shall

approve the form of the Offer to Participate and Agreement for submission to lending institutions with offices in the state. The Offer to Participate made by a lending institution in response to the Invitation shall incorporate the Agreement by reference, shall be a unilateral offer and shall be a binding contract between the Agency and the lending institution upon acceptance and notice of acceptance by the Agency.

(2) The Offer to Participate of a lending institution shall state the aggregate principal amount of the insured mortgage loans it offers to originate pursuant to the Agency's program and the period within which such insured mortgage loans are to be originated. The lending institution shall submit its commitment fee with the Offer to Participate and shall state that it will deliver the letter of credit, if required, at or before the time of the purchase of the Agency's bonds. In addition, the lending institution shall submit with the Offer to Participate a certificate of information which shall detail its historical mortgage loan origination and servicing experience.

(3) The Agency shall notify each lending institution which has submitted an Offer to Participate as to the aggregate principal balance of insured mortgage loans, if any, the Agency will agree to purchase, subject to the conditions set forth in the Agreement. The aggregate principal balance of insured mortgage loans which the Agency will agree to purchase from any lending institution shall not exceed the aggregate principal balance of the insured mortgage loans offered for sale by the lending institution and may be in an amount less than that requested.

Rule 5.03. Allocation of Funds for Insured Mortgage Loan Purchases

The Agency shall in its sole discretion reduce the amount of each Offer to Participate to an amount it deems reasonable in the event that the Agency receives offers to originate more insured mortgage loans than is practical. Such reduction shall be on a pro rata basis, provided that the agency may consider the historic origination experiences of the lending institutions and related factors. Priorities for allocation of Agency moneys available for the purchase of insured mortgage loans may be established and reviewed by the Agency. Priorities shall be based on criteria established by the Agency as best effectuating the purposes of the Act including, without limitation, a determination by the Agency of an area's need for housing for persons or families of low or moderate income as compared to the agency's determination of the overall housing needs of the area.

Rule 5.04. Interest Rate Notice

The Agency, by an interest rate notice, shall notify each lending institution of the interest rate it may charge on the insured mortgage loans and the date of the expected availability of bond or note proceeds to purchase insured mortgage loans.

Rule 5.05. Insured Mortgage Loan Amount

The purchase price of each insured mortgage loan purchased by the Agency shall be as is specified in the Offer to Participate. A lending institution may charge each mortgagor of an insured mortgage loan such fees and charges as are permitted by resolution of the Agency.

Rule 5.06. Terms and Conditions of Insured Mortgage Loans

Insured mortgage loans originated by lending institutions pursuant to the Agency's insured mortgage loan purchase programs shall be subject to and comply with such terms and conditions as shall be established by the Agreement. The mortgage loan purchase commitment shall contain such terms, conditions and requirements as the Executive Director considers appropriate including, without limitation, conditions establishing that the purchase price of the subject housing unit, the method of making payments after the purchase thereof, the security afforded by the interest rate and fees and charges, if any, to be paid by the eligible

applicant shall at all times be sufficient to permit the Agency to make the payments on its bonds and notes plus any administrative or other costs to Agency in connection with the transaction.

Rule 5.07. Insured Mortgage Loans for Housing Units

(1) An application by an individual or family for an insured mortgage loan, to be made with the assistance of Agency moneys, for the long-term financing of a housing unit to be purchased by the individual or family, shall include information, and where required by the Agency, supporting materials and evidence, with respect to the status of the applicant as an eligible applicant and to the housing unit proposed to be purchased.

(2) An application for such an insured mortgage loan shall be processed by a lending institution and the lending institution's analysis of such application shall be presented to the Agency.

(3) The Executive Director or his delegate shall review each such analysis and, if he determines that the applicant is an eligible applicant and that the application meets the requirements of the Act and these rules and is consistent with the Agency's evaluation factors as to the housing unit to be purchased, he may purchase the insured mortgage loan pursuant to the mortgage purchase commitment to the applicant's lending institution with respect to the housing unit proposed to be purchased.

Rule 5.08. Administration and Servicing of Insured Mortgage Loans

(1) Each lending institution shall service and administer the insured mortgage loans in accordance with the Agreement.

(2) Without limiting the generality of the foregoing Sub-rule, in the event any lending institution is an institution regulated by the FSLIC or FDIC, the Agency may require that such lending institution will agree to service the insured mortgage loans in the manner and according to the standards required by such regulatory body and in no event at a lesser standard of service than is maintained on loans owned by such lending institution. In the event any lending institution not so regulated by FSLIC or FDIC, each such lending institution not so regulated will agree to service the insured mortgage loans in accordance with the then current loan servicing requirements of either FHLMC or FNMA relating to mortgage loans originated and serviced under programs regulated by FHLMC or FNMA, as the case may be.

(3) Each lending institution, in addition, will agree to service the insured mortgage loans in such a manner that the federal, state or private mortgage loan insurance or guarantee is maintained.

Part 6. Agency Loan Documents

Rule 6.01. Agency Loan Documents

(1) Forms of documents to be used with respect to insured mortgage loans and the issuance and sale of the Agency's notes and bonds shall be prepared, and may be revised and amended, by the Agency under direction of the Executive Director on behalf of the Agency, subject to legal requirements.

(2) The appropriate forms of such documents shall be employed with respect to all matters relating to insured mortgage loans.

Rule 6.02. Remedies

The Agency reserves the right to pursue all remedies prescribed by law or in the act for breach or violation of any provision of any Agency loan document described in Rule 6.01.

Linton Ardoin
Secretary

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

Rule Title: General Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The proposed rules are not expected to result in any additional cost or savings.
- 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 anticipated cost to affected groups. An anticipated benefit is the information relative to practices and requirements which will be readily available in printed form to all persons dealing with the Agency. Additionally, these rules and regulations will provide an orderly and equitable procedure for developing housing programs for persons and families of low and moderate income in order that such persons may be provided safe and sanitary housing within their means.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated affect on competition and employment.

Linton Ardoin
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval to amendments to Consumer Protection Rule 3:5007 - Deceptive Pricing which are proposed for adoption by the Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, at its public meeting on April 6, 1981, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana 70804.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended approval of the Assistant Secretary's adoption of these amendments by personally appearing at the above public meeting at the above designated time, day, and place and submitting same.

Any interested 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 3:5007 Deceptive Pricing

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No additional implementation cost to the agency. The amended rule will be promulgated and administered within the current budget. There will be no savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS (Summary)

It is estimated there will be little if any effect on revenue collections in Louisiana since the change affects only certain specific advertising practices and has little direct impact on sales.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (summary)
No costs to affected groups. Benefits to affected groups will be fairer competition among retail food outlets. The buying public will be able to make accurate shopping comparisons by the elimination of hidden overhead costs being built in to what is now advertised as "cost" plus a surcharge.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Fairer competition among retail grocery outlets. Those grocery stores that do not use this form of advertising will be able to compete on a more equitable basis because of the absence of misleading information.

Charles W. Tapp
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

**Department of Agriculture
Dairy Stabilization Board**

Resolution on Board Meetings

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month facilitate scheduling for the staff; and

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month enable Board members to arrange their schedules more easily; and

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month enable the public and representatives of the news media to participate;

THEREFORE BE IT RESOLVED, that the Louisiana Dairy Stabilization Board in 1981 will hold its monthly meetings on the second Thursday of each month at the Commissioner's Office located on the twenty-first floor of the State Capitol, Baton Rouge, Louisiana, at 10:00 a.m.

BE IT FURTHER RESOLVED, that this resolution be published in January, 1981, in accordance with R.S. 42:6A.

C. James Gelpi
Director-Attorney

POTPOURRI

**Office of the Governor
Tax Commission**

Notice to Register

The Louisiana Tax Commission will discuss the fiscal impact on local governments of an inventory tax exemption and alternative replacement revenues at the April 7, 1981 public hearing.

J. Reginald Coco, Jr.
Chairman

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 therefore; 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 six completed claims were received during the month of February, amounting to \$4,044.30 for which public hearings will be held as follows:

Tuesday, April 7, 1981 at 10:30 a.m. in the Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana to consider payment of the following claims against the fund.

- 79-037 Alidor J. Chabert of Cut Off, Louisiana
Vessel: Ann Pat, on October 8, 1979 was shrimp trawling in Jefferson Parish near Bay Jacko, when it encountered an unknown submerged object. Amount of Claim: \$368.84.
- 80-213 Alvin Charpentier of Cut Off, Louisiana
Vessel: Captain Alvin, was trawling for shrimp on November 25, 1980, east of Shell Key in Vermilion Parish when it encountered an unknown submerged object, causing damage to his trawl. Amount of claim: \$800.00.
- 81-218 Webb Cheramie, Jr. of Grand Isle, Louisiana
Vessel: Master Wayne, while trawling for shrimp west of Camanada Pass on December 9, encountered a sunken boat causing damage to his trawl. Amount of claim: \$936.42.
- 81-219 Webb Cheramie, Jr., of Grand Isle, Louisiana
Vessel: Miss Dana, while trawling on December 15, 1980, west of Lafourche Parish, encountered a sunken boat causing damage to his trawl. Amount of claim: \$638.75.
- 81-220 Webb and Ojess Cheramie
Vessel: Rita, on December 18, while trawling for shrimp, encountered a submerged tank in Camanada Bay, causing damage to his trawl. Amount of claim: \$1,021.33.
- 81-228 Alvin LeBouef of Golden Meadow, Louisiana
Vessel: Big Vin on January 1, 1980 while net fishing in Timbalier Bay encountered an unknown submerged object, causing damage to his net. Amount of claim: \$278.96

Thursday, April 9, 1981 at 11:00 a.m. in the Lafitte Civic Center, City Park Drive, Lafitte, Louisiana to consider payment of the following claim against the fund.

- 81-224 Lester C. Arcement of Lafitte, Louisiana (Received in January)
Vessel: Captain Craig, while trawling on December 8, 1980 near Main Pass encountered an unknown obstruction, causing damage to his net. Amount of claim: 640.13.

Any written objections to these claims must be received by the close of business April 6, 1981 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44395, Capitol State, Baton Rouge, Louisiana 70804. At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

Department of Public Safety Municipal Police Officers' Supplemental Pay

The next scheduled meeting of the Board of Review, Municipal Police Officers' Supplemental Pay, will be held March 31, 1981, at 2:00 p.m. in Room 218, State Police Headquarters, 265 South Foster Drive, Baton Rouge, Louisiana.

Larry A. Messina
Secretary-Treasurer

Errata

ERRATA

Department of Labor Office of Labor

A Department of Labor entry in the table of contents of the February, 1981, *Louisiana Register* was in error.

Instead of State Apprenticeship Standards, the reference should have been Employment Conditions and Standards for Minors in Louisiana. The text of the rule on page 45 is correct.

Mai Abington, Director
State Register

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