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# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on January 24, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt the following: In order to allow the Department of Education to proceed with the annual school evaluations of special schools for school approval, the following action was taken since continued special schools' funding is dependent upon school approval.

The Board adopted as emergency rule policy amendment to Bulletin 741, *Handbook for School Administrators*, Classification Categories of Special Schools as follows:

#### Classification Categories of Special Schools

Approved: School meets standards of the State Board of Elementary and Secondary Education.

Provisional approval: School has some deficiencies in standards and is being advised and requested to make corrections (such as: some teachers teaching out of their field of certification, library books below the required number per pupil, teachers teaching more pupils per period or week than permitted, not meeting scheduling requirements as prescribed by Bulletin 741, etc.). Improvement is expected prior to the next school year.

Probational approval: School has one or more of the following deviations from standards:

A. Principal not certified.

B. Member(s) of the faculty not holding valid Louisiana teaching certificate(s).

C. School does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in Bulletin 741.

The school has been on provisional approval for at least two years.

The school has no individual educational plans and/or no current multidisciplinary evaluations.

The State Board of Elementary and Secondary Education shall set the guidelines and fix the period of time for the corrections.

Unapproved: Any school that fails to comply with one or more of the following State Board of Elementary and Secondary Education standards:

A. No liability insurance.

B. Does not have eight fire drills per school year.

C. Not in compliance with Fire Code regulations.

D. Not in compliance with Health Code regulations.

School has not corrected the stated deficiencies within the time fixed by the State Board of Elementary and Secondary Education as defined by R.S. 17:10.

Any school that has not previously attained an approved classification.

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The Board adopted as emergency rule policy amendment to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, because certification requirements for special education supervisors were imposed by the State Board of Elementary and Secondary Education since 1975, however,

funding for these positions did not become available to the state until the 1978 legislative session. Of the sixty-six school systems, only a small number of parishes had certified persons serving in this capacity. The following amendment is necessary so that approximately thirty acting supervisors currently employed may have time to complete their coursework.

The Board adopted the following amendment to Bulletin 746, pages 45-45a, last paragraph, Parish or City School Supervisor/Director of Special Education, to read:

Certification requirements may be temporarily suspended by the Board to allow the individuals to serve in the capacity of acting parish or city school supervisor/director of special education, provided the Board has approved an educational plan for the individual to complete certification requirements on or before December 31, 1980.

Individuals hired or serving as an acting parish or city school supervisor/director of special education, on and after January 1, 1981, must meet certification requirements when employed or to remain employed as a parish or city school supervisor/director of special education.

James V. Soileau, Executive Director

Board of Elementary and Secondary Education

## DECLARATION OF EMERGENCY

### Board of Trustees for State Colleges and Universities

At its meeting on January 11, 1980, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Policies and procedures Manual of the Board of Trustees for State Colleges and Universities, Part VIII, Section 8.12B, Tuition Waiver and Salaries for Student Government Association (SGA) Officers, paragraph 1 shall read as follows:

1. A waiver of tuition (as defined in Section 6.6B of Part VI of this Manual) shall be granted, by the institutions under the jurisdiction of the Board, to the top three elected SGA officers at those institutions, with the exception of Delgado Vocational-Technical Junior College, where the recipients of the tuition waivers shall be the SGA presidents and vice-presidents at the two Delgado College campuses. The waiver of tuition shall remain in effect for the duration of the respective terms of office.

This was taken as emergency action in order that current office holders at Delgado College might have opportunity to take advantage of the tuition waivers.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VIII, Section 6, of the 1974 Constitution.

Bill Junkin

Executive Director

# Rules

## RULE

### Department of Agriculture Louisiana Horticulture Commission

In accordance with the provisions of R.S. 37:1961 and the provisions of the Administrative Procedure Act, R.S. 49:951-968, Rules IV, I. and J. of the Rules and Regulations of the Louisiana Horticulture Commission are hereby promulgated.

The Rules require that all licensees, with the exception of retail florists and wholesale florists, display the title of their profession and their license number on all company vehicles, and that licensees have personal identification in their possession during times when work is being conducted.

## RULE IV

1. All commercial vehicles (pick-up trucks, vans, etc.) owned and used by all professionals with the exception of retail florists and wholesale florists licensed under the Louisiana Horticulture Law (R.S. 37:1961-1975) in the performance of the normal activities of their profession must be plainly marked on both sides and the back in letters and numbers no smaller than three inches high displaying the title of their profession and license number.

J. Appropriate identification must be available on the person of all licensees with the exception of retail florists and wholesale florists while performing the activities normally associated with their professions.

Richard Carlton, Secretary  
Louisiana Horticulture Commission

## RULES

### Department of Agriculture State Market Commission

The State Market Commission on January 23, 1980, amended Rules 9 and 12 of its Procedures for Developing and Executing Market Commission Loans and/or Guarantees to read as follows:

## Rule 9

9. The application must include:
- A feasibility study of the proposed enterprise.
  - A credit analysis of the principals.
  - A three-year projected cash flow statement.
  - A letter from a Department of Agriculture attorney stating the application is in compliance with the law.
  - An evaluation of management capability.
  - Turn-down letters from two area lending institutions. The Market Commission will attempt to obtain participation from local sources.
  - An explanation of how the proposed marketing facility would enhance and/or benefit the agricultural community in which it would be located.
  - A financial statement on the principals, corporations, or cooperatives prepared by a public accountant using acceptable accounting principles.
  - An appraisal, if an existing facility, using market data, cost and earning approaches as the basis of value. Appraisal shall be made by Market Commission staff unless in their judgment an

outside qualified appraiser should be employed by applicant.

J. An affidavit disclosing what relationship, if any, the applicant(s) may have to any state official or employee of the State Department of Agriculture.

## Rule 12

12. Upon completion of the facility, as specified in application, the applicant must submit to the Market Commission a copy of the note, the mortgage, and a mortgagee title insurance binder in favor of the Market Commission. Upon approval of these documents by a Department of Agriculture attorney, the Market Commission shall schedule a formal loan closing. On all loans to corporations and/or cooperatives, personal endorsement shall be required unless waived by unanimous vote of the Market Commission. In addition, each corporation and/or cooperative shall furnish on the anniversary date of the loan the following:

- Names of all stockholders and the number of shares held by each.
- The statement of its operations, including analysis of profits and losses.
- A statement of financial condition.

Albert Chapman, Executive Secretary  
State Market Commission

## RULE

### Board of Elementary and Secondary Education

The Board approved a policy amendment for final adoption to Bulletin 741, *Handbook for School Administrators*, page 41, paragraph 1.b, to read as follows:

A person is considered a "member of the armed forces" if he/she is engaged in active military duty in the Army, Navy, Air Force, Marine Corps, Coast Guard, or is a member of the Army or Air Force National Guard.

The Board approved a policy amendment for final adoption to Bulletin 741, *Handbook for School Administrators*, page 41, paragraph 2.a., to read as follows:

Two units of credit toward high school graduation may be awarded to any member of the United States Armed Forces or their reserve components, or any honorably discharged veteran who has completed his/her basic training upon presentation of a military record attesting to such completion.

James V. Soileau, Executive Director  
Board of Elementary and Secondary Education

## RULES

### Office of the Governor Data Processing Coordinating and Advisory Council

#### LAC 1-9:1 Computer Utilization Reporting

1.1 Each department, commission or board, political subdivision or political corporation of the state, except parishes and municipalities, shall maintain hardware utilization records. Each data processing center will provide the Data Processing Coordinating and Advisory Council (DPCAC) monthly utilization reports as defined in Sections 1.3, 1.4, or 1.5 below as applicable. In addition, data processing centers will provide the Council with requested utilization data as required to support special studies.

1.2 The following definitions shall be applicable throughout the rules of the DPCAC:

- 1.2.1 "BCS" means Boeing Computer Services.
- 1.2.2 "CC" means Control Card.
- 1.2.3 "CDC" means Control Data Corporation.
- 1.2.4 "Council" means Data Processing Coordinating and Advisory Council.
- 1.2.5 "CPU" means Central Processing Unit.
- 1.2.6 "CRU" means Computer Resource Unit.
- 1.2.7 "DVI" means Device Group 1.
- 1.2.8 "DV2" means Device Group 2.
- 1.2.9 "DV3" means Device Group 3.
- 1.2.10 "ER" means Executive Request.
- 1.2.11 "EXCP" means Execute - Channel Program.
- 1.2.12 "IBM" means International Business Machines.
- 1.2.13 "JLF" means Job Lengthening Factor.
- 1.2.14 "MLF" means Master Log File.
- 1.2.15 "RLF" means Run Lengthening Factor.
- 1.2.16 "SARA" means System Analysis and Resource Accounting.
- 1.2.17 "SCF" means Statistical Collection File.
- 1.2.18 "SMF" means System Management Facility.
- 1.2.19 "SUP" means Standard Unit Processing.
- 1.2.20 "TSO" means Time Sharing Option.
- 1.2.21 "TSS" means Time Sharing System.

1.3 Data processing centers that have the SARA software installed will provide the following reports on a monthly basis. The reports are due not later than the tenth day of each month. The BCS SARA documents referenced in this rule are available at the DPCAC staff offices and at State agencies where the SARA package is installed.

1.3.1 SARA III (IBM) Users. Reference should be made to BCS document 20463-005, SARA-IBM Management Reporting System, for additional information. The monthly reports will be summarized at the day and shift level. The year-to-date reports will include the current twelve months of utilization data and will project the next twelve months using the SARA III control statement "growth best" (reference BCS page 31). The following monthly and year-to-date (past twelve months) reports are required (reference BCS page 35):

Report Number	Title	Comments
1	Number Jobs-Batch	
3	Active Hours-Total	
5	Device Wait-Batch	
6	CPU Hours-Batch	
7	CPU Hours-TSO	TSO Users Only
8	CPU Hours-Total	
9	CRU-Batch	
10	CRU-TSO	TSO Users Only
11	CRU-Total	
12	CRU/Hour-Batch	
13	Throughput-Batch	
14	JLF-Batch	
15	CPU Percent-Total	
18	DVI Hours	Disk
19	DV2 Hours	Tape
20	DV3 Hours	Unit Record
27	Number TSO Sessions	TSO Users Only
28	Log-on Hours-TSO	TSO Users Only
29	Pages per second (Batch)	If available
30	Pages per second (TSO)	TSO Users Only
32	Pages per second (Total)	

In addition, the Monthly Summary Report (reference BCS page 14) will be provided for the current month.

1.3.2 SARA-H (Honeywell) Users. Reference should be made to BCS document 20463-015, SARA-H Management Reporting System, for additional information. The monthly reports will be summarized at the day and shift level.

The year-to-date reports will include the current twelve months of utilization data and will project the next twelve months using the control statement "growth best". The following monthly and year-to-date (past twelve months) reports are required (reference BCS pages 32, 33):

Report Number	Report Number Title
1	Number Jobs-Batch
3	Active Hours-Batch
4	Allocation Wait Hours-Batch
5	Swap Hours-Batch
6	CPU Hours-Batch
7	CPU Hours-TSS
8	CPU Hours-Total
9	CRU-Batch
10	CRU-TSS
11	CRU-Total
12	CRU/Hour-Batch
13	Throughout-Batch
14	JLF-Batch
15	CPU Percent-Total
16	Average Memory per Activity-Batch
18	DV1 Hours
19	DV2 Hours
20	DV3 Hours
27	Number TSS
28	Log-on Hours-(TSS)

In addition, the Monthly Summary Report (reference BCS page 12) will be provided for the current month.

1.3.3 SARA-U (Univac) Users. Reference should be made to BCS document 20463-018, SARA-Univac Management Reporting System, for additional information. The monthly reports will be summarized at the day level. The year-to-date reports will include the current twelve months of utilization data and will project the next twelve months using the control statement "growth best". The following monthly and year-to-date (past twelve months) reports are required (reference BCS pages 27-29):

Report No.	Title
1	Active Hours-Batch
2	Number of Runs-Batch
4	Allocation Wait Hours-Batch
5	Processor Hours-Batch
6	ER/CC Hours-Batch
7	SUP Hour-Batch
9	CRU Total-Batch
10	CRU/Hour-Batch
11	Throughput-Batch
12	RLF-Batch
13	Average core blocks-Batch
16	Active Hours-Demand
17	Number of Runs-Demand
19	Allocation Wait-Demand
20	Processor Hours-Demand
21	ER/CC Hours-Demand
22	SUP Hours-Demand
24	CRU Total-Demand
25	CRU/Hour-Demand
26	Throughput-Demand
27	RLF-Demand
28	Average core block-Demand
31	Active Hours-Real time
32	Number Runs-Real time
34	Allocation Hours-Real time
35	Processor Hours-Real time
36	ER/CC Hours-Real time
37	SUP Hours-Real time

39	CRU Total-Real time
40	CRU/Hour-Real time
46	Active Hours-Total
47	Number of Runs-Total
48	Allocation Wait-Total
49	Processor Hours-Total
50	ER/CC Hours-Total
51	SUP Hours-Total
52	Percent Processor-Total (if available)
68	DV1 Hours
69	DV2 Hours
70	DV3 Hours

In addition, the Monthly Summary Report (reference BCS page 10) will be provided for the current month.

1.4 Data processing centers with operating systems which support a system accounting file, e.g., SMF (IBM), MLF (Univac), SCF (Honeywell), Day File (CDC), etc., but do not have the SARA software are required to provide monthly reports. The statistics will be summarized at the day and month level. The following information will be provided to the Council by the tenth day of each month:

1.4.1 Total hours per month the hardware is operated, e.g., twenty-four hours per day times thirty days per month equals seven hundred twenty hours per month (summarized monthly only).

1.4.2 Total CPU hours.

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

1.4.4 Tape allocation hours, e.g., six tape units allocated two hours each equal twelve tape allocation hours.

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

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

1.4.7 Number of batch jobs.

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

1.4.9 Batch CPU time.

1.5 Data processing centers that have an operating system which does not support an accounting file will provide the following information monthly, with reports due not later than the tenth day of each month:

1.5.1 Total hours per month that the hardware is operated.

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

1.6 If a data processing center is unable to report the information requested above, a written response must be submitted to the Council stating what can and cannot be reported as well as the method used to measure the hardware utilization. The Council reserves the right to have its staff members make periodic audits to verify the information furnished.

#### LAC 1-9:2 Professional Services Contracts for Data Processing

2.1 Each department, commission or board, political subdivision or political corporation of the state, except parishes and municipalities, shall present to the Data Processing Coordinating and Advisory Council the following information relative to professional services contracts for data processing for Fiscal Year 1977-78:

2.1.1 Contract number.

2.1.2 Contractor and client.

2.1.3 Effective and expiration dates.

2.1.4 Scope and objectives of the project and/or service to be performed.

2.1.5 Deliverables stated in the contract.

2.1.6 Total amount of the contract.

2.1.7 Amount of retainage or performance bond, if included.

2.1.8 The number of personnel furnished by the contractor by skill level and the hourly rate for each.

2.1.9 Name of the state person who supervises the activities of contract personnel.

2.1.10 Whether the project is a turnkey project, i.e., one in which the contractor is solely responsible for developing an application for a fixed price.

2.1.11 Method and frequency of review of the contractors performance.

2.1.12 Whether the method and frequency of review is stated in the contract.

2.1.13 Written justification and rationale for entering into this contract.

2.1.14 Number of state personnel (whether data processing or non-data processing personnel) that are assigned to this project.

2.2 All contracts with an effective date or those indicating a start date for the contractor after December 11, 1977, must be presented to the Council for approval and must be approved by the Office of Contractual Review, Division of Administration, prior to the commencement of work activities by the contractor.

2.3 Information as requested for Subsections 2.1.1 thru 2.1.14 of this rule must be furnished for all new contracts presented to the Council for approval. If approval to enter into the contract is granted by the Council, a signed and witnessed copy of the contract must be forwarded to the Council.

2.4 The following general guidelines shall be used in obtaining professional services contracts and subsequent amendments for data processing:

2.4.1 Professional services contractors should only be used where special expertise or guidance is required and cannot be provided by the state personnel, e.g., if special expertise in a particular industry is required for a project, consultants may be used to design a system and to guide and monitor the installation phase. Professional services contractors will not perform systems analysis or programming tasks where it is feasible to do so with state employees. Use of professional services over extended periods of time will not be approved.

2.4.2 Where projects are mandated by the Legislature and/or critical installation dates are required, an exception will be made to allow the use of professional services systems analysts and programmers for augmentation of staff provided proper justification is presented to the Council.

2.4.3 Professional services may be acquired for the installation of highly specialized software, or with firms providing hardware monitoring devices and capabilities or for data processing training, provided proper justification is presented and approval is granted by the Council.

#### LAC 1-9:3 Development of Long-Range Plans for Data Processing in Departments

3.1 Each department of state government shall develop a long-range plan for data processing.

3.1.1 The planning process will cover a three year period and shall be on a fiscal year basis to coincide with the budgeting process. The initial plan shall include fiscal years 1980-81, 1981-82, and 1982-83. A plan shall be submitted to the Data Processing Coordinating and Advisory Council (DPCAC) no later than December of each year. Semiannual updates including changes, additions or deviations to the plan shall be submitted to the DPCAC on June 1 of each year. The December plan will drop the oldest year and add an additional fiscal year.

3.1.2 The methodology or technique for developing the plan is left to the discretion of the department. However, the plan shall provide summary information in the format described in

Section 3.2. In addition, the methodology employed in developing the plan must provide the detailed data described in Subsections 3.2.3 and 3.2.7 for the DPCAC review upon request. Each data processing user, with technical assistance provided by the data processing agency, will provide the input required in Subsections 3.2.1 - 3.2.5, and 3.2.6H and 3.2.6K.

3.1.3 The actual format of the plan will be determined by the department. Section 3.3 does discuss, however, a set of forms and instructions which may be used, at the option of the department, in preparation of its plan.

3.2 The following is a description of information to be included in the plan:

3.2.1 State the mission and objectives of electronic data processing (EDP) within your department.

3.2.2 Provide the following information for systems currently in production on state EDP agency equipment and systems currently operating on nonstate equipment (do not include these systems in paragraph C below) which will be brought in-house within the three fiscal years covered in the plan.

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

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

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

D. Indicate the current and anticipated level of staffing and other cost associated with the maintenance of the system.

3.2.3 Each agency will maintain and make available upon request the following detailed information associated with each of the systems described in Subsection 3.2.2 above:

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

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

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

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

E. The total monthly print volume for the system.

F. The file organizations used by the system, i.e., sequential, indexed sequential, random, virtual storage access method (VSAM), relative or direct access.

G. Number of personnel required for basic maintenance.

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

3.2.4 List any major enhancements or redesign efforts, either in progress or proposed, for each of the production systems.

A. Indicate whether in progress or proposed showing a start and completion date.

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

C. Indicate the level of consultant and state personnel staffing and level of expertise required for this effort.

D. Indicate any hardware or software changes necessitated by the implementation of this effort.

3.2.5 List new systems currently in progress or planned during the three fiscal year period.

A. Indicate starting and completion date.

B. State the scope and objectives and anticipated benefits.

C. Indicate the level of consultant and state personnel staffing and level of expertise required for this effort.

D. Indicate any planned hardware or software changes necessitated by the implementation of this effort.

3.2.6 Provide the following EDP resource requirements information for each of the next three fiscal years:

A. Hardware cost.

B. Software cost.

C. Personnel number and cost.

D. Facilities cost.

E. Training cost.

F. Forms and supplies cost.

G. Consultant services cost.

H. Costs of other non-state EDP services, i.e., service bureaus, timesharing services and related consulting services associated with the service bureau or timesharing service.

I. Other cost.

J. Total cost of EDP resources.

K. Sum of total operating budgets for all users of EDP services.

L. Percentage of amount in Subsection 3.2.6K above represented by amount in Subsection 3.2.6J, i.e., percentage of total budget allocated to EDP.

3.2.7 Each agency will maintain and make available upon request the following detailed information associated with the resource requirements in Subsection 3.2.6 above:

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

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

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

D. Planned software changes or upgrades. Indicate the month of installation, plus the annual cost. Indicate whether the software change is due to technological advances, requirement for new systems, changes in existing systems, etc.

E. Maintain a listing of classifications currently allocated to data processing organization and the number of personnel positions in each.

3.3 Section 3.2 of this rule states the information to be collected and reported but does not specify exact formats or forms to be used. Given below are instructions for forms that may be used as presented or modified to meet a department's exact needs. Copies of these forms are available on request for the DPCAC.

3.3.1 The mission and objectives of EDP within a department shall be in a free format narrative, and shall be submitted to the DPCAC.

3.3.2 The form entitled "Production System Summary" contains space for all information required in Subsection 3.2.2, including a narrative of the scope, objectives and benefits, and projections of costs over the three-year planning period. These forms shall be submitted to the DPCAC as part of the plan.

3.3.3 The form entitled "Production System Detail Sheet" contains space for three-year projections in several categories for each production system. These forms are kept at the agency and do not have to be submitted to the DPCAC.

3.3.4 Provide Subsection 3.2.4 information on the form entitled "System Development or Enhancement Plan". Included is space for a narrative of the scope, objectives and benefits of the effort, as well as a three fiscal year view of start/completion dates, staffing, and hardware/software changes. These forms are submitted to DPCAC as part of the agency's plans.

3.3.5 New systems are described as per instructions in Subsection 3.3.4.

3.3.6 All information requested in Subsection 3.2.6 may be supplied on the form entitled "EDP Resource Requirements Cost Plan". These forms are submitted to DPCAC as part of the plan.

3.3.7 For Subsection 3.2.7 A-D information, use form entitled "Hardware/Software Plan," along with a schematic of the configuration. Use form entitled "Plan of Positions in EDP Organization" for Subsection 3.2.7.E information.

**LAC 1-9:4 Development of Long-Range Plans for Data Processing in Colleges and Universities**

4.1 Each state college and university shall develop a long-range plan for data processing.

4.1.1 The planning process will cover a three-year period and shall be on a fiscal year basis to coincide with the budgeting process. The initial plan shall include fiscal years 1980-81, 1981-82, and 1982-83 and shall be submitted to the Data Processing Coordinating and Advisory Council (DPCAC) no later than December 15 of each year. Semiannual updates including changes, additions or deviations to the plan shall be submitted to the Data Processing Coordinating and Advisory Council on June 15 of each year. The December plan will drop the oldest year and add an additional fiscal year.

4.1.2 The methodology or technique for developing the plan is left to the discretion of each individual college or university. However, the plan shall provide summary information in the format described in Section 4.2. In addition, the methodology employed in developing the plan must provide the detailed data described in Subsection 4.2.6 for Data Processing Coordinating and Advisory Council review upon request.

4.1.3 The actual format of the plan will be determined by the college or university. Section 4.3 does provide, however, a set of forms and instructions which may be used, at the option of the college or university, in preparation of its plan.

4.2 The following is a description of information to be included in the plan:

4.2.1 State the mission and objectives of electronic data processing (EDP) within your college or university. Also include a description of benefits from the usage of EDP to your college or university in the following terms (at a minimum):

A. The number of credit courses in the college or university which make use of the computing facilities.

B. The total number of students enrolled who have at one time or another used the computing facilities for course work or research work (use best estimates), and subtotals by number pursuing each level of degree.

C. Number of students supported by administrative systems.

4.2.2 List and describe any major enhancements or redesign efforts in progress or proposed for each existing administrative application. Also, it is recommended, but not mandatory, to include major efforts in instruction, research and academic applications to the extent practical in order to present a complete plan. For example, if considerable resources (fifteen percent or more of the development/enhancement budget) are to be committed to the enhancement of a programmed instruction package for students in engineering, the plan would be incomplete without inclusion of such an effort. For each application listed, describe as follows:

A. Indicate whether in progress or proposed showing a start and completion date.

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

C. Indicate the level of university and consultant personnel staffing and expertise (programmer, analyst, project leader, etc.) required for this effort.

D. Indicate any hardware or software changes necessitated by the implementation of this effort.

4.2.3 List and describe new administrative applications currently in progress or planned during the three fiscal year period. Also, as mentioned in Subsection 4.2.2 above, other applications are recommended, but not mandated, for inclusion when considerable resources are required for implementation. For each application listed, describe as follows:

A. Indicate whether in progress or proposed showing estimated starting and completion date.

B. State the scope, objective and anticipated benefits.

C. Indicate the level of university and consultant personnel staffing and expertise (programmer, analyst, project leader, etc.)

D. Indicate any planned hardware or software changes necessitated by the implementation of this effort.

4.2.4 Separate the anticipated total yearly EDP costs of the college or university into the costs necessary to support administrative, research, instruction and other activities. Include totals for both shared and dedicated EDP resources for the next three fiscal years in a format like the following:

Category	Fiscal Year 1		Fiscal Year 2		Fiscal Year 3	
	Shared	Dedicated	Shared	Dedicated	Shared	Dedicated
Administrative	\$	\$	\$	\$	\$	\$
Research	\$	\$	\$	\$	\$	\$
Instruction	\$	\$	\$	\$	\$	\$
Other	\$	\$	\$	\$	\$	\$

The term EDP resources can include a central processing unit (CPU) and associated peripheral units, remote job entry terminal, other terminals, minicomputers, and microcomputers. Describe the cost allocation method or algorithm used to determine costs associated with central, shared systems. Also include a definition of each component in the algorithm.

4.2.5 Provide the following EDP resource requirements information for each of the next three fiscal years:

A. Hardware cost.

B. Software cost.

C. Personnel number and cost.

D. Facilities cost.

E. Training cost.

F. Forms and supplies cost.

G. Consultant services cost.

H. Costs of other non-State EDP services, i.e., service bureaus, timesharing services and related consulting service associated with the service bureau or timesharing service.

I. Other cost.

J. Total cost of EDP resources.

K. Total operating budget of the college or university.

L. Percentage of amount in Subsection 4.2.5K represented by amount in Subsection 2.4.5.J, i.e., percentage of total budget allocated to EDP.



4.2.6 Each college or university will maintain and make available upon request the following detailed information associated with the resource requirements in Subsection 4.2.5 above.

A. The currently installed hardware configuration, indicating for each component whether leased, purchased or rented and the annual cost. Maintain a schematic of the hardware configuration. This configuration will be the same as that filed with the Data Processing Coordinating and Advisory Council.

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

C. The software presently used, i.e., operating systems, compilers, assemblers, telecommunications, data base systems, data dictionary system, and major utilities. Indicate whether the software is furnished by the vendor, rented, leased or purchased. Indicate the annual cost associated with each. This software will be the same as that filed with the Data Processing Coordinating and Advisory Council.

D. Planned software, changes or upgrades. Indicate the month of installation, plus the annual cost. Indicate whether the software change is due to technological advances, requirement for new systems, changes in existing systems, etc.

E. Maintain a listing of classifications currently allocated to the data processing organization, and the number of personnel positions currently in each as well as the number projected for each of the three future fiscal years. Include only personnel who work full-time in support of the EDP function. Do not include part-time student workers, personnel funded by a grant, or students or faculty who use an EDP system.

4.3 Section 4.2 of this rule states the information to be collected and reported but does not specify exact formats or forms to be used. Given below are instructions for forms that may be used as presented or modified to meet a college or university's exact needs. Copies of these forms are available on request from the DPCAC.

4.3.1 The mission and objectives of EDP within the university shall be in a free format narrative and submitted as part of the plan to the DPCAC.

4.3.2 Provide Subsection 4.2.2 information on the form entitled "System Development or Enhancement Plan". Included is a narrative of the scope, objectives and benefits of the effort, as well as a three fiscal year view of start/completion dates, staffing and hardware/software changes. These forms shall be submitted to the DPCAC as part of the plan.

4.3.3 New systems are described per instructions in Subsection 4.3.2.

4.3.4 Subsection 4.2.4 information shall be in free format narrative and submitted as part of the plan to the DPCAC.

4.3.5 All information requested in Subsection 4.2.5 may be supplied on the form entitled "EDP Resource Requirements Cost Plan". This form is submitted to the DPCAC.

4.3.6 For information requested in Subsection 4.2.6 A-D, use form entitled "Hardware/Software Plan", along with a schematic of the configuration. For Subsection 4.2.6E information, use form entitled "Plan of Positions in DP Organization".

#### **LAC 1-9:5 Procedure for Determining the Equipment, Software, and Services Requiring Approval of the DPCAC**

5.1 Except as otherwise stated herein, all acquisitions of data processing equipment including word processors, micro computers, minicomputers, computers, peripherals, punched card

equipment, data gathering equipment, and data communications devices must first be approved by the Data Processing Coordinating and Advisory Council (DPCAC). Any program or systems design, which includes as a part of said design, a data processing function, that is to be purchased or contracted for, will be first approved by the Council. Maintenance of equipment or software to be performed through a service contract will be first approved by the Council. Maintenance of equipment or software provided by the original manufacturer or his designee on an emergency or per call basis does not require Council approval. Purchases of supplies will not require Council approval. Purchase of equipment with a one time cost of fifty dollars or less shall not require Council approval.

5.2 Upon receipt of a request, the DPCAC staff shall determine if request is under DPCAC jurisdiction, considering the following:

5.2.1 Word processors used solely as text editors are not data processing.

5.2.2 Service calls not under a maintenance contract, but by the manufacturer or his designee do not require approval.

5.2.3 Supplies do not require approval.

5.2.4 Equipment costing fifty dollars or less does not require approval.

5.2.5 Analog to digital converters do not require approval.

5.2.6 Bursters, check signers, decollators (separators) do not require approval.

5.2.7 Microcomputers and associated peripheral equipment to be used exclusively for the following applications will not require Council approval:

A. Process Control.

B. Numerical Control of machine tools.

C. Direct control of machines and product lines.

D. Telemetry.

E. Automated testing and inspection.

F. Data acquisition and logging.

G. Control and analysis of laboratory experiments.

H. Analysis and interpretation of medical tests.

I. Traffic control.

J. Shipboard navigation control.

K. Security control.

L. Environmental control.

M. Typesetting and photocomposition.

5.3 The DPCAC staff can approve purchases of up to \$10,000 exclusive of taxes, service, and shipping charges providing all purchasing laws and regulations are met. The staff can also approve rentals and leases of up to \$1,000 per month inclusive of maintenance, but exclusive of taxes, and shipping charges providing all purchasing laws and regulations are met. The staff cannot disapprove a request. If the staff feels that approval is not warranted, the matter must come before the DPCAC. All requests approved by the staff will be listed for the Council's review.

5.4 For any request that the staff cannot approve, the staff will prepare the request for presentation to the Council at the earliest date possible, taking into account the time required to properly review the request. The staff will perform an in-depth review of the circumstances making the request necessary, will study alternative solutions including those studied by the requestor and will develop recommendations for Council action.

5.5 Requests brought before the DPCAC may be approved, disapproved, deferred awaiting further action, or determined not to be data processing in nature. The DPCAC staff will formally notify requestors as to the disposition of all requests acted upon by the DPCAC.

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

6.1 Act 499 of 1979 provides for multi-year leasing of data processing equipment for periods up to three years with Data Processing Coordinating and Advisory Council (DPCAC) ap-

proval and up to five years with State Bond Commission approval.

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

6.2.1 Provide a detailed list of equipment under consideration.

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

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

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

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

6.2.6 Provide a financial comparison showing the following:

A. Cost per month of proposed equipment if rented on a one year term including maintenance.

B. Cost per month or proposed equipment if leased for the term requested including maintenance.

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

#### **LAX 1-9:7 Policy Regarding Acquisition of Software**

7.1 The purpose of this policy is to define the methods an agency may use to acquire software and certain subscription and timesharing services.

7.2 The Data Processing Coordinating and Advisory Council (DPCAC) recognizes that many agencies have significant investments in applications programming and personnel training in specific software, e.g., operating systems, teleprocessing monitors, interactive program development, etc. Further, due to this investment, it would not be to the state's advantage, but rather its disadvantage to periodically change this software.

7.3 The DPCAC feels that it was the intent of the Legislature, in including software in Act 499 of the 1979 Regular Session, to promote cost advantages to the state wherever possible.

7.4 Therefore, in compliance with Act 499, and the DPCAC's interpretation of legislative intent, software that must be competitively bid will be of the type that includes application packages, i.e., inventory systems, accounting systems, payroll systems, etc., as well as capacity planning software, performance monitoring software, statistical packages, report writers, and data base management systems.

7.5 Renewals will be approved by the DPCAC. All other software, including but not limited to operating systems, teleprocessing monitors, interactive program development systems, and utilities may be acquired directly from the vendor or manufacturer. However, all software acquisitions must first be approved by the DPCAC.

7.6 Specialized subscription and timesharing services such as a general library service (Southeastern Library Network-SOLINET) or law library timeshare service where there is only one known supplier may be acquired from that supplier with DPCAC approval.

#### **LAC 1-9:8 Justification Guidelines for Procuring Computer Software**

8.1 This guideline describes the information to be provided when seeking the Data Processing Coordinating and Advisory Council's approval to acquire computer software. Computer soft-

ware, for the purpose of this guideline, is defined as any program or series of programs written for use in many computer installations. If the software to be acquired is without cost, no justification to the Data Processing Coordinating and Advisory Council is required.

8.2 In a request to the Council, be certain that each of the following requirements is completely met to avoid delays in approval:

8.2.1 Give a general description of the mission of the computer installation for which this software is requested.

8.2.2 Give a description of the computer hardware on which the new proposed software is to be used. Mention what operating system is used.

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

8.2.4 Provide the total cost of the proposed software. If this is not to be a permanent license, give the cost for the initial year. Include:

A. Cost of the software.

B. Installation cost.

C. Personnel training cost.

D. Cost of any additional hardware to be acquired to support this software.

E. Maintenance costs for the initial year.

F. Miscellaneous costs not covered above.

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

8.2.6 Provide cost of maintenance per year after permanent license is obtained.

8.2.7 Describe the overall impact this software will have on the performance of the installation and the facts used to reach this conclusion.

8.2.8 Investigate all known software packages which claim to accomplish the required task. Name each investigated, their total cost, and the reason you did or did not select each. Give the source you obtained your list of possible vendors from, for example, Datapro or Auerbach.

8.2.9 State whether you intend to bid this acquisition. Attach bid specification.

8.2.10 If the proposed acquisition was budgeted, include a copy of the budget page reflecting same. If not, give detailed explanation of funding and include a copy of the BA-7.

#### **LAC 1-9:9 Justification Guidelines for Procuring Communications Equipment**

9.1 Included in this guideline is information to be provided when seeking the Data Processing Coordinating and Advisory Council's approval to acquire data processing communications equipment. If seeking fewer than four terminals for an already existing application, and using an established network, a letter stating this fact and appropriate justification may be substituted for the information specified in these guidelines. The number of terminals on an established network will not be increased more than once every six months using letter justification. More frequent changes will require the completion of the information described in Section 9.2.

It is advised that each agency become familiar with this guideline now rather than waiting until terminals are needed. Some information requires advance preparation; and, depending on the installation, perhaps programming so that needed information can be captured. The Council believes the required information, if not already available, will be most helpful in making day-to-day decisions as well as supporting a request for equipment.

9.2 In a request to the Council, be certain that each of the following requirements is completely met to avoid delays in ap-

approval:

9.2.1 Indicate the type of equipment to be acquired by marking the appropriate blank.

**Quantity      Device Type**

Cathode Ray Tube (CRT) Terminal  
Hard Copy Terminal  
Terminal Printer            Slave  
Stand-Alone  
Modem  
Control Unit  
Concentrator  
Remote Job Entry (RJE) Terminal  
Front-end Processor  
Test equipment

9.2.2 Indicate the justification for requesting the acquisition.

New application(s) Replacement	Increased workload Expanded services
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Explain fully and give a general description of the application(s) for which this equipment will be used.

9.2.3 Supply a list of the locations at which the proposed equipment is to be installed; give address and town.

9.2.4 Specify the expected installation date(s), and describe the reason(s) for selecting this date(s).

9.2.5 State the number and types of terminals already installed at the installation. List these in groups by application.

9.2.6 List the various communications protocol that your installation can currently handle. List any new protocol planned for the near future at your installation.

9.2.7 Describe the impact this equipment will have on the overall performance of the installation. Include estimates of Central Processing Unit (CPU) requirements and channel utilization. State whether response time will be adversely affected, and the facts and assumptions used to conclude this.

9.2.8 Indicate whether more mass storage will be required in the foreseeable future because of this equipment.

9.2.9 Indicate what (if any) other requests are associated with this proposed acquisition, and include costs.

9.2.10 Indicate what line speeds are being used for existing terminals, and what line speed is intended for use with the proposed equipment.

9.2.11 Indicate whether this equipment will be bid. If so, attach specifications and skip to Subsection 9.2.16.

9.2.12 List the brands of communications equipment considered, the representative's name, and specifics of why each was, or was not chosen. Include equipment made by at least three manufacturers, more if possible.

9.2.13 State whether the proposed application was discussed with each representative listed in Subsection 9.2.12. Indicate whether each was given ample opportunity to explain his or her product's ability to perform this function. If not, explain.

9.2.14 Attach a copy of the requirements supplied to each vendor listed in Subsection 9.2.12.

9.2.15 List the communications equipment offered by each vendor in Subsection 9.2.12 and the prices quoted. Be consistent, listing all with maintenance prices for the same period of time, or all without maintenance prices.

9.2.16 State whether this equipment is to be leased or purchased.

9.2.17 Indicate the source of funds. If federal funds are involved, describe the plans made for continued funding after federal money stops.

9.2.18 Supply computer produced reports which show the number of transactions, by application, currently handled by your installation. Use current statistics for at least a week.

9.2.19 Supply your estimate of the number of transactions

the proposed equipment will handle per day, or week, and explain your rationale for this estimate.

9.2.20 Supply accounting information, produced by your computer, showing CPU and device utilization for the past month.

9.2.21 State whether you have a front-end processor, and whether this equipment will be used through the front-end processor.

9.2.22 State whether more communications ports will be needed, and indicate how many more ports can be added to your current controller after this expansion.

9.2.23 Describe any overriding justification, other than the number of transactions, for this proposed acquisition.

9.2.24 Provide the cost of site preparation made necessary by this proposed acquisition. Include electrical work, cabling, shipping costs, and installation costs.

9.2.25 State whether you anticipate the vendor or other outside sources to make software changes to accommodate the proposed equipment. If so, indicate the total cost.

9.2.26 State whether you anticipate the necessity for additional state employees to use this equipment. If so, indicate the number, by class, and the annual cost.

9.2.27 Indicate whether your staff will require special education to use the proposed equipment, and the cost.

9.2.28 Indicate whether this acquisition would impact supply costs. If so, describe how and the cost.

9.2.29 State whether this proposed acquisition was budgeted. If so, include copy of budget page reflecting same. If not, give detailed explanation of funding and include copy of BA-7.

**LAC 1-9:10 Justification Guidelines for  
Procuring Initial Computer Equipment or  
Making Significant Changes to an Existing Installation**

10.1 Included in this guideline is information to be provided when seeking the Data Processing Coordinating and Advisory Council's approval to make an initial acquisition, or significant change to an existing installation. Significant change is defined as a change causing one of the following:

10.1.1 Twenty percent or more reprogramming.

10.1.2 Twenty percent or more increase in computer capacity (either computer power or storage capacity).

10.1.3 Ten percent or more of total installation hardware cost (upward or downward).

Procedures to be followed in the acquisition of this type of equipment must be approved by the Data Processing Coordinating and Advisory Council prior to initiation by the agency.

10.2 In a request to the Council, be certain that each of the following requirements is completely met to avoid delays in approval:

10.2.1 Give a general description of the mission to be accomplished using the requested computer equipment.

10.2.2 Provide a list of proposed equipment, including quantities and estimated costs.

10.2.3 Tell what circumstance(s) instigated the need for the proposed equipment. Indicate how this equipment will alleviate the problem.

10.2.4 Indicate whether this is replacement equipment. If so, state the disposition of the replaced equipment. List the equipment to be displaced with associated rental and/or maintenance costs.

10.2.5 Provide the cost of site preparation made necessary by this proposed acquisition. Include building construction, electrical work, cabling, plumbing, air conditioning, labor, shipping costs, and installation costs.

10.2.6 State whether you anticipate the vendor or other outside sources to provide systems and programming work to facilitate the use of the proposed equipment. If so, state the total

cost.

10.2.7 State whether a need is anticipated for increasing your staff to use this equipment. If so, indicate the number, by classes, and the annual cost.

10.2.8 Indicate whether your staff will require special education to use the proposed equipment. If so, indicate the cost.

10.2.9 Indicate whether this acquisition will impact supply costs. If so, describe how and the cost.

10.2.10 Indicate what other (if any) requests are associated with this proposed acquisition, and include costs.

10.2.11 State whether you propose to lease or purchase this equipment. State the estimated cost for this fiscal year. If maintenance and installation costs are separate, provide those costs as well.

10.2.12 State whether this proposed acquisition was budgeted. If so, include copy of budget page reflecting this. If not, give detailed explanation of funding and include copy of BA-7.

10.2.13 Attach a copy of your "Request for Proposals" or "Invitation to Bid."

10.2.14 If this request is to change an existing installation, supply programmatically produced accounting information from your system. This information must include Central Processing Unit (CPU), memory (or paging rates, if applicable), channel and device utilization. The information is to be provided for the past month and the most recent "peak" month in your processing cycle. The information should be summarized on a daily basis and by shift if possible. Provide instructions for interpreting the reports.

10.2.15 Provide a list of each alternative considered. Provide an analysis of the reasoning and logic which resulted in the selection of the proposed equipment.

10.2.16 Provide an assessment of the expected life of this equipment. Consider the resource requirements due to current workload, historical growth trends, changes to current application software, new application software and new operating system software.

10.2.17 If this request is to change an existing installation, describe the impact this equipment will have on the performance of the installation. Supply the facts used to conclude this.

### LAC 1-9:11 Justification Guidelines for Procuring Additional Computer Equipment

11.1 Included in this guideline is information to be provided when seeking the Data Processing Coordinating and Advisory Council's (DPCAC) approval to acquire computer equipment to be added to an existing installation. Note that communications equipment should be requested using guidelines developed especially for that purpose. Initial installations, or existing installations which will be changed significantly (requiring twenty percent more reprogramming, or twenty percent or more increase in computer capacity, or ten percent or more of total installation hardware cost) shall use guidelines created for that purpose. Procedures to be followed in the acquisition of this type of equipment must be approved by the DPCAC prior to initiation by the agency. It is advised that each agency become familiar with this guideline now rather than waiting until equipment is needed. Some information requires advance preparation; and, depending on the installation, perhaps programming, so that needed information can be captured. The DPCAC believes the required information, if not already available, will be most helpful in making day-to-day decisions as well as supporting a request for equipment.

11.2 In a request to the Council, be certain that each of the following requirements is completely met to avoid delays in approval:

11.2.1 Give a general description of the mission of the computer installation for which the equipment is requested.

11.2.2 Indicate the type of equipment to be acquired by

marking the appropriate blank.

Quantity	Device Type	Extended Cost
	Tape Drives	
	Disk Drives	
	Card Reader	
	Card Punch	
	Peripheral Control Unit	
	Optical Character Recognition Reader (OCR)	
	Printer	
	Add-on Memory	
	Other Specific	

11.2.3 Indicate the type of justification for requesting this acquisition.

New application(s)	Increased workload
Replacement	Expanded services

Explain fully. (If replacement, list the equipment to be displaced with associated rental and maintenance costs.) (If new application, provide a general description of the application(s).)

11.2.4 Indicate the expected installation date and state the reason.

11.2.5 Indicate whether this equipment is already a part of your installation configuration. Supply brand name, model number, and quantities of like devices installed.

11.2.6 Provide the cost of site preparation made necessary by this proposed acquisition. Include building construction, electrical work, air conditioning, cabling, plumbing, labor, shipping costs, and installation costs.

11.2.7 Indicate whether you anticipate the vendor or other outside sources to make software changes to accommodate the proposed equipment. If so, state total cost.

11.2.8 Indicate whether you anticipate the necessity of increasing your staff to use this equipment. If so, state the number, by class, and annual cost.

11.2.9 State whether your staff will require special education to use the proposed equipment. Indicate the cost of such education.

11.2.10 Indicate whether this acquisition will impact supply costs. State how, and for what cost.

11.2.11 Indicate what other (if any) requests are associated with this proposed acquisition. If so, explain what, why and the cost.

11.2.12 Describe the overall impact that this equipment will have on the performance of the installation. Include those facts used to conclude this.

11.2.13 Supply accounting information, produced by your computer, showing Central Processing Unit (CPU) and device utilization for the past month. Provide the information needed to interpret the report.

11.2.14 State whether you propose to lease or purchase this equipment. Include the cost for this fiscal year. If maintenance and installation costs are separate, provide these costs as well. If proposed acquisition is to be bid, give best approximation of cost.

11.2.15 State whether this proposed acquisition was budgeted. If so, include copy of the budget page reflecting same. If not, give detailed explanation of funding and include a copy of the BA-7.

11.2.16 Indicate whether this equipment will be bid. If so, attach specifications and skip remaining Subsections (11.2.17-11.2.19).

11.2.17 List the brands of equipment you considered, name of the vendor's representative, and specifics of why each was, or was not chosen. Include equipment made by at least three manufacturers, more if possible.

11.2.18 State whether you discussed this proposed acquisition with each representative listed in Subsection 11.2.17. Indicate whether you gave each ample opportunity to explain his or her product's ability to perform this function. If not, explain.

11.2.19 Attach a description of the equipment offered by each vendor in Subsection 11.2.17 and the prices quoted. Be consistent, listing all with maintenance prices for the same period of time, or all without maintenance prices.

### **LAC 1-9:12 Procedures for Procurement Support Team Operations**

12.1 Purpose. The primary purpose of a procurement support team is to provide assistance to an agency involved in the procurement of data processing hardware, software, or related services. The procurement support team will assist an agency in three areas.

12.1.1 The members of the procurement support team individually have expertise in a number of areas. For example, members of the Data Processing Council staff are knowledgeable in data processing areas such as communications, hardware performance, and specialized software. The Attorney General's Office is equipped to provide advice with respect to specific legal language to be incorporated in procurement contracts.

12.1.2 The procurement support team should, by assisting the procuring agency in various specialized areas, significantly reduce the workload of the procuring agency in major acquisitions. Further, the fact that agencies which have statutory review and approval responsibilities are involved in the process from the outset should mean that problems are resolved as they arise, rather than surfacing at what would have otherwise been the end of a long and complex process.

12.1.3 The involvement of multidisciplinary expertise throughout the procurement process should enable the using agency to obtain the best possible results in the most economical way.

12.1.4 The existence and operation of procurement support teams should also be of general benefit to the state as a whole. Major expenditures are made each year for data processing hardware, software, and related services. The participation of a procurement support team should insure that each of these acquisitions is thoroughly reviewed, with the objective of determining that the proposed acquisition is a functional, necessary, and efficient approach to meeting real needs of state agencies. Furthermore, potential problems between vendors and users should be minimized by ensuring that procurement activities are conducted in compliance with all applicable laws and regulations, and represent the exercise of sound management judgment.

12.1.5 Over a period of time, it is anticipated that the procurement support team will lead to the development of an in-depth pool of expertise within state agencies. The availability of this reservoir of experience and talent will enable the state to deal more effectively with major vendors, who typically bring to their marketing and contracting activities a cadre of highly trained and experienced individuals.

12.1.6 As the procurement support team concept matures, the various agencies of the State should develop a better understanding of the role and functions of other agencies, and should be able to contribute significantly to the improvement of the procedures employed in the procurement of data processing hardware, software, and related services.

12.2 Procurement Support Team Composition.

12.2.1 A procurement support team shall be formed in ac-

cordance with the procedures defined herein for every contract for the procurement of data processing hardware, software, and related services, except in the case of small purchases, as required by Act 499 of the Regular Session of 1979. Purchase release orders issued pursuant to a Direct Order Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the Data Processing Coordinating and Advisory Council (DPCAC) staff, upon notice as required herein to the DPCAC. Upon receipt of the required notice, the DPCAC staff shall determine the type of support team appropriate to the contemplated contract, and shall notify the appropriate agencies of the planned formation of a team. Included in this notification shall be an estimate of the level of effort required, and any specific factors which the staff may deem appropriate to bring to the notice of each agency.

11.2.2 Upon receipt of notice from the DPCAC staff, each agency will confirm in writing to the DPCAC staff the name of the individual or individuals assigned to the particular team.

12.2.3 As required by Act 499, at least two members of each procurement support team shall have formal training in computer contract negotiations. The DPCAC, the Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the DPCAC the names of primary and an alternate team member, and shall ensure that at least one of these individuals has received formal training in computer contract negotiations not later than July 1, 1980. It shall thereafter be the responsibility of each named agency to keep the DPCAC advised of any changes in designated individuals, and to ensure that at least one of these individuals is trained in computer contract negotiations.

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

12.3 Responsibilities. This section will delineate the general guidelines for the level of participation of a procurement support team in an acquisition process. The threshold designated for each level of participation may be modified by the DPCAC in writing, when it is deemed in the best interest of the State to do so. The designation of the level of support for each request shall be accomplished by the DPCAC staff.

12.3.1 Level 1: Review-Oriented Participation. In cases where this level of participation is appropriate, each procurement support team participant other than the representative of the procuring agency will: receive drafts or copies of all relevant documents; provide to the team leader in writing comments and suggestions as appropriate; contribute specific materials as directed by the team leader; and verify by signature review of each phase of the process (i.e., specifications, invitations to bid, bids, and final contract). The team leader for this level of support will be designated by the procuring agency. This level of support will be appropriate for the following: procurement of individual items whose rental or purchase cost does not exceed that specified in Act 499 for items appropriate for direct order contracts (except for multi-year contracts.)

12.3.2 Level 2: Designated Individual Participation. At this level of procurement, the procurement support team leader will designate those individual participants who are to take an active part in the process, and of those participants who are to function at the review level. Those participants designated as having active roles will make specific contributions as specified by the team leader, in addition to performing their comment and review functions. All other team members will perform as described in Level 1. For example, where a procurement was being made from a vendor with whom the State had consummated a terms-and-conditions contract, the participation by the

Attorney General would probably be limited to review and comment. However, the DPCAC staff might well have considerable technical involvement in the drafting of final specifications. The team leader would be designated by the procuring agency. (The Attorney General's Office will be the procuring agency for all terms-and-conditions contracts, and the Purchasing Office will be the procuring agency for all direct order contracts.) Level 2 will be utilized for the procurement of all systems having a purchase value of not greater than one hundred thousand dollars or a monthly rental value of not greater than ten thousand dollars. In addition, this level will be used for all individual items whose cost exceeds the threshold established for Level 1 items, and for all multi-year contracts except those for which Level 3 support is required.

12.3.3 Level 3: Full Procurement Support Team Involvement. Procurements requiring this level of support will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The activities of the team will be conducted in accordance with a written plan developed at the initial meeting of the team. The team leader for Level 3 procurements will be designated by the procuring agency. This level of involvement will be required for all systems whose cost exceeds the threshold established for Level 2 procurements, for all multi-year contracts for systems and for all multi-year contracts involving expenditures of ten thousand dollars a month or greater.

12.3.4 Level 4: Emergency Procurements. Notwithstanding the guidelines established in Subsections 12.3.1 - 12.3.3 above, procurements under emergency conditions (as defined by the DPCAC) will involve a procurement support team designated by the DPCAC staff. Agencies and individual team members may be contacted by telephone, and make oral recommendations and comments. Such oral recommendations or comments shall be confirmed in writing as early as possible. A final written evaluation shall be presented to the DPCAC staff prior to DPCAC approval of any emergency procurement. Procurement support team members participating in emergency procurement shall participate in a follow-up meeting, at which time a written evaluation of the process will be prepared and forwarded to the DPCAC.

12.3.5 The procurement support team will be a purely advisory body. All decisions with respect to a procurement process will be made by the procuring agency. Such decisions will of course be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance of a particular procedure by a procurement support team member is not to be construed as approval by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

12.3.6 In situations where formal negotiations with prospective vendors, or a successful bidder, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The procuring agency will establish in writing the authority and constraints under which the negotiating team will operate, and within these constraints, the negotiating team shall have full authority to deal with the other party or parties. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team must have formal training in computer contract negotiations.

12.3.7 The individual agencies represented on procurement support teams will have the following primary responsibilities. These responsibilities may be enlarged or modified as appropriate

to each given situation by the procurement support team leader, with the concurrence of the DPCAC:

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

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

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

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

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

12.4 Procedures. Each procurement activity covered by Act 499 shall be conducted in accordance with the following procedures:

12.4.1 Each agency contemplating a procurement covered by the provisions of Act 499 shall, upon definition of the preliminary functional requirements and prior to the drafting of specifications, notify the DPCAC in writing of the intended procurement. The DPCAC shall then make a determination as to the best available method of satisfying the agency's requirements (e.g., by transferring equipment from another agency, or by issuance of invitations to bid). If the Council determines that the bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

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

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

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

12.4.5 Each member of the procurement support team must review as a minimum the final specifications, the invitation to bid, the bids, any formal bid evaluation, and the final contract. At a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each team member must sign the evaluation, or his or her designating or qualifying reports. Specifically, in situations involving Level 1 support the signature of each team member is the only evidence

of review required. In Level 2 support activities and in emergency procurements, a written signed individual comment is required. In Level 3 support activities, a formal team evaluation is required.

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

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

12.4.8 In situations where a negotiating team is appropriate, the negotiations shall be conducted pursuant to a written plan. Upon the completion of negotiations, the lead negotiator shall submit a written report describing the negotiations and their results to the team leader. This report shall be maintained in the activity file.

#### **LAC 1-9:13 Regulations for Disposing of Leased, Rented or Purchased Data Processing Equipment**

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

13.1.1 The Data Processing Coordinating and Advisory Council (DPCAC) will be notified as soon as possible, but at least ninety days prior to release. This notification should include make, model, serial number, quantity, features, condition of equipment, availability, and if leased or rented, the lessor, monthly cost, and cost to exercise purchase option.

13.1.2 At time of notification, the staff of the DPCAC shall as a minimum provide each of the twenty departments in the executive branch, the Legislative Fiscal Office, the State colleges and universities and the Vocational Technical specialist on the Board of Elementary and Secondary Education with a Notification of Availability.

13.1.3 If any unit of state government wishes to obtain such equipment, they should make their desire known to the DPCAC staff. To be included with such notification should be the proper justification as outlined in the DPCAC justification guidelines found in LAC 1-9:9, 1-9:10 and 1-9:11.

13.1.4 The DPCAC staff will review all applications for equipment and make recommendations to the Council. These recommendations and the Council's decision will be based in large measure on the justification offered.

13.1.5 If no suitable application for the equipment is found, the DPCAC will take steps to dispose of it in one of the following ways:

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

B. If the equipment is rented or leased and has enough purchase credits and residual value to provide a reasonable margin of profit, it shall be advertised in the proper trade publications and offered to known purchasers of data processing equipment. Such offers will go to the highest bidder with the stipulation that the State can reject all bids. Regular bid procedure will be followed.

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

D. If the equipment is owned and has residual value justifying the action, it shall be advertised in the proper trade publications and offered to known purchasers of data processing

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

E. Offers by vendors to accept the equipment in trade will be evaluated against current market value as determined by the DPCAC staff by telephone inquiry to known purchasers of such equipment. If the trade-in allowance meets or exceeds current market value less cost of disposal including but not limited to cost of advertising, it shall be offered as a trade-in. Otherwise, it shall be disposed of as outlined in Subsection 13.1.5D above. Written evidence of the best means of disposal shall be provided to the DPCAC by its staff.

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

13.1.7 The DPCAC staff will dispose of all equipment with a residual value of less than ten thousand dollars, using the procedures indicated in Subsections 13.1.3, 13.1.4, and 13.1.5 above, independent of formal Council action.

13.1.8 Records relating to these transactions will be turned over to the Legislative Auditor.

#### **LAC 1-9:14 Rules and Regulations Governing Emergency Procurement of Data Processing Equipment (Pursuant to LA R.S. 39:1998)**

14.1 General.

14.1.1 Definition of Emergency. An "emergency" is defined as a situation wherein data processing equipment being used for production purposes by a State agency becomes suddenly and unexpectedly unavailable or unusable, with no reasonable prospect of reavailability or reuseability within thirty days; or, where data processing equipment scheduled for delivery to a State agency will not become available in time to prevent a serious disruption of services or loss of revenue.

14.1.2 Declaration of Emergency. An emergency situation must be declared by the head of the agency operating the affected equipment. The declaration shall state the nature of the emergency, the apparent cause or causes, the anticipated effects, and shall list the items of equipment involved. The notice shall be addressed to the Data Processing Coordinating and Advisory Council (DPCAC) and the Purchasing Office.

14.1.3 Planning Requirements. All State data processing installations shall maintain a current disaster plan which incorporates plans for dealing with an emergency as defined in Subsection 14.1.1 above. This plan shall be filed with the DPCAC and shall be updated at least annually. When equipment is being rented or leased, or in any case where title to the equipment does not rest with the State, the supplier shall be required to state in contractual form that the equipment supplied to the State is fully insured (or provide satisfactory evidence of self-insurance); and the supplier's plans and capabilities to replace the equipment in the event of an emergency.

14.2 Rented or Leased Equipment.

14.2.1 Replacement pursuant to Contract. When equipment rented or leased to the State must be replaced due to an emergency, the renter or lessor shall be the source of the replacement if the requirements of Subsection 14.1.3 provide for suitable replacement. In this case, no additional procurement procedures shall be required, but a final report shall be submitted by the using agency to the DPCAC and to the Purchasing Office.

14.2.2 Replacement other than by Contract. When either no contract exists (per Subsection 14.1.3) or the vendor cannot adequately replace the equipment pursuant to a contract, equipment may be rented or leased through the following procedures:

A. The using agency shall notify the DPCAC in writing that this procedure is necessary.

B. The DPCAC Executive Director will promptly designate a Procurement Support Team suitable to the situation.

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

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

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

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

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

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

#### 14.3 Purchased Equipment.

14.3.1 Replacement with Rented Equipment. When, in the opinion of the head of the using agency, as expressed in writing, it would be to the advantage of the agency (either operationally or financially), purchased equipment lost in an emergency situation may be replaced with equipment rented on a short-term (no more than twenty-four months) basis. In this case, the procedure set forth in Subsection 14.1.2 shall be employed.

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

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

B. The only delays and response times shall be as established by the Procurement Support Team.

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

D. A situation report, evaluating the procurement activity, shall be made by the DPCAC staff.

#### LAC 1-9:15 Unscheduled Maintenance of Data Processing Equipment

15.1 The Data Processing Coordinating and Advisory Council will not enter into the approval process for unscheduled maintenance of data processing equipment, provided it is performed by representatives of the equipment's manufacturer or the manufacturer's authorized dealer or a repair service which has a duly executed contract to maintain that equipment.

15.2 The Data Processing Coordinating and Advisory Council reserves the right to require reports on, and to audit use of, unscheduled maintenance in any agency which operates under the provisions of Act 599 of the 1977 Regular Session.

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

Thomas G. Hagan, Executive Director  
Data Processing Coordinating and  
Advisory Council

## RULE

### Department of Health and Human Resources Board of Examiners of Psychologists

The State Board of Examiners of Psychologists has adopted the following Ethical Standards of Psychologists, and Policy on Written Examination:

#### Ethical Standards of Psychologists

Preamble. Psychologists respect the dignity and worth of the individual and honor the preservation and protection of fundamental human rights. (A student of psychology who assumes the role of a psychologist shall be considered a psychologist for the purpose of this code of ethics.) They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these endeavors, they make every effort to protect the welfare of those who seek their services or of any human being or animal that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills and concern for the best interests of clients, colleagues, and society in general. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Moral and Legal Standards, 4. Public Statements, 5. Confidentiality, 6. Welfare of the Consumer, 7. Professional Relationships, 8. Utilization of Assessment Techniques, and 9. Pursuit of Research Activities.

Principle 1 — Responsibility. In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

A. As scientists, psychologists accept the ultimate responsibility for selecting appropriate areas and methods most relevant to these areas. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data and alternative hypotheses, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups. In publishing reports of their work, they never suppress disconfirming data. Psychologists take credit only for the work they have actually done.

Psychologists clarify in advance with all appropriate persons or agencies the expectations for sharing and utilizing research data. They avoid dual relationships which may limit objectivity, whether political or monetary, so that interference with data, human participants, and milieu is kept to a minimum.

B. As employees of an institution or agency, psychologists have the responsibility of remaining alert to and attempting to moderate institutional pressures that may distort reports of psychological findings or impede their proper use.

C. As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

D. As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship and objectivity by presenting psychological information fully and accurately.

E. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations or pressures that might lead to misuse of their influence.



F. Psychologists provide adequate and timely evaluations to employees, trainees, students, and others whose work they supervise.

**Principle 2 — Competence.** The maintenance of high standards of professional competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques and only provide services, use techniques, or offer opinions as professionals that meet recognized standards. Psychologists maintain knowledge of current scientific and professional information related to the services they render.

A. Psychologists accurately represent their competence, education, training and experience. Psychologists claim as evidence of professional qualifications only those degrees obtained from institutions acceptable under the Bylaws and Rules of Council of the American Psychological Association (APA).

B. As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current and scholarly.

C. Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time. They recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. Where relevant, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

D. Psychologists with the responsibility for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems and other test research.

E. Psychologists recognize that their effectiveness depends in part upon their ability to maintain effective interpersonal relations, and that aberrations on their part may interfere with their abilities. They refrain from undertaking any activity in which their personal problems are likely to lead to inadequate professional services or harm to a client; or, if engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate or limit the scope of their professional and/or scientific activities.

**Principle 3 — Moral and Legal Standards.** Psychologists' moral, ethical and legal standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities, or reduce the trust in psychology or psychologists held by the general public. Regarding their own behavior, psychologists should be aware of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformity to or deviation from these standards. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

A. Psychologists as teachers are aware of the diverse backgrounds of students and, when dealing with topics that may give offense, treat the material objectively and present it in a manner for which the student is prepared.

B. As employees, psychologists refuse to participate in practices inconsistent with legal, moral and ethical standards regarding the treatment of employees or of the public. For example, psychologists will not condone practices that are inhumane or that result in illegal or otherwise unjustifiable discrimination on the basis of race, age, sex, religion, or national origin in hiring, promotion, or training.

C. In providing psychological services, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

As practitioners, psychologists remain abreast of relevant federal, state, local, and agency regulations and Association standards of practice concerning the conduct of their practice. They are

concerned with developing such legal and quasi-legal regulations as best serve the public interest and in changing such existing regulations as are not beneficial to the interests of the public and the profession.

D. As researchers, psychologists remain abreast of relevant federal and state regulations concerning the conduct of research with human participants or animals.

**Principle 4 — Public Statements.** Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of providing sufficient information to aid the consumer public in making informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of their limits and uncertainties.

A. When announcing or advertising professional services, psychologists may list the following information as a description of provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of the Ethical Standards.

B. In announcing or advertising the availability of psychological products, publications, or services, psychologists do not display any affiliations with an organization in a manner that falsely implies the sponsorship or certification of that organization. In particular and for example, psychologists do not state APA membership or fellowship in a way that implies specialized professional competence or qualifications. Public statements, defined herein to include, but not be limited to, communication by means of newspaper, book, list, directory, television, radio, or motion picture, shall not contain: a false, fraudulent, misleading, deceptive, or unfair statement; a misinterpretation of fact; a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; a statement containing a client's laudatory statements about psychologists, their services, or products; a statement intended or likely to create false or unjustified expectations or favorable results; a statement implying unusual, unique, or one-of-a-kind abilities; a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of the consumer's failure to obtain the offered services; a statement concerning the comparative desirability of offered service; a statement of direct solicitation of individual clients.

C. A psychologist shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement. If the paid advertisement is communicated to the public by use of radio or television, it shall be prerecorded and approved for broadcast by the psychologist and a recording of the actual transmission shall be retained by the psychologist.

D. Announcements or advertisements of "personal growth groups" give a clear statement of purpose and the nature of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

E. Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to insure that announcements and advertisements are presented in a professional,

scientifically acceptable, and factually informative manner.

F. Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the general public the purchase or use of any proprietary or single-source product or service.

G. Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in forming their own informed judgments, opinions, and choices.

H. As teachers, psychologists insure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately represent intended audience and eligibility requirements, educational objectives, and nature of the material to be covered, as well as the education, training, and experience of the psychologists presenting the programs, and any fees involved. Public announcements or advertisements soliciting subjects for research, and in which clinical services or other professional services are offered as an inducement, make clear the nature of the services as well as the costs and other obligations to be accepted by the human participants of the research.

I. Psychologists accept the obligation to correct others who may represent the psychologist's professional qualifications or associations with products or services in a manner incompatible with these guidelines.

J. Psychological services and products for the purpose of diagnosing, treating, or giving personal advice to particular individuals are provided only in the context of a professional relationship and are not given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media.

**Principle 5 — Confidentiality.** Safeguarding information about an individual that has been obtained by the psychologist in the course of his teaching, practice, or investigation is a primary obligation of the psychologist. Such information is not communicated to others unless certain important conditions are not met.

A. Information received in confidence is revealed only after most careful deliberation and when there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities.

B. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present only data germane to the purposes of the evaluation and every effort should be made to avoid undue invasion of privacy.

C. Clinical and other materials are used in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

D. The confidentiality of professional communications about individuals is maintained. Only when the originator and other persons involved give their express permission is a confidential professional communication shown to the individual concerned. The psychologist is responsible for informing the client of the limits of the confidentiality.

E. Only after explicit permission has been granted is the identity of research subjects published. When data have been published without permission for identification, the psychologist assumes responsibility for adequately disguising their sources.

F. The psychologist makes provisions for the maintenance of confidentiality in the prevention and ultimate disposition of confidential records.

**Principle 6 — Welfare of the Consumer.** Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

A. Psychologists are continually cognizant of their own needs and of their inherently powerful position vis a vis clients, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients and/or relationships which might impair their professional judgment or increase the risk of client exploitation. Examples of such dual relationships include treating employees, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

B. Where demands of an organization on psychologists go beyond reasonable conditions of employment, psychologists recognize possible conflicts of interest that may arise. When such conflicts occur, psychologists clarify the nature of the conflict and inform all parties of the nature and direction of the loyalties and responsibilities involved.

C. When acting as a supervisor, trainer, researcher, or employer, psychologists accord informed choice, confidentiality, due process, and protection from physical and mental harm to their subordinates in such relationships.

D. Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests of the client and that are clearly understood by the client in advance of billing. Psychologists are responsible for assisting clients in finding needed services in those instances where payment of the usual fee would be a hardship. No commission, rebate, or other form of remuneration may be given or received for referral of clients for professional services, whether by an individual or by an agency. Psychologists willingly contribute a portion of their services to work for which they receive little or no financial return.

E. The psychologist attempts to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. Psychologists who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

**Principle 7 — Professional Relationships.** Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions. Psychologists respect the prerogatives and obligations of the institutions or organizations with which they are associated.

A. Psychologists understand the areas of competence of related professions, and make full use of all the professional, technical, and administrative resources that best serve the interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists from the responsibility of securing for their clients the best possible professional service nor does it relieve them from the exercise of foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

B. Psychologists know and take into account the traditions and practices of other professional groups with which they work and cooperate fully with members of such groups. If a consumer is receiving services from another professional, psychologists do not offer their services directly to the consumer without first informing the professional person already involved so that the risk of confusion and conflict for the consumer can be avoided.

C. Psychologists who employ or supervise other professionals

or professionals in training accept the obligation to facilitate their further professional development by providing suitable working conditions, consultation, and experience opportunities.

D. As employees of organizations providing psychological services, or as independent psychologists serving clients in an organizational context, psychologists seek to support the integrity, reputation and proprietary rights of the host organization. When it is judged necessary in a client's interest to question the organization's programs or policies, psychologists attempt to effect change by constructive action within the organization before disclosing confidential information acquired in their professional roles.

E. In the pursuit of research, psychologists give sponsoring agencies, host institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. They are aware of their obligation to future research workers and insure that host institutions are given adequate information about the research and proper acknowledgement of their contributions.

F. Publication credit is assigned to all those who have contributed to a publication in proportion to their contribution. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the experimenter or author who made the principal contribution identified and listed first. Minor contributions of a professional character, extensive clerical or similar nonprofessional assistance, and other minor contributions are acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. A psychologist who compiles and edits material of others for publication publishes the material in the name of the originating group, if any, and with his/her own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

G. When a psychologist violates ethical standards, psychologists who know first-hand of such activities should, if possible, attempt to rectify the situation. Failing an informal solution, psychologists bring such unethical activities to the attention of the appropriate local, state, and/or national committee on professional ethics, standards, and practices.

H. Members of the Association cooperate with duly constituted committees of the Association, in particular and for example, the Committee on Scientific and Professional Ethics and Conduct, and the Committee on Professional Standards Review, by responding to inquiries promptly and completely. Members taking longer than thirty days to respond to such inquiries shall have the burden of demonstrating that they acted with "reasonable promptness." Members also have a similar responsibility to respond with reasonable promptness to inquiries from duly constituted state association ethics committees and professional standards review committees.

Principle 8 — Utilization of Assessment Techniques. In the development, publication, and utilization of psychological assessment techniques, psychologists observe relevant APA standards. Persons examined have the right to know the results, the interpretations made, and, where appropriate, the original data on which final judgments were based. Test users avoid imparting unnecessary information which would compromise test security, but they provide requested information that explains the basis for decisions that may adversely affect that person or that person's dependents.

A. The client has the right to have and the psychologist has the responsibility to provide explanations of the nature and the purposes of the test and the test results in language that the client can understand, unless, as in some employment or school settings, there is an explicit exception to this right agreed upon in advance. When the explanations are to be provided by others, the psychologist establishes procedures for providing adequate explanations.

B. When a test is published or otherwise made available for operational use, it is accompanied by a manual (or other published

or readily available information) that fully describes the development of the test, the rationale, and evidence of validity and reliability. The test manual explicitly states the purposes and applications for which the test is recommended and identifies special qualifications required to administer the test and to interpret it properly. Test manuals provide complete information regarding the characteristics of the normative population.

C. In reporting test results, psychologists indicate any reservations regarding validity of reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Psychologists strive to insure that the test results and their interpretations are not misused by others.

D. Psychologists accept responsibility for removing from clients' files test score information that has become obsolete, lest such information be misused or misconstrued to the disadvantage of the person tested.

E. Psychologists offering test scoring and interpretation services are able to demonstrate that the validity of the programs and procedures used in arriving at interpretations are based on appropriate evidence. The public offering of an automated test interpretation service is considered as a professional-to-professional consultation. The psychologist makes every effort to avoid misuse of test reports.

Principle 9 — Pursuit of Research Activities. The decision to undertake research should rest upon a considered judgment by the individual psychologist about how best to contribute to psychological science and to human welfare. Psychologists carry out their investigations with respect for the people who participate and with concern for their dignity and welfare.

A. In planning a study the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of the human research participants.

B. Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur parallel obligations.

C. Ethical practice requires the investigator to inform the participant of all features of the research that might reasonably be expected to influence willingness to participate, and to explain all other aspects of the research about which the participant inquires. Failure to make full disclosure imposes additional force to the investigator's abiding responsibility to protect the welfare and dignity of the research participant.

D. Openness and honesty are essential characteristics of the relationship between investigator and research participant. When the methodological requirements of a study necessitate concealment or deception, the investigator is required to insure as soon as possible the participant's understanding of the reasons for this action and of a sufficient justification for the procedures employed.

E. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in or withdraw from research. The obligation to protect this freedom requires special vigilance when the investigator is in a position of power over the participant, as, for example, when the participant is a student, client, employee, or otherwise is in a dual relationship with the investigator.

F. Ethically acceptable research begins with the establishment of a clear and fair agreement between the investigator and the research participant that clarifies the responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement.

G. The ethical investigator protects participants from physical

and mental discomfort, harm, and danger. If a risk of such consequences exists, the investigator is required to inform the participant of that fact, secure consent before proceeding, and take all possible measures to minimize distress. A research procedure must not be used if it is likely to cause serious or lasting harm to a participant.

H. After the data are collected, the investigator provides the participant with information about the nature of the study and to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding information, the investigator acquires a special responsibility to assure that there are no damaging consequences for the participant.

I. When research procedures may result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including, where relevant, long-term after effects.

J. Information obtained about the individual research participants during the course of an investigation is confidential unless otherwise agreed in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, be explained to the participants as part of the procedure for obtaining informed consent.

K. A psychologist using animals in research adheres to the provisions of the Rules Regarding Animals, drawn up by the Committee on Precautions and Standards in Animal Experimentation and adopted by the American Psychological Association.

L. Investigations of human participants using drugs should be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the participants.

#### Written Examination

Pursuant to R.S. 37:2353C(1) and 37:2356D, the written portion of the examination of the Louisiana State Board of Examiners of Psychologists shall be the Examination for the Professional Practice of Psychology as constructed by the American Association of State Psychology Boards.

Dr. Wayne Greenleaf, Chairman  
Board of Examiners of Psychologists

### RULE

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

The Department of Health and Human Resources, Office of Family Security, has adopted a rule which requires the following disclosure of information by institutions and organizations providing Medicaid services:

1. Medicaid providers and fiscal intermediaries/agents are required to disclose to the Medical Assistance Program certain information about owners, employees, and suppliers (i.e., identification of owners' names, common ownership, ownership in a sub-contractor.)

2. The Medical Assistance Program is authorized to refuse to enter into or renew an agreement with a provider if any of its owners, officers, directors, agents, or managing employees have been convicted of a criminal offense involving any of the programs under Titles XVIII, XIX, or XX of the Social Security Act.

3. The Medical Assistance Program is authorized to terminate an agreement with a provider who fails to disclose fully and accurately the identity of any of its owners, officers, directors, agents, or managing employees who have been convicted of a program-related criminal offense at the time of entering into the agreement.

4. In addition to the Louisiana Medical Assistance Program, the Secretary of the Department of Health, Education, and Welfare has been authorized to have access to Medicaid provid-

ers' records.

5. The State Medicaid Fraud Control Unit has been authorized to have direct access to Medicaid providers' records rather than having access to them through the Medical Assistance Program.

William A. Cherry, M.D., 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 adopted a rule which requires the timely submittal of claims for durable medical equipment by Medicaid providers within six months from the date of service.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### RULE

#### Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources (DHHR) has adopted final amendments to the Social Services (Title XX) Comprehensive Annual Services Plan (CASP) for the program year July 1, 1979, through June 30, 1980.

The final amendments are:

1. A single sliding fee schedule for the Title XX services of Out of Home Respite Care, Family Aide Services, and Family Education and Training Services. The single sliding scale is more fairly related to the income of the users of these Title XX services. In addition, the use of a single schedule will simplify the fee collection process for DHHR.

2. Removal of psychological and psychiatric evaluations as an activity component in Out of Home Respite Care Services because no Title XX monies were allocated for these activities. However, these services are provided with state funds. The effective date of the final amendments will be March 1, 1980.

Copies of the Title XX State Plan and the final amendments are available without charge upon written or telephone request to:

Telephone: 1-800-272-9868 (8:00 a.m. - Noon), (1:00 - 5:00 p.m.).

Write: Public Assistance Line, Division of Administration, Box 44095, Baton Rouge, Louisiana 70804.

Melvin Meyers, Jr., Assistant Secretary  
Office of Human Development

### RULE

#### Department of Health & Human Resources Board of Veterinary Medicine

The Louisiana State Board of Veterinary Medicine at a public hearing held on Wednesday, June 7, 1979, after appropriate public participation and acting under the authority of provisions of Section 1518 (9) of Title 37, Chapter 18, LRS 1950, as amended,

promulgated the following rules relative to the practice of Veterinary Medicine in the State of Louisiana.

The Louisiana State Board of Veterinary Medicine is statutorily charged with promulgating Rules of Professional Conduct (LRS 37, Chapter 18, Section 1518 (9)) to maintain a high standard of integrity, skills and practice in the profession. Acting within this authority the following rules have been adopted:

**Consultant LRS 37,  
Chapter 18, Section 1514 (4)**

1. The term "consulting" as used in Section 1514 (4) does not include any acts which constitute the practice of Veterinary Medicine as defined in Section 1513 (4).

**Prescribing and Dispensing Drugs  
LRS 37, Chapter 18, Section 1513 (4) (a)**

2. A licensed veterinarian shall not prescribe or dispense, deliver or order delivered:

A. Any drug or medicinal agent carrying the legend "Federal (USA) law restricts this drug to use by or on the order of a licensed veterinarian" to be administered to animals with which he has not established a client-veterinarian relationship.

B. Any controlled substance, as defined by the U.S. Food and Drug Administration, without first having established a patient-veterinarian relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof, and determined that such controlled substance is therapeutically indicated following said examination.

C. "Client-veterinarian relationship" as used in this rule shall be defined as a relationship created by actual consultation by the veterinarian with the animal's owner or duly authorized agent.

D. Any veterinarian who violates this rule shall be guilty of unprofessional conduct within the meaning of Section 1526 (14).

**Record Keeping Title 37,  
Chapter 18, Section 1526 (14)**

3. It shall be considered unprofessional conduct within the meaning of Section 1526 (14) for a licensed veterinarian to keep improper records. Records should be established and maintained as follows:

A. Each Louisiana licensed veterinarian shall maintain an individual record on each animal to include, but not be limited to, the following:

(1) Name, breed, sex, description, permanent identification (if available), tattoos or other identifying marks, name of owner, complaint, diagnosis, therapy, surgical procedures and disposition of the case.

(2) Records shall be maintained for at least five years, including records of large animal and/or herd type practice.

(3) Radiographs shall be kept in the following manner:

(a) Marker must have name of hospital and/or clinician.

(b) Marker must have identification of the animal, i.e.: number and/or owner's name.

(c) Marker must have date radiograph was made.

(d) Radiograph must be properly identified with "L" for left and "R" for right.

(e) Radiograph must be kept for at least three years.

Nothing herein contained is intended to repeal, modify or otherwise affect existing rules and regulations of this Board.

These rules shall become effective March 1, 1980.

George M. Arnold, D.V.M., Chairman  
Board of Veterinary Medicine

## RULES

### Department of Public Safety Office of Fire Protection

#### LAC 17-4:1 Request for Rule Change

1.1 Anyone petitioning the Assistant Secretary of the Department of Public Safety, Office of State Fire Protection, commonly known as the Louisiana State Fire Marshal, for the adoption of, or change of, any rule shall submit in writing to the Fire Marshal at 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809 an application containing the following basic information organized and captioned:

A. The name, address, and telephone number of the applicant.

B. A brief description of the facts supporting the applicant's request for the adoption of a rule or the change of a rule that has already been adopted.

C. Suggested specific language or language setting forth the substance of the rule or rule change which is being requested.

D. An indication as to whether or not a public hearing is requested.

E. A copy of each and every document upon which the applicant bases his request for a rule or a citation of the information and where it can be easily obtained for review by this office.

1.2 Whenever the Fire Marshal determines that a public hearing or public hearings should be held prior to the adoption of any rule or rule change, a notice of the meeting date and place and the agenda will be recorded in the *Louisiana Register*; however, whenever that is not possible, a copy of the meeting notice including the date, time and place, and agenda of the meeting will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any city or town in which the public hearing is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of the adoption of or change of any rule.

1.3 Within ninety days of the request for adoption of or change of a rule, the Fire Marshal will notify the applicant and each individual who requests a copy of either his denial of the application or notice of intent to adopt the requested rule.

#### LAC 17-4:2 General Provisions

2.1 It shall be the policy of the State Fire Marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative rulings by the State Fire Marshal, that the National Fire Codes published by the National Fire Protection Association and the National Building Code shall be used as the references and standards for determinations by the State Fire Marshal.

2.2 All inspections of buildings constructed or remodeled after January 1, 1980, will be made utilizing the requirements set forth in the 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518, Special Provision for High Rise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

2.3 With regard to buildings constructed or remodeled between January 1, 1975, and January 1, 1980, inspections of those buildings will be made on the basis of requiring that the buildings meet the minimum requirements set forth in the 1973 edition of the Life Safety Code of the National Fire Protection Association and Section 518, Special Provision for High Rise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

2.4 For buildings constructed or remodeled prior to January 1, 1975, inspections by the Office of State Fire Marshal shall be made

utilizing the requirements set forth in the 1967 edition of the Life Safety Code of the National Fire Protection Association.

### LAC 17-4:3 Building Permits

3.1 In accordance with the requirements set forth in R.S. 40:1574 that plans and specifications for any and all buildings to be constructed in the state must first be submitted to the Office of State Fire Protection for review before construction, renovation, remodeling, or repair, no governmental subdivision in the State of Louisiana shall issue any building permit until the plans and specifications therefore have been approved by the Office of State Fire Protection.

3.2 Accordingly, with the application for a building permit from any governmental subdivision of this state, a copy of the approval of the plans and specifications for which the building permit is being requested shall be attached to the application. This ruling shall not apply to the following:

- A. One and two family dwellings.
- B. Existing buildings in which there are no structural modifications to be made and there is no change in the exit arrangement.

### LAC 17-4:4 Plans and Specifications for a New Building

4.1 As of January 1, 1980, the plans and specifications for every building constructed or remodeled in the State of Louisiana must be drawn in accordance with the requirements of a 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518 — Special Provisions for High Rise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

4.2 NFPA 101-1973 Sec. 9-731 requiring partitions for sleeping quarters shall not apply to any day care centers which operate only during daylight hours. NFPA 101-1973 Appendix A-9-71 is simply an explanatory note and will not be enforced by the Fire Marshal. Ratios of children to supervisors are set by the Division of Family Services and enforced by them.

4.3 No fire hoses will be permitted in stairwells.

### LAC 17-4:5 Insulation

5.1 The State Fire Marshal will only accept and permit the use of insulation which conforms to the following standards:

A. Fiberglass insulation must be rated as having a flame spread of less than twenty-five and a smoke generation of no more than four hundred fifty.

B. Cellulose insulation must meet the requirements of federal specifications HH-I-515C. Each such piece of insulation must be labeled, certifying that it meets this standard. Cellulose insulation must be approved by a nationally recognized testing laboratory with follow-up service such as Underwriters Laboratories, Factory Mutual, etc. and must contain certification by affidavit of the manufacturer, duly notarized, that the product meets the federal specification HH-I-515C. For manufacturers who are not yet members of a nationally recognized testing laboratory with follow-up service, during the interim period of approval for any particular product, application for that approval or for that membership along with an affidavit certifying that the product meets HH-I-515C will be acceptable.

C. Only foam plastics which have a flame spread rating of twenty-five or less and a smoke density no greater than four hundred fifty when tested in accordance with American Society of Testing Materials (ASTM) E-84 may be used in any structure, watercraft, or movable constructed, repaired or remodeled in Louisiana, unless preempted by applicable federal regulations, and only if they meet the following specific requirements.

5.2 Foamed plastics used in or as a component of walls, parti-

tions, ceiling, roofs, floors, crawl spaces or similar areas shall be:

A. Encapsulated by a minimum of one inch thickness of masonry or concrete when installed in such a wall, floor or floor system, or

B. Protected from the interior of the building by a thermal barrier of an approved material which will limit the temperature rise of the unexposed surface to not more than two hundred fifty degrees Fahrenheit after fifteen minutes of fire exposure complying with ASTM E-119 standard time-temperature curve when installed within the stud space or cavity or on the surface of conforming walls or ceilings or other surfaces. One-half inch gypsum wallboard or other material meeting these requirements is acceptable. Exterior encapsulation shall be provided as required by the application guidelines for the foam plastic material, except a fifteen minute thermal barrier or other ignition barrier approved under the specific equivalency provision, shall be employed at the exterior when the clear distance between adjacent, adjoining or abutting buildings or structures is less than five feet measured at right angles to each other. Thermal barriers shall be installed in a manner that they will remain in place for a minimum of fifteen minutes under the same test conditions.

C. As an element of walls classified as fire resistive construction provided fire tests are conducted in accordance with ASTM E-119 and the protection from the interior of the building is at least the equivalent to an acceptable thermal barrier.

5.3 Foamed plastics used in or as a component of attics or similar areas shall:

A. Be protected against ignition by one and one-half inch thick mineral fiber insulation, one-fourth inch plywood, hardboard, gypsum wall board, No. 20 gauge steel sheet metal or other effective material.

B. Be installed in such a manner that foam plastics shall not be exposed in attic or crawl space except in areas where entry is made only for service of utilities.

C. Have three inches of clearance maintained around and about all recessed ceiling light fixture enclosures, wiring compartments or ballasts (the fixture shall not be covered with insulation).

5.4 Foamed plastics used as insulation in or on nonbearing exterior walls or within nonbearing curtain wall panels shall:

A. Not exceed six thousand BTU/Sq. Ft. of protected area or four inches in thickness.

B. Have panel assembly structurally fastened to the building frame to prevent or prohibit failure in bond, as a result of temperatures which may be experienced in a building fire, from wind loads or other conditions.

C. Be protected from the interior of the building by an effective fifteen minute minimum thermal barrier, or be covered by a thickness not less than .032 inch aluminum or 22 gauge galvanized sheet metal in buildings protected throughout by an approved system of automatic sprinklers.

5.5 Foamed plastics used as a component of a roof covering shall be:

A. Part of a roof assembly that is listed by U.L. or Factory Mutual and covered with a Class A, B, or C roof covering.

B. Protected from the interior of the building by an effective fifteen minute thermal barrier.

C. Not limited for smoke density.

5.6 Structural foamed plastics used as interior trim, such as picture molds, chair rails, baseboard, handrails, door and window trim shall meet the requirements of N.F.P.A. 101 Life Safety Code 1973 edition for interior finish.

5.7 Foamed plastics used in doors shall be:

A. Firetested in accordance with ASTM E-152 and listed by U.L. or Factory Mutual.

B. Installed in doors with a facing of metal having a minimum thickness of .032 inch aluminum or 22 gauge sheet metal.

5.8 Foamed plastics used as siding backer board shall be:

- A. Maximum thickness of one-half inch.
  - B. Two thousand BTU/Sq. Ft. or less material.
  - C. Separated from the interior of the building by a minimum of two inches of mineral insulation or equivalent.
- 5.9 Foamed plastics used as insulation in cold storage rooms, food processing rooms, ice plants and similar rooms shall be:

A. When tested in thickness of four inches, installed in thickness of no more than ten inches.

B. Protected from the interior of the building by a thermal barrier of approved material which will limit the temperature rise for the unexposed surface to not more than two hundred fifty degrees Fahrenheit after fifteen minutes of fire exposure complying with ASTM E-119 standard time temperature curve. One-half inch portland cement plaster or other noncombustible material meeting these requirements is acceptable.

C. Protected with approved automatic sprinklers, except that free standing walk-in coolers and/or freezer units with a ceiling height not exceeding ten feet and up to four hundred square feet of total floor area for any one room. Multiple four hundred square feet walk-in coolers and/or freezer units must be separated by minimum one hour fire-resistant construction.

5.10 Thermal barriers shall be installed in a manner that will assure they remain in place for fifteen minutes.

5.11 In accordance with the specific equivalency provision of foam plastics insulation standards, urea formaldehyde foam plastic insulation in its cured and shredded form may be used in attics and other similar areas without the need of an ignition or thermal barrier.

5.12 Plastic foam not meeting the above requirements may be specifically permitted on the basis of recognized and approved diversified tests such as, but not limited to, tunnel tests in accordance with ASTM E-84 and fire tests related to actual and end-use configuration such as recognized corner test (Typical recognized corner tests are the Factory Mutual Building Corner Fire Test procedure or the Underwriters Laboratory Test Procedure. Subject 1040.) and an acceptable ignition temperature test such as ASTM D1929. The specific equivalency may be based on the end-use quantity, location and similar considerations where such test would not otherwise be applicable or practical.

#### LAC 17-4:6 Observation of Construction

6.1 For structures which by law may only be constructed with plans prepared and certified by a licensed architect or civil engineer, it shall be the duty of the owner of such a structure to provide for periodic observation of the construction of the structure to determine if the work is proceeding in accordance with the plans and specifications as approved by the Fire Marshal. The observations shall be performed by a member of the Fire Marshal's staff, a person certified under R.S. 40:1563, or by a registered architect or a registered civil engineer.

6.2 Upon request of the Fire Marshal or his certified local authority, the owner shall be responsible to have the registered architect or engineer familiar with the plans and specifications available to participate and assist in the observations of construction. Upon completion of such work, the owner shall furnish to the Fire Marshal a certificate signed by any person hereby authorized to perform observations of construction, stating that the periodic observations have been made and that, to the best of said observer's knowledge, the work was completed in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the Fire Marshal.

6.3 Occupancy of a structure, watercraft or movable prior to furnishing a certificate to the Fire Marshal as required under this regulation is expressly forbidden by the Fire Marshal. Persons found to be occupying a structure, watercraft or movable in violation of this order will be prosecuted under the provisions of R.S. 40:1621.

6.4 In addition to the above regulation, the Fire Marshal adopted the following certificate for use by the individuals charged with the responsibility of implementing the above regulation:

#### Certificate of Completion

Date

To: The Louisiana State Fire Marshal  
8941 Jefferson Highway  
Baton Rouge, Louisiana 70896

This is to certify that the  
(name of project by title for type or use)

located at

(Street/Number/Town)

was periodically observed by me during construction and has been completed in accordance with the safety provisions which were shown in the plans and specifications previously approved by the Fire Marshal.

Under penalty of perjury for false statements, I,

(Name of Architect/Civil Engineer/Person Authorized under  
R.S. 40:1563)

License No. certify that all statements contained  
herein are true and correct.

#### LAC 17-4:7 Standards for Mobile Homes

7.1 All mobile homes manufactured and/or sold in the State of Louisiana prior to June 15, 1976, shall meet the requirements set forth in the 1974 pamphlet 501B of the National Fire Protection Association or the American National Standards Institute A 119.1.

7.2 On and after June 15, 1976, all mobile homes manufactured and/or sold in the State of Louisiana shall meet the requirements set forth in the National Mobile Home Construction and Safety Standards Act (42 U.S.C. 5401 et seq.) and all federal regulations promulgated pursuant thereto.

7.3 The fees of the Fire Marshal for inspections in accordance with Act 281 of 1974 shall be as follows: manufacturer's license, fifty dollars; dealer's license, twenty-five dollars; inspection of a typical mobile home model plan, sixty dollars.

#### LAC 17-4:8 Standards for Recreational Vehicles and Recreational Vehicle Parks

8.1 All recreational vehicles manufactured and/or sold in the State of Louisiana shall meet the requirements of the 1974 edition of Pamphlet 501C of the National Fire Protection Association. All recreational vehicle parks owned and/or operated in the State of Louisiana shall comply with the provisions of the 1974 edition of Pamphlet 501D of the National Fire Protection Association.

#### LAC 17-4:9 Hospital Fire Lanes

9.1 There shall be no parking or stopping of any kind in fire lanes designated by the State Fire Marshal or his Deputy in and around hospitals, nursing homes, convalescence facilities and any other buildings used for the same or similar purposes.

9.2 After the Fire Marshal has designated the fire lanes, it shall be the responsibility of the above described institution to pay for and to erect suitable signs notifying everyone that there shall be no parking in the designated fire lanes by order of the State Fire Marshal; failure to obey this order shall subject the violator to a fine of \$1,000.00, or one year in jail, or both.

## **LAC 17-4:10 Shopping Centers — Fire Lanes**

10.1 There shall be no parking or stopping of any kind within fifty feet of the exits and entrances to any shopping center or any other similar facility or building used for the same or similar purposes. Fire lanes shall be designated by the Fire Marshal or his certified local authority and there shall be no parking or stopping of any kind in these fire lanes.

10.2 In the event of extreme hardship for existing buildings, temporary loading zones may be designated but in no event shall an unattended vehicle be allowed to stand in a fire lane or at the entrance or exit to a shopping center.

10.3 It shall be the responsibility of the owners and operators of shopping centers and similar facilities to pay for and erect suitable signs notifying everyone that there shall be no parking within the specified area by order of the State Fire Marshal; failure to obey this order shall subject the violator to a fine of \$1,000.00, or one year in jail, or both.

## **LAC 17-4:11 Equal Access to Public Buildings By the Physically Handicapped**

11.1 This regulation shall apply to all existing governmental facilities owned by the state, rented by the state, or financed by the state on or after November 20, 1978; all new governmental facilities constructed after November 20, 1978, including property owned, leased, or financed through this state; and all privately owned facilities generally opened to the public, remodeled or constructed after November 20, 1978, with the following exceptions:

A. Building maintenance, freight loadings, storage areas, and other such areas not normally used by the public.

B. That portion of any privately owned building which is not necessary for the use of the state government and/or the public.

C. Any privately owned building with 3,000 square feet or less.

11.2 For the purpose of this regulation, implementation of these requirements will be required where more than fifty percent of the facility is to be used by the government or the public or where the alteration of any existing building will cost more than twenty percent of the appraised value of such facility. In both cases, the entire facility must then be made accessible to the physically handicapped.

11.3 There shall be no obstructions whatsoever of any exits which would prevent the physically handicapped from utilizing standard devices to facilitate their movement. All such barriers must be removed immediately.

11.4 Parking spaces shall be provided for physically handicapped persons designated by the international symbol of accessibility for the physically handicapped. There shall be at least one space in the immediate vicinity of any governmental facility, three spaces at physical rehabilitation centers, one space for each three hundred meters per street or government owned or maintained parking lot. All such space shall have:

A. Easy curb accessibility not requiring the physically handicapped to proceed behind parked vehicles.

B. Marked parking spaces with a minimum width of twelve feet.

C. Parallel parking spaces with a height or design which will not interfere with the access of the physically handicapped.

11.5 Whenever the exits for physically handicapped are other than the same exits as for those persons not physically handicapped, adequate exit signs showing the location of these exits utilizing the international symbols of accessibility for the physically handicapped shall be prominently, logically, and adequately displayed.

11.6 Public facilities with five thousand square feet or less per floor accessible at habitable grade levels are not required to com-

ply with these regulations at floors above such levels unless an elevator is provided.

11.7 Public facilities for accommodation of less than four stories with less than forty-nine units accessible at habitable grade levels are not required to comply with these regulations above such levels except when an elevator is provided.

11.8 Public facilities for accommodation of fifteen or more dwelling units must have at least five percent or one dwelling unit which meets these regulations. Such facilities with less than fifteen dwelling units are not required to meet these regulations except that all exits and passageways to exits must be at least thirty inches in width.

11.9 No building permits shall be issued until building plans have been approved by the Fire Marshal's office as have complied with the requirements of these regulations. No buildings shall be occupied until a certificate has been issued by a licensed architect or engineer or the Office of State Fire Protection that the building has been built in reasonable compliance with these regulations.

11.10 In cases of practical difficulty or unnecessary hardship, the State Fire Marshal may grant exceptions under the requirements of these regulations.

11.11 The specific standards which will be accepted by the State Fire Marshal as compliance with these regulations is set forth in the draft copy of the proposed 1977 American National Standards Institute A 117.1 standard prepared by the Syracuse University School of Architecture, Research Office, 118 Claraton Street, Syracuse, New York 13210, a copy of which may be obtained from that office or the Office of State Fire Protection, 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809.

## **LAC 17-4:12 Smoking in Places of Public Assembly Prohibited**

12.1 There shall be no smoking in the public assembly areas of any churches, schools and theaters; this shall not prohibit the owners and/or operators of these particular places of public assembly from creating and designating smoking areas which are constructed and maintained to safeguard the life and safety of the individuals utilizing the facilities in question.

12.2 There shall be no smoking in oil refineries, service stations, and any place where flammable materials and substances are being stored and/or handled.

12.3 There shall be no smoking in any areas which have been designated by the State Fire Marshal as hazardous and for which reasons he has posted or caused to be posted a sign specifically indicating that there shall be no smoking in that particular area.

## **LAC 17-4:13 Overcrowding**

13.1 There shall be no overcrowding in any auditorium or place of public assembly. In the future (after January 1, 1975), no contracts with the owners of auditoriums or places of public assembly shall allow the sale of tickets for the entry of any more individuals than can be seated in that auditorium or place of public assembly. All contracts for the use of said auditorium or place of public assembly shall provide that the owners of the auditorium or place of public assembly shall provide the tickets for the event for which the promoter of the event may be required to pay the cost.

13.2 There shall be no more individuals permitted in said auditorium or place of public assembly than can be accommodated by the number of seats and the arrangement of said seats as approved by the Fire Marshal or a certified local authority.

13.3 The promoters of any event in said auditorium or place of public assembly shall be required to pay the cost of additional security to assure that no more individuals enter said auditorium or place of public assembly than can be accommodated by the seating arrangement; and furthermore, the promoters shall provide their owners, the municipalities and the state with adequate insurance to cover the damage, property or personal injuries, which can foreseeably be expected to occur as a result of the



circumstances of this congregation of people.

#### LAC 17-4:14 Storage of Flammables in Places of Public Assembly

14.1 In pursuit of the requirements of R.S. 40:1575, it is hereby ordered that the storage of all flammable materials in all state buildings and all places of public assembly shall be made in fireproof containers, that all state buildings and places of public assembly shall be regularly policed to clean up and place in fireproof containers all flammable materials, and all places of storage shall be arranged and maintained in such a manner that exit from said places and access to said places for the purposes of fire fighting is not in any way impeded.

14.2 Flammable materials includes, but is not limited to, paper, cigarettes, food wrappings, cardboard containers for paper, and office supplies. Flammable materials for the purpose of this regulation would not include furniture, clerical implements, and machinery while said articles are in use, unless said articles are located so as to be in a position of storage as opposed to active use.

14.3 Violation of this regulation itself could subject the violator to the maximum penalty of \$1,000 fine and/or one year in jail.

#### LAC 17-4:15 Inspection of Prisons

15.1 All prisons in the State of Louisiana shall be inspected by the Office of State Fire Protection at least semiannually. When violations of the State Fire Marshal's Act are discovered, the appropriate authority responsible for the maintenance of the prison in question shall be given thirty days for complying with the order of the Fire Marshal to remedy the violations in question. After thirty days have elapsed from the initial inspection, the prison in question shall be reinspected. If upon reinspection the deputy State Fire Marshal is satisfied that the responsible authority is making an effort to comply with the original order of correction, an additional thirty days may be granted said authority for complete compliance. After sixty days have elapsed from the initial inspection, if compliance with the original order of correction has not been met, the matter will be turned over to the legal department of the Office of State Fire Protection which shall be instructed to immediately file suit for mandatory injunction in the appropriate district court to obtain immediate compliance.

15.2 The basic requirements for prisons are as follows:

A. There shall be at least eighty square feet gross area per prisoner.

B. Each cell block shall provide at least forty-eight square feet per prisoner.

C. Any prisons in buildings over seventy-five feet in height shall meet the requirements of R.S. 40:1578.6.

D. Each prison shall have an approved fire alarm system with a pull box in the security watchroom.

E. There shall be at least one approved fire extinguisher every 2,500 square feet within the prison, which fire extinguisher(s) shall be placed in the security watchroom.

F. Every cell must be equipped with gang locks.

G. Emergency lighting must be provided by means of a second alternative power source, preferably a generator for which the plans and specifications have been approved by this office.

H. Two well separated means of egress shall be provided for every level in the prison.

I. All exit doors shall be equipped with locks that can be opened from either side.

J. In addition to the requirements set forth in Paragraphs A through I, all prisons must comply with all of the life and fire safety requirements set forth in the Fire Marshal's Act, the regulations promulgated by the Fire Marshal, and all applicable codes referenced therein.

#### LAC 17-4:16 Unattended Gasoline Dispensing Systems

16.1 No system for dispensing Class-1 flammable liquids shall be permitted without the requirement of an attendant or supervisor on duty unless the following requirements are met.

16.2 Each dispensing system shall comply with all applicable requirements of the Louisiana State Fire Marshal's Act, R.S. 40:1561 et seq.

16.3 Each such system must utilize a controlled access device such as a key lock pump, a card operated automatic system, or some other approved controlled access dispensing system.

16.4 No device providing for the operation of any such systems such as a card or key shall be issued to any individual who has not undergone an adequate program of approved instruction on the safe use of this system.

16.5 All such systems shall be equipped with heat sensing devices providing in the event of fire for:

A. Automatic signal to a central alarm service that will then immediately alert and notify the nearest fire fighting agency. For the purpose of this section, the word "immediately" shall be defined as meaning no more than two minutes.

B. Automatic fuel cut-off.

16.6 An approved water hose connected to an approved adequate supply shall be available for use in attending to minor Class-1 flammable liquids spills.

16.7 An approved and properly tagged and dated and maintained fire extinguisher shall be readily available and properly maintained at all times.

16.8 No such systems shall be permitted inside buildings.

16.9 The dispensing area must be adequately lighted at night.

16.10 The following warning signs shall be posted and conspicuously displayed:

A. These gasoline pumps are not open to the public;

B. Only the individual to whom an automatic dispensing card has been issued may use these pumps;

C. In the event of an emergency or equipment malfunction, call the following number

D. In case of any major spill of gasoline, call the Fire Department at the following number

16.11 In addition to the above regulations, such systems shall comply with the applicable provisions of the National Fire Code, National Fire Protection Association (N.F.P.A.) Pamphlet No. 30, 1973 Edition, regarding the handling and use of flammable liquids.

16.12 Bulk plants and terminals are specifically excluded from the provisions of this regulation but must comply with the applicable provisions of N.F.P.A. Fire Code, Pamphlet No. 30, 1973 Edition regarding the handling and use of flammable liquids.

16.13 In addition to the penalty provided in R.S. 40:1621, the failure of any individual, group, or other legal entity to comply with these regulations may also result in the prohibition of said individual or legal entity from operating an automatic gasoline dispensing system in the State of Louisiana.

#### LAC 17-4:17 Tents and Tenting Material

17.1 For the purpose of this rule the following definitions shall apply:

A. "Tentage" means any mobile or portable temporary shelter designed to protect persons from the elements, all or a portion of the covering of which is made of fabric or other pliable materials.

B. "Flooring Material" means pliable material used for flooring in tentage but excluding such articles as rugs or carpets placed in a tent which are not an integral part of the tent.

C. "Wall and Top Material" means any pliable material used in tentage for other than flooring including walls, roofs, tops, doors, window screens, awnings, flies, and canopies.

17.2 No person shall sell or keep for sale any tentage as such

4. Failure of the licensee, certificate holder or permittee to comply with the requirements of this Chapter with respect to payment of fees as required in this Chapter.

5. Intentional misrepresentation in the application for license, certificate, or permit.

6. Conviction in any of the courts of this state of a violation of this Chapter by a licensee, certificate holder, or permittee.

7. Failure to comply with all state laws and regulations pertaining to the movement of plants.

9. Failure to comply with all requirements set forth in this Chapter and the rules and regulations promulgated in accordance therewith.

Interested persons may submit written comments on the proposed rule until March 6, 1980, at the following address: Mr. Richard Carlton, Secretary, Louisiana Horticulture Commission, Box 44153, Baton Rouge, Louisiana 70804. Mr. Carlton is the person responsible for responding to inquiries about the proposed rule.

Richard Carlton, Secretary  
Louisiana Horticulture Commission

### NOTICE OF INTENT

Department of Commerce  
Office of Financial Institutions

Under authority granted by R.S. 6:902 B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Regulation 545.6-11 (b)(1), published in volume number 44, page 24299 of the *Federal Register*, dated April 25, 1979.

#### Proposed Rule

Notwithstanding the limitations imposed by R.S. 6:822 C, State Chartered Savings and Loan Associations may make loans for a single residential real property alteration, repair or improvement without dollar limit for a twenty-year term.

This type loan is considered to be a nonconforming loan as outlined in Federal Home Loan Bank Regulation 545.6-12 and subject to percentage of assets limitations outlined in Federal Home Loan Bank Regulation 545.6-12 (f).

Interested persons may submit written comments on the proposed rule until 4:30 P.M., March 6, 1980, at the following address: Mr. Frank Lassiter, Commissioner, Office of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804. Mr. Lassiter is the person responsible for responding to inquiries about the proposed rule.

Frank Lassiter, Commissioner  
of Financial Institutions

### NOTICE OF INTENT

Department of Education  
Board of Elementary and Secondary Education

1. Revise Bulletin 1525, *Personnel Evaluation Accountability, a Guide for Implementation*.

2. Guidelines: Pupil Progression Plan.

3. Amend Bulletin 1508 by approving changes in the definitions of gifted and talented, the criteria for eligibility, the procedures in screening and in evaluation, and the approved evaluation instruments for gifted.

4. Amend Bulletin 741, and approve classification categories for the special schools.

5. Policy allowing elementary teachers to teach remedial math at the high school level, not for Carnegie credit, if they possess twelve semester hours in Math and hold a type B certificate.

6. Policy amending Bulletin 746 to provide that a C certification for a speech, language, and hearing specialist will expire at the end of five years, if the thirty hours equivalency toward a Master's Degree has not been earned.

7. Amend Bulletin 746, pages 45-45a relative to certification for Parish or City School Supervisors/Directors of Special Education.

Interested persons may submit written comments on the proposed policy changes and/or additions until 4:30 p.m., March 12, 1980, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. James V. Soileau is responsible for responding to inquiries about the proposed new rules.

James V. Soileau, Executive Director  
Board of Elementary and Secondary Education

### NOTICE OF INTENT

Board of Supervisors  
Southern University

The Southern University Board of Supervisors hereby gives notice in accordance with law that it intends to permanently adopt a rule increasing the student union fee by Two Dollars and the student fee for student health and accident insurance by One Dollar per semester. Due notice of the Board's action to adopt said increases on an emergency basis was served.

A copy of the increases in fees may be reviewed at the Office of the Board of Supervisors, Administration Building, Southern University at Baton Rouge. The office of the Board will be open from 8:00 a.m. to 4:30 p.m. All interested persons may submit written comments through March 15, 1980, at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10870, Baton Rouge, Louisiana 70813. The Board of Supervisors intends to adopt the new fees at a meeting to be held March 22, 1980, at 10:00 a.m. in the Science Lecture Hall, Southern University at Shreveport, Louisiana.

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

### NOTICE OF INTENT

Board of Supervisors  
Southern University



Supervisors intends to amend its Bylaws and Regulations at its March 22, 1980, meeting.

As amendments to the Bylaws, the Board will consider amendments to Part II, Article VIII, Sections 3 and 5, and will add a saving clause as Article XV. To the Regulations, it proposes to amend Part III, Section 3 and Chapter IV, Section 4-5.B. To Chapter VII, it proposes to add a saving clause. The amendment to Part III, Chapter IV, Section 4-5.B, is necessitated by the Equal Employment Opportunity Commission's final interpretation of the higher education exemption to the Age Discrimination in Employment Act of 1967 as published in Volume 44, Number 226 of the *Federal Register* dated November 21, 1979, at page 667.71.

Proposed changes are available for public inspection between the hours of 8:00 and 4:30 p.m., on any working day prior to the date upon which they will be considered. Inspection may take place at the Office of the Board of Supervisors, Administration Building, Southern University at Baton Rouge, telephone (504) 771-4600.

The Board of Supervisors shall accept written comments until 4:30 p.m. March 15, 1980, at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10879, Baton Rouge, Louisiana 70813.

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

#### NOTICE OF INTENT

##### Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1959, as amended, and under the authority of Article VIII, Section 6, of the 1974 Constitution, a public hearing will be held in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana, beginning at 9:30 a.m. on March 21, 1980.

At such hearing the Board will consider an amendment to Part VIII, Section 8.12B, Tuition Waivers and Salaries for Student Government Association (SGA).

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., March 7, 1980, at the following address: Miller Shamburger, Board of Trustees for State Colleges and Universities, Box 44307, Baton Rouge, Louisiana 70804.

All interested persons will be accorded reasonable opportunity to submit data, views, comments or arguments at the regular March board meeting.

Bill Junkin  
Executive Director

#### NOTICE OF INTENT

##### Department of Health and Human Resources Board of Examiners of Psychologists

The State Board of Examiners of Psychologists proposes to adopt Rules on Training and Credentials. A public hearing will be

conducted for the purpose of receiving oral and written comments or suggestions concerning the proposed Rules on Training and Credentials on Saturday, March 22, 1980, from 1:00 p.m. to 5:00 p.m. in the Picasso-Lautrec Room, Holiday Inn South, Baton Rouge, Louisiana.

Interested persons may submit written comments to Dr. Wayne A. Greenleaf, Chairman, Louisiana State Board of Examiners of Psychologists, Box 14782, Baton Rouge, Louisiana 70898, until March 22, 1980.

Wayne A. Greenleaf, Ph. D., Chairman  
Board of Examiners of Psychologists

#### 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 the following rule regarding Inpatient Hospital Benefits for Diagnostic Procedures:

Chest x-ray and other diagnostic procedures performed as part of the hospital admitting procedure shall be covered by Title XIX (Medicaid) as reasonable and necessary only when:

1. The test is specifically ordered by a physician responsible for the patient's care.
2. The test is medically necessary for the diagnosis and treatment of the individual patient's condition.
3. The test does not unnecessarily duplicate the same test done on an outpatient basis before admission or done in connection with a recent admission.

Coverage of tests routinely performed on admission cannot, therefore, be generally considered reasonable and necessary under this criteria.

The Department of Health and Human Resources, Office of Family Security, further proposes to adopt the following rules regarding nonemergency medical transportation:

1. Providers who are generally known as ambulance services by the community, are not eligible to provide nonemergency, nonambulance transportation using the same personnel and vehicles they utilize in their ambulance operations.
2. Providers must be certified by the Bureau of Emergency Medical Services in order to participate in the nonemergency ambulance transportation program.

Interested persons may submit written comments on the proposed regulations through March 5, 1980, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rules.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

#### 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 effective April 1, 1980, the following rules regarding administrative sanctioning of recipients who, after review by the Medical Assistance Program, are found to be fraudulently or abusively utilizing Title XIX (Medicaid) services:

I. Definition. Administrative sanction means any administrative action applied by the single state agency against a recipient of Title XIX services which is designed to remedy inefficient and/or illegal use of medical benefits which are not in compliance with the Louisiana medical policies and procedures, statutes and regulations.

II. Levels of Recipient Sanction. Administrative sanctioning of a recipient of Title XIX services may be imposed at one or all of the following levels:

A. Require education in appropriate use of medical benefits. Each recipient who has been sanctioned may be required by the Assistant Secretary, Office of Family Security to participate in a recipient education program.

Recipient education programs will include:

1. Letter and/or consultation clarifying inappropriate use of Program benefits;

2. "Lock-in" (Recipient allowed to receive physician and pharmacy services from one specified provider.)

B. Recovery of funds if recipient was ineligible.

C. Refer to Special Investigation Section (SIS). SIS may:

1. Perform a full-scale investigation

2. Upon review, refer the recipient to local, state, or federal investigative authorities.

D. Refer to other local, state or federal investigative authorities.

III. Scope of Recipient Sanction. A sanction may be applied to a specific recipient in a certified case who is responsible for the fraud and/or abuse or to all members in the certified case in situations of "lock-in" only.

IV. Rules Governing the Imposition and Extent of Recipient Sanction:

A. The decision as to the sanction to be imposed shall be at the discretion of the Administrator's, Medical Assistance Program, or the Assistant Secretary, Office of Family Security.

B. The following factors shall be considered in determining the sanction(s) to be imposed:

1. Seriousness of the offense(s);

2. Extent of violations;

3. History of prior violations;

4. Prior imposition of sanctions;

5. Whether a lesser sanction will be sufficient to remedy the problems.

V. Grounds for Sanctioning Recipients. The Office of Family Security (OFS) may impose sanctions against any recipient of medical goods and services if the agency finds:

A. Such recipient is not complying with the agency's policy on rules and regulations or with the terms and conditions prescribed by the agency in its recipient's application or redetermination agreement and medical eligibility card setting forth the terms and conditions applicable to the use of the card.

B. Such recipient has submitted a false or fraudulent application for recipient status.

C. Such recipient has failed to correct deficiencies in his utilization of services after having received written notice or consultation regarding these deficiencies from OFS.

D. Such recipient has transferred his medical eligibility card to a person not eligible to receive services under the Medical Assistance Program or to a person who has exhausted certain of his medical benefits causing such persons to receive ineligible medical benefits under the Program.

E. Such recipient presents or causes to be presented false or fraudulent documents, records, approvals, prescriptions, etc. to obtain medical goods or services.

VI. Notification to Recipient of Sanction and Right to an Administrative Hearing. The Agency shall notify a recipient who is being sanctioned specifying the nature of and grounds for the sanction and the opportunity for an administrative hearing except that notification is discretionary when the sanctions involved are

prepayment review or referral for an investigation or review.

Interested persons may submit written comments on the proposed regulations through March 5, 1980, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## NOTICE OF INTENT

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

Notice is hereby given that the Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt as policy, in compliance with the State Sanitary Code, provisions covering private (individual) sewage disposal facilities serving homes. These provisions cover all of the currently acceptable and satisfactory methods of individual sewage disposal including: septic tanks, absorption trenches, sand filter beds, oxidation ponds, mechanical wastewater treatment plants, and sanitary pit privies.

Interested persons may submit written comments through 4:30 p.m. March 6, 1980, to Dr. J. T. Hamrick, Acting Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, Louisiana 70160.

### Proposed Regulations Controlling Sewage Disposal For Individual Rural Homes

The following is established as policy of the Office of Health Services and Environmental Quality for the compliance with State Sanitary Code provisions covering private (individual) sewage disposal facilities serving homes. The Code provisions are contained in Chapter X under paragraphs 10.30 through 10.33. This policy is restricted to individual sewage disposal.

The policy covers all known satisfactory methods for individual sewage disposal. If and when new methods become available, the policy will be revised promptly to reflect such.

In applying this policy, it must be realized that the only really satisfactory method of disposing of sewage is by connection to a public sewer system. Every effort should be made to obtain connection by sewer extensions. When connection to an existing public sewer is not feasible and a considerable number of residences are to be served, the construction of a new community sewer system and treatment plant is more desirable than the use of individual sewage disposal systems.

This policy applies to those cases where individual sewage disposal facilities are acceptable and cannot practically be avoided.

### Introduction

A major factor influencing the health of individuals is the proper disposal of human excreta (sewage). Many diseases, including infectious hepatitis, typhoid fever, dysentery, and some forms of diarrhea, are caused by water and food contaminated by sewage. Flies help to spread the disease germs. Hookworms and other intestinal parasites are also transmitted by improper disposal of human sewage. Sanitary disposal of sewage results in a lowering of these illnesses and intestinal parasites. Proper disposal will also reduce nuisances, such as unsightly conditions and objectionable odors.

Residences that are supplied with running water should also be provided with flush toilets and other water carriage plumbing

facilities. The most satisfactory means of disposing of sewage from such residences is by connection to a public sewer system. Connection to public systems must be accomplished whenever feasible. The State Sanitary Code requires connection of all dwellings located within 300 feet of a public sewer, where legally entitled to do so. When connection to an existing public sewer is not possible and a considerable number of residences are to be served, the construction of community sewerage facilities should be given primary consideration.

Farm homes, suburban estates, or other isolated residences which cannot connect to a community sewerage system must be accommodated by approved individual sewage disposal facilities. However, such systems, where used, must provide a minimum level of treatment equivalent to secondary treatment.

Most septic tank sewage treatment and disposal systems for homes consist of two principal units: 1. A septic tank, and 2. A subsurface disposal field consisting of soil absorption trenches. Although generally not as acceptable as soil absorption trenches, other acceptable methods of septic tank effluent treatment and disposal include sand filter beds and small oxidation ponds.

An acceptable means of individual sewage disposal not involving a septic tank is a small mechanical treatment plant. Where the home is not provided with water under pressure, sanitary pit privies have been accepted.

This manual has been prepared to describe all acceptable alternative systems for individual sewage disposal. Although the theory of sewage treatment as covered in this pamphlet is, in general, applicable to sewage treatment for commercial establishments, the design data presented is not intended as a standard for such facilities.

## I. Septic Tanks

1.1 A septic tank is a watertight tank made of steel, concrete or other approved materials in which the settleable solids of sewage settle out and are largely changed into liquids or gases by bacterial decomposition. The remaining residue in the tank is a heavy, black semi-liquid sludge which must be removed from the tank periodically. Although the completely digested sludge contains relatively few disease germs, in cleaning the tank it is impossible to remove the digested sludge without removing some undigested material. Therefore, it is particularly important that the removed sludge be disposed of in a safe manner. There are commercial service companies that will contract for septic tank cleaning and sludge disposal. Such commercial services are controlled by a permit system under local parish health units.

1.2 Multiple compartment septic tanks or single chamber septic tanks in series provide more effective treatment than single chamber tanks of the same total capacity; therefore, the use of multiple compartment tanks or single tanks in series is encouraged. However, single chamber septic tanks are acceptable.

1.3 The velocity of flow through the tanks must be such that maximum solids and scum retention is achieved. Vertical cylindrical tanks must have horizontal (inlet to outlet) separation of at least twenty-four inches. Tees or baffles must be used at the inlet. The outlet must be designed so as to preclude floating solids from escaping from the tank. The inlet tee diverts the incoming sewage toward the bottom of the tank without disturbing the scum which forms on the surface of the liquid, and the outlet prevents the surface scum from flowing out of the tank.

1.4 A septic tank must have a capacity sufficient to retain the liquid flow no less than twenty-four hours. In addition, no less than five cubic feet per capita must be provided for sludge storage. The minimum septic tank liquid capacities for various size homes are shown in Table 1.

**TABLE I**  
**Septic Tank Capacities**

Number Bedrooms	Min. Size Tank Req'd (Gals)
1	500
2	750
3	900

For each additional bedroom, add 250 gallons capacity.

1.5 The distance between the inlet and outlet openings in the tank wall, measured horizontally, shall be not less than twenty-four inches. For rectangular or oval shaped tanks, this distance (length) shall exceed the width of the tank.

1.6 The tank shall operate with a liquid depth between a minimum of thirty inches and a maximum of seventy-two inches measured vertically from the invert of the outlet (overflow level) to the bottom of the tank. Recent septic tank studies have indicated the shallower tank to be more efficient.

1.7 For tanks having straight, vertical sides, the dimension between the top of the tank and the liquid level shall not be less than fifteen percent of the liquid depth. In horizontal, cylindrical tanks, the volume of the air space above the liquid shall not be less than fifteen percent of the liquid capacity; this condition is met if the liquid depth (distance from outlet invert to bottom of tank) is equal to seventy-nine percent of the diameter of the tank.

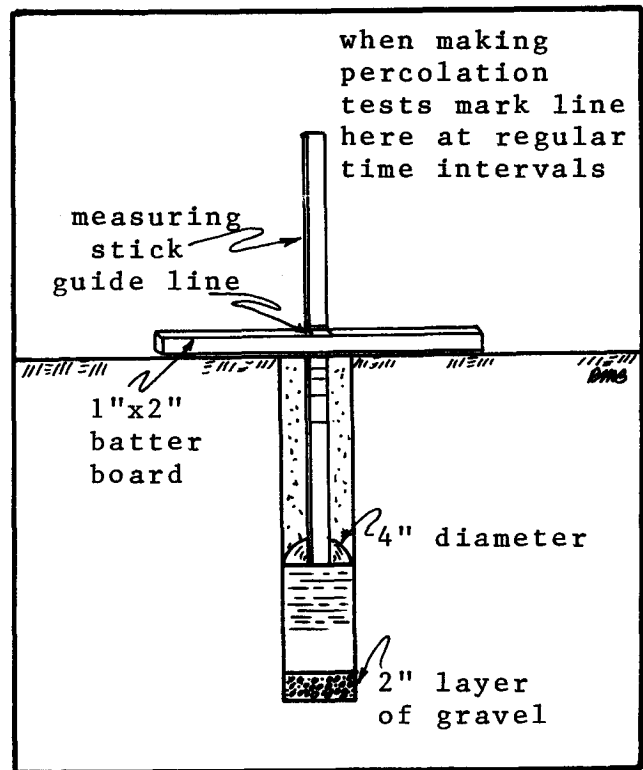
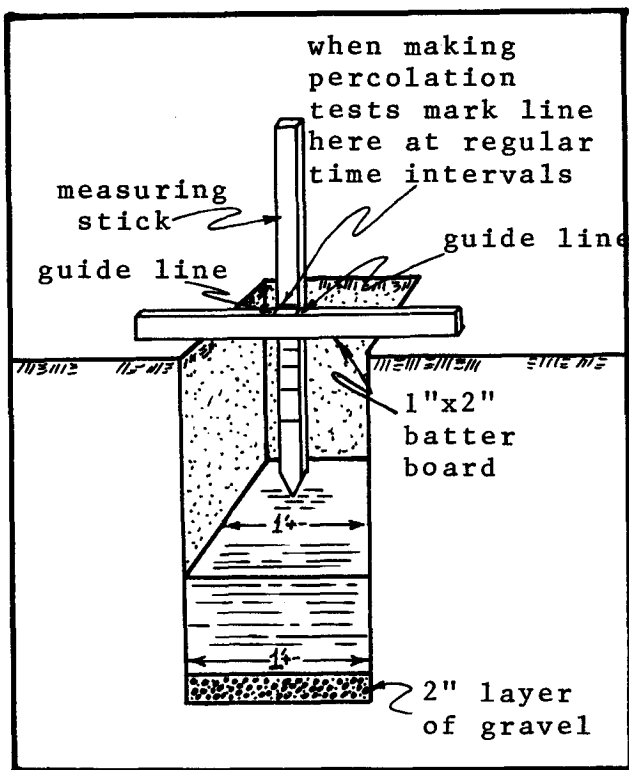
1.8 A single tank may be divided into two or more compartments by means of internal partitions. Each compartment shall conform to the dimensional limitations for complete tanks and shall have a liquid capacity of at least two hundred fifty gallons. The total liquid capacity shall conform to the requirements for single chamber tanks presented in Table 1. No tank shall have more than three compartments.

1.9 The tank shall be constructed of materials which are corrosion-resistant and provide a watertight permanent structure. The cover of the tank shall be designed for a dead load of not less than one hundred fifty pounds per square foot. Concrete covers must be reinforced with steel and must be not less than three inches thick. Metal septic tanks shall comply with the requirements of Commercial Standard CS 177-62, U.S. Department of Commerce. Tanks of other materials such as fiberglass will be reviewed for acceptance on an individual basis. They will be required to comply generally with the basic applicable standards for metal septic tanks.

1.10 Access to the septic tank for cleaning and inspection shall be provided by a removable cover or manhole. Both inlet and outlet devices as well as each compartment in multiple compartment tanks must be accessible. Manholes, when used, shall be at least twenty inches square or twenty-four inches in diameter and provided with covers which can be sealed watertight. Septic tanks with removable covers must be provided with an eight-inch inspection hole over the inlet.

1.11 Either tees or baffles shall be provided at the inlet of the tank and shall extend upward at least six inches above the liquid level of the tank. The inlet tee or baffle shall extend downward to at least six inches below the liquid level, but it shall not extend below the level of the lower end of the outlet, and shall extend at least six inches above the liquid level. At least two inches of open space shall be provided above the baffle or tee to provide ventilation to the tank through the building plumbing system.

1.12 On the outlet side, the tee, ell, or baffle shall extend downward to a distance below the water surface equal to forty percent of the liquid depth of tanks with vertical sides, and thirty-five percent of liquid depth of tanks of other shapes, as measured to the nearest inch. If a tee is used in the outlet, the upper end of the tee shall be sealed to prevent the floating solids in the tank from escaping.



- NOTE: 1. Leave batter board in place, be careful not to move it during tests.
2. Keep measuring stick within guide lines on batter board when each reading is taken.

FIGURE 1

METHODS OF MAKING PERCOLATION TESTS

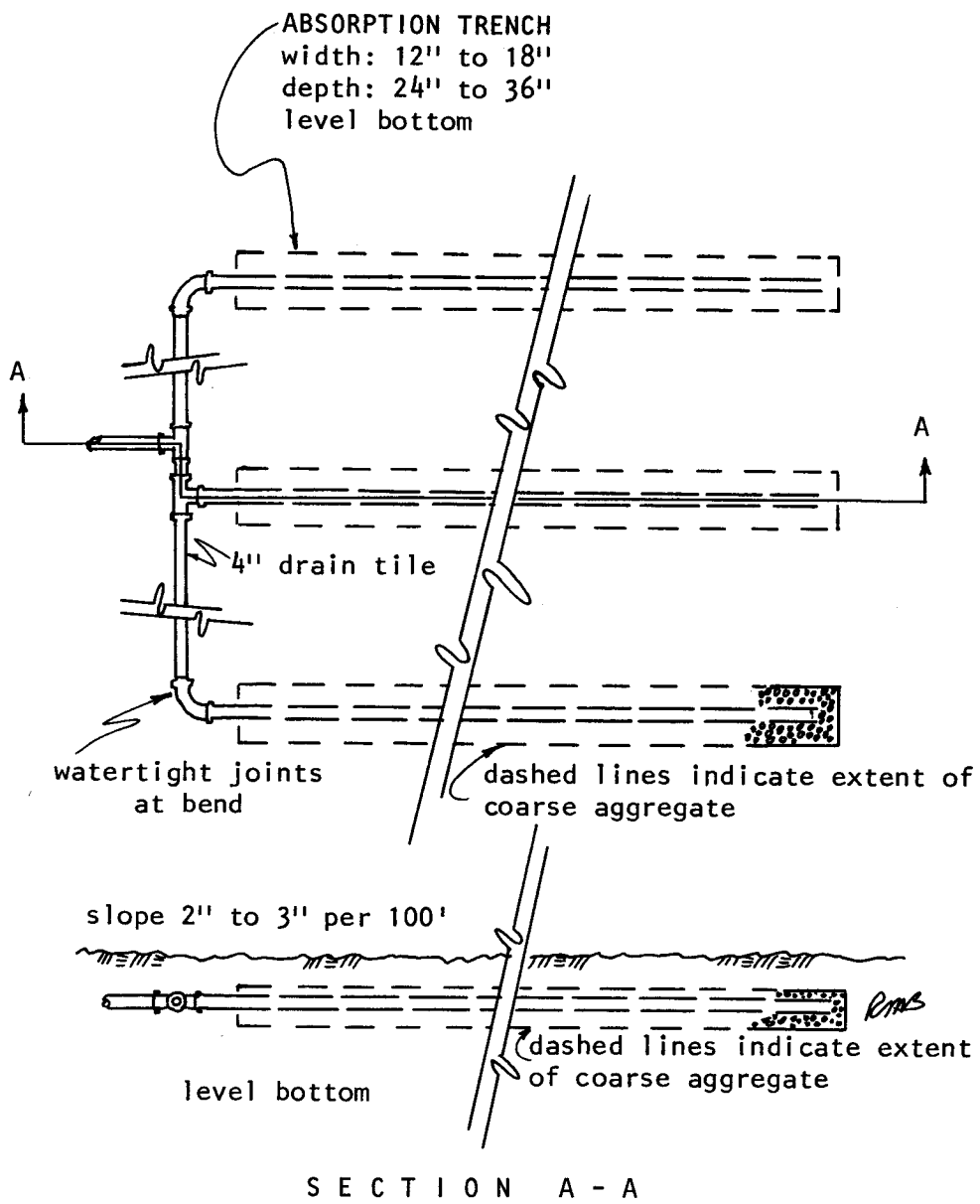


FIGURE 2  
 TYPICAL LAYOUT OF ABSORPTION TRENCH

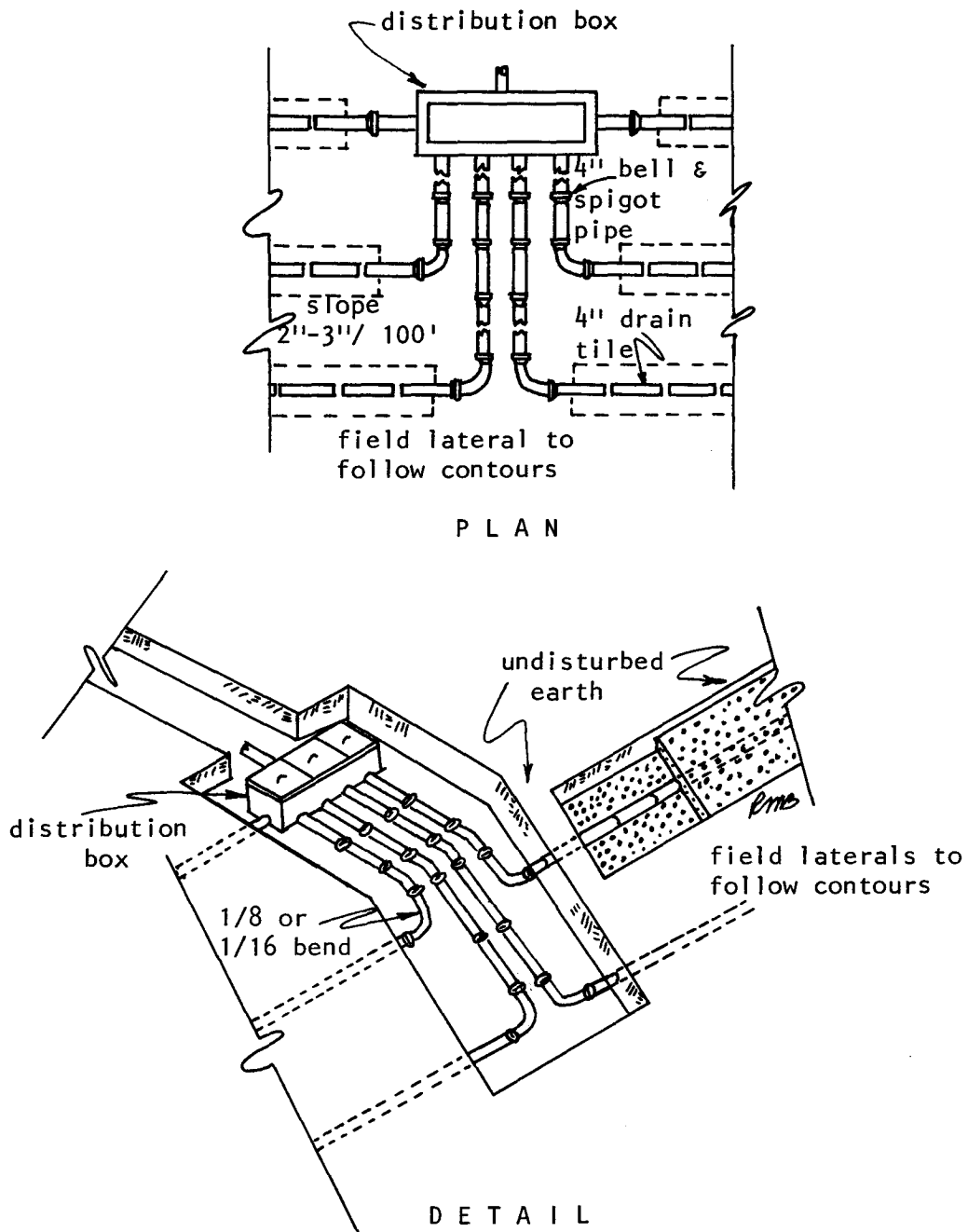
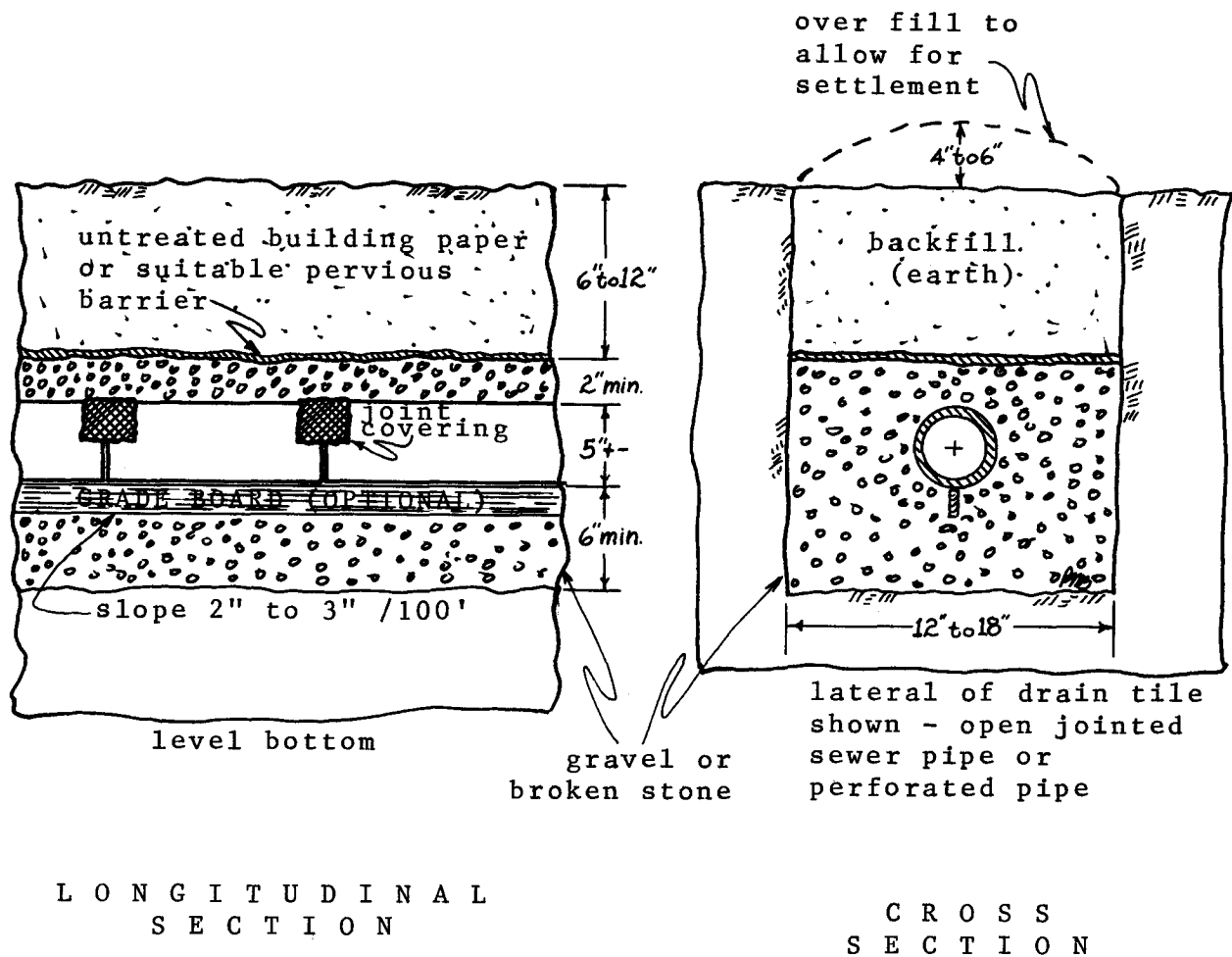


FIGURE 3  
 ABSORPTION-FIELD SYSTEM FOR SLOPING GROUND

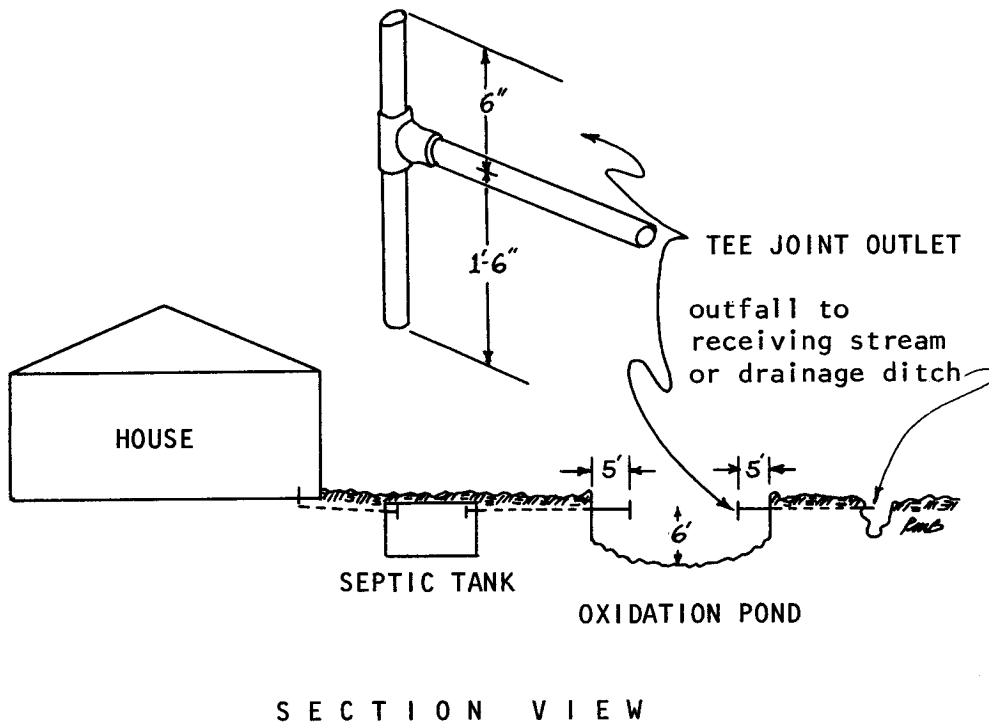
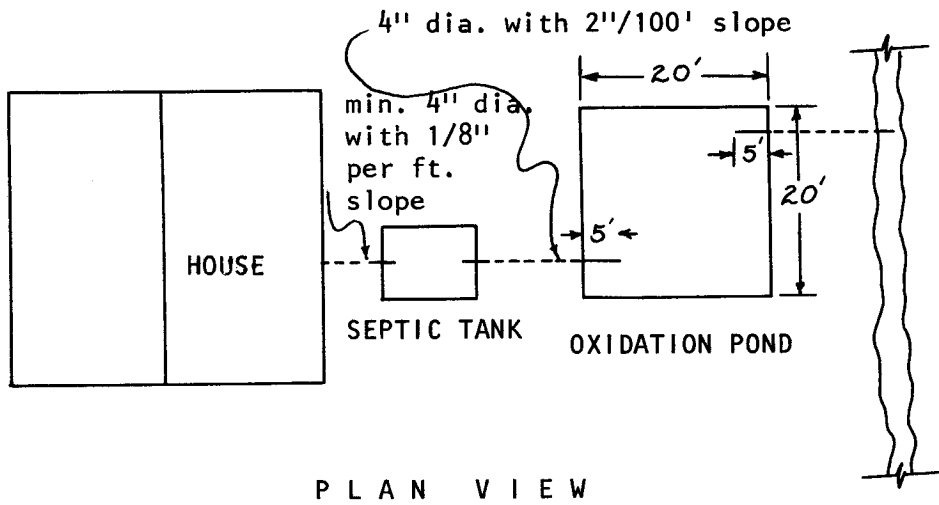




NOTE: Drain tile laid with joints opened from 1/4 to 1/2 inch. Special collars may be used if desired.

FIGURE 4

ABSORPTION TRENCH AND LATERAL



- NOTES: 1. Pond must be enclosed by a suitable fence.  
 2. Outlet invert to be at same or lower elevation than inlet invert.  
 3. Pond water surface at least 2" below septic tank water surface.

FIGURE 5

TYPICAL LAYOUT : SEPTIC TANK OXIDATION POND SYSTEM

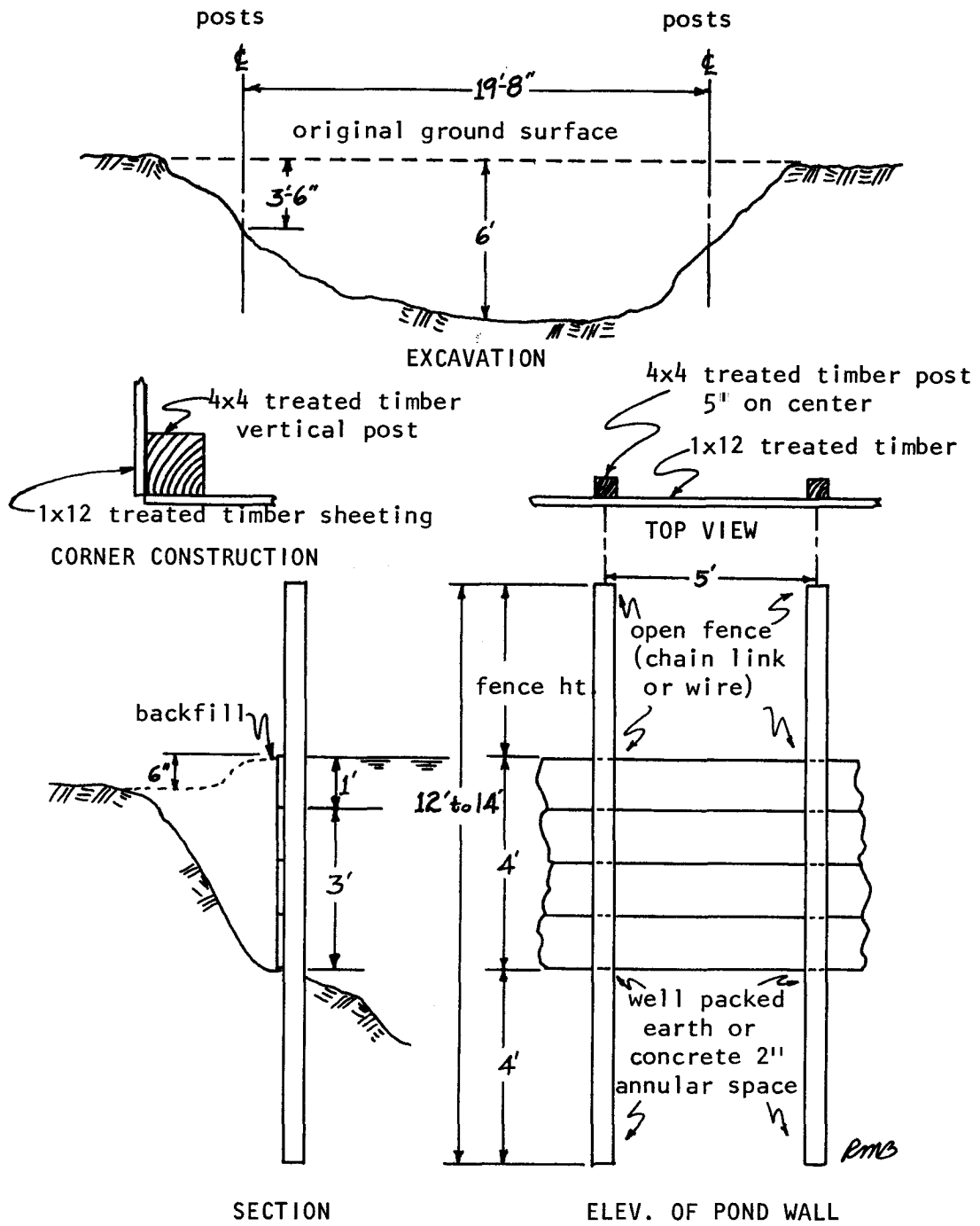


FIGURE 6

OXIDATION POND TIMBER RETAINING WALL

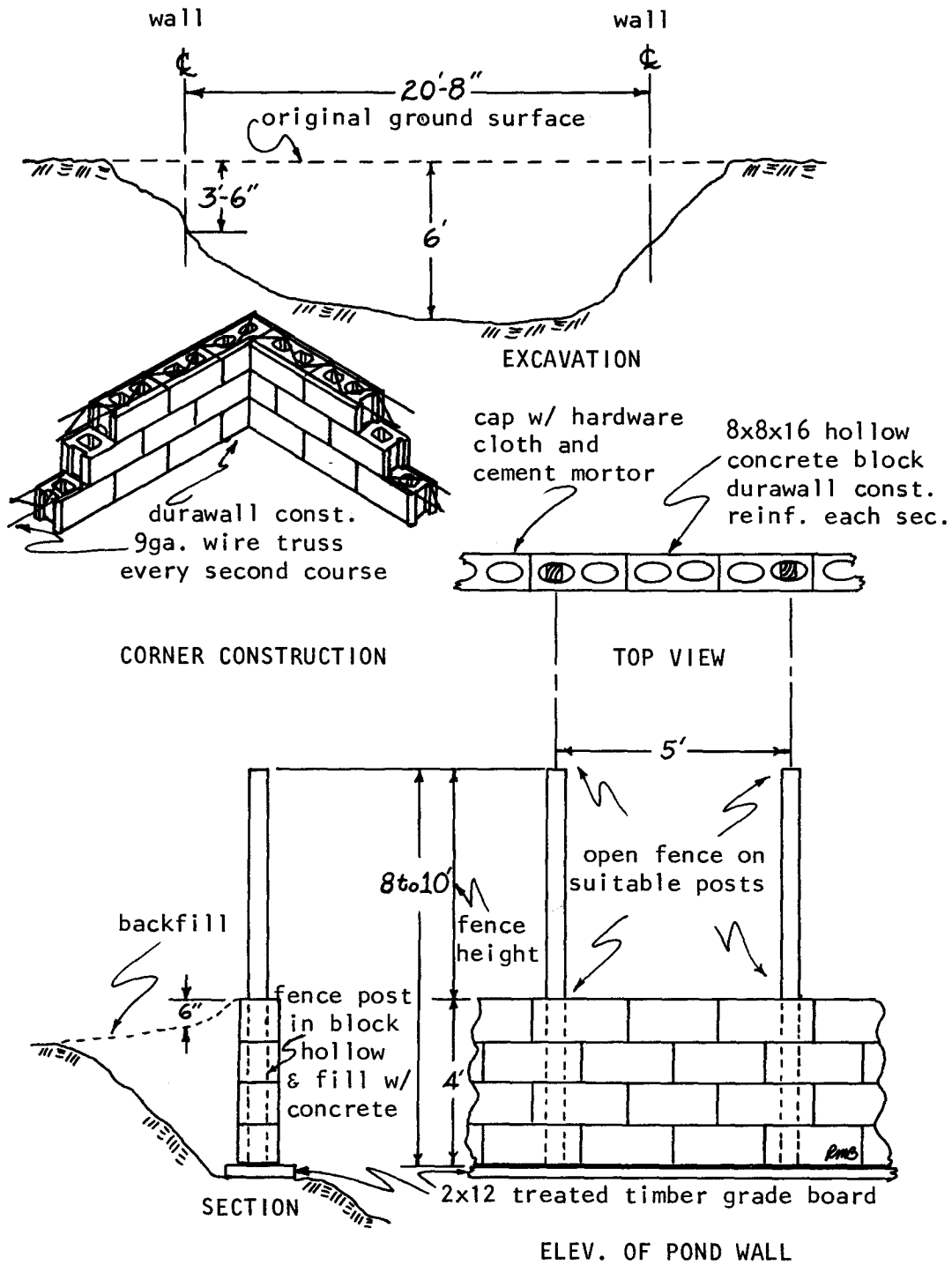


FIGURE 7  
OXIDATION POND CONCRETE BLOCK RETAINING WALL

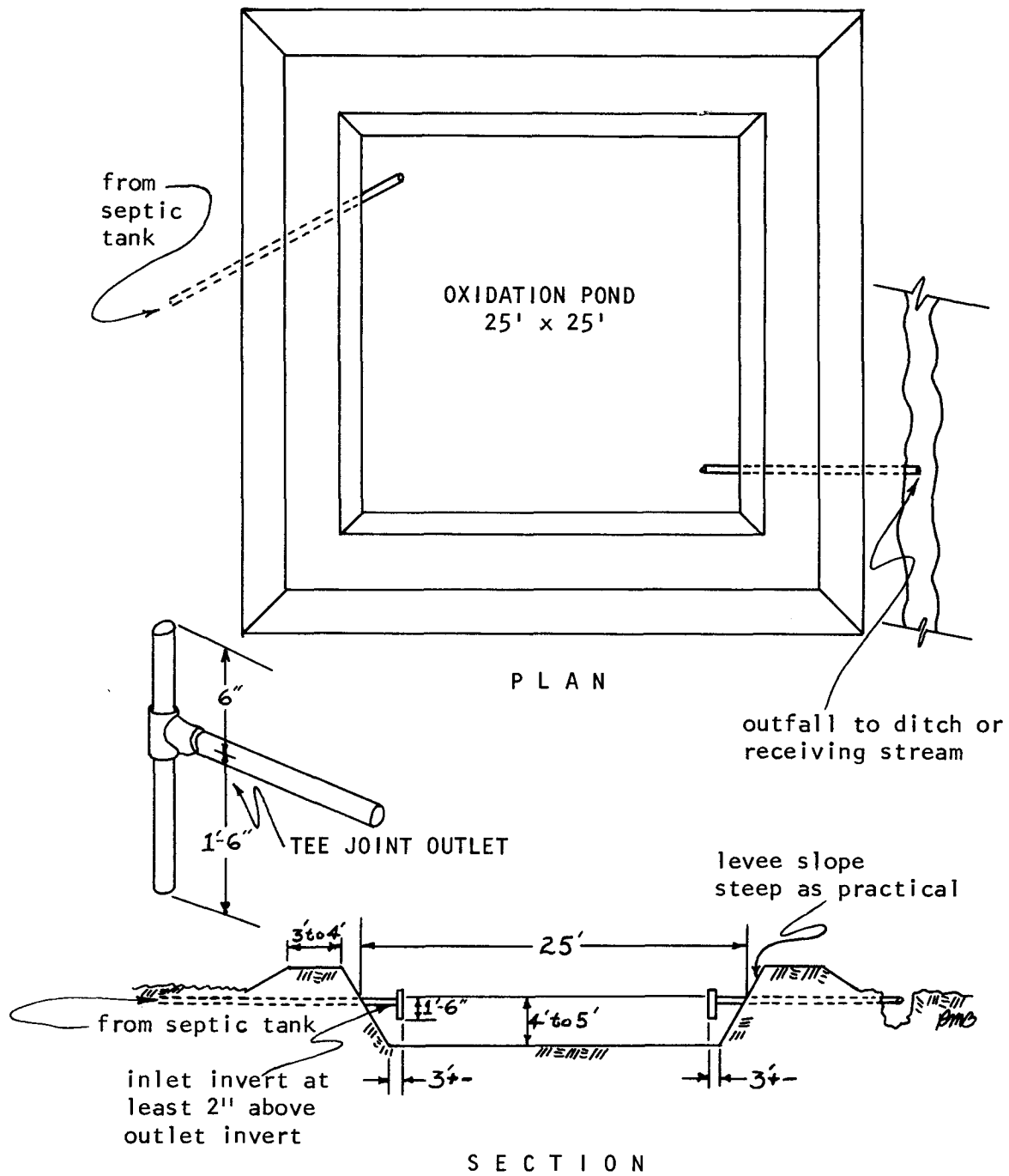
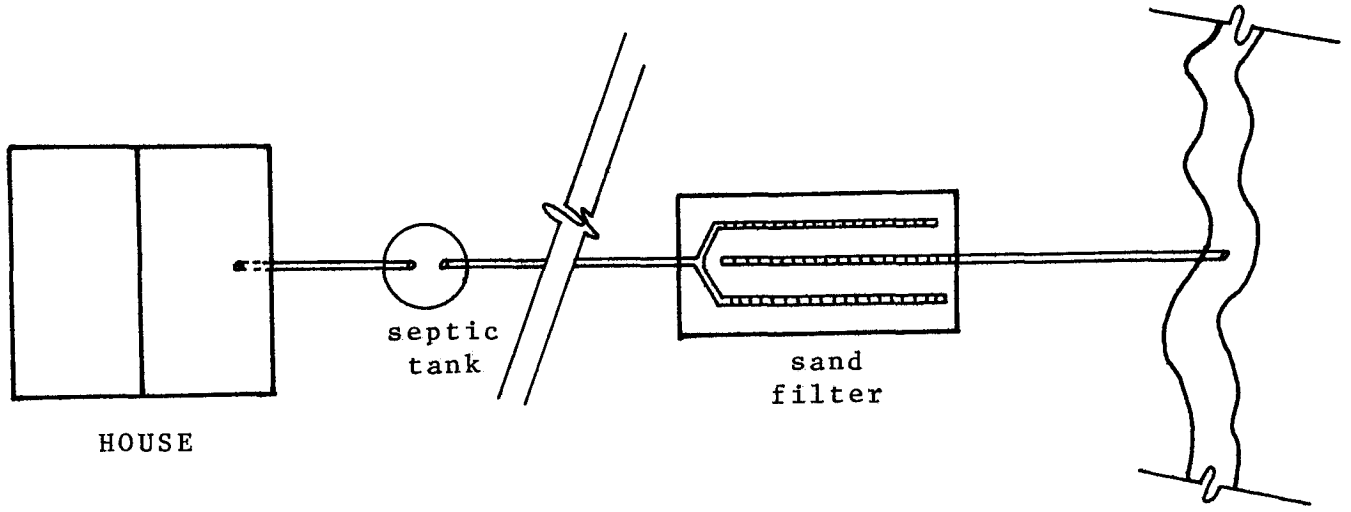


FIGURE 8

LEVEED OXIDATION POND

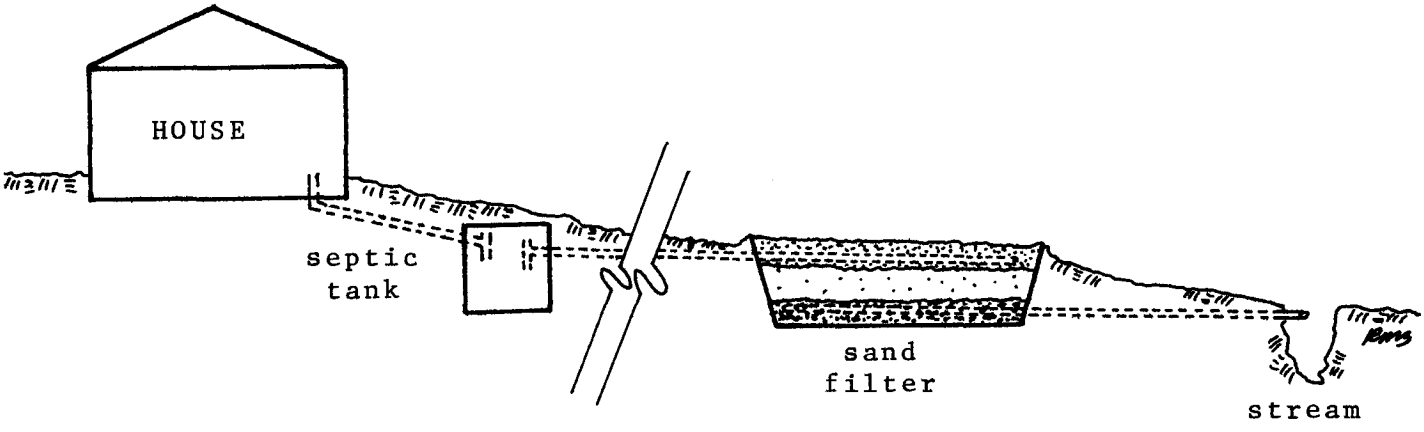


HOUSE

septic tank

sand filter

P L A N



HOUSE

septic tank

sand filter

stream

P R O F I L E

FIGURE 9  
FILTER BED SYSTEM

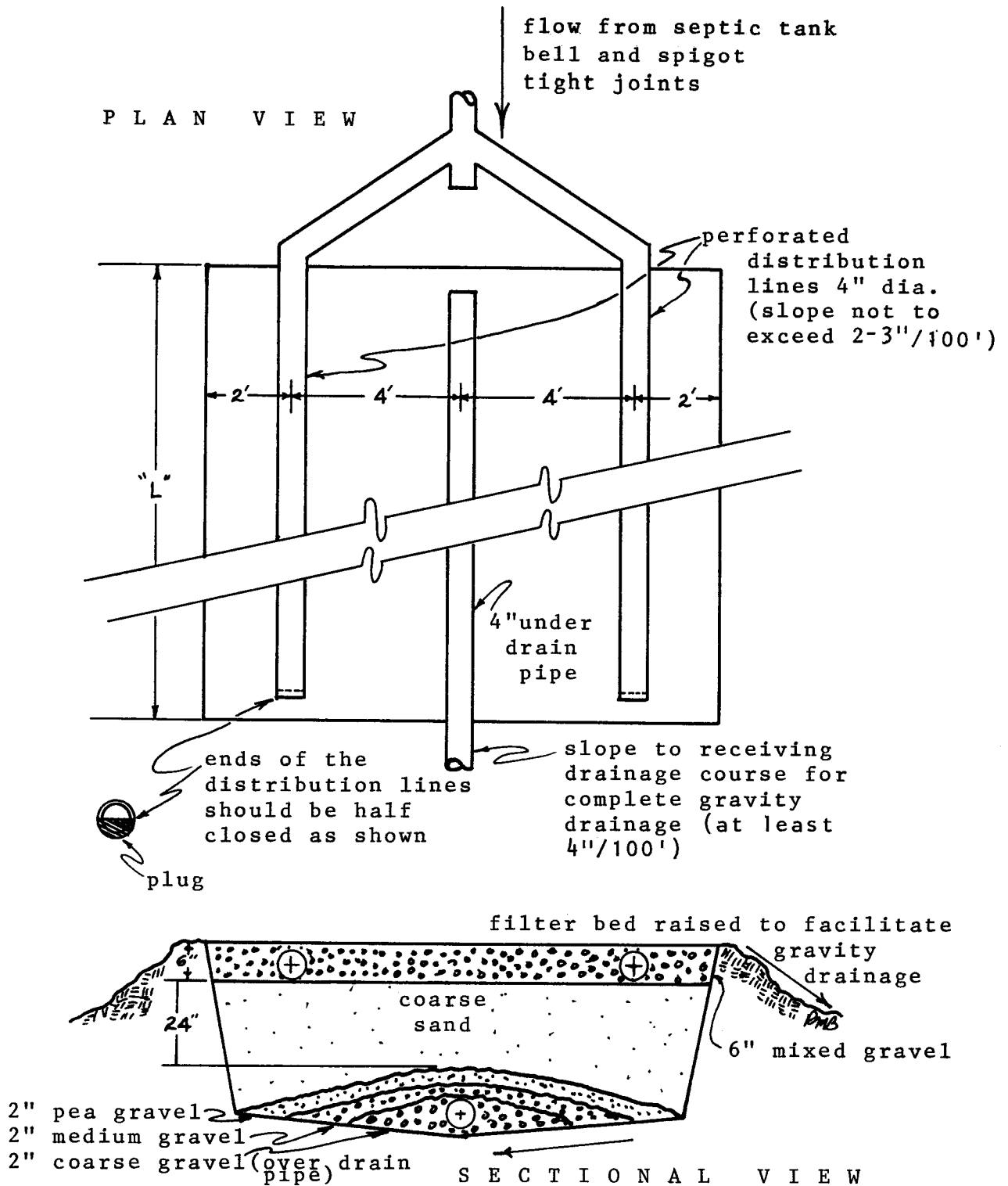


FIGURE 10

SAND FILTER BED

1.13 Inlet and outlet fittings (tees or ell) must be of cast iron, schedule 40 PVC or ABS plastic, or other approved material.

1.14 The invert of the inlet shall be located at least two inches above the invert of the outlet.

1.15 Prefabricated bituminous-coated metal septic tanks must comply with Commercial Standard CS 177-62 of the U.S. Department of Commerce. Corrosion protection must comply with this Standard which requires a hot-dipped asphaltic coating applied to the bare metal or over an asphaltic primer, followed by a coal-tar-base emulsion coating applied to the interior above a level at least eight inches below the liquid level.

1.16 The location of a septic tank shall be at least fifty feet and downgrade from a well or suction line supplying potable water.

1.17 The use of septic tanks in series is encouraged. The first tank shall have at least a 500-gallon liquid capacity and all subsequent tanks must have at least 300-gallon liquid capacities. The total capacity of all tanks in series must comply with the capacities for septic tanks as indicated in Table 1.

1.18 Piping from the house to the septic tank must be such that the waste flow does not disturb the retention of scum and sludge in the tank. To attain this, the inlet piping from the house must have a minimum diameter of four inches and be laid on a slope of at least one-eighth inch per foot. The slope for the last ten feet of line preceding the septic tank must not exceed one-fourth inch per foot.

1.19 Backfill around septic tanks must be made in thin layers, thoroughly tamped in a manner that will not produce undue strain on the tank. Sufficient soil cover can be provided over the top of the septic tank to permit grass growth.

1.20 Septic tanks must be inspected every two to five years and cleaned when necessary. (The average period between cleanings is usually eight to ten years.)

1.21 Metal septic tanks shall not be used in corrosive (acidic) soils.

## II. Septic Tank Effluent

2.1 There is a common belief that sewage after treatment in a septic tank is "pure" water, or very nearly so. This is false. The effluent or liquid flowing from the tank is still foul and dangerous. The septic tank cannot be depended upon to remove disease germs. The discharge of the overflow from septic tanks into street gutters, surface ditches, or streams is prohibited by the Louisiana State Sanitary Code.

2.2 The treatment level of a septic tank is referred to as "primary treatment."

2.3 The preferred method of treatment for septic tank effluents is accomplished through the use of soil absorption trenches. Small oxidation ponds or sand filter beds may be used in lieu of absorption trenches where soil and drainage conditions do not favor the use of absorption trenches. The level of treatment of these units is referred to as "secondary treatment."

2.4 The use of absorption trenches, oxidation ponds and filter beds for the treatment of septic tank effluents is discussed in detail in the following paragraphs of these standards.

## III. Absorption Trenches

3.1 Where soil conditions are satisfactory, septic tank effluent should be disposed of in an absorption trench or "subsurface irrigation" field. This consists of a system of covered, gravel-filled trenches into which the septic tank effluent is applied so as to permit the liquid to seep into the soil. By action of microorganisms in the soil, the organic matter in suspension and in solution is converted into mineral compounds in very much the same way that barnyard manure is converted when plowed into the soil.

3.2 A number of variables determine whether an absorption trench is feasible, including soil porosity (permeability), ground

water table, available space, and the rate at which septic tank effluent enters the soil (percolation rate). In general, three conditions must be met. (Note: Absorption trenches must not be used in filled ground.)

A. The soil percolation rate should be within the acceptable range.

B. The maximum elevation of the ground-water table should be at least two feet below the bottom of the proposed trench system.

C. Clay formations or other impervious strata should be at a depth greater than four feet below the bottom of the trenches.

3.3 Unless these conditions are satisfied, the site is unsuitable for a subsurface sewage disposal system, and the use of an alternative method must be utilized.

3.4 The acceptability of soil for an absorption trench system and the required size of such a system is currently based upon the "Percolation Test" described below:

A. Three or more tests must be made in separate test holes spaced uniformly over the proposed absorption field site.

B. Dig or bore a hole, with horizontal dimensions of from four to twelve inches and vertical sides to the depth of the proposed absorption trench. In order to save time, labor, and volume of water required per test, the holes may be bored with a four-inch auger.

C. Carefully scratch the bottom and sides of the hole with a knife blade or sharp-pointed instrument, in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose material from the hole. Carefully place a two-inch layer of medium gravel over the bottom of the hole.

D. In conducting the test, fill the hole with clear water. This pre-wetting procedure should normally be accomplished on the day prior to the percolation rate measurement. This procedure is to insure that the soil is given ample opportunity to swell and to approach the operating condition of the wet season of the year. Thus, the test should give comparable results in the same soil, whether made in a dry or in a wet season. (Note: The percolation test described is not applicable on filled or frozen ground.)

E. With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described under Subparagraph D above. Add water until the liquid depth is at least six inches but not more than twelve inches. From a fixed reference point, measure the drop in water level over a sixty-minute period. This drop is used to calculate the percolation rate. Figure 1 shows methods of percolation rate measurement. If the drop in liquid depth in the first thirty minutes is less than two inches, it is unnecessary to continue the test for the full sixty-minute period.

F. The distance the water falls in sixty minutes in each of the three test holes is recorded. The average drop for the three holes is used to determine the total length of absorption trench from Table 2.



**TABLE 2**  
**Absorption Trench Length Requirements**  
**For Individual Residences**

Average Water Level Drop in 60 Minutes (in inches)	Length in Feet of Absorption Trenches Required per Bedroom	
More than	12'	77'
	12'	83'
	11'	87'
	10'	91'
	9'	96'
	8'	100'
	7'	104'
	6'	110'
	5'	117'
	4'	127'
	3'	142'
Less than	2'	166'
	2'	Not acceptable for absorption field

A minimum of 160 linear feet of field shall be provided.

3.5 Many different designs may be used in laying out an absorption trench system. The choice will depend on the size and shape of the available disposal area, the capacity required, and the topography of the area.

3.6 Absorption trenches must not be used in filled ground.

3.7 Where the slope of the ground surface does not exceed six inches in any direction within the area utilized for the absorption trench system, the septic tank effluent may be applied to the absorption field through a system of level-bottomed trenches with the field lines laid on a slope of two to three inches per 100 feet. A distribution box is not required for flat areas. Figure 2 shows a typical layout of an absorption trench system for flat areas.

3.8 In the case of sloping ground, a distribution box should be utilized, and the absorption trenches should follow the contours of the ground surface. A typical absorption trench layout for sloping ground is shown in Figure 3.

3.9 To provide the minimum required gravel depth and earth cover, the depth of the absorption trenches must be at least twenty-four inches. Additional depth may be needed for contour adjustment, for extra aggregate under the field line, or for other design purposes. However, the total depth should not exceed thirty-six inches.

3.10 Careful construction is important in obtaining a satisfactory soil absorption system. Figure 4 shows details for absorption trench construction.

3.11 The required length of absorption trench is based on the results of the soil percolation test and may be obtained from Table 2. At least 160 linear feet must be provided at each installation. The trench must be twelve to eighteen inches in width and twenty-four inches to (but not greater than) thirty-six inches deep. See Figure 4. Individual trenches must not be greater than 100 feet in length. The center line distance between individual trenches must be at least six feet. In addition, the absorption trenches must be located at least ten feet from any dwelling or property line.

3.12 Subsurface absorption trenches must be located at least 100 feet from any well or suction line providing potable water.

3.13 In every case, at least two field lines shall be used.

3.14 Trench bottoms must be level to promote even distribution, thereby minimizing premature failure of a portion of the trench. During excavation, attention must be given to the protection of the soil. Care must be taken to prevent sealing of the surface on the bottom and sides of the trench. Trenches should not be excavated when the soil is wet enough to smear or compact easily.

All smeared or compacted surfaces must be raked to a depth of one inch and loose material removed before the gravel is placed in the trench.

3.15 Field pipes must consist of twelve-inch lengths of agricultural drain tile, or two-to-three foot lengths of vitrified clay bell-and-spigot sewer pipe laid with open joints, or perforated non-metallic pipe. In every case, the minimum acceptable diameter is four inches. Although the trench bottom is level, the field pipes must be laid on a slope of two to three inches per 100 feet to provide even distribution of the liquid throughout the trench. The bell-and-spigot pipe must be laid with one-half inch open joints and sufficient cement mortar at the bottom of the joint to insure an even flow line. The agricultural tile must be laid with one-fourth inch open joints. The upper half of all open joints must be covered by asphaltic treated paper. (See Figure 4.)

3.16 The field pipe must be surrounded by clean, graded gravel or rock, broken hard-burned clay brick, or similar material. The bed material may range in size from one-half inch to 2.5 inches. The gravel must extend from at least two inches above the top of the pipe to at least six inches below the bottom of the pipe. The top of the stone must be covered with either untreated building paper, a two-inch layer of hay or straw, burlap, or similar pervious material to prevent the gravel from becoming clogged by the earth backfill. (See Figure 4.)

3.17 For an absorption trench to work properly, it must have access to air, generally through the soil interstices of the backfill. Therefore, absorption trenches should be backfilled with only six to twelve inches of pervious soil, hand-tamped and overfilled with about four to six inches of earth. Machine-tamping or hydraulic backfilling is not permitted.

3.18 All of the above listed requirements, with the exception of the protection of water supplies, are aimed at preventing absorption trench clogging and premature failure. In addition, the septic tank should be inspected every two to five years after installation and cleaned as necessary to prevent solids overflow to the soil absorption system and subsequent clogging and failure.

#### IV. Oxidation Ponds

4.1 An oxidation pond is a shallow pond designed specifically to treat sewage by natural water purification processes under the influence of air and sunlight. The stabilization process consists largely of the interactions of bacteria and algae. Bacteria digest and oxidize the constituents of sewage and render it harmless and odor free. Algae utilize carbon dioxide and other substances resulting from bacterial action and through photosynthesis produce the oxygen needed to sustain the bacteria in the treatment process. During the detention period, the objectionable characteristics of the sewage largely disappear.

4.2 The size of an oxidation pond for a home with three bedrooms or less should be 400 square feet (twenty feet x twenty feet) with a four-to-five foot average liquid depth and vertical side walls. For each additional bedroom, 140 square feet of surface area should be added.

4.3 Figure 5 shows a typical layout for a septic tank-oxidation pond system. The actual layout of any pond system will be governed to a great extent by the topography of the particular location. However, an oxidation pond must be located at least fifty feet (and preferably more) from any well or suction line supplying potable water. It is also desirable for aesthetic reasons to locate it as far as possible, but at least fifty feet from any dwelling and no less than ten feet from the property line.

4.4 An open pond of the type discussed herein presents a safety hazard, especially to children. Therefore, a pond must be enclosed by a suitable fence capable of preventing access by children, pets, and livestock.

4.5 As mentioned, the use of a surface area of 400 square feet requires that an oxidation pond be furnished with vertical side

add an item 5 to d. Information to be Documented would read as follows:

\*\*\*\*(1)\*\*\*\*, (2)\*\*\*\*, (3)\*\*\*\*, (4)\*\*\*\*, (5)

During the intake, the patient must be advised of his rights, the services of the program, and the rules and regulations of the program. A copy of said rules and regulations will be signed by the patient and placed in his records.

In the Standards Manual for Licensing Substance Abuse Programs, Page 53, Item 1, line 2; Page 60, Item 1, line 2; Page 68, Item i, line 2; Page 101, Item 1, line 2, the proposed change would delete the following words:

\*\*\*and/or Clinical Director\*\*\*\*

In the Standards Manual for Licensing Substance Abuse Programs, Page 76, item g, 1 should be changed to read as follows. Then items g, 2,3,4, should be deleted.

Each newly admitted or readmitted patient shall have had, or shall have within 21 days, a physical examination by a qualified physician and all applicable laboratory examinations. Patients who have had a physical and laboratory examination within the past 90 days at the program within a defined treatment system are exempt.

These proposed changes will make it possible to substitute the State's Standards for the Federal Funding Criteria as set forth in the *Federal Register* Volume 40, number 120, Part IV, Tuesday, May 27, 1975, pages 23062 through 23068.

Interested persons may submit written comments on these proposed changes through April 5, 1980, at the following address: Mr. Cal Bankston, Deputy Assistant Secretary, Division of Substance Abuse, Office of Mental Health and Substance Abuse, 200 Lafayette Street, Baton Rouge, Louisiana 70801. Mr. Bankston is the person responsible for responding to inquiries about the proposed changes.

William A. Cherry, M.D., Secretary  
Office of Mental Health and Substance Abuse

**NOTICE OF INTENT**

**Department of Insurance  
Division of Property and Casualty**

The Department of Insurance, Division of Property and Casualty, intends to adopt a rule to clarify the intent of certain provisions of the Unfair Trade Practices Part of the Louisiana Insurance Code, particularly Louisiana RS 22: 1214 (4) and (9).

The purpose of the rule is to prevent use of confidential information in the possession of any person for the purposes of solicitation, negotiation, and service of insurance contracts unless the disclosure of such information is authorized by the insured.

Interested persons may submit written comments on the proposed rule through March 5, 1980, at the following address: Mr. Louis Jordan, Chief of Property and Casualty Insurance, Box 44214, Baton Rouge, Louisiana 70804. Mr. Jordan is the person responsible for responding to inquiries about the proposed rule.

**Proposed Rule No. 5  
Unfair Trade Practices**

**Section 1 - Authority.** This rule and guideline is adopted by the Commissioner of Insurance pursuant to the authority vested in him by Title 22, Section 2, Louisiana Revised Statutes of 1950, as amended.

**Section 2 - Purpose.** The purpose of this rule is to accomplish a uniform application of Louisiana RS 22: 1214A(4), (8), and

**Section 3 - Applicability.** These provisions shall be applicable to any persons directly or indirectly involved in the solicitation, negotiation and service of insurance contracts.

**Section 4 - Definitions.** When used in this rule, the following words or terms have the meaning described in this section.

"Person" means any individual, company, insurer, association, organization, reciprocal or interinsurance exchange, partnership, business, trust or corporation.

"Confidential information" means information obtained by means of a confidential or fiduciary relationship and the existence of such relationship precludes the party in whom trust and confidence is placed from participating in profit or advantages resulting from the dealings of the parties to the relation. Specifically, information given a mortgagee pertaining to expiration date of insurance contracts and rating and coverages information is "confidential information."

"Unfair competition" means the improper use of confidential information for competitive advantages.

**Section 5 - Rule.** It shall be an unfair trade practice for any person to engage in unfair competition by directly or indirectly using confidential information in the solicitation, negotiation, and service of insurance contracts, unless the disclosure of such information is authorized by the insured.

**Section 6 - Effective Date.** This rule shall become effective March 20, 1980.

Sherman A. Bernard  
Commissioner of Insurance

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of Title 30 of Louisiana Revised Statutes of 1950, a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m., Tuesday, March 25, 1980.

At such hearing the Commissioner of Conservation will consider evidence relative to amending Section XV of Statewide Order No. 29-B to include a new paragraph, number 13, which sets forth regulations concerning off-site disposal of salt water and drilling mud generated from drilling and production of oil and gas which was necessitated by the Hazardous Waste Management Plan as mandated by Act 334 of the Louisiana State Legislature and the Hazardous Waste Management Plan as mandated by Act 334 of 1978, specifically Section 4.2.1. Said paragraph to read as follows:

13.1 Definitions.

Basin — Any uncovered area constructed to retain liquids, commonly called "pits" in the petroleum industry, but often referred to as ponds, lagoons, etc.

Commercial Facility — A waste treatment, storage or disposal facility which receives, treats, reclaims, stores and disposes of liquid petroleum refuse for a fee or other consideration.

13.2 Disposal of Salt Water.

A. Generator. The operator of record or producer of an oil or gas well, who contracts with an approved commercial disposal facility for off-lease disposal, is considered the generator of any salt water waste produced by the well, and is responsible for its proper disposal and necessary documentation of its disposal, as required by the state manifest.



29-B. The Office of Conservation requires that this system be closed, unless an approval is obtained for an alternate system. The Commissioner will approve an open commercial salt water disposal system, providing the applicant meets the following requirements:

(a) Working and/or storage pits must not be located in a "V" or A-8 to A-30 zone as determined by maps and information published by the Department of Housing and Urban Development, Federal Insurance Administration.

(b) Documentation must be presented that shows that there is an impermeable clay section at least twenty feet below the base of the pit. This can be analyzed by borings by an independent and qualified laboratory or logs of close-in water wells to be evaluated by the geological section.

(c) A copy of the title to the disposal property should be submitted. If a lease or other agreement is in effect on this property, a copy of this instrument should be forwarded to this office.

(d) A location plat of the disposal area in question is required.

(e) Schematic diagrams of the pits should be submitted with anticipated volumes.

(f) Working and/or storage pits should have levees to a height above the 100-year high water mark and the liquid level should be kept as close to ground level as workable.

(g) A complete statement of the proposed method, from receiving, storing and treating is required. The receiving of waste waters should be witnessed by the disposal facility's representative and selective sampling taken.

(h) The pit area will have limited access. This requirement will be interpreted as the only possible way to the disposal pit area will be through a lockable gate system.

(i) A sign prominently displayed at the entry of the facility is required. This sign shall state "this nonhazardous waste disposal system has been approved for salt water disposal only and is regulated by the Office of Conservation. Any violations should be reported to the Office of Conservation at 504/342-5595".

(j) Disposal systems shall be operated in a clean and workmanlike manner. The disposal operator should work to make his system an asset to the countryside as well as those who may live in immediate vicinity.

(k) Commercial disposal will be accomplished during day light hours only. Emergency clearance can be provided for night time disposal at 504/342-5595.

(l) A copy of the state manifest, entitled "Industrial Waste Shipping-Control Ticket", must be maintained for each load hauled to the facility.

### 13.3 Disposal of Drilling Fluids.

A. Generator. The operator of record, listed as operator on Form MD-10-R or MD-10RA, is the generator of waste mud and as such, is responsible and accountable for the proper disposal of drilling and mud being transported and disposed of at a commercial disposal facility. This accountability may be assigned to a drilling contractor, another operator, "turnkey" operator, etc. In such cases this must be documented and made a part of the well's permanent file.

B. Commercial Drilling Fluid Disposal. Facilities will be approved when applicant complies with items in Section 13.2-B-1, (a) through (l) except item (f) - construction of pits.

1. Fresh water drilling mud will be disposed in a manner in which the solids will be allowed to settle for eventual landfill or "land-farming" procedures.

2. The liquids shall be kept in a storage facility with levees of no less than four feet above ground level or to a height above the 100-year high water mark for the area and the liquid level should be kept as close to ground level as workable. The storage area may cover large plains with a

series of pits, may be broken down to a rice levee contour system, a geometrical maze, or other acceptable procedure for clarifying and diluting the water phase.

3. Oil-based drilling mud must be handled in such a manner that solids will settle out and the water separates from the oil. One of the primary goals of the system should be to reclaim as much hydrocarbons as possible.

4. Storage pits for oil-based drilling mud disposal should have a containment with levees in the range of ten feet above ground level. The level of the liquids shall vary with the method used by the facility.

### 13.4 Recovery of Usable Wastes.

A. All commercial disposal methods shall be designed to recover to the maximum extent possible all reusable material.

B. Petroleum products shall be stored in gaugeable tanks. All sales and transfers of recovered oil will be documented and approved under the Office of Conservation's salvage oil system.

13.5 Closure. All off-site commercial disposal facilities under the jurisdiction of the Office of Conservation will be closed in a manner approved by the Commissioner of Conservation to insure protection of the public and ecology against leakage to the environment from all facilities which formerly stored, treated, and/or disposed of wastes.

13.6 The Office of Conservation will require the posting of a reasonable bond with good and sufficient surety in order to secure the performance of the operation, maintenance of records, and proper closure of commercial facilities. This bonding shall include the officers and/or management of approved disposal facilities. These officers and/or managers are personally responsible for any violations of this order. Any change in the officers or management are to be reported immediately to the Office of Conservation.

Interested persons may submit written comments prior to the hearing to the Office of Conservation, Box 44275, Baton Rouge, Louisiana 70804. Comments may also be presented at the hearing, either orally or in writing. The person responsible for responding to inquiries about the proposed rule is J. W. Hecker, Chief Engineer.

R. T. Sutton  
Commissioner of Conservation

## NOTICE OF INTENT

### Department of Natural Resources Environmental Control Commission

Notice is hereby given for a public meeting of the Environmental Control Commission to be held April 22, 1980, at 10:00 A.M. in the Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana, to receive comments on the Emergency Rules of Procedure for the Environmental Control Commission, on the Rules of Procedure, and on the resolutions delegating authority to the Assistant Secretary for specified powers and authority.

Copies of each of the above mentioned documents may be obtained at 5790 Florida Boulevard, Suite 201, Baton Rouge, Louisiana, Monday through Friday between the hours of 8:00 A.M. and 4:30 P.M. or by telephone at 504-925-6580. Copies may also be obtained by writing to Mr. B. Jim Porter, Box 44066, Baton Rouge, Louisiana 70804.

Comments, written and oral, should be directed to Mr. B. Jim Porter, Assistant Secretary, at the above stated address or at the

hearing to be held April 22, 1980, at the above specified location and time. Written comments will be received following the hearing until close of business May 9, 1980.

B. Jim Porter, Assistant Secretary  
Environmental Control Commission

## NOTICE OF INTENT

### Department of Natural Resources Fishermen's Gear Compensation Fund

The Department of Natural Resources intends to hold public hearings in connection with the development of regulations setting forth rules and procedures for the evaluation and payment of claims from the Fishermen's Gear Compensation Fund. (Chapter 1, Title 56, Part XIV, R.S. 56:700.1 through R.S. 56:700.5)

The purpose of the public hearings are to hear comments and receive suggestions from Louisiana citizens on the proposed Fishermen's Gear Compensation Fund's rules and regulations.

Any written comments on the issues identified or any other aspect of the proposed rules and regulations must be received on or before April 4, 1980.

Public hearings will be held, beginning at 9:00 a.m. at the following locations:

1. Tuesday, March 18, 1980, Hackberry, Louisiana in the Hackberry Recreation Center on Louisiana Highway 390.
2. Thursday, March 20, 1980, Delcambre, Louisiana in the D.V.O. Hall on Louisiana Highway 14.
3. Tuesday, March 25, 1980, Galliano, Louisiana in the American Legion Hall on Louisiana Highway 1.
4. Friday, March 28, 1980, Chalmette, Louisiana in the Police Jury Chambers, 8201 West Judge Perez Drive.

Questions concerning the operation of the public hearings, or any written comments concerning the issues or any other aspect of the implementation of Act 673, should be directed to the Fishermen's Gear Compensation Fund, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804.

Major issues requiring resolution are:

A. Establishing the nature of obstructions which cause damage to fishermen's gear. Obstructions causing damage can be of at least three kinds: (a) natural obstructions, (b) man-made obstructions other than those resulting from oil and gas activities, or (c) man-made obstructions resulting from oil and gas exploration, development, and production within Louisiana territorial waters which overlie state-owned water bottoms within the coastal zone. Damage resulting from any of the obstructions is eligible for recovery from the Fund. If some physical evidence of the obstruction is not obtained by a claimant, what means are available for the claimant to establish the existence of the obstruction and what should be the standard of proof?

B. Fixing the position of obstructions. Accurate reports of the location of obstructions which cause damage or loss for which claims are filed are very important because (1) the reports may be checked during the claims verification process, and (2) the Department of Natural Resources needs to locate the obstruction so it can be properly chartered and identified. Several methods of position fixing are available to vessels, but the different methods vary in their accuracy and repeatability. What methods of position fixing are generally available to fishing vessels and what methods should be employed to determine the location of the obstruction with precision suitable for the purpose of claims verification and charting the obstructions?

C. Valuation of lost or damaged property. The Act specifies that the ceiling on compensation for lost or damaged property is \$5,000.00. What is a fair and equitable basis for calculating the

cost of lost or damaged property to reflect the age and condition of that property? Should different evaluation methods be used in different types of cases. One alternative might be fair market value; another alternative might be depreciated replacement cost. The question of salvage might also be material. What is the best method, and how could the values claimed (on whatever basis) be best established?

D. Claimant's negligence. The statute prevents recovery to the extent that loss was caused by claimant's negligence. What kinds of acts, or failures to act, might constitute negligence?

E. Hearing Examiner Discretion. There are at least two approaches to the issue of how much discretion a hearing examiner has in adjudicating claims. One approach would be for program rules to be very specific in areas like standard of proof, basis for compensation, claimant negligence, etc. This would tend to limit the hearing examiner's discretion because the examiner would have to evaluate the claim in accordance with specific criteria in the rules. This approach might have the advantages of treating similarly situated claimants similarly and putting claimants on notice, in advance, of the requirements for a successful claim recovery. The other approach would be to keep program rules quite general and give each hearing examiner as much discretion as possible in adjudicating claims. This approach might result in uneven treatment of claimants and might not result in claimants having a good foreknowledge of the requirements of successful claims recovery. It would have the advantage, however, of giving each hearing examiner a great deal of flexibility in dealing with the facts of each case.

F. Expeditious handling of small claims. Is there any basis for establishing special rules for processing small claims so as to (1) accelerate payments, (2) reduce judicial backlog, (3) reduce investment required of claimant in establishing proof, or (4) reduce overall cost of administration. What dollar amount should be considered a small claim?

G. Acceptable reporting methods and format. What method of communication and documentation thereof shall constitute an acceptable report for each of the reporting requirements specified in the Act? To what extent should each report be standardized? Should the reports required be in a format that requires a uniform level of information detail, or should the degree of detail be left to each claimant?

H. Citizen of the State of Louisiana. For the purpose of the Fishermen's Gear Compensation Fund how shall citizenship be established? Should a Louisiana commercial fishing permit and a Louisiana mailing address be sufficient, or should a claimant be required to reside in Louisiana full time? What degree of proof should be required to establish the citizen requirement?

I. Time limitation on the filing of claims. How much time should be allowed for the filing of claim? A compressed time limitation has the advantage of presenting current information while an extended time limitation may cause details of the claim to be lost, and the possibility of the obstruction being removed or displaced. However, the time limitation should be of sufficient duration as not to deprive a fisherman from filing a valid claim.

J. Primary source of income. The Act uses the word "primary" for source of income. Primary could be established at "more than 50% of income"; however, what degree or type of proof should be established to determine the primary source of income?

K. Good faith effort to locate the financially responsible party of obstruction encountered is a requirement for the establishment of a valid claim. What type effort, how extensive should the effort be, and what type of proof should be required? This issue and issue number two above (fixing the position of obstruction) have a close relationship. Unless some responsible owner's identification is available on the obstruction, location

then becomes important in the determination of the financially responsible party. What amount of effort on the part of a fisherman shall constitute a "good faith effort"?

Louis A. deLatour, Administrator  
Fishermen's Gear Compensation Fund

**NOTICE OF INTENT**

**Department of Public Safety  
Office of State Fire Protection**

The Office of State Fire Protection intends to add the following rule to the procedures for appealing to the Fire Prevention Board of Review. Under Paragraph 1, amend Subparagraph 1 to read as follows:

1. The name of the owner/applicant. If the applicant is not the owner, the application must contain the owner's written statement giving the applicant authority to file the appeal on the owner's behalf. This written authorization shall include a certification that the individual, partnership, or corporation identified as the owner is, in fact, the owner of the property in question and that the owner is familiar with the basis and the facts upon which the appeal is made. The mailing address and telephone number of the owner must be included in the written authorization. The singular utilized herein refers as well to the plural.

Interested persons may submit written comments on the proposed regulation thru March 5, 1980, to the following address: Plache F. Villere, Jr., Attorney for the State Fire Marshal and Secretary of the Fire Prevention Board of Review, 500 Dufossat Street, New Orleans, Louisiana 70115, Area Code 504-895-6607. Mr. Villere is the person responsible for responding to inquiries about the proposed rules.

Dallas Greene, Chairman  
Fire Prevention Board of Review

**NOTICE OF INTENT**

**Department of Public Safety  
Office of State Fire Protection**

The Office of State Fire Protection intends to amend the foam plastic insulation standards set forth in its Rules by adding to Rule 5.1 another paragraph, Paragraph D, which shall read as follows:

5.1D Approved paperback or faced insulation shall be permitted in encapsulated wall or partition assemblies only when used in the construction of those structures described in the National Fire Protection Association Pamphlet No. 220, 1975 edition, as "wood frame construction" and "protected wood frame construction."

Interested persons may submit written comments on the proposed regulation through March 5, 1980, to one of the following: Plache F. Villere, Jr., Attorney for the State Fire Marshall, 500 Dufossat Street, New Orleans, Louisiana 70115, Area Code 504-895-6607, or Mr. Timothy F. Driscoll, Assistant State Fire Marshall, 106 State Office Building, New Orleans, Louisiana 70112, Area Code 504-568-5500. Mr. Villere and Mr. Driscoll are responsible for responding to inquiries about the proposed rule.

Daniel L. Kelly  
State Fire Marshall

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Sales Tax Section**

The Department of Revenue and Taxation proposes to adopt the following sales tax collection tables for use in St. Charles Parish. These tables are supplementary to the tables required by R.S. 47:304 and set forth in Sales Tax Collection Article 47:304.

**Proposed St. Charles Parish  
Sales Tax Collection Tables**

**COLLECTION AMOUNT**

<b>Tax Rate</b>		<b>Tax Rate</b>
<b>2.625%</b>		<b>5.625%</b>
.00- .19	.00	.00- .10
.20- .57	.01	.11- .26
.58- .95	.02	.27- .44
.96-1.33	.03	.45- .62
1.34-1.71	.04	.63- .79
1.72-2.09	.05	.80- .97
2.10-2.47	.06	.98-1.15
2.48-2.85	.07	1.16-1.33
2.86-3.23	.08	1.34-1.51
3.24-3.61	.09	1.52-1.68
3.62-3.99	.10	1.69-1.86
4.00-4.38	.11	1.87-2.04
4.39-4.76	.12	2.05-2.22
4.77-5.14	.13	2.23-2.39
5.15-5.52	.14	2.40-2.57
5.53-5.90	.15	2.58-2.75
5.91-6.28	.16	2.76-2.93
6.29-6.66	.17	2.94-3.11
6.67-7.04	.18	3.12-3.28
7.05-7.42	.19	3.29-3.46
7.43-7.80	.20	3.47-3.64
7.81-8.19	.21	3.65-3.82
For each additional \$8.00	.22	3.83-3.99
add 21c	.23	4.00-4.17
	.24	4.18-4.35
	.25	4.36-4.53
	.26	4.54-4.71
	.27	4.72-4.88
	.28	4.89-5.06
	.29	5.07-5.24
	.30	5.25-5.42
	.31	5.43-5.59
	.32	5.60-5.77
	.33	5.78-5.95
	.34	5.96-6.13
	.35	6.14-6.31
	.36	6.32-6.48
	.37	6.49-6.66
	.38	6.67-6.84
	.39	6.85-7.02
	.40	7.03-7.19
	.41	7.20-7.37
	.42	7.38-7.55
	.43	7.56-7.73
	.44	7.74-7.91
	.45	7.92-8.08
		For each additional \$8.00 add 45c

Interested persons may submit written comments to the Sales Tax Section, Department of Revenue and Taxation, Box 201, Baton Rouge, Louisiana 70821. The person responsible for responding to inquiries about the proposed tables is Art B. Haack.

Shirley M. Namara, Secretary  
Department of Revenue and Taxation

#### NOTICE OF INTENT

##### Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development intends to modify the existing specifications on gasoline as authorized by and in accordance with R.S. 51:784, to provide that:

Louisiana-approved gasolines shall meet all the foregoing specifications, and in addition thereto, shall have on all retail pumps a posted R plus M/2 octane value as specified by the Department of Energy. The gasoline product shall have a R plus M/2 octane rating equal to the octane value required to be posted.

Interested persons may submit written comments regarding the revision of this specification until 4:15 p.m., March 9, 1980, at the following address: Mr. David G. Azar, Chemical Engineer, Louisiana Department of Transportation and Development, Materials and Testing Lab, Box 44245, Baton Rouge, Louisiana, 70804. Mr. Azar is the person responsible for responding to inquiries about the proposed revision.

George A. Fischer, Secretary  
Department of Transportation  
and Development

#### NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission will consider for adoption the rules and dates for the 1980 Spring Shrimp Season at its regular public meeting to be held at 10:00 a.m., April 29, 1980, in the Cypress Room of the Hilton Inn, Airline Highway, Kenner, Louisiana. The Commission gives notice that it may reconsider the 1980 Spring Shrimp Season at any subsequent regular or special meeting, and may stop, close, curtail, limit, or extend the harvest of shrimp on an emergency basis, as the interests of the state would appear to be best served, according to available biological and/or other specific data.

The Commission also gives notice that it will consider for adoption an increase in fees for shell leases.

Interested persons may submit their views in writing to Dr. Lyle St. Amant, Assistant Secretary, Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana, 70130, prior to April 15. Ample opportunity for oral comments will be permitted at the meeting.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Potpourri

#### NOTICE OF HEARING

##### Department of Culture, Recreation and Tourism Division of Archaeology and Historic Preservation

The public hearing required by R.S. 25:784G, concerning the adoption of rules, will be held at 10:00 a.m. March 7, 1980, in the Mineral Board Room of the Natural Resources Building, Baton Rouge, Louisiana. Formal notice of our intention to adopt rules for the implementation of Act 650 of the 1979 Regular Session was published in the *Louisiana Register* on January 20, 1980. Questions and written comments concerning the proposed rules may be directed to Ms. Ann R. Jones, Director, Division of Archaeology and Historic Preservation, Office of Program Development, Department of Culture, Recreation and Tourism, Box 44247, Baton Rouge, Louisiana 70804. Ms. Jones may be reached by telephone at 504-342-6682.

J. Larry Crain, Secretary  
Department of Culture, Recreation and Tourism

##### Department of Natural Resources Office of the Secretary

##### Notice of Availability of Proposed Final Regulations Affecting State In-Kind Crude Royalty Pursuant to Act 592 of 1979

The Department of Natural Resources hereby gives notice of the availability of proposed final regulations affecting the taking in-kind and disposition of state royalty crude pursuant to Act 592 of 1979. The proposed regulations shall take effect on April 1, 1980, unless otherwise noticed. A copy of the regulations may be obtained by contacting the Department of Natural Resources, Office of the Secretary, Box 44396, Baton Rouge, Louisiana 70804, or by coming by said office, located at 625 North Fourth Street, Baton Rouge.

William C. Huls, Secretary  
Department of Natural Resources

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

The Wildlife and Fisheries Commission gives notice that, at the conclusion of its regular public meeting to be held at 10:00 a.m. Tuesday, March 18, 1980, at the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, it will recess for thirty minutes.

It will reconvene as Administrators of the Natural and Scenic Rivers System and hear the appeal of Denial of Application by the Bossier Parish Police Jury to withdraw water from Bayou Dorcheat, which is part of the Natural and Scenic Rivers System. This was originally to be heard on November 27, 1979; however, due to legal ramifications it was postponed until March 18, 1980.

Written comments may be submitted to Mr. Maurice Watson,

Environmental Coordinator, Department of Wildlife and Fisheries,  
Box 44095, Baton Rouge, Louisiana 70804. Ample time will be  
allowed for those persons wishing to make comments at the hear-  
ing.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Errata

Department of Natural Resources  
Office of Conservation

The Office of Conservation rule, published in the *Louisiana Register*, Volume 6, Number 1, January 20, 1980, contains two errors. The title on page 19 should read:

Regulation 14 - Certificate of Public Convenience and Necessity to be Issued Pursuant to Provisions of Section 607 of the Act.

The third sentence in Section G, on page 20 should read:

An application under this paragraph should include items D. 1-5 above.

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**E—Errata**   **EO—Executive Order**   **ER—Emergency Rule**  
**L—Legislation**   **N—Notice of Intent**   **P—Potpourri**  
**PPM—Policy and Procedure Memorandum**   **R—Rule**



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*E—Errata    EO—Executive Order    ER—Emergency Rule  
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 PPM—Policy and Procedure Memorandum    R—Rule*