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Executive Orders

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Executive Order 83-29

SUMMARY/DIGEST

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the Rule proposed for adoption, repeal or amendment.

(A) Provide a brief summary of the content of the Rule (if proposed for adoption or repeal) or a brief summary of the change in the Rule (if proposed for amendment).

Effective February 1, 1984, a monthly fee will be imposed for all persons who drive a State vehicle between their business domiciles and residences (commuting mileage) on a regular basis. The fee shall be based on the monthly commuting mileage at a rate of \$.20 per mile with a minimum fee of \$40 per month: or, at a rate of \$25 per month for all State Troopers performing field duties and who make personal use of their vehicles. (Refer to Executive Order 83-29).

(B) Summarize the circumstances which require this action.

Circumstances are primarily related to the fact that 1) the Internal Revenue Service considers the personal use of an employer-owned vehicle as a taxable fringe benefit; and 2) the cost of operating state vehicles exceeds the amount attributable to the direct provision of official state business.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

All tasks associated with implementation of the Executive Order may be absorbed by existing agency staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

1983/84 = \$ 656,667

1984/85 = \$1,103,200

1985/86 = \$1,103,200

(Assuming collection continues at described amounts)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Economic benefit to be derived by state of Louisiana in that revenues generated from commuting fees will be deposited in State Treasury for later appropriation to governmental units; cost of operating a fleet management program will be absorbed by self-generated revenues.

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

No impact on private sector anticipated.

Robert E. Warren, Jr.
Assistant Commissioner

EXECUTIVE ORDER NO. DCT 83-29

WHEREAS, a number of state employees have been personally assigned state vehicles for use in carrying out their official functions and regularly use these vehicles for commuting to and from their residences; and

WHEREAS, the cost of operating State vehicles exceeds the amount attributable to official State business; and

WHEREAS, it is necessary and equitable to institute a policy by which the State will be reimbursed for the commuting mileage placed on State vehicles by State employees and the personal use of vehicles by State Police troopers assigned to field duties,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the state of Louisiana, do hereby order and direct:

1. A monthly fee be imposed for all persons, except as provided in this order, who drive a State Vehicle between their business domiciles and residences, ("commuting mileage,") on a regular basis. The fee shall be based on the monthly commuting mileage at a rate of \$.20 per mile, with a minimum fee of \$40 per month;

2. A monthly fee of \$25 be imposed for all State Troopers assigned and performing primarily field duties and who make any personal use of their State vehicles (other than commuting); all other State Troopers shall be regulated by paragraph 1, except that the maximum monthly fee shall be \$40;

3. Persons who do not report to an office on an average of more than twice a week, and can thereby document their status as field personnel or being assigned to multiple locations, are excluded from this fee;

4. The fee will be collected regardless of the State employee's official attendance for the month, unless the State vehicle was reassigned to another person who will pay the fee or split it proportionate to usage, or the vehicle is no longer used for commuting;

5. The fees shall be collected by all State agencies, including all State offices, departments, divisions, boards, commissions, councils, committees, state colleges or universities, and other entities of the Executive branch of State government. Collection may be made by payroll deduction. Further instructions on collection and the approval process will be forthcoming from the Division of Administration;

6. The use of any state vehicle covered by this order shall constitute agreement by the employee to pay the fee as provided herein and to payment by payroll deduction;

7. The fee shall be effective for the month of February, 1984 and shall continue thereafter.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of December, 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 84-1

WHEREAS, Executive Orders 83-26 and 83-28 relate to reduction of state expenditures in light of a decline in revenues; and

WHEREAS, Executive Order 83-29 also relates to reducing state expenditures by regulating the costs of state-owned motor vehicles used in commuting from residence to place of work; and

Policy and Procedure Memorandum

WHEREAS, fairness demands uniform and prompt compliance with the policy expressed in Executive Order No. 83-29;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, pursuant to the authority granted me by the Constitution and laws of this state, including Section 10 of Act 14 of the 1983 Regular Session, independently and as incorporated by Article IV, Section 5G(2) of the Louisiana Constitution, Article IV, Section 5(A) of the Louisiana Constitution and La. R.S. 39:55, it is ordered that Executive Order No. 83-28 is hereby amended and supplemented.

If any department or budget unit not within a department fails voluntarily to comply with the policies expressed in Executive Order No. 83-29, the Commissioner of Administration shall reduce the department's or budget unit's budget by an amount equal to such sums as would have been generated by compliance with Executive Order No. 83-29. In the event the department or budget unit fails to supply adequate information concerning commuter useage, the Commissioner of Administration may estimate such costs for the purpose of budget reductions. The Commissioner of Administration shall submit a report indicating which departments or budget units are not in compliance with the policy expressed in Executive Order No. 83-29 no later than February 29, 1984.

This Order may be supplemented by directives issued by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 27th day of January, A.D., 1984.

David C. Treen
Governor of Louisiana

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: E. O. 84-1

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No costs (savings) are associated with implementation of E. O. 84-1.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenues resulting from non-compliance with Executive Order 83-29 cannot be projected at this time given the February 15, 1984 deadline for submission of all DOA MV-6 commuter fee forms.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No costs and/or economic benefits to persons or non-governmental groups associated with implementation of Executive Order 84-1.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition or employment associated with implementation of Executive Order 84-1.

Robert E. Warren, Jr.
Deputy Commissioner

POLICY AND PROCEDURE MEMORANDUM

Office of the Governor Division of Administration

POLICY AND PROCEDURE MEMORANDUM NO. 64 (Revised 1/84)
TO: HEADS OF ALL STATE AGENCIES,
BOARDS, AND COMMISSIONS
(BUDGET AND NON-BUDGET)
SUBJECT: PRINTING PROCEDURES
EFFECTIVE DATE: February 20, 1984
AUTHORIZATION: R.S. 43

This Policy and Procedures Memorandum rescinds, supercedes and cancels Policy and Procedure Memorandum No. 64 dated September 8, 1978, including any and all previous delegation of authority pertaining to PPM No. 64.

All administrative boards, commissions, departments, agencies, institutions and offices within the Executive Branch of State Government shall purchass all requirements of printing and engraving through Central Purchasing Agency in the Division of Administration.

Exceptions: Louisiana State University and Agricultural and Mechanical Colleges, the Department of Transportation and Development, the port authorities, the legislature, the office of State Bond Commission in the Department of the Treasury.

All requirements for printing and engraving shall be submitted directly by the agency to Central Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative.

PROCEDURES FOR HANDLING REQUISITIONS FOR PRINTING WHEN ESTIMATE INDICATES REQUISITION IS SMALL PURCHASE

Act 306 of 1983 requires Central Purchasing to procure all printing and engraving in accordance with the provisions of the Louisiana Procurement Code. All printing requests are to be forwarded to Central Purchasing and the following procedures will be used in handling small purchases:

1. If the item requested is covered under a contract the requisition will be assigned to that contract and Central Purchasing will issue the purchase order.
2. If the item requested is not covered under contract and could be competitively bid, the requisition may be returned to the Agency with Central Purchasing's approval to process at agency level in accordance with all laws, rules and regulations, and executive orders. The dollar level at which this delegation will take place will be decided by the Director in writing.

Requisition: All items of printing, binding, or engraving shall be requisitioned on a Purchase Requisition (Form DA 101 or DA 101 A. If agency is on FACS, use FACS 101) and only like items shall be requisitioned on each requisition form.

Example:

- (1) Printed letterheads
- (2) Engraved letterheads
- (3) Flat forms
- (4) Snap set (same size)
- (5) Continuous forms
- (6) Card Forms

Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering formation, etc.) and a sample or clean layout. The sample must be a complete original. A Copy or a reference to a previous order will not be acceptable.

When preparing a requisition, the agencies must use a fourteen-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year money is to be encumbered), complete specifications, and include an original sample.

Any and all requisitions received by Central Purchasing, Division of Administration, not meeting the above requirements shall be returned to the agency submitting such requisitions prior to entering the job request.

SUSPENSION

R.S. 43:31 - Printed matter prohibitions; uniform standards; election material

A. No branch, department, agency, official, employee, or other entity of state government for which a budget had been approved and for which an appropriation has been made or a transfer of funds effected pursuant to law shall print or cause to be printed any bulletin, leaflet, Christmas card, or other similar communication, house organ, circular, book, report or similar publication, except those required by law. All printed matter so required shall be effected in a uniform manner as to basic content, size, quality of paper, and use of color as contained in standards (See page 6) to be established by the Division of Administration, the legislative budgetary control council, and the judicial budgetary control council. The Division of Administration, legislative budgetary control council, and the judicial budgetary control council shall be empowered to make such exceptions affecting their respective branch of government to the provisions of this Subsection as may be in the best interest of the State of Louisiana. In addition, the provisions of this Subsection shall not be construed to prohibit the printing or publication of any printed matter required by any federal law or regulation in order that the State or any department or agency thereof may obtain or receive federal funds, grants, or assistance. The provisions of this Section shall apply to printed matter pursuant to any such federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

EXPLANATION: Agencies seeking to print public documents not required by State or Federal law must send copies, facsimiles, or descriptions of these documents with a detailed justification of need for printing and distributing these documents to their respective Undersecretaries. The Undersecretaries with permission from their respective Cabinet Secretaries are delegated the authority to deny permission to print any public document they deem as not necessary for the fulfillment of their agency's or department's purpose or feel not to be in the best interest of the State of Louisiana.

The public document printing requests that pass the Undersecretary's screening process shall be sent to the Commissioner of Administration, 3rd Floor, Capitol Annex, P.O. Box 44095 Baton Rouge, La. 70804 along with a signed copy of the Public Document Printing Request Form (sample included) for Division of Administration approval.

Note: Do not send forms, letterheads, internal memorandums, etc.) When submitting a printing request to Central Purchasing, the following information must be included on the requisition:

1. The Federal or State law that requires you to print this material.
2. Division of Administration special exception documentation.

B. All printed matter, except documentation in connection with proceedings of the executive, legislative, and judicial branches of state government, printed or caused to be printed by any branch, department, agency, official, employee, or other entity of state government, shall contain the following statement, with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication:

"This public document was published at a total cost of \$ _____.
_____(Number)_____ copies of this public document were published in this (number) printing at a cost of \$ _____. The Total cost of all printing of this document including reprint is \$ _____.
This document was published by (name and address of person, firm, or corporation or agency which printed the material) to (statement of purpose) under authority of (citation of law requiring publication or of special exception by Division of Administration, the legislative budgetary control council, or the judicial budgetary control council as provided in Subsection A). This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31." If the printing of the material was not done by a state agency, the above statement shall include the following additional language: "Printing of this material was purchased in accordance with the provisions of Title 43 of Louisiana Revised Statutes." This statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule. The provisions of this subsection shall not apply to printed matter used by the following entities: the Department of Commerce for the purpose of attracting new industry to locate within the State of Louisiana; the Office of Tourism of the Department of Culture, Recreation and Tourism, relative to new promotional materials; and public colleges and universities, and vocational technical schools.

EXPLANATION: 1. "All printed matter" referred to in Section B is assumed by the Division of Administration to refer to types of printing material described in R.S. 43:31A. 2. The required cost statement can be placed on the title page of books. On brochures and other publications, it should be placed below the agency name.

This public document is published at a total cost of \$ _____ (a)
_____ copies of this public document were published in this (b)
_____ printing at a cost of \$ _____. The total cost (c) _____ (d)
of all printings of this document including reprints is _____ (e)
This document was published by _____ (f)
_____ to _____ (g)
_____ under authority of _____ (h)
_____ . This material was printed in accordance with standards for printing by State Agencies established pursuant to R.S. 43:31. Printing of this material was (i)
purchased in accordance with the provisions of Title 43 of the
of the Louisiana Revised Statutes.

- (a) This figure should reflect all three factors listed in 43:31
- (c)
- 1) Preparation of the public document for publication.
 - 2) Printing, including all expenditures for reproduction, whether on bid or in-house.
 - 3) Circulation, including all estimated expenditures for postage and distribution of the public document.
- (b) Number of copies you are printing in this issue.

(c) Number of times to print. (First, third, or tenth, etc.)

(d) This figure should reflect only the printing cost for this printing.

(e) This figure should include all three factors set forth in 43:31c. If this is a re-print then this figure should include all cost of the publication from the beginning and not solely for one fiscal year. A re-print would be a publication that is reprinted with no changes. Publications that are printed yearly with changes would not be considered a re-print.

(f) Printing company name and address or if printed in-house then agency's name and address.

(g) The reason for publishing this document.

(h) The law that authorized you to print or if there is no State or Federal Law you would get special permission. Then you would state "under special exception by the Division of Administration".

(i) To be used if not printed in-house by state agency.

This statement should be set in same size type as the body copy and shall be set in a box composed of a one-point rule.

If it is a book, print this statement on the title page and if there if not any room on the title page then print it on inside front cover.

If this document is a single page or a fold down brochure then the statement should be printed under the agency's name.

C. The following three factors shall be utilized in computing cost data:

1) Preparation of the public document for publication;

2) Printing, including all expenditures for reproduction, whether on bid or in-house;

3) Circulation, including all estimated expenditures for postage and distribution of the public document.

EXPLANATION: The Division of Administration assumes that the intent of the Legislature was not to either increase administrative or printing costs with the passage of R.S. 43:31, therefore in computing cost data *estimated* costs may be used. The estimated costs should include:

1. An estimated portion of the salaries of agency personnel involved in preparing document.

2. Printing costs should be given by printer, whether in-house, administrative services, or Printing Contract on quantity ordered.

3. Estimated postage or freight for distribution.

D. No funds appropriated for printing purposes or otherwise shall be used to urge any elector to vote for or against any candidate or proposition on an election ballot nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the legislature of any local authority.

E. Any administrative head of any branch, department, agency, or entity who violates any provision of this Section and any employee who, without the authorization of his administrative supervisor, violates any provision of this Section shall be personally liable for the cost of any printing in violation of this Section. Any state funds expended on any printing in violation of this Section may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. In addition, any such person who violated the provisions of this Section shall be assessed a fine by the court of not more than five hundred dollars.

Standard Specifications

State Publications:

Size: 6" x 9", 5½" x 8½", 8½" x 11", or 9" x 12"

Paper: Text 50 lb. or 60 lb. white offset, 60 or 70 enamel

Cover 65 lb. No. 1 Antique cover (white and standard colors) or 65 or 80 lbs. coated covers (white only)

Ink: Text one color

Cover one color

Binding: saddle, side stitch, perfect bind, etc. in individual basis
Copy:

1. Camera-Ready

Typed, computer printout, or previously printed book, unless it has been copyrighted etc.

2. Set-type for 6" x 9" or 5½" x 8½"

10-point on 12-point slug by 25 picas wide by 45 picas deep including folio. Agency may select type faces from those available. Smaller type may be used in tabular matter to save on the number of pages.

Set-type for 8½" x 11"

10-point on 12-point slug by 42 picas wide (2 columns with 2-pica gutters) by 56 picas deep including folio and running heads. Agency may select type face from those available. Smaller type may be used in tabular matter to save on number of pages.

The method of printing would determine the feasibility of photographs.

Example:

Letterpress-(all type) No photographs should be used

Offset-Photographs can be used.

Newsletter, Leaflets, Etc.:

Size: 8½" x 11", 17" x 11" or 25" x 11"

Stock: 15 lb. to 20 lb. Bond, white and color

60 lb. to 80 lb. text offset, white and color

60 lb. to 70 lb. enamel, white

Ink: One color (both sides)

Fold: 8½" x 11" size folded to 8½" x 5½" or to fit No. 10 envelopes

17" x 11" size folded to 8½" x 11" or 8½" x 5½" to fit No. 10 envelopes

25" x 11" size folded to 8½" x 11" or 8½" x 5½"

Copy:

(a) Camera-ready or

(b) Set type-image area

8½" x 11" size - 7½" x 10"

17" x 11" size - 16" x 10"

25" x 11" size - 24" x 10"

Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

Classes of Printing: The State printing contract covers 27 categories of printing and binding. State Central Purchasing, Division of Administration, reserves the right to assign each request for printing to the proper contractor, to the Administrative Services Section of the Division of Administration, or to award to a commercial printer as a result of competitive bids taken by the State Printing Agent.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B(2) Delegation of Authority: The State Director of Purchasing may delegate the purchase of printing to any instrumentality whenever the best interest of the State will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Section when the State Director of Purchasing deems it more desirable or practical to do so.

When unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the State Director of

Emergency Rules

Purchasing, or his designated representative. However, application for such exceptions must be in writing and must present detailed information in support of such request.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

Textbooks, newspapers, subscriptions or foreign publications, and memberships. (does not include subscription services).

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43.

Forms Management: Forms that are warehoused by the State for State agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management. If you do not have a forms register or the warehouse requisition, request these from Forms Management.

Administrative Services Print Shop: If a State agency is certain their printing will be handled by Administrative Services, they can fill out an Administrative Services printing request DA-PS2. This form along with an original sample, may be sent directly to Administrative Services - Print Shop; a DA 101 does not have to be included with this request. The State Agencies may request these forms from Administrative Services - Print Shop, Box 44095, Baton Rouge, LA, 70804.

Information: All requests for information shall be directed to Division of Administration, Central Purchasing, State Printing Agent, Box 44095, Baton Rouge, LA 70804. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration, Central Purchasing and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency, and all requests will be handled promptly.

E.L. Henry
Commissioner

PUBLIC DOCUMENT PRINTING REQUEST FORM

Name of Agency _____

Mailing Address _____

Description of Public Document(s):

I hereby certify that the above public document(s) is (are) essential to the fulfillment of the programs approved for this agency by the Appropriation Act and that funds are available to print this (these) document(s). (Attach copies, facsimiles, or descriptions of the documents along with their justifications).

I am, therefore, requesting an exception as provided for in Section A of Act 130 of 1978.

Undersecretary

DECLARATION OF EMERGENCY

Department of Agriculture Agricultural Finance Authority

In accordance with the emergency provisions of LRS 49:953 B, the Administrative Procedure Act, notice is hereby given that the Department of Agriculture, Louisiana Agricultural Finance Authority, at a regularly scheduled meeting held on January 12, 1984, determined that an economic emergency continues to exist throughout the agricultural community with respect to the non-availability of capital at reasonable interest rates for agricultural purposes. The Authority further determined that, in order to expedite the release of bond proceeds for loans in the agricultural community to alleviate said economic emergency, it is necessary to establish, on an emergency basis, a maximum interest rate which will be approved for loans made under the provisions of LRS 3:261, *et. seq.*, as well as reasonable fees for examination of applications for loans from bond proceeds, in order to protect the economic interests of both farmers and lenders.

Therefore, under the authority contained in LRS 49:953 B and LRS 3:266, the Authority adopted the following regulations on an emergency basis:

1.03 All applicants for loans under this program shall pay a fee, which shall be non-refundable, for examination of the application as to eligibility for approval. The application fee shall be due and payable to the Authority only upon presentation to the Authority of a loan application which has been previously approved by a Lender. The fee shall be determined by the total amount of the loan sought, as follows:

	Fee Required
Loans of less than \$ 25,000	\$ 50
Loans of \$ 25,001 - \$200,000	\$100
Loans of more than \$200,001	\$200

1.04 Maximum interest rate on variable rate loans

No loan containing variable interest rates shall be approved at any rate which exceeds 85 percent of the New York prime rate as stated in the Wall Street Journal as of the date on which interest to be due from the Borrower first begins to accrue and at any subsequent adjustment of said rate.

The Authority also authorized the initiation of rule-making procedures for the permanent adoption of the above and other Rules and Regulations for administration of the program authorized under LRS 3:261, *et. seq.* Notice of the Authority's determination with respect to rule-making will appear in the *Louisiana Register*.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission pursuant to the authority contained in R.S. 49:953B amended LAC 11-6:53.43G at its meeting of January 27, 1984, by unanimous resolution, and made such findings that the public welfare required the amendments of such Rule so as to agree with the most recent version of LAC 11-6:54 et seq., "Permitted Medication."

LAC 11-6:53.43G changes 2.0 micrograms to 5.0, as follows:

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to: specific maximums by quantitative determination of 5.0 micrograms Phenylbutazone/ml. of blood, 5.0 micrograms Oxyphenbutazone/ml. of blood, the stewards shall scratch the horse from the race. On first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer and the horse may not be entered for eight calendar days following such positive test. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate consistent with law and the rules of racing.

S.M. Delancy
Secretary

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B amended LAC 11-6:53.5 at its meeting of January 27, 1984, by unanimous resolution, and make such findings that the public welfare required the amendments of such rule so as to agree with the most recent version of LAC 11-6:54 et seq., "Permitted Medication."

LAC 11-6:53.5 is an emergency deletion, in its entirety, as follows:

LAC 11-6:53.5 is amended as follows: "Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication given hypodermically must be done by a licensed veterinarian. The following non-steroidal, anti-inflammatory medications may be used in training; cannot be administered within 24 hours of the race; and the maximum analytical test levels are established as:

Pre-Race Blood and Urine Levels	Post-Race Blood and Urine Levels
Phenylbutazone 2.0 micrograms/ml.	165 micrograms/ml.*
Oxyphenbutazone 2.0 micrograms/ml.	165 micrograms/ml.*

*(combined total of drug and/or metabolite)

These provisions control, other provisions of these rules to the contrary notwithstanding.

Any test levels in excess of the above maximum analytical test levels shall be considered as prima facie evidence that there has been a violation of the rules dealing with medication.

The stewards shall direct the taking of a blood specimen from any horse from which a urine specimen has been taken or will

be taken while the horse is at the special barn as provided pursuant to LAC 11-6:23.35 which shall be delivered to the state chemist for testing." (Pub. 3/20/82)

S.M. Delaney
Secretary

DECLARATION OF EMERGENCY

Department of Public Safety Liquefied Petroleum Gas Commission AD 1276

TO ALL DEALERS:

The Department of Public Safety, Liquefied Petroleum Gas Commission, at its meeting on Wednesday, January 25, 1984 exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following Rule changes as mandated by Act 377 of 1983. Changes will become effective February 10, 1984.

ADD TO General Requirements

CLASS IX Permit - Holders of these permits may transport unodorized liquefied Petroleum gases over the highways of the State of Louisiana in accordance with R.S. 40:1846 (B) (5 & 6). This permit shall be issued only to dealers who hold Class I, Class IV or Class VII permits.

a. Must file application with the Liquefied Petroleum Gas Commission. Application form will be furnished by the Commission upon request.

b. The Commission shall retain a list of specific locations in Louisiana authorized to receive unodorized gas. This list shall be updated on a regular basis and be considered part of the Class IX Permit. Additional list shall be available on request.

Insurance

Amend and reenact Class I Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class II Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class III Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class IV Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class V Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class VI Permit Paragraph (d) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class VII Permit Paragraph (e) to read:
Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class VII-E Permit Paragraph (e) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Class VIII Permit Paragraph (e) to read:

Must furnish the following insurances in amounts of not less than \$100,000 each:

1. Public Liability
2. Property Damage Liability

Amend and reenact Sec. 1.2

(h) Odorizing Gases - Every person engaged in the handling, selling, storing, transporting, or distribution of liquefied petroleum gases shall odorize the gas by the use of an odorant approved by the Commission so as to indicate by a distinctive odor the presence of gas. At a minimum the use of one and one half pounds of ethyl mercaptan, thiophane, or amyl mercaptan for each 10,000 gallons of liquefied petroleum gas shall be required. The Commission may approve the use of other odorants which are equivalent in effectiveness. Odorization is not required if harmful in the use of further processing and product is transported by Class IX permit holder.

ADD:(m) A bonded dealer must not serve any liquefied petroleum gas system which is improperly installed or which is in a dangerous condition and shall make annual inspection of systems. Inspection shall consist of a thorough visual inspection and a pressure test - to be witnessed by the occupant or his authorized representative - using a manometer or ounce gauge.

Amend and reenact Sec. 5.7

(d) A bonded dealer must not serve any liquefied petroleum gas system which is improperly installed or which is in a dangerous condition and shall make annual inspection of systems. Inspection shall consist of a thorough visual inspection and a pressure test - to be witnessed by the occupant or his authorized representative - using a manometer or ounce gauge.

Amend and reenact Sec. 5.8

(c) A bonded dealer must not serve any liquefied petroleum gas system which is improperly installed or which is in a dangerous condition and shall make annual inspection of systems. Inspection shall consist of a thorough visual inspection and a pressure test - to be witnessed by the occupant or his authorized representative - using a manometer or ounce gauge.

Lionel T. Ortego
Director

Rules

RULE

Department of Agriculture Agricultural Commodities Commission

Notice is hereby given that the Department of Agriculture, Louisiana Agricultural Commodities Commission, under the au-

thority contained in LRS 3:3405 and pursuant to Notice of Intent published on October 20, 1983, took the following actions relative to the Commission's Rules and Regulations at a regular meeting of the Commission on January 17, 1984, at the State Capitol, Baton Rouge, Louisiana:

Rule 4.2 D, relative to the submission of a financial statement audited by a certified independent public accountant prior to initial licensure, was repealed; and the designation of the existing Rule 4.2 E was changed to Rule 4.2 D.

Rule 8.10 E was amended to read as follows:

8.10 E. Whenever any warehouse ceases to operate as a licensed warehouse, alternate security filed in lieu of the required bond shall be retained by the Commission: (1) until public notice, as herein required, is made, and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days. Public notice of the Commission's intention to release alternate security shall be made by publication in a newspaper of general circulation in the area where the licensee is located, as follows:

(1) if there is a daily newspaper in the area, such notice shall be published at least three times, beginning at least 15 days prior to the date on which the Commission will release the alternate security;

(2) if there is no daily newspaper in the area, such notice shall be published in a weekly newspaper and shall be published once each week for the three weeks preceding the date on which the Commission will release the alternate security.

Rule 12.8 was amended to read as follows:

12.8 The Commission may accept alternate security in an amount of \$75,000 in lieu of the required bond.

A. Alternate security may be offered only by (1) pledging of certificates of deposit or other similar negotiable instruments, or (2) filing of an irrevocable letter of credit, which shall be non-cancellable for a period of one year.

B. All alternate security instruments must be assigned to the Commission and will be maintained in the Commission's office in Baton Rouge; holders of certificates of deposit will continue to draw interest thereon.

C. Whenever any grain dealer ceases to operate as a licensed grain dealer, alternate security filed in lieu of the required bond shall be retained by the Commission: (1) until public notice, as herein required, is made, and (2) until completion of a final audit, which final audit shall be completed in not more than 120 days. Public notice of the Commission's intention to release alternate security shall be made by publication in a newspaper of general circulation in the area where the licensee is located as follows:

(1) if there is a daily newspaper in the area, such notice shall be published at least three times, beginning at least 15 days prior to the date on which the Commission will release the alternate security;

(2) if there is no daily newspaper in the area, such notice shall be published in a weekly newspaper and shall be published once each week for the three weeks preceding the date on which the Commission will release the alternate security.

D. Alternate security offered in lieu of the required bond is subject to the approval of the Commission and must be so approved prior to issuance of the license.

Bob Odom
Commissioner of Agriculture

RULE

Department of Commerce Board of Certified Public Accountants of Louisiana

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 37, Chapter 2, has adopted effective March 1, 1984 the following Rule:

1. LAC 11-9:2 R.S. 37:72 Amends Rule 2.2.2

Revised Rule

2.2.2 The compilation of financial statements as long as an accountants' report is not rendered thereon provided, however, that the following shall not constitute an accountants' report:

The accompanying balance sheet of XYZ Company as of December 31, 19XX and the related statements of income, retained earnings, and changes in financial position for the year then ended have been compiled by me (us).

A compilation is limited to presenting in the form of financial statements information that is the representation of management (owners). I (we) have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Use of the following language is permissible in appropriate circumstances:

Management has elected to omit substantially all of the disclosures (and the statement of changes in financial position) required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's financial position, results of operations, and changes in financial position. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Albert J. Derbes, III, CPA
Secretary

RULE

Department of Commerce Racing Commission

RULE LAC 11-6:14.4

All applications for licenses must be completely and correctly filled out, properly signed and, when required, notarized. All licensees and permittees of the Commission must be fingerprinted and photographed. Anyone failing to be fingerprinted or photographed shall be suspended or fined or both.

Gordon A. Burgess
Chairman

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.g

The Board adopted an amendment to Bulletin 741, page 41 regarding credit for National Guard Services as recommended by the State Department of Education. (See Emergency Rule of November, 1983 issue of *Louisiana Register* for context of rule.)

Rule 4.03.40.h(1)

The Board amended Board policy 4.03.40.h(1) to read as follows:

"The Board granted the authority to vocational technical school directors when recommending termination of an em-

ployee's service to suspend the employee without pay for up to 90 days pending the Board's action on the recommendation for termination."

Rule 3.01.70.cc

The Board adopted an amendment to Bulletin 746 and adopted the certification standards for teachers of the talented as recommended by the State Department of Education.

Rule 3.01.80(a)

The Board adopted the addition of Computer Literacy and Technology Education to the textbook adoption cycle for 1983-84.

Rule 3.02.37 and 6.03.50

The Board adopted an annual leave policy for vocational technical school directors and superintendents of BESE's special schools.

James V. Soileau
Executive Director

RULE

Office of the Governor Division of Administration

Revisions to Implementation of Act 160 (1982)

The Division of Administration promulgated as Rules in the December, 1982 *Louisiana Register* the use of four forms for agencies to use to meet the reporting requirements of Act 160 of 1982. It was noted that Act 160 also requires an "identification of significant recommendations in previous reports on which no action has been taken." Because from now on there will be previous reports to refer to, the Act 160 report due March 1, 1983 and annually thereafter shall include Form 160-5, to follow, as well as Forms 160-1, 2, 3, and 4 (modified for the appropriate reporting period).

It is understood that the intent of the Act 160 legislation was to provide undersecretaries in each Department with a tool for internal planning, management, and control as well as to provide appropriate persons in the House and Senate, the Commissioner of Administration and the Governor with program information. The submission of Forms 160-1 through 5 are an indication of the fulfillment of the role of the undersecretary as defined in R.S. 36:8, and can be evidence to the public of efforts to make State government more efficient and effective. Routine monitoring of programs, institutions, etc. does not need to be included, nor should actual reports be attached in lieu of summarized information on the forms. The "Act 160 Report" should include only significant problems, reports, and evaluations (generally distinguished by the focus on the impact or level of success of a particular program or project); the performance indicators shown on BR-5's are generally not the result of particular studies and therefore not appropriate here.

If a department has not identified any significant problems in its administration and management of programs and operations, has made or acquired no evaluations of programs within its agencies, and has not had any significant report made to the undersecretary during the reporting period, the undersecretary shall submit a letter to the House, Senate, Governor, and Commissioner of Administration indicating such in lieu of Forms 160-1 through 5 by the March 1 deadline.

E.L. Henry
Commissioner of Administration

**Significant Recommendations from
Previous Reports With No Action Taken**

Program/Project	Recommendation(s)	Reason(s) No Action Taken
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RULE

**Office of the Governor
Division of Administration**

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

1.1 This Rule describes the information that all agencies in the Executive Branch must furnish when seeking approval of the State Central Purchasing Agency for the procurement of computer equipment. Computer equipment, for the purpose of this Rule, is defined as any electronic data processing device including but not limited to central processing units, memory, peripheral devices, unit record equipment, data communications equipment, mini-computers and peripherals, graphics equipment including digitizers and plotters, optical scanning equipment, and shared logic word processing equipment. Equipment that does not fit into any of the above categories will be handled on a case-by-case basis and the agency must contact the State Central Purchasing Agency for a ruling on the justification required.

1.1.1 This Rule does not apply to acquisitions from State Brand Name Contract. However, individual Brand Name Contracts may have provisions for other types of approval.

1.2 In a request to the State Central Purchasing Agency the following must be provided to avoid delays in approval:

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

1.2.2 Provide a detail list of the proposed equipment, including quantities and estimated costs for lease, purchase, rental, maintenance, etc. IN ADDITION TO THE ABOVE, THE FOLLOWING MUST BE PROVIDED FOR PURCHASES OVER \$100,000. [1.2.3 through 1.2.7]

1.2.3 Provide detailed cost associated with this acquisition, including:

- A. Site preparation.
- B. Transportation cost.
- C. Additional personnel.
- D. Additional training.
- E. Systems and programming required from non-State sources.
- F. Additional supply cost.
- G. Other request associated with the acquisition.

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

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

1.2.6 List any equipment to be displaced by this proposed acquisition. State whether the displaced equipment is purchased, leased or rented and its associated cost. List accrual amounts for leased or rented equipment.

1.2.7 Provide the method of funding for the proposed acquisition, i.e., state general fund, federal funds, capital outlay, grant, or other (explain fully). If proposed acquisition is included in current operating or capital budget, provide certifiable evidence of specific funding. If not, provide detailed explanation of funding and an approved BA-7 on other evidence of approved funding.

1.3 The State Central Purchasing Agency may require additional information or justification as it deems appropriate for any particular procurement request.

1.4 Each agency contemplating a procurement greater than \$100,000 shall, upon definition of the preliminary functional requirements and prior to drafting of invitations to bid, notify the State Central Purchasing Agency in writing of the intended procurement. The State Central Purchasing Agency shall schedule a procurement support team. The procurement support team participation must include, as a minimum, drafting of invitations to bid, bid selection, and negotiations of contract terms.

1.5 Proprietary specifications shall not be included in invitations to bid unless proper justification is presented to and approved by the State Central Purchasing Agency.

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

2.1 This Rule will describe the information that all agencies in the Executive Branch must furnish when seeking the approval of the State Central Purchasing Agency to acquire computer software. Computer software, for the purpose of this Rule, is defined as any program or series of programs offered commercially to computer installations. If the cost of the software to be acquired is under \$5,000, no justification to the State Central Purchasing Agency is required.

2.2 In a request to the State Central Purchasing Agency the following must be provided to avoid delays in approval:

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

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

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

2.2.4 Provide a cost breakdown of the proposed software

as follows:

- A. Cost of the software.
 - 1. Permanent License Fee.
 - 2. Annual License Fee.
 - 3. Fixed Term License Fee.
 - a. Length of term.
- B. Installation cost.
- C. Personnel training cost.
- D. Cost of any additional hardware to be acquired to support this software.
- E. Annual maintenance costs.
- F. Miscellaneous costs not covered above.

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

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

2.2.7 List all known software packages investigated which claim to accomplish the required task. Name each investigated, their total cost, and the rationale for selection or rejection. State the source used to obtain the list of possible vendors, for example, Datapro or Auerbach.

2.2.8 If the proposed acquisition was budgeted, provide certifiable evidence of specific funding. If not provide a detailed explanation of funding and an approved BA-7 or other evidence of approved funding.

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

3.1 GENERAL.

3.1.1 Definition of Emergency. Emergency acquisitions or rentals of data processing equipment means a method of procurement utilized when there exists a threat to the public health, welfare, safety or public property.

3.1.2 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 State Central Purchasing Agency.

3.1.3 Planning Requirements. All State data processing installations shall maintain a current disaster plan which incorporates plans for dealing with an emergency as defined in 3.1.1 above.

When equipment is being rented or leased, or in any case where title to the equipment does not rest with the State, the supplier shall be required to state in contractual form: 1) that the equipment supplied to the State is fully insured (or provide satisfactory evidence of self-insurance) and 2) the supplier's plans and capabilities to replace the equipment in the event of an emergency.

3.2 RENTED OR LEASED EQUIPMENT.

3.2.1 Replacement Pursuant to Contract. When equipment rented or leased to the State must be replaced due to an emergency, the rentor or lessor shall be the source of the replacement if the requirements of 3.1.3 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 State Central Purchasing Agency.

3.2.2 Replacement Other than by Contract. When either no contracts exist (per 3.1.3) 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 State Central Purchasing Agency in writing that this procedure is necessary.

B. The State Central Purchasing Agency 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 quotation will 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 State Central Purchasing Agency in writing.

G. A situation report, evaluating the procurement activity shall be made by the State Central Purchasing Agency staff.

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

3.3 PURCHASED EQUIPMENT.

3.3.1 Replacement with Rented Equipment. Purchased equipment lost in an emergency situation may be replaced with equipment rented on a short-term (no more than 24 months) basis only when the head of the using agency has determined in writing that it would be to the advantage of his agency (either operationally or financially). In this case, the procedure set forth in 3.1.2 shall be employed.

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

A. Specifications may be supplied to potential vendor 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 State Central Purchasing Agency staff.

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 State Central Purchasing Agency staff.

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

4.1 R.S. 39:198 provides for multi-year leasing of data processing equipment for periods up to five years with State Central Purchasing Agency approval. See Section 1.2 for Justification Guidelines.

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

5.1 The State Central Purchasing Agency 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.

5.2 The State Central Purchasing Agency reserves the right to require reports on, and to audit use of, unscheduled maintenance in any agency which operates under these Rules and Regulations.

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

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

6.1 **PROCUREMENT SUPPORT TEAM COMPOSITION.** A procurement support team shall be formed in accordance with the procedures defined herein for every contract in an amount greater than \$100,000 for the procurement of data processing hardware, software, and related services, as required by R.S. 39:200. Purchase release orders issued pursuant to a Direct Order Contract or a Brand Name Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the State Central Purchasing Agency and shall include one or more representatives from each of the following: the Division of Administration, Central Purchasing Agency; the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office.

As stated in R.S. 39:200, at least two members of each procurement support team should have formal training in computer contract negotiations. The Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the State Central Purchasing Agency the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the State Central Purchasing Agency advised of any changes in designated individuals.

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

As required by R.S. 39:200, at least four members, one from each office designated, must be present to constitute a quorum.

6.2 **PROCUREMENT SUPPORT TEAM INVOLVEMENT.** Procurement support team participation must include, as a minimum, assistance in drafting of invitations for bids, evaluation of bids, and negotiation of contract terms. Procurements requiring this level of support will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the State Central Purchasing Agency.

6.3 **EMERGENCY PROCUREMENTS.** Notwithstanding the guidelines established above, procurements under emergency condition (as defined by the State Central Purchasing Agency) will involve a procurement support team designated by the State Central Purchasing Agency, under the directions of a team leader designated by the State Central Purchasing Agency. 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. 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 State Central Purchasing Agency.

6.4 All contracts in an amount greater than \$100,000 shall be entered into with the assistance of a Procurement Support Team and be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance by a procurement support team member is not to be construed as approved by the agency which that team member represents, in

those cases where formal agency approval of the final agreements is required.

6.5 In situations where formal negotiations with prospective vendors, or a successful bidder, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team should have formal training in computer contract negotiations.

6.6 The individual agencies represented on procurement support teams will have the following primary responsibilities. These responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader with the concurrence of the State Central Purchasing Agency.

A. **Legislative Fiscal Office.** The Legislative Fiscal Office shall have primary responsibility for the financial analysis of ITB's, and review of funding procedures, and certification of specific appropriation for the purpose prior to the final contract award.

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

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

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

6.6.1 The Office of Information Resources shall provide technical staff to the Procurement Support Team. They shall provide advice and support in the area of data processing techniques, negotiation techniques, developing the structure and content of invitations to bid.

6.7 **Procedures.** Each procurement activity covered by R.S. 39:196-200 shall be conducted in accordance with the following procedures:

6.7.1 Each agency contemplating a procurement covered by the provisions of R.S. 39:196-200 shall, upon definition of the preliminary functional requirements and the drafting of specifications, notify the State Central Purchasing Agency in writing of the intended procurement. The State Central Purchasing Agency 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 State Central Purchasing Agency determines that bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

6.7.2 The State Central Purchasing Agency 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 State Central Purchasing Agency staff will then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the procuring agency.

6.7.3 The team leader will establish a schedule for the procurement activity, define the role and task of each team member, and establish a project file. The procuring agency and all team

members are responsible for insuring that the team leader receives a copy of all correspondence and documentation.

6.7.4 At the end of the procurement process one copy of the documentation related to the procurement will be retained on file by the State Central Purchasing Agency. The team leader will make written status reports at the end of each phase to the State Central Purchasing Agency. Such status reports shall be presented to the State Central Purchasing Agency at each regular meeting.

6.7.5 Each member of the procurement support team must review as a minimum the final specifications, the invitation to bid, the bids, any formal bid evaluation, and the final contract. As a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each team member must sign the evaluation, or his designating or qualifying reports.

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

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

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

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

7.1.1 The State Central Purchasing Agency will be notified as soon as possible, but at least 90 days prior to release. This notification shall include make, model, serial number, quantity, features, condition of equipment, availability; and if leased or rented, the lessor, monthly cost, and cost to exercise purchase option.

7.1.2 At time of notification, the staff of the State Central Purchasing Agency shall as a minimum provide all the State Departments, 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.

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

7.1.4 The State Central Purchasing Agency, with the assistance of the Office of Information Resources, will review all applications for equipment and make recommendations to the State Director of Purchasing. These recommendations and the State Director's decision will be based in large measure on the justification offered.

7.1.5 If no suitable application for the equipment is contained, the State Central Purchasing Agency 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, notify the agency to return to the lessor.

B. 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.

C. If the equipment is owned and has residual value justifying the action, it shall be advertised in the proper "Trade Publications" and offered to known purchasers of data processing equipment.

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

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

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

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

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

8.1 The State Central Purchasing Agency will require that all equipment specifications include in an Invitation to Bid (ITB) be of a functional nature or of an architectural design that promotes competition, if at all possible. These specifications should convey to prospective bidders the general requirements of the agency, issuing the ITB and any special features required.

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

8.3 The State Central Purchasing Agency reserves the right to determine when functional specifications will be required.

8.4 The Office of Information Resources shall provide technical assistance to the State Central Purchasing Agency upon request of the Director.

8.5 Assignments. No contract or purchase order may be assigned, sub-let or transferred without written consent of the Commissioner of Administration. This consent will be based on the recommendation of the Director of State Purchasing contingent on the determination that the assignment is in the best interest of the state and/or the contract vendor has submitted proof of extreme hardship.

E. L. Henry
Commissioner of Administration

RULES

Office of the Governor Division of Administration Office of Telecommunications Management

LAC 1-10:1 Definitions

1.1 Within the context of these rules these terms shall be defined as follows:

Access Line — A telephone line connected to a specific system to either establish or receive calls to or from a particular service area.

Account number — An eight-digit number used for telecommunications billing purposes which is comprised of the FACS three-digit agency code and five-digit cost center code.

Agency — Any or all boards, commissions, departments, agencies, offices, officers or other instrumentalities, or any or all of these, within the executive branch of state government.

Analog — A type of signal which makes use of electrical analogies (varying voltages, frequencies) to produce a signal of a continuous nature rather than a pulse nature.

Automatic identified outward dialing (AIOD) — A feature available on some telecommunications systems which automatically transmits the identification of station line numbers on all toll and/or CCSA calls to permit telephone company-provided individual station billing.

Call — A successful attempt to establish a connection between two parties.

Call transfer — A feature which enables a station user to independently transfer an incoming exchange, toll or LINC network call to another station within the same system by dialing the number of the station to which the call is to be transferred.

Central office — A building or part of a building that houses telephone equipment to provide service to users in a particular area. More than one central office may be located in the same building.

Channel — A path for the transmission of electromagnetic signals.

Circuit — The physical connection of channels, conductors and equipment in such a way to provide discrete communications between two given points.

Common carrier — A government regulated private company that furnishes the general public with telecommunications services and facilities, for example, a telephone or telegraph company.

Common control switching arrangement (CCSA) — Electronic switching equipment which provides for interconnection of telecommunications systems and selective routing of the calls between the systems based on the least expensive available path.

Competitive sealed bidding — A method of procurement which strictly follows the requirements set forth in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950 except for such variations as are specifically established in Part IX of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

Credit card — A service provided by the telecommunications common carriers through the Office of Telecommunications Management. This service enables the cardholder to place long distance calls in order to conduct state business through the public telephone toll network when he is not at his official domicile or does not have access to a state network telephone. Charges will be billed at telephone company rates.

Data — Any representation (characters, analog quantities) to which meaning may be assigned.

Data communications — The movement of encoded information by means of electrical transmission systems.

Dial switching — An automatic communication system whereby a station user can establish through electromechanical or electronic equipment, a connection to another station user without the assistance of an attendant.

Digit — One of the symbols 0, or 1 through 9, used in telephony to describe the impulse sequence produced by the telephone aid.

Digital — A type of signal made up of electrical pulses of specific duration, amplitude, etc.

Direct inward dialing (DID) — A telecommunications system switching feature which permits incoming calls to reach stations directly without attendant assistance.

Electronic transmission facility — Any transmission medium, switch, instrument, inside wiring system, or other facility which is used, in whole or in part, to provide any transmission except two-way radio. Such facilities shall not include terminal equipment, modems, front end processors, acoustic couplers, remote job entry equipment, and distributed data processing equipment.

Equipment support contract — A contract which covers a single, specific class or classes of telecommunications equipment and all features associated with that class, through which state

agencies may purchase or lease the item of hardware specified by issuing a purchase order under the terms of the contract without the necessity of further competitive bidding.

Exchange — A telephone service area with its own rate schedule. An exchange may or may not include a central office or offices and may also include more than one municipality.

Facsimile network — A network composed of devices used for transmission and reproduction of printed or pictorial information by electronic means.

Financial Accountability Control System (FACS) — A financial management system to provide for responsible reporting, accounting, and budgetary control of the revenues and expenditures of state agencies.

Inside wiring system — Any wiring which, directly or indirectly, interconnects any terminal equipment with any other terminal equipment or with any regulated facility or common carrier service and is located at the premises of the customer and is not inside any terminal equipment.

Intercom system — a telecommunications system that allows selective intercommunications between work stations within an office or building complex.

Interconnect — To connect privately owned components to a public network of a telecommunications common carrier.

Key telephone system — An arrangement of telephones, wiring and other necessary equipment which provides a means of answering one or more lines by one or more stations and a means of transferring calls to another station. The types of key system telephones include call directors; panel mounted modules; ten line key units; sets with externally mounted keys; or sets with no associated key equipment, when such sets are part of a key telephone assembly.

Line — A path for electrical transmission between a terminal and central switching equipment.

Line conditioning — The process of adjusting electrical characteristics to specific values.

Long distance — A service consisting of placing telephone calls to intrastate or interstate toll points. Calls can either be directly dialed or placed through an operator.

Loop circuit — A telecommunications circuit between a user and the local central office (switching center) or between two private line users.

Louisiana Intercity Network for Communications (LINC) — A network comprised of special types of private line channels connecting consolidated and individual telecommunications systems of state agencies.

Mileage charges — The additional charges to lines located in a different building and beyond a serving area of a common carrier. Also includes charges for dedicated point-to-point communication facilities.

Mobile telephone service — Any telephone service designed for use in vehicles which transmits via a radio connection to the public telephone network, including land, air-to-ground, maritime, and other specialized vehicles.

Modem — A device which modulates and demodulates signals transmitted on a carrier frequency. Through the process of modulation-demodulation, digital signals are translated into signals sent through analog communications facilities.

Network — A system consisting of a number of terminal points which are able to access one another through a series of telecommunications lines and switching arrangements.

Official domicile — The city in which the office is located, except where the domicile is fixed by law or the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the agency head, provided that in all cases such designation must be in the best interests of the agency and not for convenience of the person.

Off premise extension (OPX) — Direct line connection from a telephone switchboard or PBX which terminates in a telephone instrument at a different premise or different city than that of the switch.

Operating expenses — All expenses with the exception of salaries, professional services, and capital outlay incurred in a fiscal year.

Private branch exchange (PBX) system — A type of telephone system which allows for intercommunications between stations on the system without connecting those calls to public lines, allows for direct incoming calls from public lines, and allows for connecting outgoing calls to public lines.

Private line — A channel or circuit provided to furnish communication only between two or more telephones directly connected to each other.

Procurement — The selling, buying, purchasing, renting, leasing, or otherwise obtaining of telecommunications equipment, systems, or related services, as well as all activities engaged in, resulting in, or expected to result in the selling, buying, purchasing, renting, leasing, or otherwise obtaining of telecommunications equipment, systems, or related services by the state or its agencies.

Rotary dial — a dialing arrangement which utilizes a circular piece of equipment on telephone instruments to initiate calls.

State employee — Employees below the level of state officer.

State officer — State elected officials and/or department head as defined by Title 36 of the Louisiana Revised Statutes (Secretary, Deputy Secretary, Undersecretary, Assistant Secretary, and the equivalent positions in higher education, and in the office of elected officials).

Switching center — an equipment location where termination of multiple circuits interconnect and traffic is transferred between circuit.

Telecommunications coordinator — A representative selected by the agency head who is assigned the responsibility for and authority to determine and control telecommunications requirements for his agency and coordinate those requirements with the Office of Telecommunications Management.

Telecommunications equipment, systems, and related services — The equipment and means to provide electronic transmission facilities; telephone systems; facsimile systems; radio paging services; mobile telephone services; intercom and electro-mechanical paging systems; and any and all systems based on emerging and future telecommunication technologies relative to these items.

Telecommunications system lease contract — A contract between a supplier of telecommunications systems, including equipment and related services, and the Division of Administration, Office of Telecommunications Management, through which telecommunications systems, including equipment and related services, may be leased for a term which shall not exceed sixty months.

Telephone — An apparatus for converting speech energy to electrical waves, transmitting the electrical energy to a distant point and reconvert to audible sounds.

Terminal — Any device that can send and/or receive information over a telecommunications channel.

Tie lines — A private line telecommunications channel provided by communications common carriers for interconnecting two or more points.

Transfer — The conveyance of control from one mode to another by instructions or signals, or the conveyance of data from one place to another.

Trunk — A telecommunications channel between switching centers or central offices.

Wide area telephone service (WATS) — A special arrangement to permit long distance calling on a full-time or part-time basis at a specified monthly rate to specifically designated areas of the state or nation. This service can either be inward WATS (area code 800 service) which would apply to incoming calls or outward WATS which would apply to outgoing calls.

LAC 1-10:2 General Provisions

2.1 Title. These rules shall be known as the Administrative Rules and Regulations of the Office of Telecommunications Management.

2.2 Authority. These rules are adopted pursuant to L.R.S. 39:171-174 and L.R.S. 39 1751-1755. The Office of Telecommunications Management is given the authority to:

2.2.1 Establish and coordinate, through either state ownership or commercial leasing, all telecommunications systems and services affecting the management and operations of the executive branch of state government. Telecommunications systems and services shall mean the equipment and means necessary to provide:

- A. Electronic transmission facilities;
- B. Telephone systems;
- C. Facsimile systems;
- D. Radio paging services;
- E. Mobile telephone services;
- F. Intercom and electro-mechanical paging systems; and
- G. Any and all systems based on emerging and future telecommunications technologies relating to A through F above.

2.2.2 Act as the sole centralized customer for the acquisition, billing and record-keeping of all telecommunications systems or services provided to state agencies, whether obtained through lease or purchase.

2.2.3 Charge respective user agencies for their proportionate cost of the installation, maintenance and operation of the telecommunications systems and services, including the operation of the office.

2.2.4 Develop coordinated telecommunications systems or services within and among all state agencies, and require, where appropriate, cooperative utilization of telecommunications equipment and services by aggregating users. Where such cooperative utilization of telecommunications systems or service would affect an agency authorized to receive information from the National Crime Information Center of the Federal Bureau of Investigation, such plans for cooperative utilization shall first be approved by the National Crime Information Center before implementation of such telecommunications systems or service can proceed.

2.2.5 Review, coordinate, approve, or disapprove all requests by state agencies for the procurement, through purchase or contract for lease, of telecommunications systems or services including telecommunications proposals, studies and telecommunications consultation contracts.

2.2.6 Establish and define telecommunications systems and services specifications and designs so as to assure compatibility of telecommunications systems and services within state government, and to assure that systems are practical and in accordance with agency budgetary limitations.

2.2.7 Provide a continuous comprehensive analysis and inventory of telecommunications costs, facilities, and systems within state government.

2.2.8 Promote, coordinate, or assist in the design and engineering of emergency telecommunications systems, including but not limited to "911" service, emergency medical services, and other emergency telecommunications services.

2.2.9 Advise and provide consultation to agencies with respect to telecommunications management planning and related

matters and to provide training to users within state government in telecommunications technology and system use.

2.2.10 Develop policies, procedures and long range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems, and to base such policies on current information about state telecommunications activities in relation to the full range of emerging technologies.

2.3. Purpose. The purpose of these rules is to establish overall policy, define areas of responsibility, and prescribe procedures for the provision and management of coordinated telecommunications services at minimum expenditure to support the programs of all state departments.

2.4 Scope. These rules apply to all state agencies as defined in L.R.S. 36:3(1) and any and all entities approved by the Commissioner of Administration to utilize state telecommunications systems.

LAC 1-10:3 State Agencies' Responsibilities

3.1 General. All state agencies and all entities approved by the Commissioner of Administration to utilize state telecommunications systems must comply with the requirements and standards stated in these rules and regulations and must:

3.1.1 Adopt procedures to insure that projects and programs initiated within their agencies which will produce an effect on telecommunications services are coordinated with the Office of Telecommunications Management during the earliest stages. This coordination is necessary to insure that proper planning is done in a cost-effective manner to satisfy the future telecommunications needs and requirements of their agencies.

3.1.2 Calculate telecommunications expenditures with the aid of the Office of Telecommunications Management for the preparation of each fiscal year budget to ensure that all appropriate expenditures are included under the object account, Telephone and Telegraph.

3.1.3 Appoint one or more representatives to be designated as the Telecommunications Coordinator(s). The person(s) designated must have sufficient knowledge of the agency's function and must have authority to grant budgetary as well as administrative approval for the agency. Agencies must submit to the director of the Office of Telecommunications Management in writing the names, titles, mailing addresses and telephone numbers of their Telecommunications Coordinators and the geographic area for which they are responsible. Such notification must be kept current as changes in personnel occur. If an agency does not designate a Telecommunications Coordinator, the Office of Telecommunications Management will assume that the Undersecretary or the equivalent administrative position in the offices of higher education, elected officials, or other subdivisions of state government is the Telecommunications Coordinator.

3.2 Telecommunications Coordinator Responsibilities. The Telecommunications Coordinator is charged with:

3.2.1. Formulating and submitting a long range plan for his agency's use of telecommunications equipment, systems, and services. This plan is to be submitted to the Office of Telecommunications Management and the Legislative Fiscal Office by September 1 of the fiscal year preceding the fiscal year for which funding is requested with detailed justification for all requests.

3.2.2 Assuming responsibility for all agency requests for modifications to existing telecommunications equipment, systems, or services. This responsibility consists of but is not limited to:

A. Reviewing all communications requests within his agency to ensure compliance with the standards outlined in these rules and regulations.

B. Determining the need for and approving or disapproving requests for service and equipment which are in com-

pliance with these standards.

C. Forwarding all approved requests for service to the Office of Telecommunications Management, on appropriate forms, to obtain final approval.

3.2.3 Coordinating with the Office of Telecommunications Management the acquisition of new telecommunications systems. Coordination consists of but is not limited to:

A. Notifying the Office of Telecommunications Management of any new projects or programs or alterations to existing projects or programs which would require the acquisition of new telecommunications systems.

B. Informing the Office of Telecommunications Management of meetings which would affect the planning for a new telecommunications system.

C. Forwarding copies of studies and plans related to the telecommunications requirements of the project to the Office of Telecommunications Management.

D. Submitting any additional information to facilitate determination of the type of telecommunications system required.

E. Providing notification to the Office of Telecommunications Management that sufficient funds have been budgeted for the new telecommunications systems.

F. Approving all equipment specifications prepared by the Office of Telecommunications Management.

G. Attending, when scheduled, pre-bid conferences to provide additional information to vendors.

3.2.4 Developing a program for ongoing review of telecommunications services and expenditures to ensure that unnecessary expenditures are eliminated and that a proper level of service is being provided.

3.2.5 Advising the Office of Telecommunications Management of any significant discrepancies in telecommunications systems or services provided by any supplier of these services.

3.2.6 Evaluating use of telecommunications services by the agency to identify the need for instruction and/or training and forwarding recommendations to the Office of Telecommunications Management, who will furnish the agency with services needed.

3.2.7 Submitting current telephone listings for the agency to be included in all public telephone directories in the state as well as the State Government Telephone Directory.

LAC 1-10:4 Telecommunications Equipment and Service Standards

4.1 Central System. The State of Louisiana will utilize the concept of a major centralized telecommunications system to provide services for state agencies when this system is the most cost effective system available.

4.1.1 The type of consolidated system utilized is dependent upon emerging technologies in telecommunications.

A. The electronic switching systems allow each telephone in the system to be programmed to the requirements of the job to which the telephone is assigned. The Office of Telecommunications Management has designed basic service to include a telephone instrument with call transfer feature providing an equivalent of two lines per instrument. Optional features are available at additional monthly costs. The management of each agency will be responsible for determining the optional features needed on each telephone to meet operation requirements for respective jobs. The Office of Telecommunications Management will advise and assist agencies in meeting these operational requirements.

B. Use of single line instruments is an integral part of the centralized, shared system concept. Since the call transfer feature allows access to the equivalent of two lines per instrument, electronically switched systems will not be terminated into key tele-

phone systems when the line is located within the service area of the electronic switch. Lines located outside the service area of the electronic switch shall not be terminated into key telephone systems which are not leased or owned by the state.

4.1.2 Any agency requiring service which is located within the service area of an existing centralized telecommunications system must be given service from the centralized system if economically justifiable.

A. Any member of the State Legislature will be provided, at his designated legislative office location, an off premise extension from the nearest electronically switched system. A secretarial or a residential extension of that line will be allowed. Costs associated with these lines and extensions will be billed directly to the appropriate accounting section responsible for each legislative body. During legislative sessions, legislators will be provided a Baton Rouge off premise extension in their temporary residences.

B. Any judge of those state courts whose operating expenses are financed in part or in whole from state appropriations will be provided at his designated judicial office location, an off premise extension from the nearest electronically switched system. A secretarial or a residential extension of that line will be allowed. All costs associated with these lines will be billed directly to the appropriate accounting section responsible for each judicial entity.

C. A state officer, or a member of those state boards and commissions meeting the standards set forth in LAC 1-10:4.1.2 and LAC 1-10:4.1.3, may be allowed at his residence an off premise extension from the nearest electronically switched system. Detailed written justification for the residential line must be submitted to the Office of Telecommunications Management, and approval of the request will be granted by the Commissioner of Administration upon the recommendation of the Office of Telecommunications Management. All charges applicable to the residential telephone line must be billed to a state account number. It will be the responsibility of the applicable Telecommunications Coordinator to notify the Office of Telecommunications Management if a state officer having a residence phone leaves state service or changes position in order that the Office of Telecommunications Management may effect termination of the telephone service.

D. Members of those state boards and commissions, meeting the standards set forth in LAC 1-10:4.1.2 and LAC 1-10:4.1.3, may be allowed at their respective office locations an off premise extension from the nearest electronically switched system. Detailed written justification for the line must be submitted to the Office of Telecommunications Management, and approval of the request will be granted by the Commissioner of Administration upon the recommendation of the Office of Telecommunications Management. All charges applicable to the telephone line must be billed to a state account number. It will be the responsibility of the applicable Telecommunications Coordinator to notify the Office of Telecommunications Management if a member of such board of commission having a state phone leaves state service or changes position in order that the Office of Telecommunications may effect termination of the telephone service.

4.1.3 Non-State Agency Use of Central System. Other state related entities may be allowed to be part of a centralized communications system when all of the following criteria are met and upon recommendation of the Office of Telecommunications Management and written approval of the Commissioner of Administration.

A. The entities shall be either quasi-state agencies whose operating expenses are financed in part or in whole from state appropriations; corporations or agencies who provide direct service which is of benefit to state employees; or the working press with offices in the State Capitol.

B. The entities being allowed to use the shared system will be charged the same rates as state agencies and must pay for the

service within thirty days of receipt of the Office of Telecommunications Management invoice. Therefore, the entity's use of the shared system would not result in any cost to the state.

C. The use of the LINC network by the entities will not preclude any state agency from use of the network.

4.2 Individual Agency Telecommunication System. Individual agency telecommunications systems, such as PBX or key, will be approved by the Office of Telecommunications Management for utilization by those agencies outside the serving area of a centralized system. Individual systems will also be used when mileage charges or other considerations make it unacceptable to include an agency located in the serving area of a centralized system. Key systems may be used with PBX systems where traffic volume and work methods require that an instrument have access to more than one line. Individual agency systems requiring intercity capability may be provided an off premise extension from a centralized system.

4.3 Business Service. Business line telephone service may be authorized to augment a central system or an individual agency telecommunications systems for economical or specific organizational needs. In those cases, proper justification for the business line must be submitted in writing with the service request to the Office of Telecommunications Management for approval. All services of this type will be billed through the Office of Telecommunications Management.

4.4 State Telecommunications Network. The Office of Telecommunications Management provides, through a lease agreement with a common carrier, a network system which connects all central systems throughout the state as well as those individual agency systems having network compatibility.

4.4.1 The network system is known as the Louisiana Intercity Network for Communications (LINC).

4.4.2 LINC is comprised of special types of private line channels such as voice grade telephone access lines, intermachine trunks, WATS, and dedicated tie lines. Special electronic switching machines having common control switching arrangement (CCSA) are located in a common carrier's central offices and use private line channels to connect the consolidated and individual systems. The CCSA machines also control and direct the network for utilization of the most economical facilities over the minimum distance required and provide the necessary information to enable the Office of Telecommunications Management to bill on an actual usage basis.

4.4.3 The design standards for LINC are as follows:

A. Direct inward dialing at all locations served by the network for calls over the network.

B. Line accountability for use of the network in order to provide billing based on actual usage.

C. Control of access to the network to limit access to the network only to those individual instruments requiring long distance service.

D. Uniform dial access to allow instruments with network access to dial an access code number and a seven-digit number when calling another state office on the network.

E. P.02 grade of service of the network so that out of one hundred tried calls on the network, not more than two calls will encounter a network busy signal.

4.5 WATS Service. Inward WATS service (area code 800 numbers), statewide or nationwide, can be leased upon submission of proper justification and service request to the Office of Telecommunications Management. Individual agency leasing of separate outward WATS lines will not be allowed.

4.6 Mobile Telephone Service. Detailed written justification for mobile telephones, whether leased or purchased, must be submitted to the Office of Telecommunications Management for review. Approval of the request will be granted by the Commis-

sioner of Administration upon the recommendations of the Office of Telecommunications Management. All charges applicable to mobile telephones will be billed to a state account number. It will be the responsibility of the state agency to notify the Office of Telecommunications Management when the mobile telephone is no longer needed in order to effect termination of the service.

LAC 1-10:5 Telecommunications Use

5.1 General. All state agencies and all entities approved by the Commissioner of Administration to utilize state telecommunications systems are responsible for devising, implementing, and enforcing controls related to telephone usage and informing employees of such policies to preclude unnecessary charges. Agency policy concerning telephone usage should be consistent with the following considerations and should be appropriate for the particular needs of each agency.

5.1.1 State telephones are provided for the conduct of state business, therefore incoming and outgoing personal calls should not interfere with the purpose for which the telephones have been provided. The frequency and duration of incoming and outgoing personal calls should be minimized to reduce lost personal time.

A. Personal long distance calls over the common carrier toll network shall not be made from state telephones unless arrangements are made with the long distance telephone operator at the time the call is placed and specific instructions are given to have the call billed to the caller's home telephone or to have the call billed as a collect call. In the event personal long distance calls are made, the agency may require the employee to reimburse the state for the cost of the call.

B. Personal long distance calls shall not be made over the state leased network (LINC).

5.1.2 Collect calls shall not be accepted on state telephones except in emergency situations.

5.1.3 Third number calls billed to state telephones result in unaccountable additional charges and are prohibited.

5.1.4 Credit cards should be provided only to personnel whose duties require that they frequently make long distance calls from locations other than their official domicile. Individuals assigned credit cards will be responsible for their proper use and protection. Justification for issuance of a credit card should be submitted for review to the agency's Telecommunications Coordinator on an annual basis. Upon approval by the Telecommunications Coordinator, the request should be forwarded to the Office of Telecommunications Management for final issuance.

5.1.5 The use of the state's communications facilities and/or equipment by individuals other than State personnel is prohibited.

5.2 Connection to State Telephones. Any miscellaneous telecommunications device, such as recording phone, answer phone, mechanical call forward device, etc., whether personally owned or rented, shall not be connected to a state telephone line without prior review and approval of the Office of Telecommunications Management.

LAC 1-10:6 Telecommunications Service Requests

6.1 General. All requests for modifications to existing telecommunications equipment, systems, or related services for state agencies must be submitted in writing to the Office of Telecommunications Management on forms developed by the Office of Telecommunications Management and must contain the approval of the agency Telecommunications Coordinator. Verbal requests will not be accepted except in cases of extreme emergency. Written requests explaining and confirming the reasons for the verbal request must be submitted to the Office of Telecommunication Management following such circumstances.

6.2 Processing of Requests. Requests for installation, re-

location, modification or termination of service on existing systems must be submitted to the Office of Telecommunications Management as far as possible in advance of the date service is desired to allow lead time for evaluation and scheduling of work. The Office of Telecommunications Management will process requests for service in order of date of receipt from the agency. The following time schedule should be considered when submitting requests for service:

6.2.1 Requests for new service should be received by the Office of Telecommunications Management at least 180 days in advance in order to provide required service and to avoid the possible necessity for temporary measures which may result in additional installation and service charges to the agency.

6.2.2 Requests for relocation or modification of existing service should be received by the Office of Telecommunications Management at least 20 days in advance to provide reasonable assurance of uninterrupted service and to avoid duplicate service charges for the move.

6.2.3 Requests for termination of service should be received by the Office of Telecommunications Management at least 30 days in advance of the date service is to be discontinued. Failure to give adequate notice may result in charges to the using agency beyond the requested disconnection date. The agency will be responsible for all applicable charges if termination is not effected by the requested date because of inadequate notice.

6.3 Evaluation of Requests. All requests for service will be evaluated by the Office of Telecommunications Management and approved on the basis of cost effectiveness for the user agency in compliance with the Office of Telecommunications Management standards.

6.4 Approval of Requests. Upon evaluation and approval of the request, the Office of Telecommunications Management will take the appropriate action to perform the services requested. Installation, relocation, modification, or removal of existing telecommunications equipment cannot be performed by state employees without prior review and approval of the Office of Telecommunications Management.

LAC 1-10:7 Telecommunications Procurement

7.0 Periodic Review of Systems. The Telecommunications Coordinator should periodically review telecommunications services existing in their offices and facilities and should order the removal of any unnecessary lines, stations, or special features. Upon request of the Telecommunications Coordinator, the Office of Telecommunications Management will make a premise review to provide assistance in the evaluation of existing telecommunications systems and make recommendations to provide a more effective telecommunications program.

7.1 Recommendations. When a telecommunications system is considered to be inadequate, or when a system is required for a new facility, a review will be conducted by the Office of Telecommunications Management to identify all telecommunications needs and recommendations for a new system.

7.2 Price Estimates. The Office of Telecommunications Management will forward the detailed site evaluation and new system recommendations with a price estimate for the new system to the agency for review and approval. The agency will then forward the approved proposal to the Division of Administration, Budget Office for verification that funds exist to implement the desired telecommunications system. When the Budget Office notifies the Office of Telecommunications Management that funding is available, the Office of Telecommunications Management will initiate procedures for the acquisition of a telecommunications system.

7.3 Request for Proposals. The Office of Telecommunications Management will develop a Request for Pro-

posals (RFP). The RFP will consist of sufficient information to allow potential vendors to determine what they believe to be the best and most cost effective methods to supply the agency's needs. The RFP will be constructed in such a way as to insure that the agency will obtain all functions required, while seeking the greatest competition available.

7.4 Processing the RFP. When the RFP has been completed, it will be forwarded to the Office of State Purchasing. State Purchasing will add pertinent dates dealing with the bid process and will solicit proposals according to accepted purchasing practices of competitive sealed bidding. Proposals will be opened by the Office of State Purchasing at the designated time and place. State Purchasing will evaluate all proposals to be certain that Purchasing's requirements have been met. All proposals meeting those requirements will be forwarded to the Office of Telecommunications Management.

7.5 Evaluation of the RFP. As soon as practical after proposals have been opened, the Office of Telecommunications Management will evaluate the proposals in an effort to select a vendor. Proposals will first be reviewed to insure that all administrative and technical mandatory requirements have been met. Any proposal not meeting all mandatory requirements will receive no further consideration. All remaining proposals will then be evaluated in strict conformity to the evaluation criteria stated in the RFP. The responsive proposal receiving the highest point score will be recommended for award. The financial stability of the vendor will be verified at this time. If the vendor should be found nonresponsive, the responsive vendor with the next highest point score will be considered.

7.6 Contract Covering Accepted Proposal. The winning vendor and the Office of Telecommunications Management will develop a contract which reflects both the RFP and the proposal of the vendor. No terms which vary the equipment, services, price or time frame will be permitted. The final contract will be signed by both parties within twenty days of its completion. Failure to sign the contract within the above stated time period may result in forfeiture of the appropriate bonds and consideration will then be given to the vendor with the next highest point score.

7.7 Equipment Support Contracts. Should the equipment and services needed be available through an existing Equipment Support Contract, the Office of Telecommunications Management will consider use of those contracts. If use of those contracts is considered to be in the best interest of the state, the Office of Telecommunications Management will not request proposals, but will obtain the equipment and services through the appropriate Equipment Support Contracts instead.

LAC 1-10:8 Telecommunications Charges

8.1 General. The Office of Telecommunications Management is responsible for the payment of all telecommunications costs incurred by state agencies and provides for equitable billing and charges for state agencies' telecommunications services utilized.

8.2 Service Charges. The Office of Telecommunications Management charges respective user agencies for their proportionate cost of the installation, maintenance, and operation of telecommunications systems and services, including business service, centralized electronically switched systems, or individual agency systems. Administrative costs for the operation of the Office of Telecommunications Management are billed to all user agencies as a surcharge to amount billed by telecommunications common carriers.

8.2.1 Equipment Charges. Equipment costs shall be charged to user agencies in accordance with policies and procedures established by the Office of Telecommunications Management.

8.2.2 Network Charges. LINC costs are billed to use agencies on an actual usage basis with each instrument using the network being billed for its pro rata share of network cost. A formula-derived cost per minute of usage will be determined by the Office of Telecommunications Management. This cost per minute will be the basis for the monthly usage charge for each instrument. Since the Office of Telecommunications Management bills for actual use of the network, LINC usage charges will always be in arrears on the telecommunications invoice.

8.2.3 Toll Charges. All long distance calls not placed through the LINC system but rather through the facilities of the common carrier, including credit card calls, will be billed to the originating agency at local telecommunications utility rates. Use agencies will be responsible for contacting the common carrier to have unauthorized toll calls investigated. Upon completion of investigation, the telecommunications common carrier will contact the Office of Telecommunications Management to issue applicable credit.

8.2.4 Mileage Charges. For specialized voice and data circuits provided between common carrier switching centers either intracity or intercity, a mileage charge per billing period will be rendered. Such charges will be billed to the user agency based upon the rates charged by the telecommunications common carrier.

8.2.5 Other Charges. The Office of Telecommunications Management will bill to subscriber agencies for any and all other telecommunications services such as radio paging, operator services, etc.

8.3 Billing Procedures. The Office of Telecommunications Management has developed a computerized billing system to allocate and prorate all direct and indirect costs.

8.3.1 The Office of Telecommunications Management uses seven billing regions which coincide with the eight regions designated as the State Planning Districts. State Planning Districts 1 and 3 are combined. Each billing region has a different invoice date and the location of the telecommunications equipment determines the date on which the using agency will be invoiced.

8.3.2 All telephone lines and circuits will be assigned an eight-digit account number for billing purposes. This number is comprised of the FACS three-digit agency code and five-digit cost center code. If an agency is not on the FACS system, then the Office of Telecommunications Management will determine a number equivalent to the FACS cost center code. The Telecommunications Coordinator is responsible for obtaining the proper code assignments from the departmental fiscal officers to ensure that correct charges are applied to the proper invoices.

8.3.3 Whenever the account number for a particular telephone line or circuit or account mailing address is to be changed, the Office of Telecommunications Management must be notified in writing through the Telecommunications Coordinator in order to correct billing records. Changes received prior to the tenth of the month will be reflected on that month's bill. The agency billed is responsible for all charges incurred on a particular telephone number or circuit based on the records existing at the Office of Telecommunications Management at the time the invoice was produced. The Office of Telecommunications Management will not reissue any bills or issue any adjustments to agencies for charges that have occurred due to non-compliance with this notification procedure.

8.3.4 Upon receipt of the monthly invoice from the Office of Telecommunications Management the agency should review and audit the billing detail printout for possible billing and inventory discrepancies. The agency should prepare a letter noting discrepancies found and adjustments to be made, and forward the letter through the Telecommunications Coordinator to the Office of Telecommunications Management. In order for corrections to

be reflected on the following month's invoice, the Office of Telecommunications Management should receive the letter from the Telecommunications Coordinator no later than 10 days after the receipt of the invoice. The Office of Telecommunications Management will determine the accuracy of the discrepancies noted, and any applicable adjustments will be issued on the next billing cycle.

8.4 Payment. The agency must return one copy of the invoice summary with payment to the Office of Telecommunications Management to insure proper crediting of its account. No adjustments will be made to accounts improperly credited due to submission of incorrect information by the agency. The entire amount of each bill is due within 30 days of the receipt of the invoice or a follow-up letter and schedule of bill will be generated by the Office of Telecommunications Management asking for prompt payment. If the agency does not remit payment or reply to the follow-up letter in 60 days then a letter will be sent to the head of the agency explaining the situation and eliciting his/her cooperation. The letter will also state that if the bill goes 90 days past due it will be forwarded to the Commissioner of Administration for review and action. If the Commissioner of Administration approves collection, then the Appropriations Control Office will be notified in writing and the money will be transferred from the agency involved to the Office of Telecommunications Management. To avoid delay, a designated official in the Office of the Commissioner of Administration will be responsible for sending the documentation to Appropriations Control. In accordance with 8.3.4 above, the agency will not alter the amount paid to the Office of Telecommunications Management. If the agency finds that there are billing discrepancies, it must send a letter along with the payment so that the Office of Telecommunications Management can resolve the problem with the appropriate common carrier. Nonpayment of charges within 90 days by non-state agencies which are allowed to share a centralized communications system constitutes sufficient reason for the Office of Telecommunications Management to notify applicable common carriers or suppliers to terminate service.

8.5 Refunds. Refund checks will not be issued by the Office of Telecommunications Management for overpayment of an account unless there is no other five-digit cost center code related to the three-digit agency code for which overpayment was made and to which the overpayment can be credited. All requests for refund checks must be submitted in writing to the Office of Telecommunications Management.

8.6 Rate Requests. All inquiries concerning telecommunications rates must be directed to the Office of Telecommunications Management and not to telecommunications common carriers or suppliers.

LAC 1-10:9 Directory Requirements

9.1 General. The Office of Telecommunications Management will be responsible for the coordination and publication of all directory information for state telephone users.

9.2 Public Directories. The Office of Telecommunications Management will submit to telecommunications common carriers at designated yearly deadlines complete lists of all state government telephone numbers to be published in each existing public directory in the state.

9.2.1 The Telecommunications Coordinator shall contact each subdivision within his agency to determine the necessity, completeness, and accuracy of listings to be included in each existing public directory in the state. The Telecommunications Coordinator shall submit to the Office of Telecommunications Management in writing all listings of state government telephone numbers for his agency to be published in these public directories.

9.2.2 The Office of Telecommunications Management will determine a uniform format to be complied with by all state

agencies for state government directory listings.

9.2.3 Changes to directory listings submitted in writing to the Office of Telecommunications Management between yearly updates will not incur an additional service order writing charge if the listing change is submitted at the same time that a request is submitted for installation, relocation, or termination of telecommunications services.

9.2.4 The Telecommunications Coordinator should submit all changes to the Office of Telecommunications Management as they occur throughout the year to assure that common carrier directory assistance and state government directory assistance information will be current.

9.2.5 Requests for advertising of state telephone numbers, such as bold type white page listings and yellow page listings, shall be submitted to, reviewed, and approved by the agency Telecommunications Coordinator. The Telecommunications Coordinator is responsible for requesting all directory advertising through the Office of Telecommunications Management. Contracts for directory advertising on any state telephone number must be approved by the Office of Telecommunications management before publication.

9.3 State Directory. The Office of Telecommunications Management shall publish yearly a State Government Telephone Directory to provide state telephone users with the telephone numbers necessary for the conduct of state business. Agencies served by the Office of Telecommunications Management will be provided one directory for each telephone utilized. The directory shall be composed of organizational listings of state government agencies by department, office, division, and function within state government, cross reference material, explicit dialing instructions, and other items of reference.

9.3.1 The Office of Telecommunications Management will determine a uniform format to be complied with by all state agencies for directory listings published in the State Government Telephone Directory.

9.3.2 Changes to the State Government Telephone Directory must be submitted in writing to the Office of Telecommunications Management by the Telecommunications Coordinator. No charge will be incurred for listings or changes made to the State Government Telephone Directory.

LAC 1-10:10 Telecommunications Training

10.1 General. The Office of Telecommunications Management will provide to all state agencies necessary training and/or instructions related to telecommunications technology and system use. All requests for training and instruction must be submitted in writing to the Office of Telecommunications Management and should be made in advance to avoid any unnecessary misuse of telecommunications systems due to employees' lack of knowledge.

10.2 Telecommunications Coordinator Training. Training designed to instruct the Telephone Systems Coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and to familiarize him with the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management as requested by state agencies.

10.3 State Employee Training. Instructions will be provided to state employees on the operation of various telephone systems, telephone equipment and telephone etiquette by the Office of Telecommunications Management as requested by state agencies and before conversions to new telecommunications systems occur.

LAC 1-10:11 Telecommunications Repair

11.1 General. The grade of service on any telecommunications system or device is highly dependent upon the

identification and correction of maintenance problems. The prompt and accurate reporting of problems experienced will result in better service to all users. Telecommunications suppliers must be aware of failure and degradation of service in order to initiate maintenance and repair actions.

11.2 Telephone Repair Procedures. When trouble occurs, try to place the call twice. If the call still cannot be successfully completed, the trouble should be reported.

11.2.1 The trouble should be reported to the state problem reporting number in the appropriate service area of the agency involved. The agency should supply the following information: name, telephone number, location of telephone, color of telephone, the time the trouble occurred, and a brief description of the trouble encountered.

11.2.2 In case of recurring problems existing after numerous reports, or trouble reported which are not corrected properly, the user agency should contact the Office of Telecommunications Management in writing for immediate and final resolution of the problem.

LAC 1-10:12 Waiver of Regulations

12.1 General. The Commissioner of Administration may waive in writing, upon the recommendation of the Office of Telecommunications Management, any provision in these rules when the best interest of the state will be served.

RULE

Office of the Governor Division of Administration

Fiscal Policy and Procedure Memorandum No. 63
(Revised February, 1984)

Uniform Policy for Use and Management of State Vehicles

The Division of Administration has adopted as Rules the revised Policy and Procedure Memorandum No. 63 as printed in the December 20, 1983, *Louisiana Register*, to be effective upon this publication.

The reader is advised to refer to the Notice of Intent printed in this issue regarding proposed changes to this revised PPM 63, which are a result of written comments to the previous Notice of Intent and to bring the PPM into conformity with Executive Order 83-29. Insofar that changes could be considered "substantive," the procedure for making Rule changes according to R.S. 49:968 is thus being followed.

E. L. Henry
Commissioner

RULE

Board of Dentistry Department of Health and Human Resources

The Louisiana State Board of Dentistry, under authority granted by L.R.S. 37:760(8), and in accordance with the Administrative Procedure Act (L.R.S. 49:950 et. seq.), adopted the following Rule at its meeting held in Baton Rouge, LA on January 14, 1984:

All applicants for a dental or dental hygiene license shall furnish the Board with satisfactory evidence of graduation from an

accredited dental school, dental college, or educational program prior to the examination given by the Board for such licensure. An accredited dental school, dental college or educational program shall be one that has been certified as accredited by the Commission on Dental Accreditation of the American Dental Association.

Susan B. Dew
Secretary-Treasurer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereafter referred to as the Agency, hereby implements a rule in the Medical Assistance Program which will serve to change Agency policy concerning loss of Medicaid eligibility as a result of Supplemental Security Income (SSI) termination.

Effective March 1, 1984, the Agency will not abide by policy known as Appeal Number 70132 rendered by the Department of Health and Human Resources Appeals Section. The purpose of this change is to bring the Medical Assistance Program into compliance with 42 CFR 435.1003 concerning adequate and timely notice. Appeal Number 70132 exceeds the intent of the Health Care Financing Administration (HCFA) guidelines as shown in a letter to State Agencies administering approved Medical Assistance Plan from HCFA dated June 15, 1983.

RULE

Effective March 1, 1984, the following will become Agency policy concerning adequate and timely notice for SSI related termination.

(a) Clients who lose SSI eligibility for reasons other than annual SSA Cost of Living Increase or through placement in a Long Term Care Facility will no longer automatically lose Title XIX Medical Assistance Benefits concurrent with SSI closure. These clients shall be given adequate and timely notice as specified in 42 CFR 435.919, and the right to appeal the loss of Title XIX Medical Assistance Benefits.

(b) Each case will be screened by the Office of Family Security to determine if the client is potentially eligible for Medical Assistance under another program. The client will then be notified of potential eligibility or ineligibility for Medical Assistance under another program and will be informed that he or she may still apply for such benefits. If the client requests an appeal within ten (10) days of the date of notification of Medicaid discontinuance, benefits will continue pending the outcome of the appeal. If the client appeals after ten (10) days of the date of notification but within thirty (30) days of the notification, benefits will not continue; however, appeal rights are retained.

(c) Each client who applies for benefits on another basis prior to the SSI/Medicaid termination date will be given retroactive benefits beginning with the SSI/Medicaid termination date, if eligible, in accordance with 42 CFR 435.914.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby implements policy on the provision of non-emergency ambulance transportation for Title XIX recipients. This policy was adopted as an Emergency Rule on November 4, 1983.

RULE

The Office of Family Security, Medical Assistance Manual, Section 19-858C, has a policy of prior authorization for non-emergency ambulance transportation. Effective November 4, 1983, the following are three exceptions to the policy.

1. Long Term Care Facilities may arrange for non-emergency ambulance transportation for Title XIX recipients in need of such services at times when the Parish Office of Family Security is closed. This includes nights, weekends and holidays.

2. When the Parish Office of Family Security is closed and a local ordinance defines "emergency" differently than the definition utilized by the Office of Family Security and the local ordinance definition is more restrictive, and the local ordinance does not allow for the transportation of non-emergency cases in an emergency vehicle according to the local ordinance definition, arrangements may be made by a Long Term Care Facility to have a recipient, who was transported to a hospital on an emergency basis and not admitted, returned to the facility in a qualified non-emergency ambulance vehicle.

3. If an emergency situation occurs and the local emergency ambulance unit will not transport due to the fact that their definition of an emergency is more restrictive than the definition utilized by the Office of Family Security, the Long Term Care Facility or interested party, if the recipient is at a place other than a Long Term Care Facility, may arrange for the transport of the recipient to the hospital or medical provider by a non-emergency ambulance vehicle.

For the Office of Family Security to make payment for the above services, ambulance provider must be Title XIX certified and the Office of Family Security must be provided documentation of the need for the service.

This action is necessary to assure that Title XIX recipients have adequate non-emergency ambulance transportation to Title XIX services during times when the Parish Office of Family Security is closed and when a local emergency ambulance unit will not transport due to their definition of emergency being more restrictive than the definition utilized by the Office of Family Security.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, amends the "Treatment of Assigned Support Payments" rule for the IV-A agency, as published in the *Louisiana Register*, February 20, 1983, Volume 9, Number 2, Page 62. This amendment will require any support payments received by a IV-A applicant, in the month of certification prior to authorization of the first payment, to be considered as income in determining both eligibility and amount of assistance to be provided by the agency.

This amendment is required in order to comply with 45 CFR 233.20(a)(3)(v) as published in the *Federal Register*, Vol. 47, No. 193, page 43953-57, dated October 5, 1982, and the Department of Health and Human Services Action Transmittal OCSE-AT-81-7 and SSA-AT-81-7 (OFA) dated March 27, 1981.

RULE

The IV-A Agency shall treat support payments received by AFDC applicants and recipients in the month of certification, prior to authorization of the first payment, as income in determining both eligibility and the amount of assistance to be provided by the agency. Such support payments shall not be treated as income in the month of certification only when remitted to the IV-D agency by the recipient. Under this rule an overpayment of assistance shall occur in the month of certification when a support payment is received and retained by an applicant or recipient and not counted by the IV-A agency in determining either eligibility or the amount of assistance to be provided through AFDC payment.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Human Development, hereby adopts the following policies and procedures to govern the agency's operation of an Adult Protective Services program in accordance with Louisiana Revised Statute 14:403.2

These policies and procedures include but are not limited to the following: program goals and objectives, program priorities for client services, client's rights, division of program responsibility within Department of Health and Human Resources, agency responsibility for investigations, agency responsibility for referrals to District Attorneys for possible court action.

Roger P. Guissinger
Secretary

RULE

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

Under authority of the Environmental Affairs Act L.R.S. 30:1066(1) and 1084 B(1) and in accordance with the provisions in L.R.S. 49:951 et seq, the Louisiana Environmental Control Commission adopted revisions to the Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) at the January 26, 1984 hearing. Preceding final adoption of the revisions by the Commission, the regulations were forwarded and found acceptable by the Joint Committees on Natural Resources.

The revisions to the LESHAP regulations consisted of amendments to Test Methods 106 and 107; the addition of quality assurance procedures; deletion of Section 78.6 and amendments to Section 6.1.7.

Persons requesting copies and/or further information concerning the adoptions may contact Ms. Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, LA 70804-4066 or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under authority of the Environmental Affairs Act L.R.S. 30:1066(1) and 1084 B(1) and in accordance with the provisions in L.R.S. 49:951 et seq, the Louisiana Environmental Control Commission adopted revisions to the Rules and Regulations for the Fee System of the Air Quality Control Program at the January 26, 1984 hearing. Preceding final adoption of the revisions by the Commission, the regulations were forwarded and found acceptable by the Joint Committees on Natural Resources.

The revisions to the Fee System consisted of some of the following:

- 1) A clarification of the fee system methodology, describing, for example, the determination involved in selecting major and minor modifications, new permit and annual compliance fees, surcharges, etc.
- 2) Creation of new categories.
- 3) Imposition of appropriate minimum values for all fees charged to processes on a variable basis.
- 4) Imposition of maximum fees where unreasonably high payments would result from variable process fees.
- 5) Reduction or elimination of certain fees no longer applicable.
- 6) Increasing fees for certain processes to make them more appropriate, reflecting actual work load of the Air Quality Division.
- 7) Reclassification of certain products based more clearly on their chemical nature.

Persons requesting copies and/or further information concerning the adoptions may contact Ms. Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

RULE

Department of Transportation and Development Board of Registration For Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the October, 1983 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors announced the Notice of Intent to revise Louisiana Administrative Code 19-3:3.2.2 Education, Experience, Plus Examination.

At this time, the Board hereby adopts the following revision to LAC 19-3:3.2.2 Education, Experience, Plus Examination.

The applicant shall be a person who has successfully completed two years of formal education in a curriculum approved by the Board, above the high school level, with at least 60 semester credit hours passed, or the equivalent approved by the Board (including the successful completion of at least six semester credit hours in land surveying courses approved by the Board), and shall have acquired at least two years of combined office and field experience in land surveying, satisfactory to the Board, with a minimum of one year of experience at the level of a party chief under the supervision of a registered land surveyor.

Paul L. Landry, P.E.
Executive Secretary

RULE

Department of Transportation and Development Office of the General Counsel

Notice is hereby given that the Louisiana Department of Transportation and Development has adopted Rules and Regulations for communication cable installation on highway structures, as follows:

Communication Cable Installation on Highway Structures EDSM NO. IV.2.1.8

1. PURPOSE. To establish policy and procedure for the installation of cable for communication systems on highway structures.

2. BACKGROUND. Louisiana R.S. 36:504(B)(1)(d) allows the Department of Transportation and Development to permit installation of cables for communications systems on the Department's bridges.

3. POLICY. Communication cables may be attached to highway structures, provided that such attachments do not overstress structural members, damage the structure, obstruct the clear roadway or waterway, interfere with structure maintenance, or create a hazard to the traveling public. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided. Communication system owners shall be charged a one-time lump sum fee prior to installation, which will be non-refundable, and an annual rental for the installation.

4. PROCEDURE. The Right-of-Way Permits Engineer will be responsible for the implementation and coordination of these procedures.

a. Any request for the attachment of a communication cable to a highway structure will be made using the attached supplement and application for Project Permit Form Nos. DOTD 03-41-3035 or DOTD 03-41-0593, copies of which will be maintained in each District Office.

b. The application for permit shall be reviewed and approved at the District Office then sent to the Right-of-Way Permits Unit in Baton Rouge for further handling.

c. The owners shall be charged an annual rental for the privilege, but not as a payment for a property right or use and occupancy of the highway structure. A schedule shall be maintained by the Right-of-Way Permits Engineer of reasonable annual rental rates to be charged owners.

d. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. No inspection fee is charged and the guarantee deposit will be refunded promptly upon the receipt of notice from the District Administrator that the work has been satisfactorily completed.

e. Plans will be submitted to the Bridge Design Engineer and the Structures and Facilities Maintenance Engineer for approval.

f. The request must be accompanied by plans of the proposed method of attachment and shall be in accordance with the attached "Regulations for installing of cables for communication systems on highway structures" supplement.

5. OTHER ISSUANCES AFFECTED. All directives, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.

6. EFFECTIVE DATE. This directive will become effective immediately upon receipt.

Supplement to DOTD
Form 03-41-3035
or DOTD Form 03-41-0593

This Supplement is part of
Permit No. _____

**REGULATIONS FOR INSTALLATION
OF CABLES FOR COMMUNICATION
SYSTEMS ON HIGHWAY STRUCTURES**

1. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided.
2. Attachments to a structure shall not materially affect the structural characteristics, the safe operation of traffic, the efficiency of maintenance, and the appearance of the structure.
3. The owner shall submit five prints of plans of method of attaching, showing size and weight of communication cable, and support and attachment details.
4. It is preferred that the installation occupy a location beneath the structure floor or deck, between the outer girder or beams, or within a cellular area at an elevation above low super-structure steel or masonry.
5. There shall be no encroachments on the waterway or roadway of the structure.
6. The installation shall not be below low steel or masonry of the structure.
7. The installation shall be on the downstream side of the structure.
8. The hangers supporting the communication system shall be designed to clamp to the structure as generally no burning or drilling of holes or welding is permitted.
9. The construction and maintenance of the communication cable and its supports shall be done without any closure of any traffic lane and inconvenience or interference with highway traffic. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.
10. The communication cables shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. Only low frequency voltage will be permitted in the communications cable.
11. The permit shall be reviewed and approved by the Bridge Design Engineer and the Structures and Facilities Maintenance Engineer.
12. Communication cables owned by private individuals or concerns and not serving a segment of the general public, shall not be permitted on highway structures.
13. Should the owner fail to maintain his facilities in a condition acceptable to the Department, the Department, after notifying the owner, will perform the maintenance and bill the owner for the cost or take other appropriate action to ensure the safety and convenience of the traveling public.
14. All materials and workmanship shall conform to the requirements of the applicable industry code and to Department specifications.
15. All excavations within the limits of the right-of-way shall be backfilled and tamped in six inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced. Where it is necessary to make excavations in the shoulder, the top six inches of backfill shall be sand-clay gravel or equivalent. Where existing spoil material is, at the discretion of the Department unsuitable for backfill, select material shall be furnished in lieu thereof and the existing material disposed of by approved methods.
16. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. The amount of the guarantee deposit shall be calculated in accordance with schedules given below. No inspection fee is charged and the guarantee deposit will be refunded promptly upon receipt of notice from the District Administrator that the work has been satisfactorily completed.
17. This permit may be terminated by either party upon

30 days notice in writing to the other party after which the Communication Company will be given a reasonable period of time to remove his system. The Department may revise the annual rental rate upon 30 days notice in writing to the owner.

18. The one-time lump sum fee and one year's rental for this privilege shall accompany the application for permit. The amount of the lump sum fee and the annual rental shall be calculated in accordance with schedules given below.

Guarantee Deposit Schedule

	Bridges 300' and less	Bridges over 300'
Per cable not over 1"	\$500.	\$1,000.
In excess of 1" dia.	\$700.	\$1,400.

Lump Sum Fee and Annual Rental Schedule

Bridges over 300 Ft. long	
Computed Charges	Minimum Charges
Lump Sum Fee = \$1.25/Ft./Lb. of Wt.	Lump Sum = \$50,000
Annual Rental = \$0.15/Ft./Lb.	Annual Rental = \$5,000
Bridges under 300 Ft. long	
Computed Charges	Minimum Charges
Lump Sum Fee = \$0.50/Ft./Lb. of Wt.	Lump Sum Fee = \$5,000
Annual Rental = \$0.15/Ft./Lb. of Wt.	Annual Rental = \$500.

Paul J. Hardy
Secretary

RULE

**Department of Transportation and Development
Office of Public Works**

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with the Louisiana Geological Survey of the Department of Natural Resources, and the State Planning Office of the Office of the Governor, pursuant to Notice of Intent published in the *Louisiana Register* on November 20, 1983 is adopting as rules the following guidelines and procedures for applications for state funding assistance under the Louisiana Statewide Flood Control Program as authorized by R.S. 38:90, established by Act 351 of 1982.

**PROCEDURES FOR IMPLEMENTING STATEWIDE
FLOOD CONTROL PROGRAM**

This section describes the sequence of events involved in implementing the Statewide Flood Control Program. The sequence begins and ends each year during session of the Legislature. Specific procedures are described briefly in this section and are presented more fully in the Pre-application Form and Instructions, Application Format, General Instructions and Technical Requirements, and in the recommended Construction Program section of this document.

1. Notice of Intent (April 1-May 1)

The first step in the process is the filing of a Notice of Intent letter by the prospective project sponsor. Notice of Intent letters will be accepted during the April 1 through May 1 period only. Notices of Intent will not be accepted after 4 p.m. on May 1. The Notice of Intent letter is intended to accomplish two things:

a. It alerts the Flood Control Project Evaluation Committee to the number of applications for funding which might be expected.

b. It alerts the Office of Public Works (OPW) to the potential number of requests for assistance in preparation of application forms.

2. Pre-Application and Resolution (May 15 - June 15)

Sponsoring authorities are to complete the pre-application, and must submit their completed pre-applications/resolutions to the Flood Control Project Evaluation Committee not later than 4 p.m. on June 15.

3. Evaluation Committee Review of Pre-Applications (June 15 July 1)

Requests for financial assistance will be screened during the review of pre-applications by the Committee. The primary purpose of the review is to evaluate the requests for flood control assistance that also involve a request for OPW assistance in preparing the full application. Since Act 351 of the 1982 Regular Session of the Louisiana Legislature requires the Office of Public Works to assist sponsoring authorities with a population of less than 50,000 in preparing applications, it is necessary to review pre-applications in order to identify the projects that may be considered during the current year.

The committee review will also eliminate projects that have serious flaws (e.g., involve a scenic stream or archeological site or are technically infeasible) or that are ineligible for the Statewide Flood Control Program. These pre-applications will be returned with appropriate comments.

Projects that have no serious flaws and that may move on to the application stage include:

a. Pre-applications submitted by sponsoring authorities with a population of more than 50,000.

b. Acceptable Pre-applications from sponsoring authorities eligible for assistance from OPW in the application stage. The Pre-application evaluation criteria are described in the Pre-Application Form, Instructions, and Evaluation Procedures.

c. Acceptable pre-applications that cannot be handled by OPW in time for the current funding year.

Some of the Pre-applications in group c may be processed in the application stage by OPW in time for next year's funding. Applications on which OPW initiates work will receive priority over other applications in the following funding years.

Requests for application assistance that cannot be fulfilled by OPW (group b) must compete with similar requests in the next funding cycle. The sponsoring authorities need not wait for OPW assistance, however. They may prepare and submit their own applications.

At the end of the two-week Pre-application review period, applicants will be notified of the status of their pre-applications. The sponsoring authorities seeking OPW assistance in preparing an application will be informed by letter whether they: (1) will receive OPW assistance in time for the current funding cycle; (2) will receive OPW assistance in time for the next year's funding cycle; or (3) will not receive assistance at this time and must compete for assistance again the following year.

Authorities completing their own applications may automatically move into the application stage unless there are serious flaws in the project or the project is not eligible for the program.

4. Application Preparation (July 1 - November 1)

Applications may be submitted anytime between July 1

and November 1, but must be received by the Flood Control Project Evaluation Committee no later than 4 p.m. November 1, in order to be considered for funding during the upcoming legislative session. Hold-over applications from the previous year may also be accepted during this period, provided all other procedures and deadlines have been met.

On request, the Office of Public Works will prepare applications for eligible sponsoring authorities in the various districts, to the extent possible. All applications must adhere to the methodologies described for Application Format, General Instructions, and Technical Requirements.

5. Evaluation Committee Review of Applications (November 1 - April 1)

During this five-month period, the Flood Control Project Evaluation Committee will review and evaluate all completed applications in order to recommend the appropriate number to the Joint Legislative Committee for funding. The applications will be grouped by region for the five engineering districts in the state, as shown in figure I. They will also be grouped by category (i.e., urban, transitional, rural). It is intended that rural projects compete only against rural projects, transitional against transitional, and urban against urban within each OPW engineering district. The methodology for determining whether a project is to be classified as urban, transitional, or rural is included in the Application Format, General Instructions, Technical Requirements, and Evaluation Procedure.

Potential projects will be evaluated and ranked, based on criteria established by the Flood Control Project Evaluation Committee. The evaluation procedures are described in Application Format, General Instructions and Technical Requirements.

Projects recommended to the Joint Legislative Committee on Transportation, Highways and Public Works will include a mix of urban, transitional, and rural projects within each OPW engineering district. The method for allocating funding percentages between project categories within each district and a method for allocating total program funds to the various districts are presented in recommended construction program.

6. Public Hearings (February 1 - March 1)

As part of the application review process, the Joint Legislative Committee will hold public hearings in each OPW engineering district. The purpose of the hearings will be to receive and discuss comments from the public on the construction program, in each district. After the public hearing, the Flood Control Project Evaluation Committee will incorporate the comments into its evaluation, complete the project evaluations, and submit a prioritized list of projects, by OPW engineering district, to the Joint Legislative Committee.

7. Legislative Process (March 1 - regular session)

From the list of projects recommended by the Flood Control Project Evaluation Committee, the Joint Legislative Committee will recommend to the legislature a construction program to be funded during the regular session. Projects recommended by the Flood Control Project Evaluation Committee but not funded will remain active and will automatically be included in the construction program next year.

During the regular legislative session, the construction program recommended by the Joint Legislative Committee will be considered for appropriation of funds. If insufficient funding is appropriated for the program, then the recommended but unfunded projects will receive top priority for construction in the coming year. Projects recommended by the Joint Legislative Committee and for which funds were not appropriated will automatically be included in the public review process the following year. Details concerning the fate of projects that are not recommended for inclusion in the construction program or are not funded are presented in part titled Recommended Construction Program.

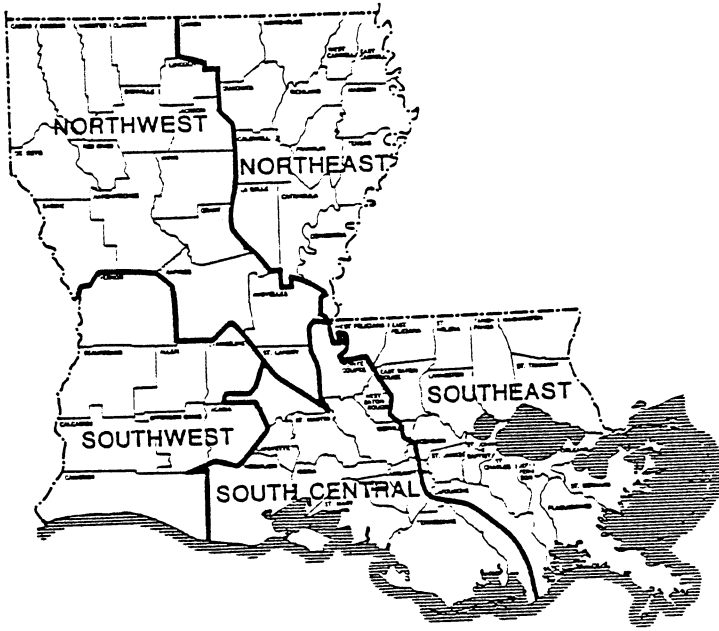


Figure No. I:
Office of Public Works Five Engineering Districts

PRE-APPLICATION FORM AND INSTRUCTIONS

A. PROCEDURES FOR SUBMITTING NOTICE OF INTENT

All applicants requesting consideration for funding under the Statewide Flood Control Program must submit three copies of a Notice of Intent to the following address between April 1 and May 1 at 4 p.m.: Louisiana Statewide Flood Control Program, Department of Transportation and Development, Office of Public Works, P.O. Box 44155, Baton Rouge, Louisiana 70804.

The Office of Public Works will not accept any Notice of Intent before April 1, or after May 1.

A Notice of Intent must be on file in the Office of Public Works before a pre-application will be accepted. It is recommended that applicants use certified or registered mail to ensure that the Notice of Intent has been received by the deadline date.

Applicants are urged to keep the Notice of Intent as brief as possible.

B. GUIDELINES FOR SUBMITTING PRE-APPLICATION

This section contains instructions for completing the pre-application for funding assistance under the Statewide Flood Control Program.

To be eligible for assistance, an applicant must be an authorized municipal or parish governing body or a special district created for the purpose of drainage or flood control. Eligible projects include measures to reduce or eliminate the risk of flooding in specific areas; for example, channel modifications; levee, canal and spillway construction; stormwater detention; and flood proofing of existing structures or other non-structural measures.

General Instructions

The pre-application form is to be submitted after the Notice of Intent has been filed. The pre-application is designed primarily to serve as a mechanism for screening requests for assistance prior to preparation of the full application. It is anticipated that requests for assistance will exceed the funds available under the Statewide Flood Control Program. Each request will be evaluated on the basis of criteria described later in this section so that the most needed projects can be funded first. It is imperative, therefore, that

all pre-applications be as complete as possible to ensure that the merits of all proposed projects are adequately portrayed. In addition, applicants are urged to submit pre-applications as early as possible so that time constraints do not hamper adequate review.

Information Sources

Sources of information necessary for completion of the pre-application are included in the instructions. An annotated list of references and primary contact agencies is included after the instructions.

Areas With Population of 50,000 or More

Applicants representing these areas must complete the pre-application form fully and provide all of the information requested. If the information asked for in a particular line item is not available, the applicant should indicate this. Similarly, if a question is not applicable, the applicant should indicate this using "NA." Under no circumstances should any question or portion of the pre-application simply be left blank. Applicants should keep in mind that the more information they provide, the more accurately their pre-application can be evaluated.

Areas With Population of Less Than 50,000

Applicants representing these area are encouraged to complete the pre-application form to the maximum extent possible; OPW will assist in completing the form, if requested, and to the extent manpower is available.

Five copies of the Pre-application should be furnished to OPW no later than 4 p.m., June 15. The pre-applications and necessary attachments should be typed. Attachments or additional sheets should be numbered to correspond to the line item question being addressed.

Notification

All completed pre-applications will be evaluated by the Flood Control Project Evaluation Committee (Office of Public Works, Louisiana Geological Survey, Louisiana State Planning Office). Applicants whose pre-applications have been recommended for further consideration will be notified no later than July 1. When a pre-application is recommended for further consideration, an application for project funding must be furnished by November 1 in order for the project to be considered for funding during the following fiscal year.

Line Item Instructions

The information requested in the following instructions should be provided by the applicant. Detailed information is not required at this time. Typical sources of information are indicated in the line item instructions, as well as in the section on Information Sources.

1. Name of Sponsoring Authority. Provide the full name and address of the sponsoring authority for the requested flood control assistance, and the name and telephone number of the authorized representative of the sponsoring authority.
2. Completion Date of Pre-Application. Indicate the date of completion of the pre-application.
3. Magnitude of the Flooding. Describe each flood occurrence by providing the date requested in the pre-application form. Information to be provided, as available, includes:
 - a. Observed or approximate date of the flood occurrence(s)
 - b. Water surface elevation adjusted to mean sea level, as measured by stream gaging stations, where available, or estimated where unavailable
 - c. Estimated areal extent of the flooding, to include the approximate number of acres flooded in the undeveloped, agricultural and urban (residential, commercial, and industrial) land categories
 - d. Duration of the flooding in approximate number of days
 - e. Estimated number of buildings (residences, commercial, etc.) affected by flooding.

Potential sources of information for completing this portion

of the form include:

- a. Local newspaper accounts
- b. Parish engineer's records
- c. U.S. Geological Survey (USGS) stage and discharge reports
- d. Louisiana Geological Survey's *Louisiana Atlas of Floodplain and Flooding Problems* (hereinafter referred to as the Flood Atlas)
- e. Stage and discharge reports of the U.S. Army Corps of Engineers
- f. Unpublished gage records of the Louisiana Office of Public Works.

In addition to providing the information requested in the form, the sponsoring authority may wish to describe the flooding problem further in the space allotted in the "remarks" section.

4. General Location Map. This map should clearly identify the geographic boundaries of the project, indicate communities upstream or downstream that may be affected by the project, and show location of roadways and major drainage features. Typical scales may range from 1" = 1 mile to 1" = 10 miles, depending on the size of the project. Maps useful for this purpose may include USGS topographic maps, scale 1:62,500 series and scale 1:250,000 series), parish maps, and maps from the Flood Atlas.

5. Project Impact Map. This map should:

- a. Indicate the areal extent of known flooding, as described in Item 3
- b. Show the location of roadways, railways, major drainage features, major utilities and building locations. (Usually, the most recent USGS topographic quadrangle map, scale 1:24,000 or scale 1:62,500, will provide a suitable base.)
- c. Update known revisions to the topography, such as areas of cleared or developed land and other features
- d. Identify the location of the project; identify the boundaries of the flood problem within the area affected by the project, as well as those areas one-half mile upstream, downstream, and adjacent to the project area.

On the project impact map or on a separate map, delineate the project area relative to the 100-year floodplain. This information may be obtained from the Flood Atlas, local flood insurance rate maps, flood boundary and floodway maps, or flood hazard boundary maps published by the Federal Emergency Management Agency (FEMA) and available through the Louisiana Department of Urban and Community Affairs, Office of Planning and Technical Assistance. In some cases, the General Location Map and Project Impact Map may be combined.

6. Project Description. Provide general descriptive information on flood control measures proposed for the flood problem being addressed. In this discussion, the following definitions should be used as guidelines.

a. Measures Considered. Floodplain management measures fall into two categories: structural and non-structural. A list of the techniques that comprise each category is presented below. For more information, consult the *Floodplain Management Plan, State of Louisiana*, issued in December 1982 by the Office of Planning and Technical Assistance, Department of Urban and Community Affairs.

(1) **Structural.** Structural flood control techniques include public works projects, land treatment measures and detention measures.

Public works include clearing and snagging, channel alterations, levees, stream diversions, and dams, weirs and reservoirs.

Land treatment measures are those that increase infiltration, such as maintenance of trees and shrubbery or grading and terracing practices.

Detention measures are those that slow run-off, such as

the construction of small ponds and impoundments.

(2) **Non-Structural.** Non-structural flood control techniques include the formulation of regulations, flood proofing, flood warning systems, and implementation of development policies.

Regulations include floodplain regulations, zoning, subdivision regulations, and building, housing and sanitary codes.

Flood proofing includes elevation of structures, small walls and levees, and modifications to structures.

Development policies entail floodplain acquisition, relocation, and location of sewers, utilities, and other facilities. If non-structural measures were not considered, please explain.

b. Project Area Classification. Classify the type of existing land use in the project area as either urban, rural, or transitional. Urban land includes cities, towns, and communities. Rural land includes lands used for agricultural purposes. Transitional land includes areas where urban and rural land is intermixed. A final classification will be made at the time of the application.

c. Benefits and Persons Benefited. As clearly as possible, describe the principal benefits and those benefiting from the proposed project. The description should be both concise and specific. Principal project benefits are those damages that would be prevented if the project is implemented. Very few flood control projects completely eliminate flood damage. Only the flood damage that will be prevented or reduced by the project should be addressed in the section.

d. Project Components. Provide a breakout of project activities with enough descriptive detail to support the preliminary cost range selected in Item 7.a. Typical descriptions might include:

- "clearing and snagging 6.5 miles of channel"
- "replacing culvert with 2-span, 16' wide timber bridge"
- "flood proofing of buildings."

Supporting information such as cross sections and photographs may be included if available.

e. Downstream or Upstream Effects. Characterize the effects of the proposed project on downstream or upstream water levels.

f. Environmental Impacts. Provide a brief statement about the environmental impacts of the proposed project, such as descriptions of the types of lands (e.g., agricultural lands, woodlands, wetlands, etc.) and the wildlife resources that may be affected, and known cultural or historical sites (e.g., cemeteries, Indian sites, houses listed on the National Register) that may be affected.

g. Other Funding. If funding for this flood control project has been sought from another source, indicate the other source and the status of the application.

h. Part of Approved Project. If the proposed project is a component of a project already approved, provide an explanation.

7. Technical Feasibility

a. Preliminary cost Estimate. Indicate the estimated cost range, based on preliminary engineering investigations or costs of similar projects. The estimate should be supported by the descriptions of project components in Item 6.d.

b. Multiple Phases. Provide the information requested, if the application is for project funding in multiple phases supported by appropriations from more than one session of the Legislature.

c. Design. Provide any design information that is available in order to facilitate review by the Committee.

8. Previous Measures. For any previous structural or non-structural flood control measures intended to alleviate the current flood problems, the applicant should:

- a. Indicate the project name
 - b. Identify the date of completion
 - c. Identify the supervising authority
 - d. Give a brief description of the available information
- Potential sources of information include:

- a. The Flood Atlas
- b. Local government
- c. Drainage and levee districts
- d. The Office of Public Works and the Office of Highways of the Department of Transportation and Development
- e. U.S. Army Corps of Engineers
- f. U.S. Department of Agriculture, Soil Conservation Service

9. Previous Studies. If the flood problem being addressed has been studied before, list each study by name and date of completion and indicate who conducted the study, regardless of whether action was taken as a result of the study. Copies of the studies should be provided, if available. Studies that have been conducted by Federal, state, parish, or municipal agencies may contain valuable information that can expedite the processing of the pre-application.

10. Permits. This section lists those Federal, state, and local permits that may be required to implement the proposed drainage improvement project. Place a check in the appropriate blank to indicate permits that may be required for the proposed project. Each of the permits is described briefly in the following paragraphs. A complete description of the permits and procedures for permit application are provided in Application Format, General Instructions, and Technical Requirements. DO NOT apply for these permits at this time.

a. Federal

Section 10. Department of the Army, Corps of Engineers. Required for activities occurring in navigable waters of the United States or waters influenced by tidal action.

Section 404. Department of the Army, Corps of Engineers. Required for disposal of dredge or fill material in wetlands of the United States.

Right-of-Way Easement. Department of the Interior, Fish and Wildlife Service. Required for activities affecting Federal lands, such as national forests or wildlife refuges. A brief biological assessment may also be required.

b. State

Coastal Use. Department of Natural Resources, Coastal Management Section. Required for activities affecting the coastal waters and wetlands below the five-foot mean sea level (MSL) within the designated coastal zone.

Water Quality Certification. Department of Natural Resources, Water Pollution Control Division. Required for activities that may affect the water quality of any of the state's streams, lakes, ponds, bays, or other water bottoms.

Class B Use. Department of Wildlife and Fisheries. Required for activities that may affect a stream protected under the Louisiana Natural and Scenic Streams System. Activities occurring on or in a direct tributary of a scenic stream may also require a Class B Use permit. Certain activities are prohibited on a scenic stream. Applicant may refer to Flood Atlas for designated scenic streams.

Letter of Comment or No Objection. Department of Transportation and Development, Office of Highways for structures (e.g., roads, bridges, etc.) and the Office of Public Works for activities affecting state lands and water bottoms.

(c) Local

Letter of Comment or No Objection.

(1) Appropriate levee district. Required for activities affecting levees or water control projects within levee district.

(2) Parish Police Jury. Required for activities occurring in appropriate parishes.

If proposed activity occurs or affects lands, etc., under the jurisdiction of more than one political entity, a letter of comment or no objection is required from each.

d. Other

Certain parishes have specific permits for activities occurring in those parishes. Appropriate parish authorities should be contacted for further information.

C. INSTRUCTIONS FOR PREPARING THE RESOLUTION

The final portion of the pre-application consists of a resolution by the sponsoring authority, containing (1) the authority's request for funding consideration under the Statewide Flood Control Program, and (2) a statement that the authority will execute an agreement of local cooperation with the State that will include the local obligations set out in Act No. 351 of 1982.

D. PRE-APPLICATION REVIEW AND EVALUATION PROCEDURE

The Evaluation Committee will be responsible for the review and evaluation of pre-applications. The review of the pre-application serves two purposes. First, it identifies proposed projects that are technically unsound. Second, the review of pre-applications from sponsoring authorities with populations of less than 50,000 will be used to establish priorities for assistance from the Office of Public Works (OPW) in the preparation of applications.

Pre-Application Evaluation Procedure

Because of time and manpower constraints, the Office of Public Works will not be able to provide immediate assistance to all sponsoring authorities.

Consideration will be given to:

1. Time elapsed since the request was made
2. Local support
3. Existence of applicable surveying and engineering information within the OPW files and the degree to which this information can be used
4. Severity of the problems
5. Previous assistance given to the sponsoring authority

Points will be awarded for the above items in the following manner.

1. Time Elapsed: Add 1.7 points for each year elapsed since request was made.
2. Local Support: Add 2 points for letters from the entire legislative delegation being on file.
3. Existence of Information: Add 1.5 points if OPW has established vertical control over the project area; 2 more points if no additional cross sections need to be taken; and add 1 more point if engineering calculations and the design are complete.
4. Severity of Problem: Add 0-3 points, based on the following levels of severity of damage in the past five years:

Points

- 0 = No loss within previous five years
- 1.1 = Loss of crops and/or floodwater damage to one to five active residential, commercial, industrial or public buildings within the flood-prone area
- 2.2 = Damage to six to 20 buildings
- 3.0 = Loss of life from flooding beyond the banks or damage to more than 20 buildings

RULES: Priorities will be established for each district, effective July 1 of each year. The Office of Public Works will identify the projects for which it will try to complete applications during the July 1 through November 1 application preparation period. For the first year of the program, assistance will be based on item 2 (local support), item 3 (existence of surveying and engineering information), and item 4 (the severity of the flood problem), as described above.

APPLICATION FORMAT, GENERAL INSTRUCTIONS, AND TECHNICAL REQUIREMENTS

This part presents the application format instructions for preparing the application for project funding under the Louisiana Statewide Flood Control Program, application technical requirements, and a completed sample application.

Sponsoring authorities with a population of less than 50,000 may receive assistance in preparing their applications. Assistance will be provided as time and manpower limitations permit, based on the review of the pre-applications by the Flood Control Project Evaluation Committee.

The application shall consist of a document with a structured format, as indicated in the outline and instructions that follow.

In order to be considered for funding in the upcoming fiscal year, the completed application must be received by OPW no later than 4 p.m. on November 1.

A. FORMAT FOR APPLICATION

1. Project Name
2. Name of Sponsoring Authority
3. Previous Correspondence
4. Date of Application
5. Project Area Classification
6. General Project Area Description
 - a. Area Affected
 - b. Population Affected
 - c. Land Ownership
 - d. Soils and Vegetation
 - e. Land Use
7. Description of Flood Problems
 - a. Relationship to Major Floodplains
 - b. History of Flooding
 - c. Flood Damages
 - d. Threat to Human Lives
 - e. Immediate Need of Project
8. Technical Feasibility
 - a. Certification by Professional Engineer
 - b. Estimated Project Cost
 - c. Other Costs
 - d. Project Plans and Design
 - e. Conjunctive Use
 - f. Compatibility
 - g. Protection and Floodplain Encroachment
9. Project Benefits
 - a. Purpose and Intent
 - b. Project Benefit Evaluation
 - (1) Engineering Requirements
 - (a) Flood profiles or stages
 - (b) Flood boundary map
 - (2) Economic Data Requirements
 - (a) Residential, commercial and public structures
 - (b) Roads
 - (c) Agricultural land
 - (d) Industrial damages
 - (3) Damage Value Calculations
 - c. Other Benefits
 - (1) Tangible Benefits
 - (2) Intangible Benefits
10. Environmental Considerations
11. State Agency Review
12. Permits
 - a. Federal
 - (1) Section 10 Permit
 - (2) Section 404 Permit
 - (3) Right-of-Way Easement

- (4) Bridge Permit
 - b. State
 - (1) Coastal Use Permit
 - (2) Water Quality Certification
 - (3) Class B Use
 - (4) Letter of Comment or No Objection
 - c. Local
 - (1) Letter of Comment or No Objection
 - (2) Other
13. Assurances

B. GENERAL INSTRUCTIONS FOR COMPLETING APPLICATION

The application should be prepared according to the application format presented on the previous pages.

1. Project Name. Indicate the name of the project for which assistance is being requested. Use the project name cited in previous correspondence.

2. Name of Sponsoring Authority. Provide the full name and mailing address of the sponsoring authority for the requested flood control assistance and the name and telephone number of the authorized representative. Any changes from the information provided in the pre-application should be noted.

3. Previous Correspondence. Reference all previous correspondence by indicating the completion dates of the Notice of Intent, the Pre-Application, and the Resoulution.

4. Date of Application. Indicate the date of completion of the application.

5. Project Area Classification. Classify existing land use in the area of the project. For projects in which most of the benefits are within the limits of an incorporated city with a population of more than 50,000, the classification is urban. In all other cases, classify the land use using the criteria in the following table:

CLASSIFICATION OF LAND USE IN BENEFITED AREA

Land Use Category	Density of Structures (Buildings per sq. mi.)
Urban	Over 128
Transitional	32-128
Rural	0-32

Indicate the structural (building) density. This information should be in agreement with the information in Section 9 of the application. **Urban land** includes cities, towns, and communities. **Rural land** includes acreage used for agricultural purposes, forests, and other non-urban land uses. **Transitional land** is where urban and rural land is intermixed.

6. General Project Area Description. Describe in detail the area that would be afforded protection by the project, as indicated in Section 9.b(1)(b) (project area or benefited area). Be as specific as possible.

a. Area Affected. Describe the area currently experiencing problems. Both a narrative description of the project area and a location map are required. Copies of the general location map and project impact map provided in the pre-application may be suitable.

b. Population Affected. Estimate the number of persons affected by existing flood problems in the project area and indicate the source of the population estimate (for example: field survey, Corps of Engineers, etc.).

c. Land Ownership. Describe the land ownership characteristics of the protected area by indicating the number of landowners that would be affected, and the size of the typical land parcel or lot. List the owners of large land tracts (representing 10 percent or more of the project area). Also list public lands affected by the project.

d. Soils and Vegetation. Describe the soils and vegetation

of the project area. A description of soil associations can be obtained from data currently available from the U.S. Soil Conservation Service or the Louisiana Geological Survey's *Louisiana Atlas of Floodplains and Flooding Problems* (hereinafter referred to as the Flood Atlas). Information on types of vegetation should be general (e.g., hardwood swamp, mixed forest, pine, etc.) and can be obtained from published reports of the Soil Conservation Service and Corps of Engineers, or from field observation.

e. Land Use. Describe land use within the project area for the following categories: (1) residential, (2) commercial, (3) industrial, (4) agricultural, (5) forested, (6) public and other. Include a land use map. The map may be combined with the Flood Boundary Map.

7. Description of Flood Problem. Describe the flood problem in the project area in sufficient detail for the Evaluation Committee to weigh the urgency of this project against that of similar projects.

a. Relationship to Major Floodplains. Describe the hydrologic relationship of the flooded (project) area to major floodplains, streams, and flood-prone areas. That is, describe the relationship of the flooded area to other hydrologic features that may contribute to the current flood problem or which may be affected by the proposed solution or project. The Flood Atlas is a possible source of this information.

b. History of Flooding. Based on the records available and consistent with the information provided in the pre-application, describe the history of flood problems in the project area. Use all available information to describe the number of occurrences, timing, duration and water elevations associated with previous floods. Submit photos if available; use sources such as newspapers, flood studies, etc.

c. Flood Damage. Provide and document from published and unpublished sources the magnitude of historical flood damage to land and improvements in the project area. Flood insurance and crop insurance claims should be used, if available.

d. Threat to Human Lives. If the current flood problem poses a threat to human lives, explain how and indicate magnitude of threat. Indicate whether human lives have been lost in previous floods, and the source of the information.

e. Immediate Need of Project. Provide any other pertinent information not previously requested that will help explain the magnitude of the flood problem or the immediate need for the project.

8. Technical Feasibility. For each flood control measure proposed by this application, address items a. through g.

a. Certification by Professional Engineer. Submit certification by a professional engineer registered in the State of Louisiana that the cost estimates, preliminary plans and designs and other engineering information included in this application conform to accepted engineering practice and the project shall meet or exceed the stated design criteria.

b. Estimated Project Cost. Estimate the cost of the project, excluding those items detailed in (c.) below. The estimate should break out the costs of materials and construction activities to at least the level of detail necessary to verify the estimate. For each project component, provide the name, quantity, unit cost, and item cost. Avoid the use of lump sum costs. Costs should be current at the time of the application. Note: All cost estimates need only be based on preliminary plans and designs.

c. Other Costs. Estimate the cost of the project components that are the sole responsibility of the sponsoring authority under the Statewide Flood Control Program, including: lands, easements, rights-of-way, spoil disposal areas, utility and other facility relocations, alterations and maintenance costs. Sponsoring authorities undertaking the preparation of plans and specifications and the letting of bids for construction and supervision of construc-

tion should also include these costs in the cost estimate. Note: All cost estimates need only be based on preliminary plans and designs.

d. Project Plans and Designs. Include all preliminary plans and design information necessary to describe the project adequately and to support the design rationale to the satisfaction of the Flood Control Project Evaluation Committee. Since various types of projects will have different design components, lists are provided in Part C.2 for applicants to follow. Address the measure or measures specifically involved in this project.

e. Conjunctive Use. Describe the feasibility of including agricultural irrigation development (or other conjunctive uses) in the project, including, but not limited to, water retention and distribution.

f. Compatibility. Describe the efforts made to ensure compatibility of the project with other Federal, state, and local projects within the hydrologic basin. Design requirements and future plans of levee boards, local agencies, the Office of Public Works, soil Conservation Service and Corps of Engineers should be considered. The requirements of the Office of Highways must be met or exceeded at all roadways under the jurisdiction of the state. Adequate consideration should be given to upstream and downstream effects.

g. Protection and Floodplain Encroachment. Describe the extent to which the proposed project will protect existing development without encouraging additional development in a flood-hazard area.

9. Project Benefits.

a. Purpose and Intent. The assessment of benefits — both tangible and intangible — is one of the key factors in approval of proposed projects. The major benefit of any flood control project is the reduction of future damage to existing property and buildings subject to flooding. The benefits analysis procedure described below must be used in completing an application.

b. Project Benefit Evaluation.

(1) Engineering requirements.

(a) Flood profiles or stages. Indicate the frequency of the flood for which the project is being designed (design flood). Provide flood profiles (for channel improvements) or flood stages (for lakes, reservoirs or other flooded areas) corresponding to the design flood.

(b) Flood boundary map. Provide a flood boundary map consisting of topographic mapping of the area inundated by the design flood under existing conditions. The scale (1:24,000 or better) should be sufficient to identify land use for the categories listed in 6.e. The map should include all areas in which flooding will increase or decrease as a result of this project. Show both the existing (without project) flood boundary and the anticipated (with project) flood boundary for the design flood.

(2) Economic data requirements. Include an inventory of the resources that will be protected. For residential, commercial, and public structures, indicate total square feet. For roads, lane miles should be indicated. For agricultural lands, indicate the number of cleared acres. This information should be tabulated by subdivisions and other identifiable area and identified on the flood boundary map. The recommended procedures for developing these data requirements are described below.

(a) Residential, commercial and public structures. By visual inspection, estimate the total number of square feet for each building type for each sub-category by subdivision as listed in Table IV.1 (Part C of this section). This will require a tabulation and estimate of square footage for each structure. No estimate of damage is necessary. Furnish aerial photos if available.

(b) Roads. By visual inspection and approximate measurement from a map, indicate the total number of miles for each category of road (gravel, two-lane, and four-lane, as provided in

Table IV.2. No field estimate of damage is required since approximate damage by mile for each category is provided in the table.

(c) Agricultural land. Consult with the parish cooperative extension agent or parish soil conservation service representative to determine the approximate acreage for each crop (including pasture). This could be based on a percentage breakdown by crop for the estimated total number of agricultural acres. Only acreage estimates are needed from the survey since average damages for each crop are provided in Table IV.3.

(d) Industrial damages. Estimates of flood damage to industrial facilities must be based primarily on estimates by the representatives of the facility in question. No attempt should be made to estimate damage without the assistance of an industry representative. Damage must be estimated for inventory, equipment, and structures.

(3) Damage Value Calculations. Tables IV.1 through IV.3 contain the unit damage values to be used in computing flood control benefits. From the data collected and the unit damage values provided in tables IV.1 through IV.3, and from estimates of industrial damage, develop a tabulation of total potential damage. Separate tables with appropriate subdivisions are provided for residential, commercial, and public buildings; crops and pasture; and roads. For industrial damage a different procedure is required and is also included. After computing flood damage values by category, add the figures for all categories, as shown in the sample application Table 4.

c. Other Benefits

(1) Tangible Benefits. Other tangible benefits that were not quantified in the table should be addressed to the extent possible. In the case of agricultural irrigation, benefits may be quantified in terms of cost savings under "with project" conditions. For example: reduced pumpage costs to the municipal water supply because of increased capacity for water retention and distribution resulting from the project. Provide documentation of the benefits identified.

(2) Intangible Benefits. Intangible benefits are those which cannot be quantified. Among the categories of intangible benefits are environmental quality and aesthetic values. Although it is extremely difficult to estimate the monetary value of such benefits, they should be considered. The values may be stressed in the narrative portion of the application. Proper evaluation can be made by the Evaluation Committee only if the applicant has fully described the benefits. Such benefits may be useful for establishing priority among closely ranked projects.

10. Environmental Considerations.

Provide a brief assessment of the environmental effects anticipated as a result of the proposed project. A detailed environmental assessment is not required. Parameters that may be discussed include, but are not limited to:

- a. Water quality
- b. Habitat modification
- c. Fish and wildlife resources (including threatened and endangered species)
- d. Noise and air quality
- e. Cultural, historical, and archeological features
- f. Special geologic features

The description should indicate whether the effect(s) is short-term or long-term, direct or indirect, and adverse or beneficial. Applicants should seek comment from appropriate state agencies.

11. State Agency Review

This should include comments from the appropriate state agencies to identify potential environmental issues that may affect the permitting process. Agencies which should be contacted include:

- a. Department of Natural Resources

- b. Department of Wildlife and Fisheries
 - c. Department of Culture, Recreation and Tourism, Division of Historic Preservation
 - d. Department of Urban and Community Affairs
 - e. Department of Transportation and Development, Office of Highways
 - f. State Soil and Water Conservation Committee.
- #### 12. Permits

This section provides a description of the Federal, state, and local permits that may be required to implement the proposed project. Where appropriate, contact phone numbers are provided. The applicant is encouraged to coordinate with the regulatory agencies prior to submitting these permit applications and throughout the permitting process. Processing costs may be associated with certain permit applications. The agencies should be contacted for information concerning these costs and application procedures or forms. Applicants do not have to have the permit at this time but should have applied for it. The Flood Atlas may be useful in permit preparation.

a. Federal

(1) Section 10 Permit. This permit procedure was authorized by Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403). The permit is required for activities occurring in navigable waters of the United States. The regulatory agency is the U.S. Army Corps of Engineers. For areas under the New Orleans District jurisdiction, contact the Permit Section at 504/838-2280. For areas under the Vicksburg District jurisdiction, contact the Permit Section at 601/634-5289. A minimum 20-day public notice is required for all Section 10 permit applications. The entire permit application procedure usually requires 60 to 120 days.

(2) Section 404 Permit. This permit was authorized pursuant to Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and is required for the disposal of dredged or fill material in wetlands, including water bodies. The U.S. Army Corps of Engineers is the regulatory agency. Since the definition of "wetlands" often needs interpretation, the Corps should be contacted to determine whether the proposed project area qualifies. Contact telephone numbers are listed in the preceding description. This application requires a 20-day public notice. Approximately 60 to 120 days are necessary to complete the entire application process.

(3) Right-of-Way Easement. This permit is required by the U.S. Department of the Interior for all activities affecting Federal lands such as national forests and wildlife refuges. The permit application often contains a brief biological impact assessment of the proposed project. The application must be reviewed by the office in Washington, D.C., as well as by appropriate field and regional offices. Usually, 60 to 90 days are required for approval or denial. The area manager of the affected refuge, park, forest, etc. should be contacted for specific instructions and requirements.

(4) Bridge Permit. The U.S. Coast Guard regulates activities that require construction of new bridges or renovation of bridges over navigable waters. The U.S. Coast Guard in New Orleans should be contacted (504) 589-2965 to determine whether a bridge permit will be required. Processing normally requires 90 to 120 days.

b. State

(1) Coastal Use Permit. The Coastal Management Section (CMS) (504/342-7591) of the Louisiana Department of Natural Resources oversees this permit which regulates activities affecting the state's coastal waters and wetlands below five feet mean sea level (msl). This application is a copy of the Section 10/404 permit application; however, the CMS requires a 30-day public notice. Processing time for the coastal use permit is normally within 60 days.

(2) Water Quality Certification. The Louisiana Depart-

ment of Natural Resources, Water Pollution Control (WPC) Division (504/342-6363) requires a water quality certification for any activities that may affect the water quality of any of the state's streams, lakes, ponds, bays, or other water bottoms. The application is a letter addressed to the Division Director, requesting certification. The applicant will then receive from WPC a public notice that will have to be published in the Baton Rouge *State Times* legal section for one day. The applicant is required to bear all publishing costs. Comments are accepted by the WPC for a period of 10 days after the public notice has appeared in the paper and applicants are notified soon after of approval or denial. The entire process is usually completed within 30 to 45 days.

(3) Class B Use. This permit is regulated by the Louisiana Department of Wildlife and Fisheries and is required for activities that may affect, directly or indirectly, streams included in the Louisiana Natural and Scenic Streams system. Activities that are prohibited on scenic streams and are considered Class A uses include:

- a. Channelization
- b. Clearing and snagging
- c. Channel realignment
- d. Reservoir construction

The Class B Use Application consists of a brief environmental assessment which discusses the present conditions and anticipated impact of the proposed project on the following parameters:

- a. Wilderness qualities
- b. Scenic values
- c. Ecological effects
- d. Recreation
- e. Fishing
- f. Wildlife
- g. Archaeological
- h. Geological
- i. Botanical
- j. Water Quality
- k. Other natural and physical features and resources

A 30-day public notice is required after the application has been accepted as complete by Wildlife and Fisheries and the application has been reviewed by cooperating state agencies. The contact telephone number is 504/342-5868. The normal process time is 70 to 90 days.

(4) Letter of Comment or No Objection. This letter is required for activities that may affect state lands, water bottoms, or structures (e.g., roads, bridges, etc.). The applicant should address the request to the Chief Engineer of the Louisiana Department of Transportation and Development, Office of Public Works. The request should also contain a copy of the Corps of Engineers permit application(s) and the appropriate plats and maps. This process normally requires 15 to 30 days.

- c. Local

(1) Letter of Comment or No Objection. A letter of comment or no objection should be requested from: (1) levee districts and boards if the proposed project may affect levees or water control projects within a given levee district; and (2) parish police jury for projects proposed within any given parish. It should be noted that if more than one levee district and board or parish may be affected, letters of comment or no objection should be requested from each governing body. The request should also contain a copy of the Corps of Engineers permit application(s) and appropriate plats and maps. The applicant is encouraged to check with the parish clerk for information concerning levee districts and boards as well as parish juries.

(2) Other. Certain parishes have specific permits for activities occurring in these parishes. Appropriate parish authorities should be contacted for further information.

13. Assurances.

In order to be certain that the sponsoring authority is fully aware of the level of its financial responsibilities, the person(s) serving as the duly authorized representative(s) of the sponsoring authority must complete the following:

The following dollar estimates are based on preliminary plans and design information and are not intended to be exact representations but merely indications of the magnitude of the sponsoring authorities financial obligations.

- (1) Estimated cost of furnishing all lands, easements, rights-of-way, and spoil disposal areas necessary to construct and maintain the project \$ _____
- (2) Estimated cost of maintenance and operation the project and all future alterations as may be required is \$ _____
- (3) Estimated funds required to accomplish all necessary utility and any other facility relocations, alterations, and maintenance \$ _____
- (4) Estimated funds required to provide a 30 percent local match for cost of the project \$ _____
- (5) Any other identified expenditures deemed appropriate as part of the Statewide Flood Control Program \$ _____
- (6) Total First Cost \$ _____
- (7) Total Annual Cost \$ _____

Signature of Authorized Representative of the Sponsoring Authority _____
 Name of Sponsoring Authority _____
 Date _____

C. APPLICATION TECHNICAL REQUIREMENTS

1. Unit Damage Value for Project Benefit Analysis

The following tables provide the unit damage values to be used in completing part 9.b of the application.

Table IV.1
 UNIT DAMAGE VAULES FOR
 RESIDENTIAL, COMMERCIAL
 AND PUBLIC STRUCTURES
 AND CONTENTS

Category	Damage Value Per Square Foot
Residential	
Single Family Dwellings	
Metal	\$ 8.10
Brick	12.79
Wood	11.86
Apartments	
Brick	12.09
Wood	11.20
Commercial	
Gas Station (gas only)	
Metal or Wood	21.90
Brick	25.61
Gas Station and Repair Shops	
Metal and Wood	14.82
Brick	18.53
Food and Drug Stores	
Metal and Wood	21.66
Brick	24.10
Department Stores	
Metal and Wood	23.82

Brick	26.22
Hardware Stores	
Metal and Wood	25.36
Brick	28.41
Barber Shop	
Metal and Wood	21.46
Laundromats and Cleaners	
Metal and Wood	14.75
Brick	15.25
Convenience Stores	
Metal and Wood	27.85
Brick	30.90
Fast Food Outlets	
Metal and Wood	43.57
Brick	49.06
Restaurants/Motels	
Metal and Wood	29.90
Brick	31.00
Retail and Specialty Shops	
Metal and Wood	34.11
Brick	37.16
Bars and Liquor Stores	
Metal and Wood	17.98
Brick	23.78
Recreational Facilities (bowling alley, theaters, health clubs)	
Metal and Wood	20.94
Brick	23.00
Warehouse	
Metal and Wood	10.70
Brick	14.31
Offices	
Metal and Wood	42.55
Brick	49.26
Non-Descript (Vacant Buildings)	
Metal and Wood	16.14
Brick	19.75
Public Buildings	
Public Schools	
Metal and Wood	9.21
Brick	11.86
Churches	
Metal and Wood	10.35
Brick	15.34
Libraries	
Metal and Wood	88.52
Brick	91.82
City Halls	
Metal and Wood	13.82
Brick	17.27
Hospitals/Clinics/ Nursing Homes	
Metal and Wood	39.24
Brick	42.70
Fire Stations	
Metal and Wood	9.70
Brick	10.40
Post Offices	
Metal and Wood	18.86
Brick	20.29
Services Clubs (Elks, Fraternities)	
Metal and Wood	12.32
Brick	13.07

Offices (charities, labor Organizations, unions)	
Metal and Wood	13.82
Brick	17.27
Other	
Metal and Wood	23.99
Brick	26.67

Sources: Economic Data Report for U.S. Army Corps of Engineers — Lower Mississippi Valley Division's Flood Damage Estimations System, April 1981; New Orleans District, Corps of Engineers; the Federal Insurance Administration; and Gulf South Research Institute.

Table IV.2
UNIT DAMAGE VALUES FOR ROADS

Type of Road	Unit Damage Value/Mile
Gravel	\$148.00
Two-Lane	354.00
Four-Lane	796.00

Sources: Economic Data Report for U.S. Army Corps of Engineers — Lower Mississippi Valley Division's Flood Damage Estimation System, April 1981; New Orleans District, Corps of Engineers; the Federal Insurance Administration; and Gulf South Research Institute.

Table IV.3
UNIT DAMAGE VALUE FOR
AGRICULTURAL LANDS, BY CROP*

Crop	Damage Value/Acre
Cotton	\$143.56
Corn	57.10
Soybeans	60.60
Sugarcane	143.25
Wheat	34.40
Rice	115.03
Grain Sorghum	46.86
Pasture (cow/calf)	24.48

*Figures are based on average prices for the years 1977 to 1980. Sources: *Development of Use Value Estimates for Agricultural, Horticultural and Marsh Lands*, Louisiana Tax Commission, December 1982; *Selected Enterprise Budgets Useful in Farm Planning (1977 - 1980)*, Louisiana State University Cooperative Extension Service; and Gulf South Research Institute.

2. Required Design Information

Maps, plans, profile sheets and cross-section sheets submitted with the application shall be consistent with accepted engineering practice. In order to facilitate review of the applications, use scales consistent with a multiple of 10 of those listed below:

1" = 1 ft.	or	1" = 1 mile
1" = 2 ft.		1" = 2 mile
1" = 4 ft.		1" = 4 mile
1" = 5 ft.		1" = 5 mile
1" = 10 ft.		1" = 10 mile
1" = 20 ft.		1" = 20 mile
etc.		etc.

Standard-sized sheets of 24" x 36" shall be used for cross-section sheets, plans and profile sheets. Maps shall conform to the scales listed above.

All maps, plans, profiles sheets, cross-section sheets, and other exhibits shall include a standard title block that identifies the application, applicant, preparer, name of the exhibit and number of sheets, if applicable. The sample application in Part IV.D

includes examples.

All elevations should reference mean sea level (National Geodetic Vertical Datum of 1929). The applicant is encouraged to make use of available information.

a. Non-Structural Measures

(1) Acquisition and Relocation

- (a) Design storm frequency of protection
- (b) Maps designating areas of acquisition and relocation
- (c) Descriptions of existing and proposed land use

(2) Flood Proofing

- (a) Design storm frequency of protection
- (b) Description of flood-proofing measures to be employed

(c) Maps designating locations of affected structures
 (d) Effect on flooding in upstream, downstream or adjacent areas

(3) Flood Warning

- (a) Criteria for operation of system
- (b) Estimate of the population served
- (c) Methods and procedures to be used

b. Structural Measures

The following design frequencies should be used as minimum levels of protection for structural flood-control measures. The design level of protection should be commensurate with the level of development of the watershed and protected area. Compatibility with other Federal, state, or local agency requirements must be met as discussed in Part IV.A.8.f. of the Application Instructions.

Project Classification	Design Frequency (years)
Rural	2-5
Transitional	10-15
Urban	25 or greater

(1) Channel Clearing, Snagging, Alterations or Modifications

NOTE: for storm sewers, provide (a), (b), (c), (d), (g), (h), and (i).

(a) Indicate design frequency and hydrologic method used (typical methods include, but are not limited to: USGS *Floods in Louisiana, Magnitude and Frequency, 1976*; USDA Soil Conservation Service Technical Release No.'s 20 and 55, U.S. Army Corps of Engineers' HEC-1 the Rational Method).

(b) Provide a drainage area map on USGS topographic maps or the best available topography and a project plan with stream profile stationing, cross section locations and orientation, proposed spoil disposal areas and other construction activities identified.

(c) Provide drainage summary sheet(s) consisting of stream station locations, cumulative drainage areas to each design locus, design discharge (provide both "without project" and "with project" if different); indicate locations of tributary streams; cross reference stream identifications and stationing with project plan.

(d) Provide stream profile sheet(s) including existing and proposed channel grades, low bank profiles, existing and proposed bridges, culverts and other structures, proposed channel dimensions (bottom width and side slopes) location of tributaries, existing and proposed water surface profiles for the design flood, stream stationing consistent with the stationing on the project plan and surveyed cross section locations identified.

(e) Provide surveyed cross sections of all significant structures crossing the channel, showing all dimensions of the channel and structure including shape and position of conveyance openings; the size, shape and placement of bridge piles, wingwalls, and

handrails; the crest of the adjacent roadway; the decks and low beams of bridges; materials of construction; and other features necessary to adequately define the hydraulic characteristics of the structure and adjacent roadway. It is suggested that available information be used wherever possible.

(f) Provide surveyed cross sections along the stream and upstream and downstream of the structures at frequent enough intervals to identify transitions in the size and shape of the channel and overbank areas.

(g) Provide supporting information to justify the starting water surface elevation used in the hydraulic computation for each water surface profile presented.

(h) Provide hydraulic computations to justify all of the water surface profile(s) shown on the stream profile sheet(s); furnish complete input and output listings of all computer programs used. If hand calculations are presented, provide in tabular fashion for each reach of the stream: stationing, slope, depth, cross-sectional area, hydraulic radius, and velocity and flow of the channel and each of the overbank areas; and for all structures, calculations of the flow through, over and around the structures and the basis of the calculations (formulas, nomographs, etc.) and references of the methods employed (Manning's Equation, HEC-2 HDS No.1, etc.).

(i) Evaluate the effect on flooding downstream, upstream and in adjacent areas.

(2) Lakes, reservoirs, and other impoundments

(a) Indicate design frequency and hydrologic methods used and their sources (Corps of Engineers, SCS, OPW, or USGS, etc.).

(b) Provide a drainage area map and project plan identifying all existing and proposed embankments, spillways, outlet chutes, and other components of the dam and reservoir.

(c) Provide preliminary design plans for major components, identifying proposed dimensions, materials, slopes, grades, seepage-prevention methods, erosion-control measures, and power-generation facilities, if any.

(d) Provide hydraulic and hydrologic analyses, including flood routing and water surface profile calculations for the design frequency flood, for "with project" and "without project" conditions.

(e) Provide preliminary geotechnical information, including soil boring to verify the suitability of proposed construction methods.

(f) Provide hydrologic analyses to determine the downstream flooding effects from a catastrophic failure of the dam during a flood of extreme magnitude. The flood volume should be related to the probable maximum flood and based on the hazard category of the proposed dam in accordance with the Dam Safety Program of the Office of Public Works.

(g) Evaluate the effect of the project on flooding upstream, downstream, and in adjacent areas.

(3) Levees, dikes, floodwalls, and related structures

(a) Provide design frequency, hydrologic and hydraulic calculations, methods used to evaluate the flood levels and wave heights, and justify the free board levels used.

(b) Provide preliminary project plan showing proposed improvements, existing and proposed grades and slopes and the relationship of the proposed improvements to other flood control works in the vicinity.

(c) Provide preliminary geotechnical information, including logs of soil borings, to determine the suitability of the proposed construction methods.

(4) Pumping stations

(a) Provide the design frequency, duration, hydrologic and hydraulic calculations used to estimate pumpage requirements.

(b) Provide drainage area map and project plan identifying all existing and proposed embankments, outlets, and other components of the affected area.

(c) Provide state-area and state-volume curves for the sump or storage areas utilized.

(d) Provide topographic maps showing the sump or storage areas.

(e) Evaluate the effect of the project on upstream, downstream, and adjacent areas.

(5) Land treatment

(a) Provide design frequency, hydrologic calculations, documentation of methods used to evaluate the modification of flood volumes, and drainage area maps as appropriate.

(b) Provide project plan showing proposed improvements.

(c) Provide a quantitative evaluation of the effect on flooding in adjacent areas.

APPLICATION EVALUATION PROCEDURE

The Flood Control Project Evaluation Committee will meet annually to compile a priority rating list for the urban, transitional and rural projects within each district. For evaluation purposes, the project classifications concern the characteristics of the benefited area, not the design criteria or the contributing drainage area. The methodology for determining whether a project is rural, transitional, or urban is presented in the application instructions (Section B of this part of the document). The evaluation will be based on a combination of rating criteria described below.

The priority rating for each project will be based on the sum of the rating scores of parts A and B of the Application Evaluation Form, respectively. Using the combined scores, the Flood Control Project Evaluation Committee will produce a program priority list. The list will include an intermixing of the urban, rural, and transitional projects for each district within the funding distributions. The priority list will be forwarded to the Joint Committee on Transportation, Highways and Public Works.

Procedure for Application Evaluation Form — Part A

The Evaluation Committee will review each application and complete the following form:

APPLICATION EVALUATION FORM — PART A
(Flood Control Project Evaluation Committee)

Category	Points		Comments
	Maximum	Credited	
Local support	5		
Technical feasibility and conformance with SFC objectives	15		
Prevention of loss of life and improved public safety	5		
Environmental effects and impact on development	5		
<hr/>			
TOTAL	30		
(x 3.33)	(x 3.33)	<hr/>	
<hr/>			
WEIGHTED TOTAL FROM			
PART A	100	<hr/>	

The following guidelines will be used by the Flood Control Project Evaluation Committee to rate applications to the Statewide Flood Control Program. Committee members may choose to amend the guidelines or the rating procedure as needed.

1. Local Support (5 point maximum).
 - a. Score 1 point for having a letter of financial support on file from one or more participating agencies other than the sponsoring authority.
 - b. Score up to 2 points for having letters of support on file from the legislative delegation.
 - c. Score 1 point for having no letters of objection from public officials, neighboring authorities, citizens groups, etc.
 - d. Score 1 point for additional funding beyond the 30 percent required matching funds.
2. Technical Feasibility (15 points maximum). Score up to 3 points each for:
 - a. Conformance of the project to the Statewide Flood Control Program criteria and completeness of the design
 - b. Due consideration to nonstructural alternatives
 - c. Compatibility of the project to other Federal, state, and local projects
 - d. Impact on flooding in areas upstream, downstream, and adjacent to the project area
 - e. Effectiveness of the development in relation to encroachment into floodplain areas
3. Prevention of Loss of Life (5 point maximum).
 - a. Score up to two points for historical losses of life that would have been prevented by the project.
 - b. Score up to three points for the degree of success of the project at maintaining access to vital services (e.g., hospitals) and protection of evacuation routes.
4. Environmental Effects and Impact on Development (5 point maximum). Score up to 1 point each for:
 - a. No letters of objection from public agencies
 - b. No impact on special historical, archeological, or geological features
 - c. No encroachment on environmentally protected areas
 - d. Not in a wetlands area
 - e. Not in the designated 100-year floodplain

Procedure for Application Evaluation Form — Part B.

Ratings are computed on the basis of potential damage reductions associated with the design flood and do not include efforts to annualize benefits and costs. The form for Part B is presented below.

Each project would be scored on its agricultural and urban merits using the raw score formulas presented below. The two scores obtained for each project would be used as input to a ranking matrix. The ranking matrix is used to evaluate the relative performance of each project as compared to the performance of its "peer" projects in both the rural and urban categories. For urban projects, the major emphasis (80 percent) is on the urban performance. For transitional projects, the urban and rural categories receive equal weighting. For rural projects, the rural performance receives the major emphasis (80 percent). Examples are given in following section.

APPLICATION EVALUATION FORM — PART B
(Flood Control Project Evaluation Committee)

Maximum Points	Category	Project		
		1	2	3
	Rural Score			
	Urban Score			
TOTAL = 100.0	Weighted Total From Part B			

Raw Score Formulas (Damage Values from Section 9 of the Application Instructions)

$$\text{Rural Score} = \frac{\text{Ag. Damage Values} + \text{Ag. Building Damage Values}}{\text{Total Project Construction Cost}}$$

$$\text{Urban Score} = \frac{\left[\begin{array}{l} \text{(Damage Values for: Residential + Commercial + Public} \\ \text{+ Other Buildings) + (Damage Values for Roads)} \\ \text{+ (Damage Value for Industries)} \end{array} \right]}{\text{Total Project Construction Cost}} \times$$

$$\left(\frac{70}{70 - \text{PLM} - 30} \right) \frac{1}{20}$$

where PLM = percent local match.

The raw rural scores for all of the projects of a given category (urban, transitional, or rural) are compared and the maximum number of points is awarded to the project with the highest raw rural score. The other projects are awarded points based on the maximum number of points multiplied by the ratio of the project raw score to the highest raw score for the category. The points for the urban scores are awarded in a similar fashion, and the rural and urban points are summed for each project.

RECOMMENDED CONSTRUCTION PROGRAM

A. PROJECT APPLICATION REVIEW AND PUBLIC HEARINGS

The Flood Control Project Evaluation Committee will review applications between November 1 and the following April 1. During the review period, public hearings will be conducted within each of the five OPW engineering districts by the Joint Legislation Committee on Transportation, Highways, and Public Works to solicit comments on the projects being considered for funding.

During this time, the Evaluation Committee will also receive from the Joint Legislative Committee on Transportation, Highways, and Public Works a projected funding level for the construction program of the coming year.

Based on the information gathered at the public hearings and the review of the applications, the Evaluation Committee will submit a list of recommended projects to the Joint Legislative Committee, based on the distribution of funds described below.

B. DISTRIBUTION OF FUNDS

The proposed distribution of program funds within the state is to be based on the five engineering districts shown in Figure I. The engineering districts follow watershed boundaries and political boundaries, which will help facilitate implementation of the program. The formula for distributing funds to each of the five districts is

$$\text{District's Percent of State Total Funding} = [0.50 \times (\text{District's Percent of State Total Area})] + [0.50 \times (\text{District's Percent of State's Total 100-year Flood Plain Area})]$$

Table V.1 presents the funding allocation percentage computed for each of the five districts.

An important feature of the program is the separation of funds for the urban, transitional, and rural categories. The Evaluation Committee determines which category will be used for a project during the application review. The method for making the determination is described in Application Format, General Instructions and Technical Requirements, Part D.

Table V.1
FUNDING ALLOCATIONS BY ENGINEERING DISTRICT AS PERCENT OF STATEWIDE PROGRAM FUNDING*

Engineering District	Percent of State Total		
	Land Area	Floodplain	Funding
Northwest	28.3	17.9	23.1
Northeast	18.4	14.9	16.7
Southwest	17.4	13.6	15.5
Southeast	19.3	25.9	22.6
South Central	16.6	27.7	22.1
State Total	100.0	100.0	100.0

*Based on percent land area and percent floodplain relative to state total.

Funds are divided primarily between urban and rural, with transitional funds being drawn proportionally from the other two categories to make up 20 to 40 percent of the total. The separation of funds is based on the amount of agricultural land and urban land within each district in relation to the amount within the entire state. The formulas for making the primary separation between urban and rural projects are:

$$\text{Percent of District Funds Initially Designated Rural} = \left(\frac{\text{District's Percent of Total State Agricultural Area}}{\text{District's Percent of Total State Agricultural Area} + \text{District's Percent of Total State Urban Area}} \right)$$

and

$$\text{Percent of District Funds Initially Designated Urban} = \left(\frac{\text{District's Percent of Total State Urban Area}}{\text{District's Percent of Total State Agricultural Area} + \text{District's Percent of Total State Urban Area}} \right)$$

The two formulas account for 100 percent of the district funding total in all cases. The recommended funding ranges for urban, rural and transitional projects are presented in Table V.2.

Table V.2
RECOMMENDED PERCENTAGE DISTRIBUTION OF FUNDS, BY CATEGORY OF LAND USE AND OPW ENGINEERING DISTRICT

Engineering District	Percentage of District Funds		
	Rural	Transitional	Urban
Northwest	26.3-35.1	20-40	33.7-44.9
Northeast	43.3-57.7	20-40	16.7-22.3
Southwest	38.6-51.5	20-40	21.4-28.5
Southeast	15.7-21.0	20-40	44.3-59.0
South Central	32.6-43.4	20-40	27.4-36.6

The Flood Control Project Evaluation Committee will make its recommendations for projects within the limitations of the funding projections for the coming year and in accordance with the distributions presented in Tables V.1 and V.2.

C. LEGISLATIVE PROCESS

The Joint Legislative Committee on Transportation, Highways and Public Works will submit to the legislature a construction program. As specified by Act 351, the legislature may delete any project that it believes was not selected in accordance with the guidelines of the Act. The legislature may not make any additions or substitutions to the construction program.

Projects recommended by the Flood Control Project Evaluation Committee but not funded by the legislature will remain on the Evaluation committee's recommendation list for a period of up to four years.

Darrel Williamson
Assistant Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Agricultural Finance Authority

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:266 (4), enacted by Acts 1983, No. 96, notice is hereby given that the Department of Agriculture, Louisiana Agricultural Finance Authority, will conduct a public hearing on Thursday, March 1, 1984, beginning at 10:30 a.m., at the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations for the administration of the Tax-Exempt Agricultural Revenue Bond Program authorized under Acts 1983, No. 96, including but not limited to the following general subject areas: definitions; administration of LAFA's affairs; program authorization, applicability of Federal law, pending amendments to applicable Federal law, and opinion of tax counsel relative to specific provisions of H.R. 4170; projects eligible for loans funded with LAFA bond proceeds; projects ineligible for loans funded with LAFA bond proceeds, exceptions; maximum amount of agricultural loans for capital expenditures; minimum amount of bonds/agricultural loans; requirements for lenders and borrowers; required terms and conditions for loans funded with proceeds of LAFA bonds; fees required; program description, procedures required for funding of loans with LAFA bond proceeds; and causes for termination of Loan Purchase Agreement.

In accordance with regular procedures of the Commissioner of Agriculture, additional hearings may be conducted throughout the state prior to final action concerning the enactment of these proposed regulations. Interested persons may secure a list of any scheduled hearing places and dates by contacting Bryce Malone, Assistant Commissioner for Marketing, P.O. Box 44184, Baton Rouge, LA 70804, or 12055 Airline Highway, Baton Rouge, LA 70816, phone 504/925-4657.

A copy of the text of the proposed Rules may be obtained from any of the above locations. He will also accept comments from any interested person up to and including 4:30 p.m. on April 10, 1984, and present all comments received by him for the consideration of the Louisiana Agricultural Finance Authority prior to final action concerning the proposed Rules and Regulations by the Authority.

At any public hearing conducted by the Authority, any interested person may present data, argument, and views, orally or in writing, which data, argument, and views will be given full consideration by the Authority prior to final action concerning the proposed Rules and Regulations.

Bob Odom
Commissioner of Agriculture

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Agricultural Finance Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no costs to local governmental units. The costs to the agency are minimal, because most costs will be paid as a part of the cost of each bond issue. Revenues for payment of issue costs come from a 2½ percent cost of issue fee which is paid by the borrower. The State itself will be at no risk (or very minimal risk) under the proposed Rules, because the Authority's Rules will require a commitment by a private lender to re-purchase any loan which may default.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Local governmental units will indirectly realize some increased tax revenue when local taxes are applicable to items purchased by borrowers with bond proceeds. However, since each lender/borrower determines the use to which borrowed funds will be put by the borrower, it is not possible to estimate the exact amount of increased local tax revenue. The Authority will receive approximately \$175,000 annually in new revenues from its share of cost of issue fees (1/10 of 1 percent of total loan value, i.e., total amount of each series of bonds issued) and loan service fees (.00075 of the outstanding principal balance of each loan at the time when interest and principal payments are made by the borrower).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Participating borrowers can expect to save up to approximately 4 percent in interest costs. Interest rates vary from loan to loan and are determined by the lender, not the Authority. The Authority will determine whether or not a specific fixed interest rate on a specific loan is eligible for participation in the Authority bond program; the Authority has tentatively established (by Emergency Rule) a maximum rate of 85 percent of the published daily New York prime as the maximum variable interest rate which will be approved. Lenders will benefit according to each individual lender's tax bracket, in that all interest revenues realized by lenders will be tax exempt.

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

Successful administration of the Authority's program should result in increased public sector employment opportunities, which will be determined by the use to which individual borrowers put the funds borrowed from bond proceeds. Pending Federal tax laws permit use of tax exempt bond proceeds for land improvements and fixtures, farm buildings, new farm equipment, soil and water conservation activities, and construction/purchase of new agribusiness operations. Borrowers who use bond proceeds for construction type purposes can be expected to employ persons for construction/operation. However, there will probably be no increased employment opportunities when bond proceeds are used to buy farm equipment. A concurrent but not adverse effect on competition is anticipated.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of State Civil Service Civil Service Commission

The State Civil Service Commission will hold a public hearing on March 8, 1984 for the purpose of considering the amendments of Civil Service Rule 17.23 (a) and (b) as proposed below.

The hearing will begin at 9 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, 12th Floor Commission Room, Baton Rouge, LA.

Consideration will be given to the following:

CHAPTER 17

17.23 Reporting Requirements and Appointments After Layoff

(a) The appointing authority shall report to the Director in writing within 15 calendar days from the effective date of the layoff, all personnel actions taken relative to the layoff. The report shall include the names of all employees affected by the layoff, the nature of personnel actions taken, including classes and offers made, accepted, or declined, and positions involved for every affected employee. The appointing authority shall submit appropriate Standard Forms 1 on all affected employees as soon as all layoff actions are concluded.

(b) No appointment shall be made in the affected organizational unit or department to the class(es) affected by the layoff or to lower levels of positions in the applicable career fields beginning on the date the Director approves the formal layoff plan for the proposed layoff and ending 30 days after the effective date of the layoff. Exceptions to this provision include reinstatement, restricted appointment, internal demotion, or restoration of a former employee entitled to the position who has returned from military service in accordance with Rule 8.19.

EXPLANATION

Presently, an appointing authority must report to the Director in writing all layoff actions taken and certify that all personnel actions have been reported on the Standard Form 1. The proposal for 17.23(a) will continue the reporting requirement and also set a time by which the report must be submitted to the Director. However, the certification that the Standard Forms 1 have been submitted will no longer be required.

The revision in 17.23(b) is to establish a definitive period of time for the employment freeze beginning immediately on moving into an approved layoff action.

Further, a termination of the employment freeze 30 days after the effective date of the layoff allows sufficient time for preferred reemployment applications to be processed. This change removes the requirement of a 60 day employment freeze after receipt of the final report that is now a part of 17.23(b).

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Board of Certified Public Accountants of Louisiana

Notice is hereby given that under authority granted by Louisiana Revised Statutes of 1950 37:80 (E), and in accordance

with the provisions of LSA 49:951 et seq., the State Board of Certified Public Accountants resubmits Rules 5.5.3, 5.5.4 and 5.5.5 for legislative review and approval. Rule 5.5.3 has been in effect since January 20, 1980. Subsection 5.5.3A.6 was amended in 1981. Rules 5.5.4 and 5.5.5 have been in effect since April 1, 1983.

Advertising, Solicitation or Public Communications

5.5.3 Advertising.

A. Licensees shall have the right to advertise. However, a licensee shall not use or participate in the use of any public communication or advertisement which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim - a false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

1. Contains a misrepresentation of facts; or
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
3. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality, or statements intended to attract clients by use of showmanship, hucksterism, slogans, jingles, or other garish language; or
4. Is intended or likely to create false or unjustified expectations of favorable results; or
5. Implies educational or professional attainments or licensing recognition not supported in fact; or
6. States, implies, or claims that the licensee has received formal recognition as a specialist or has any specialized expertise in any aspect of the practice of public accountancy without stating from whom the recognition has been received; or,
7. States or implies that the licensee's ingenuity and/or prior record are principal factors likely to determine the results of the services rather than the merit of the facts involved, or contains statistical data or information so as to reflect past performance or predict future success; or,
8. Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
9. Contains other representations or implications beyond those set forth in B below that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived; or
10. Implies the ability to influence any court, tribune, regulatory agency or similar body or any official thereof; or
11. Make comparison with other CPAs.

B. As an example, a licensee may use or participate in the use of a public communication which states in a dignified manner the following information about the licensee and any associated licensees:

1. Name, firm name, address, telephone numbers, office hours, and telephone-answering hours;
2. Biographical and educational background;
3. Professional memberships and attainments;
4. Description of services offered;
5. The limitation of practice to certain areas of service;
6. The opening or change in location of any office and changes in personnel;
7. Fees charged for the initial consultation, for specific services of average complexity, and hourly rates. Quoted fees must be adhered to for a reasonable period not less than 30 days after the publication.

C. All licensees shall retain copies or recordings of all public communications by date of publication for a period of at least three years.

5.5.4 Solicitation. A licensee shall not by any direct uninvited personal communication solicit an engagement to perform professional services:

A. If the communication would violate Rule 5.5.3 above if it were a public communication; or

B. By the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or

C. Where the solicitation is done in-person or by telephone by the licensee or an employee or agent of the licensee.

Any written solicitation shall be subject to the provisions of Rule 5.5.5.

5.5.5 Written Advertisements, Solicitations, and Other Public Communications.

A licensee shall have the right to mail or deliver advertisements, solicitations and other public communications, subject to the following provisions:

A. A Licensee shall not mail or deliver any advertisement, solicitation or other public communication if such advertisement, solicitation or other public communication would violate Rule 5.5.3 or Rule 5.5.4 above.

For purposes of this Rule, a public communication shall be deemed to include newsletters, brochures, magazines, books, announcements, notices, reports, notes, journals, letters, cards, inquiries, tapes, recordings and all other written, printed or recorded materials mailed or delivered to one or more addressees who are not clients of the licensee at the time of such mailing or delivery. Materials disseminated only to clients of the licensee shall not be deemed to be a public communication.

Interested persons may submit written comments on this Rule through 5 p.m. March 7, 1984 to Mrs. Mildred M. McGaha, CPA, Executive Director, State Board of Certified Public Accountants of Louisiana, 310 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, LA 70130.

Albert J. Derbes, III, CPA
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Advertising and Solicitation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is not anticipated that there will be any implementation costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no impact on revenue resulting from these Rules because Rule 5.5.3 has been in effect since January 20, 1980 and Rules 5.5.4 and 5.5.5 since April 1, 1983.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups because the Rules have been in effect since January 20, 1980 (Rule 5.5.3) and April 1, 1983 (Rules 5.5.4 and 5.5.5).

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

The Board believes that there is no, or very little, effect

on competition from Rule 5.5.3, 5.5.4 and 5.5.5, and that the benefits to the public from these Rules outweigh any effect on competition. (See Schedule I.) There is no effect on employment.

R. Wendel Foushee
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend Rule LAC 11-6:53.43G relative to the allowable pre-race blood levels of phenylbutazone and oxyphenylbutazone, and to conform to the specifications as stipulated within Rule LAC 11-6:54, "Permitted Medication."

A copy of this Rule may be obtained by calling the Commission at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068, or may be viewed at the Office of the State Register, 900 Riverside, Baton Rouge, LA.

The office of the Commission will be open from 9 A.M. to 4 P.M., and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of this Rule. All interested persons may submit written comments relative to this Rule through March 6, 1984.

Gordon A. Burgess
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11 - 6:53.436, Levels of bute and Oxybut**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs/savings to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no costs to any affected groups. However, the benefits are to all horsemen who may have been previously in doubt as to the accepted blood levels of these drugs.

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

There is no effect on competition or employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to delete Rule LAC 11-6:53.5 relative to permitted medication since all information within this Rule is already within the most recent version of Rule LAC 11-6:54, "Permitted Medication."

A copy of this Rule may be obtained by calling the Commission at (504) 568-5870 or by writing 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068, or it may be viewed at the Office of the State Register, 900 Riverside, Baton Rouge, LA.

The Office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. LeVasseur at this time, holidays and weekends excluded, for a copy of this Rule. All interested persons may submit written comments relative to this proposed Rule through March 6, 1984.

Gordon A. Burgess
Chairman

GUIDELINES FOR ACT 455 OF
THE MATCHING FUNDS PROGRAM

1. Any non-profit organization desiring funds for a specific tourist promotion project must first be recognized by the Office of Tourism as "a Tourist Promotional Agency or Agencies" in accordance with the Act.

2. A proposal known as a "letter of intent" shall be made. This letter will be prepared by the Tourist Promotion Agency giving basic details about the project and why it is needed.

3. The applicant must show proof of local funds. In doing so, applicant must submit a copy of a bank deposit slip showing applicant has matching funds covering at least the amount of the request. There will be no in-kind monies for projects. All money must be on a dollar-per-dollar value for matching funds grants.

4. Tourist Promotion Agencies applying through a designated Economic Development District shall first submit to that Economic Development District their proposals for participating in the Matching Funds Program provided under Act 455, passed by the Legislature of 1970. Said proposals shall be drawn up according to the requirements of said Act, and subsequently screened by the respective Economic Development District Directors. All applications must be submitted for review no later than April 1 each year. The staff of the various Economic Development Districts shall assist local communities, parishes, or combinations of parishes in the development of their respective programs. After screening these applications, the Economic Development District Directors will forward the applications with proper recommendations to the Matching Funds Committee of the Louisiana Tourism Development Commission, by May 1 of each year.

5. Tourist Promotion Agencies which overlap Economic Development Districts or which are composed of more than one entity shall apply under the existing requirements of the Act and guidelines, directly to the Louisiana Tourism Development Commission by April 1 of each year.

6. The Economic Development District, in making recommendations to the Louisiana Tourism Development Commission with respect to Matching Funds projects authorized by Act 455, will direct attention to the fact that all recommendations for project approval which involve the expenditures of these matching funds on projects involving capital improvement or other developments shall be on property other than that which is owned, controlled and operated by private individuals, firms or corporations.

7. The Matching Funds Committee of the Louisiana Tourism Development Commission, shall make recommendations for the approval of the application for funds for any and all programs submitted. The Tourism Development Commission will make final recommendations to the secretary of the Department of Culture, Recreation and Tourism. The Secretary will then make the final decision on the approval of applications. Following this approval, notice to proceed will be provided to the Tourist Promotions Agency. Those projects disapproved will also be notified and reasons for disapproval will be given.

8. Upon submission of evidence within the time period so designated by the L.T.D.C. on approval of application, matching funds will be supplied by the Commission to the applicant in the form of one-half payment on all valid expenditures submitted on their projects, i.e., if the Tourist Promotion Agency has expended \$2,000, the Commission will reimburse one-half that amount (\$1,000). Only expenditures incurred on or after the official "notice to proceed" date, (as described in paragraph 7), will be accepted for reimbursement.

9. Beginning on April 1, which is 90 days prior to the end of the State fiscal year (June 30) in which the funds were awarded, all projects that have not made an appreciable expenditure will

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: LAC 11 - 6.53.5. Permitted medication

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs/savings to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no costs to any affected groups. However, the benefits are to all horsemen who may have been previously in doubt as to the accepted blood levels of bute and oxy-bute.

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

There is no effect on competition or employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Culture, Recreation and Tourism
Office of Tourism

ACT 455 MATCHING FUNDS PROGRAM
AMENDING GUIDELINES

The guidelines for the administration of the Act 455 Matching Funds Program are being amended in order to better serve the tourism industry of Louisiana. The major thrust of these amendments center around revisions to the language and clearly outline the priorities for funding grant requests.

have their grant thoroughly reviewed by the Matching Funds Committee of L.T.D.C. with the purpose of reallocating the remaining funds to another project.

10. If the remaining funds are awarded to a new project, the new grantee must expend the funds within that remaining 90 day period. However, if the grantee can show reasonable cause, grantee may apply for a 90 day extension to complete the project.

11. Applicants for matching funds should plan for monies to be spent by June 30 in the fiscal year that the monies are appropriated. If the project cannot be completed during the fiscal year of the appropriation, the applicant may request a 90 day extension of time. This request for an extension of time must be in writing and show proof positive that the project will be completed by September 30 or lose the grant. This written request must be in the hands of L.T.D.C. by June 1. If the 90 day extension is granted and the applicant fails to draw all monies by September 30, the grant will automatically be terminated and all monies remaining for that project will be returned to the general fund of the State of Louisiana. (Under no circumstances will more than one extension be granted).

12. Due to limited funds, the L.T.D.C. encourages applications geared to increasing tourism through advertising and promotional projects, i.e., brochures, posters, print and electronic media, etc. Construction and capitol improvement projects are discouraged due to the limited nature of these funds. It is also not the intent of these funds to underwrite or subsidize administrative costs of events or to subsidize on-going activities of organizations; but, in fact, to use the funding to stimulate tourist promotion activities as stipulated in the Act.

These priorities reflect the encouragement of combined activities to promote tourism in Louisiana and less emphasis on the individual attraction or entity funding. These limited matching funds will be more efficiently applied to projects that have the greatest impact upon our tourism economy.

We envision no fiscal impact upon our budget or the constituent organizations due to these revisions, only a more effectively applied grants program with clearly identified marketing goals.

Anyone interested in commenting on these proposed amendments can do so in writing by contacting Bob Dudden, Promotional Programs Director, Louisiana Office of Tourism, Box 44291, Baton Rouge, LA 70804 (504-925-3861), or by visiting our offices at 666 North Foster Drive, Baton Rouge, LA.

Robert E. Rintz
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Act 455**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

By amending the rules, the overall effectiveness will be enhanced. This encourages tourism entities to work together and develop marketing areas as opposed to individual organizations or attractions applying for these funds. That total impact is estimated to be a plus or "benefit" to the state and not "cost" anything.

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

There will be no estimated effect on competition and employment.

Robert E. Rintz
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. The Board established a performance standard for the Fourth Grade Basic Skills Test to be 80 percent of the total items on each of the language arts and mathematics tests.
2. The Board approved an amendment to Bulletin 746 to reflect the addition of the Montessori Institute of America as an approved course of study for certification purposes for Montessori certification in Louisiana.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m. April 9, 1984 at the following address: State Board of Elementary and Secondary Education, P. O. Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

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

Rule Title: Fourth Grade Performance Test Cutoff Scores

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Based on performance of students on pilot tests and the passing rates experienced on the 2nd and 3rd grade Basic Skill Tests, it is anticipated that 30 percent of the fourth grade students (22,134 units) will require remediation at the 80 percent performance standard. Based on 1983-84 requested per unit cost of \$254, remediation costs for these 22,134 units will be \$5,622,036.
(NOTE: These fourth grade remediation costs will be in addition to the projected costs for the 2nd and 3rd grades of \$4,560,316, for a total 1984-85 remediation cost of \$10.2 million).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The students who are identified as being eligible for

remediation will benefit from the program by being assisted at an early age to overcome the educational deficits as identified on the state Basic Skills Test. Additional cost to the local agency cannot be determined due to variance in size, structure, and eligible students; however, any additional costs incurred for remediation above the \$254 provided by the state would be borne by the local systems.

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

Local school systems will have the option of employing additional personnel either full time or part time to implement program. Additional teachers will need to be employed in some systems.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of the proposed Rule will not cost or save the Department of Education any additional funds.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of the proposed Rule will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Adoption of the proposed Rule will have no significant financial effect on private Montessori schools in Louisiana.

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

Competition for employment of Montessori teachers in Louisiana is not expected to be significantly affected by this action. The Montessori Institute of America is not located in Louisiana and it is not anticipated that a significant number of teachers certified through this program will enter Louisiana for employment.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

will be considered by the Department before a final decision is rendered by the Administrative authority to adopt the proposed regulations. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1265.

Following the initiation of rulemaking procedures by the ECC on January 26, 1984, the proposed amendments were forwarded to the Natural Resources Committees for their consideration and approval. Upon approval by the Natural Resources Committees, the Administrative Authority will consider the final adoption of the proposed amendments on April 10, 1984.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the Environmental Control Commission and legislative committees may act on all amendments or any separate section or subsection. Public comments may be made on all amendments or any part thereof.

The primary purpose of the proposed amendments is to clarify the language in Chapter 18, "Groundwater Monitoring", of the LHWR concerning contamination of the groundwater and to provide for mitigation. The proposed amendments provide additional protection of groundwater in the State and require automatic clean-up when contamination is detected.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1227.

Copies of the proposed amendments may be obtained by writing to: Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, Louisiana 70804-4066, or phone 504/342-1227. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building Room 600, 6th Floor 625 North Fourth Street Baton Rouge, Louisiana	Department of Environmental Quality 804 31st Street Monroe, Louisiana
State Office Building 1525 Fairfield Avenue Room 11 Shreveport, Louisiana	Department of Environmental Quality 3945 North I-10 Service Road Metairie, Louisiana
Department of Environmental Quality 1155 Ryan Street, 2nd Floor Lake Charles, Louisiana	Department of Environmental Quality 100 Epplen Road Lafayette, Louisiana

Winston R. Day, Chairman
Environmental Control Commission

NOTICE OF INTENT

**Department of Environmental Quality
Environmental Control Commission**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Regulations (LHWR), at its January 26, 1984 hearing. All interested persons are invited to submit written comments on the proposed amendments. Comments received by the agency prior to the close of the working day on April 9, 1984,

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hazardous Waste Mgmt.
Regulations, Chapter 18**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to the Agency. These amendments merely clarify the language in the regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections of state or local governmental units, since no regulated facilities are operated by the State or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Since the clarifying language is in line with current program operation and also is mandated by State statutes, there will be no additional cost or economic benefits.

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

This cannot be evaluated since the amount of compliance monitoring or remedial action which may be necessary will not be known until a site specific problem is found; however, if a problem does exist it may be necessary for a site to hire additional personnel in order to help remedy/clean-up the problem.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Environmental Control Commission**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Regulations (LHWR), at its January 26, 1984 hearing. All interested persons are invited to submit written comments on the proposed amendments. Comments received by the agency prior to the close of the working day on April 9, 1984, will be considered by the Department before a final decision is rendered by the Administrative authority to adopt the proposed regulations. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1265.

Following the initiation of rulemaking procedures by the ECC on January 26, 1984, the proposed amendments were forwarded to the Natural Resources Committees for their consideration and approval. Upon approval by the Natural Resources Committees, the Administrative Authority will consider the final adoption of the proposed amendments on April 10, 1984.

The primary purpose of the proposed amendments to the Louisiana Hazardous Waste Regulations is to provide the State with regulations that are equivalent and consistent with the Federal hazardous waste management program for Final Authorization under the Title 40 Code of Federal Regulations, Parts 124, 261, 262, 263, 264, 265, 270, 271 (See Resource Conservation and Recovery Act, Public Law 94-580). The adoption of these regulatory revisions will enable the State to apply to the Environmental Protection Agency for federal authorization to operate a hazardous waste management program in lieu of the Federal government.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the Environmental Control Commission and legislative committees may act on all amendments or any separate

section or subsection. Public comments may be made on all amendments or any part thereof.

In general, the proposed amendments add language to Chapter 4, "Permit Application Contents" of the LHWR, on specific information which must be included in a hazardous waste facility permit application.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1227.

Copies of the proposed amendments may be obtained by writing to: Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Post Office Box 44066, Baton Rouge, Louisiana 70804-4066, or phone 504/342-1227. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural
Resources Building
Room 600, 6th Floor
625 North Fourth Street
Baton Rouge, Louisiana

Department of Environmental
Quality
804 31st Street
Monroe, Louisiana

State Office Building
1525 Fairfield Avenue
Shreveport, Louisiana

Department of Environmental
Quality
3945 North I-10 Service Road
Metairie, Louisiana

Department of Environmental
Quality
1155 Ryan Street, 2nd Floor
Lake Charles, Louisiana

Department of Environmental
Quality
100 Epplen Road
Lafayette, Louisiana

Winston R. Day, Chairman
Environmental Control Commission

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

**Rule Title: Hazardous Waste Mgmt.
Regulation § 4.10-4.16**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to the agency. These amendments merely consolidate language already found in various sections of the regulations into Subsections 4.10 - 4.16.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of State or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no cost or estimated economic benefits since this is merely adding clarifying language on data that must be in a permit application under federal regulations.

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

Since these proposed additions to the regulations only specify items of information required in the permit application that are required by federal regulations, there will be no effect on competition and employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Environmental Control Commission**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Regulations (LHWR), at its January 26, 1984 hearing. All interested persons are invited to submit written comments on the proposed amendments. Comments received by the agency prior to the close of the working day on April 9, 1984, will be considered by the Department before a final decision is rendered by the Administrative authority to adopt the proposed regulations. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1265.

Following the initiation of rulemaking procedures by the ECC on January 26, 1984, the proposed amendments were forwarded to the Natural Resources Committees for their consideration and approval. Upon approval by the Natural Resources Committees, the Administrative Authority will consider the final adoption of the proposed amendments on April 10, 1984.

The primary purpose of the proposed amendments to Chapter 24, "List of Hazardous Wastes" of the LHWR is to clarify the present language to more fully define the limitations applicable to the mixture rule and deminimus rule to provide additional protection of surface water of the State.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the Environmental Control Commission and legislative committees may act on all amendments or any separate section or subsection. Public comments may be made on all amendments or any part thereof.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1227.

Copies of the proposed amendments may be obtained by writing to: Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-1227. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building Room 600, 6th Floor 625 North Fourth Street Baton Rouge, Louisiana	Department of Environmental Quality 804 31st Street Monroe, Louisiana
State Office Building 1525 Fairfield Avenue Shreveport, Louisiana	Department of Environmental Quality 3945 North I-10 Service Road Metairie, Louisiana
Department of Environmental Quality 1155 Ryan Street, 2nd Floor Lake Charles, Louisiana	Department of Environmental Quality 100 Epplen Road Lafayette, Louisiana

Winston R. Day, Chairman
Environmental Control Commission

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hazardous Waste Mgmt.
Regulation § 24.3**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to state or local governmental units since the added clarifying language does not alter the current program operation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of state or local governmental units since this does not impact the method of assessing the fees which provide the self-generated funding for the Hazardous Waste Management Division.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no additional costs or economic benefits since the additions are merely clarifying language in line with current program operation.

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

Since the added language does not alter the current program operation, it does not effect competition or employment.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Department of Veterans Affairs
War Veterans Home**

The Louisiana Department of Veterans Affairs intends to publish a revision of Rule Number 12, previously printed in the June, 1983, issue of the *Louisiana Register*, pertaining to the Care and Maintenance Fees regarding lodging in the Louisiana War Veterans Home, in the *Louisiana Register*.

AS PUBLISHED:

12. In addition to the regular Care and Maintenance Fees collected, if less than maximum monthly amount and the resident has a savings account in excess of \$2,500 if single, and \$5,000 if married, and the resident may be assessed an amount that would bring his Care and Maintenance Fees up to the maximum amount allowable per month until this account is reduced to the above-stated balance. This Rule also applies to residents' in-house accounts in excess of \$2,500.

AS REVISED:

12. In addition to the regular Care and Maintenance Fees collected, if less than maximum monthly amount and the resident has a savings account in excess of \$500 if single, and \$5,000 if married, and the resident may be assessed an amount that would bring his Care and Maintenance Fees up to the maximum amount allowable per month until this account is reduced to the above-stated balance. This Rule also applies to residents' in-house accounts in excess of \$2,500.

Interested persons may submit written comments to the following address: John McGovern, Director, Louisiana Department of Veterans Affairs, Fourth Floor, Old State Capitol, Baton Rouge, LA 70801.

John L. McGovern
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: War Veterans Home:
Collecting and Handling of Fees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No cost of implementation, as this will be done with the present staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The implementation of the proposed Rule change will increase self-generated revenues by increasing the amount of fees payable by veterans under care who are also determined to be incompetent and/or unable to manage their own funds. The amount of increase is not precisely quantifiable due to variances in ability to pay by the veterans and the number of veterans effected by the Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The benefits to the veterans will not be altered. However, an incompetent veteran will have to pay for a portion of his care once his savings reaches \$500 instead of the current threshold of \$2,500. The veteran will have to assume a portion of the cost of health care sooner yet Veterans' Administration benefits will also be collectible under the new Rule whereas they were not before due to a variance with the Federal law. The exact cost to the veteran is not determinable.

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

There will be no effect on competition and employment by the revision of this Rule.

John L. McGovern
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Contractual Review**

Regulations for the Procurement of
Professional, Personal, and Consulting Services

All Contracts for Personal, Professional or Consulting Services

I

Delegation of Authority

The Director of Contractual Review may delegate in writing certain responsibilities set forth herein; however, he shall review any actions taken by his designee.

II

Definitions and Classes of Contractual Services

The following services shall be contracted out in accordance with these regulations:

A. "Personal Service" means work rendered by an independent contractor which requires the use of creative or artistic skills, such as, but not limited to, graphic artists, sculptors, musicians, photographers, and writers, or which requires the use of highly technical or unique individual skills or talents, such as, but not limited to, paramedics, therapists, handwriting analysts, and expert witnesses for adjudications or other court proceedings.

B. "Professional Service" means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it including, but not limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of seventy-five thousand dollars or more, the definition of professional service shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants and any other profession that may be added by regulations adopted by the Office of Contractual Review of the Division of Administration.

C. "Consulting Service" means work, other than professional or personal service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, personnel, finance, accounting, planning and feasibility studies, data processing, advertising and public relations.

D. Interagency contracts between governmental entities as defined in R.S. 39:1484(23) for any of the services enumerated in A, B, or C above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.

III

Contracts for \$5,000 or Less

A. The Director of the Office of Contractual Review may, in accordance with R.S. 39:1488, 1490B(3), and 1508, delegate to other state using agencies certain responsibilities in the review and approval process of professional, personal and consulting service contracts, to specifically include contracts for professional, personal and consulting services for \$5,000 and under. Such delegations of authority may be made upon written request by the head of the using agency and shall be provided for in a written Memorandum of Agreement between the Office of Contractual Review and each using agency receiving such a delegation. All provisions of law and of these regulations not delegated remain applicable. Upon execution of the Memorandum of Agreement as herein provided, such delegation of authority shall remain in full force and effect, until it may be cancelled in writing, by the Director of the Office of Contractual Review.

B. A contract meeting the definition of "small purchase" under R.S. 39:1508 may be approved by the agency director without the necessity of forwarding a copy to the Office of Contractual Review. The agency shall maintain a file for all small purchase contracts. This file shall be available for inspection by the Director of the Office of Contractual Review or his designee upon request.

C. The using agency shall submit a quarterly report to the Office of Contractual Review and to the Division of Administration Budget Office. This report shall contain a listing of all small purchase contracts to include: the name of contractor, amount of contract, specific nature of services rendered, date of contract, and total dollar amount of all small purchase contracts entered into by the using agency for that quarter. If no such contracts have been entered into during this period, a report shall still be submitted notifying the Office of Contractual Review of same. See Attachment E for format of report.

IV Contract Contents

A. Each contract for professional, personal, and consulting services shall follow the provisions of R.S. 39:1498.1.

B. Contracts funded fully or in part by Federal funds, in addition to meeting all the requirements of these guidelines and R.S. 39:1428-1473, shall meet all applicable Federal standards and shall contain all necessary clauses required by Federal statutes, rules or regulations. The burden of complying with Federal regulations shall rest with the using agency.

C. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (the State General Travel Regulations). Persons performing services under contracts approved by the Office of Contractual Review shall be considered to be "other persons" under Section 1.C(3) of the State General Travel Regulations.

D. When a contract is to include travel and/or other reimbursable expenses, it shall contain language to effect the following:

1. Travel and other reimbursable expenses shall constitute part of the total maximum payable under the contract. Travel expenses shall be reimbursed in accordance with Division of Administration Policy & Procedure Memorandum 49; or

2. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel and other reimbursable expenses. Travel expenses shall be reimbursed in accordance with Division of Administration Policy & Procedure Memorandum 49.

E. If the using agency desires to reimburse the contractor other than in accordance with rates established in Policy & Procedure Memorandum 49, such reimbursement must be approved by the Commissioner of Administration as a waiver to the requirements of PPM 49.

V Modification of Contract

All amendments to contracts for professional, personal and consulting services shall be submitted to the Office of Contractual Review and shall become effective only upon approval by the Director of the Office of Contractual Review. If an amendment extends a contract beyond one year, justification for a multi-year contract must be submitted with said amendment in accordance with Part XII, and if an amendment increases the amount of a contract to \$25,000 or more, an extra copy of the contract and amendment must be submitted in accordance with Part VII.

VI Termination of Contract

Whenever a contract is terminated prior to the termination date stated in the contract, the Office of Contractual Review shall be notified in writing by the using agency of such prior termination, and the reasons therefor.

VII Submission of Contracts

The original contract and two copies of said contract and attachments shall be submitted to the Office of Contractual Review for contracts less than \$25,000. Contracts for \$25,000 or more must be submitted with three copies (the extra copy will be forwarded to the Legislative Fiscal Office). The Office of Contractual Review will not accept for review and approval any contract that is not accompanied by the necessary attachments and copies as required herein. (Attachments being submittal letters, R.S. 39:1497 certification, BA-22, etc.)

VIII Contractual Review Process

A. Contracts arriving in the Office of Contractual Review

will be date stamped and logged in. Contracts should be submitted prior to their effective dates and no contract shall be approved which has been submitted 60 days after its effective date, unless written justification is provided by the using agency and approval granted by the Director of Contractual Review or his designee. All submittals will be required to have a cover letter attached thereto in conformity with Attachment D.

B. If a contract does not appear to be out of the ordinary and appears to have the necessary attachments and inclusions, it will be routed to the appropriate Budget Analyst for the submitting agency. A BA-22, or its equivalent, shall be submitted with every contract submitted to the Office of Contractual Review.

C. Contracts that are incomplete as to form may be returned to the submitting agency. If a contract is merely missing an attachment then the necessary attachment may be secured from the submitting agency.

D. Contracts returned from Budget

1. Not Recommended for Approval - If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the Budget Analyst. If the problem cannot be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

2. Recommended for Approval - If a contract is recommended for approval the review process shall continue.

E. Legal and content review - There are a number of different types of contracts, and content requirements may vary a little. All contracts shall contain the following:

1. Signatures of both the head of the using agency or his designee and the contractor - At least one submitted copy of each contract shall bear an actual, nonfacsimile signature of each party.

2. Scope of services that clearly and completely identifies the work to be performed and products to be delivered.

3. Beginning and termination dates for the contract - Normally, such contracts should be for a term no longer than one year, although the Director of Contractual Review may approve contracts with terms up to three years. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three year period.

4. The maximum amount of compensation to be paid under the contract - This maximum must be inclusive of all payment, fees, travel expenses, etc. When applicable the amounts shall be stated by category and then given as a comprehensive total.

5. A statement giving the Legislative Auditor authority to audit the financial records of the contractor relative to work done under the contract.

6. A clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the Director of the Office of Contractual Review.

7. The Office of Contractual Review shall notify the using agency in writing when an assignment of proceeds notice has been received from a contractor.

8. A statement giving the contractor the responsibility for paying any taxes which may be due as a result of the contract. The taxes could include state or federal income taxes or payroll taxes.

F. Each contract submitted for approval shall be accompanied by a certification letter as described in R.S. 39:1497, signed by the using agency's representative (See Attachment B).

G. Proof of review and approval by other agencies shall

accompany submitted contracts as follows; or contracts will be returned to the submitting agency without final approval:

1. Civil Service - All contracts must have Civil Service approval except agreements between state agencies. If a non-state agency is involved, the contract must have Civil Service approval.

2. Attorney General - Contracts for legal services that are not consulting work and that do involve or lead to litigation must be reviewed by the Attorney General for approval of the fee structure. Approval of the Attorney General can be evidenced by the signature on the contract documents or by a letter from the Attorney General. Contracts with Louisiana District Attorneys do not require this approval.

3. Legislative Auditor - Contracts for financial auditing of state agencies must have prior written approval of the Legislative Auditor.

4. If the contractor is a corporation not incorporated under the laws of the state of Louisiana, then the contractor must secure a certificate of authority pursuant to R.S. 12:301-302 from the Secretary of State of Louisiana and a copy of such certificate must be attached to the contract.

5. The Office of Telecommunications Management shall review and recommend any contract containing elements of telecommunication services before returning it to the Office of Contractual Review for completion of the analysis.

H. Consulting Services Contracts for \$75,000 or more. If a contract is for services defined as consulting in R.S. 39:1484(4) and is for an amount equal to or exceeding \$75,000, it must have been awarded pursuant to the requirements of R.S. 39:1503, unless exempt by Section XV(A) or (B). Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503 C as to why the award was made must be submitted with the contract.

I. Data Processing Consulting Service contracts for more than \$100,000 shall be procured in accordance with Section XVII through XXI of these regulations.

J. When a contractor is a corporation, a formal, dated, Board Resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

K. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the Director of Contractual Review.

L. A performance evaluation for every personal, professional, or consulting service contract shall be done by using agency in accordance with R.S. 39:1500. This performance evaluation shall be retained by the using agency for all small purchase contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of Contractual Review within one hundred twenty days after the termination of the contract. An example evaluation form can be found in Attachment F. Using agencies should use their own formats.

IX

Exempt Occupations

The following list of occupations shall be construed as falling within the definition of medical, nursing or allied health fields given in R.S. 39:1498.2. Personnel employed in these fields would therefore be exempt from the prohibition contained in R.S. 39:1498(4) which disallows personal, professional or consulting service contracts between the state of Louisiana and state employees: Audiologist, Dental Assistant, Dentist, Electroencephalograph Technician, Hospital Chaplain, Inhalation Therapist, Medical Laboratory Technologist, Nurse Anesthetist, Occupational Therapist, Optometrist, Osteopath, Pharmacist,

Psychologist, Physical Therapist, Physician, Podiatrist, Practical Nurse, Professional Dietitian, Psychiatrist, Radiologic Technologist, Radioisotope Technologist, Registered Nurse, Respiratory Therapy Technician, Respiratory Therapy Technologist, Social Worker, Speech Pathologists, and Ultrasonography Technologist.

Other Specialists as may be included later by the Director of the Office of Contractual Review.

X

Delegation of Signature Authority

R.S. 39:1502 requires that the head of the using agency or his designee shall sign all contracts for personal, professional or consulting services. All delegations of signature authority by the head of the using agency must be in writing and must be approved by the Office of Contractual Review. Normally delegations of signature authority to the level of Assistant Secretary or equivalent will be approved if circumstances warrant the delegation. Delegations of signature authority to a level below that of Assistant Secretary may be granted in unusual situations - for example, where the volume of contracts is very heavy.

In addition, autonomous or semi-autonomous boards or commissions may sign their own contracts if such authority is granted them by their enabling legislation or by the heads of the agency in which they are placed.

XI

Confidentiality of Technical Data or Trade Secrets

The using agency shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which may come into their possession from individuals and businesses doing business with the State. Any such information received by the Office of Contractual Review shall be returned to the using agency upon completion of said review.

XII

Multi-Year Contracts

All contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39:1514 in compliance with the Delegation of Authority from the Commissioner of Administration.

XIII

Determination of Responsibility

A. In order to qualify as responsible, an offerer must meet the following standards as they relate to the particular procurement under consideration:

1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance.

2. Has the necessary experience, organizations, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements).

3. Is able to comply with the proposed or required time of delivery or performance schedule.

4. Has a satisfactory record of integrity, judgment, and performance (contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of evidence to the contrary or evidence of compelling circumstances, be presumed to be unable to fulfill the requirement).

5. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

B. An offerer shall present acceptable evidence of financial resources, experience, organization, technical qualifications, skills,

and facilities, to perform the service called for by the contract.

C. No contract for consulting services for \$75,000 or more shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible within the meaning of Sections A and B.

D. In any case where a contract for consulting services is for \$75,000 or more, the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of the offerer or potential subcontractors should be kept on file with the agency, subject to inspection upon the request by the Director of Contractual Review or his designee.

E. Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective contractor meets the standards in Section A and B. Information from the following sources shall be utilized before making a determination of responsibility:

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

2. Other existing information within the agency, including financial data, the list of debarred and ineligible bidders and records concerning contractor performance.

3. Publications, including credit ratings and trade and financial journals.

4. Other sources, including banks, other financial companies, and State departments and agencies.

F. To the extent that a prospective contractor cannot meet the standard in Section A.2 except by means of proposed subcontracting, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the head of the using agency to satisfy that standard.

XIV

Suspension, Debarment and Reinstatement

A. Authority. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Director of the Office of Contractual Review shall have authority to suspend or debar a person for cause from consideration for a contract, provided that doing so is in the best interest of the State.

B. Suspension. The Director of the Office of Contractual Review may suspend a person from consideration for a contract if he determines in writing that there is probable cause to believe that such person has engaged in any activity which might lead to debarment. Said suspension shall not exceed 60 days if debarment is not forthcoming.

C. Causes for Debarment. The causes for debarment include, but are not limited to, the following:

1. Conviction for a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state contractor.

3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

4. Violation of contract provisions, or a recent record of failure to perform, or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to

perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; and

5. Any other cause the Director of Contractual Review determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations.

D. Decision. The Director of the Office of Contractual Review shall issue a written decision stating his reasons and findings therein.

E. Notice of decisions. A copy of the decisions under Subsection D of this Section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

F. Finality of decision. A decision under Section D of this Part shall be final and conclusive, unless appealed as provided for in Section G.

G. Appeal. The Contractor or business who is directly affected by the decision of the Director of Contractual Review may appeal in writing to the Commissioner of Administration within ten days of the receipt of said decision.

H. Reinstatement. If the Commissioner finds that the Director of Contractual Review was in error, then he may reinstate said individual or business. If the Commissioner affirms the decision of the Director of Contractual Review that decision is final and conclusive.

1. The Director of Contractual Review, upon request of a debarred contractor, shall review the requesting debarred contractor's file on an annual basis, and may reinstate said contractor for future consideration if he believes the circumstances warrant reinstatement and it would be in the best interest of the state. A list of debarred contractors shall be kept by the Office of Contractual Review and made available upon request to our state agencies.

Contracts for Consulting Services Where Compensation equals or exceeds \$75,000

XV

Source Selection Methods

Pursuant to R.S. 39:1496 professional or personal services contracts for any amount, and consulting services contracts less than \$75,000 may be awarded without competitive negotiation or bidding, therefore this part shall be applicable to consulting services contracts for \$75,000 or more.

A. Emergency Purchases. An emergency situation must be determined in writing by the Director of Contractual Review or his designee. The using agency which requests an emergency procurement must indicate in writing the basis of the emergency.

B. Sole Source Procurement. A determination in writing, supported by using agency documentation, must be made by the Director of Contractual Review or his designee that only one source exists for the services requested by the using agency.

C. A determination by the Director of Contractual Review that contracts are necessary under Sections A or B above will dispense with the requirement of a Request for Proposal pursuant to 39:1496(B).

D. Record. A record of emergency procurements and Sole Source Procurements shall be maintained by the Office of Contractual Review, and shall contain:

1. Contractor's name
2. The amount of contract
3. Services to be rendered
4. Reason for the emergency or sole source procurement

XVI

Request for Proposals

A. Prequalification of Offerers. A using agency which in-

tends to issue a Request for Proposal (RFP) shall request the Prequalified Offerers list, as described below, prior to issuing an RFP. A using agency shall forward a request for proposals to those businesses on said list who offer the services requested in the RFP.

1. The Office of Contractual Review shall prepare and maintain a prequalified list of offerers to be used in the Request for Proposal procedure as provided for in R.S. 39:1506.

2. Contractors who are interested in being placed on this list shall submit a statement of qualifications to the Office of Contractual Review. This statement must describe the potential contractor's current qualifications by subject area and include key personnel currently employed or associated, and be accompanied by a resume of each. Additionally, a list should be provided describing previous work done (by subject area), with whom (governmental agency or private business) and the names of contact persons for each client listed.

3. Each statement of qualifications shall have attached to it a financial statement or other evidence of financial solvency.

4. Finally, any other current information or material which would further describe a potential contractor's qualifications will be accepted.

B. Advertisements. Written notices shall contain a general description of the consulting services desired and state the name and address of the using agency desiring to contract for consulting services; where and how the Request for Proposal may be obtained and where proposals are to be sent; in the event of a proposer's conference, the date, time and place it will be held; the date and time not later than which proposals must be received; and the date, time, and place that a proposal may be accepted.

C. Questions to be received from potential contractors must be in writing and all responding answers must be provided by the using agency to all potential contractors participating in the selection process. A proposer's conference may be provided in lieu of the above question-and-answer process. However, copies of the proceedings shall be made available to all those who are participating in the selection process.

D. Written or oral discussions shall be conducted by the using agency with all responsible offerers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerers. Discussions need not be conducted:

(1) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(2) Where time of delivery or performance will not permit discussions; or

(3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with that particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the Request for Proposals notifies all offerers of the possibility that an award may be made on the basis of the initial offers.

E. In addition to the requirements of R.S. 39:1503(B) and these regulations, a Request for Proposals shall:

1. Specifically define the task and desired results of project;

2. Identify agency liaison personnel and resources available to the consultant, both in preliminary studies and the project itself;

3. State approximately when the consultant can begin the study, plus an estimate of the time necessary to accomplish the work;

4. Specify applicable procedures concerning billing, documentation requirements, progress reports, and final reports;

5. Specify that a minimum of two copies of the proposal be submitted;

6. Inform the potential contractors of the criteria and the selection methodology and the weight which will be applied to each significant evaluation criteria to be used in evaluating the proposals' responsiveness to the RFP.

7. Require potential contractors to include the following information in their proposals:

a. A description of the consultant firm's qualifications to include a specific list of personnel to be used in this project and their qualifications (at least list the number and the qualifications of each position). However, a resume will be required on each of the key personnel. Additionally consultant must stipulate that these personnel will not be removed from the contract without prior approval of the using agency.

b. A list of the agencies with names and contact persons, for whom similar work has been done.

c. The length of time needed for the project, broken down by phases, if phasing is necessary.

d. The proposed methodology for accomplishing the project with a precise statement of what the State will receive as an end product of the project (this is sometimes referred to as the technical section of the proposal).

e. An itemized cost statement showing various classes of man-hours at appropriate rate, delineated by phases, if phasing is used, and an itemized listing of all other expenses or fees that are expected to be paid by the State and a complete breakdown of consultant overhead rate.

F. The final selection of a contractor shall be made by the using agency in accordance with the selection criteria established in the RFP. However, no contract may be enforced against the State until approval of the contract has been granted by the Director of the Office of Contractual Review. When a final selection has been made by the using agency, the contract file containing that information outlined in sections A through E including the Request for Proposals, and the proposed contract, along with a selection memorandum justifying the final selection shall be sent to the Office of Contractual Review for final concurrence (R.S. 39:1503C). The selection memorandum shall include, but not be limited to:

1. A list of criteria used along with the weight assigned each criteria.

2. Scores of each proposal considered in each of the categories listed above along with overall scores of each proposal considered.

3. A narrative justifying selection.

G. Right to Protest. Any Contractor who is aggrieved in connection with the request for proposal or award may protest to the head of the agency issuing the proposal, at which time the agency shall notify the Office of Contractual Review that a protest has been lodged. Said protest shall be in writing and state fully the reason(s) for the protest. A protest of a solicitation must be filed at least fourteen days prior to the date for receipt of proposals. Protests with respect to an award shall be submitted within fourteen days after the award has been announced by the agency.

H. Stay of Award during protest. If a person protests the request for proposal, then an award shall not be made until said protest is resolved. If a person protests an award, then work on the contract shall not be commenced until the protest is resolved administratively.

I. Decision. The head of the agency must notify the protesting party within ten days after receipt of said protest whether or not the protest is denied or granted. If granted as to the proposal the request for proposal may be amended if possible or cancelled and reissued. If the protest is granted as to the award then the contract will be voided and the remaining proposals may be

re-evaluated for another selection. If another selection can not be made or if it appears to be in the best interest of the state, a new request for proposal shall be issued.

J. Appeal. If an aggrieved party is not satisfied with the agency's decision, then that party may appeal said decision in writing to the Commissioner of Administration. Such appeals must be made within fourteen days of receipt of the agency's decision by the protesting party. The protesting party should fully explain the basis of his appeal. The Commissioner then must render a decision in writing within ten days of receipt of the appeal or the date of the hearing. The Commissioner's decision is final and an aggrieved party must bring judicial action within six months from receipt of said decision; an agency may proceed with an award after the Commissioner so decides.

K. Delays. The delays provided for in this part may be extended only with the concurrence of the using agency, the protesting party and the Commissioner of Administration.

Contracts for Data Processing Consulting Services

XVII

Contracts for data processing consulting services in an amount equal to or greater than \$75,000 and less than or equal to \$100,000 shall be subject to all the statutory and regulatory requirements generally applicable to consulting services contracts equal to or greater than \$75,000.

CONTRACTS FOR DATA PROCESSING CONSULTING SERVICES IN AN AMOUNT GREATER THAN \$100,000

XVIII

PROCUREMENT SUPPORT TEAM

A procurement support team shall be formed in accordance with the procedures defined herein for every contract for the procurement of data processing consulting services in an amount greater than \$100,000. The formation of a procurement support team shall be accomplished by the Office of Contractual Review and shall include one or more representatives from each of the following: the Office of Contractual Review, the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office. The procurement support team shall submit a recommendation to the director of the Office of Contractual Review concerning the final contract.

At least two members of each procurement support team should have formal training in computer contract negotiations. The Legislative Fiscal Office and the Attorney General's Office shall each designate in writing to the Office of Contractual Review the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the Office of Contractual Review advised of any changes in designated individuals. At least four members, one from each office designated, must be present to constitute a quorum.

XIX

PROCUREMENT SUPPORT TEAM INVOLVEMENT

Procurement support team participation must include, as a minimum, assistance in drafting of the Request for Proposals, review of using agency evaluation of proposals and award of contract, and negotiation of contract terms. Procurements requiring a procurement support team will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the Office

of Contractual Review.

All data processing consulting service contracts in an amount greater than \$100,000 shall be subject to the statutory and regulatory requirements for consulting service contracts in general. The recommendation of 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.

In situations where formal negotiations with prospective contractors, or a successful proposer, 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 results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team should have formal training in computer contract negotiations.

The individual agencies represented on procurement support teams will have the following primary responsibilities. The responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader with the concurrence of the Office of Contractual Review.

A. Legislative Fiscal Office. The Legislative Fiscal Office shall have primary responsibility for the financial analysis of RFP's, and review of funding procedures, and certification of specific appropriation for the purpose prior to the final contract award.

B. 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, reviewing to insure compliance with statutes and regulations, and legal negotiations.

C. Office of Contractual Review. The Office of Contractual Review shall have primary responsibility for insuring compliance with RFP procedures and regulations.

D. The Using Agency. The using agency shall have primary responsibility for the determination of the compliance of proposals with the functional requirements, drafting of the Requests for Proposals, the evaluation of proposals, and for all management decisions at each phase of the procurement process.

E. The Office of Information Resources shall provide technical staff to the Procurement Support Team. They shall provide advice and support in the area of data processing techniques, negotiation techniques, and developing the structure and content of Requests for Proposals.

XX

EMERGENCY PROCUREMENTS

Notwithstanding the guidelines established in Section XV(A), procurements of data processing consulting services in an amount greater than \$100,000 under emergency conditions shall involve a procurement support team designated by the Office of Contractual Review and under the direction of a team leader designated by the Office of Contractual Review.

XXI

PROCUREMENT SUPPORT TEAM PROCUREMENT SCHEDULE

Each using agency contemplating a contract requiring more than \$100,000 of data processing consulting services shall write the Director of the Office of Contractual Review notifying him prior to the drafting of the Request for Proposals. The Office of Contractual Review shall then contact the appropriate agencies and obtain from those agencies the names of the individuals designated to participate on the particular procurement support team. The Office of Contractual Review shall then designate a team leader, insure that at least two members of the procurement

support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the using agency.

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

At the end of the procurement process one copy of the documentation related to the procurement will be retained on file by the Office of Contractual Review. The team leader will make written status reports at the end of each phase to the Office of Contractual Review. Such status reports shall be presented to the Office of Contractual Review at each regular meeting.

Each member of the procurement support team must review as a minimum the Request for Proposals, the using agency's proposal evaluation, the award of contract and the final contract. As a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each team member must sign the evaluation, or his designating or qualifying reports.

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

After a procurement process has been completed, team members and the using 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 Office of Contractual Review.

XXII
Revised Statutes

A. These regulations shall be read and interpreted jointly with Louisiana R.S. 39:1481-1526.

B. A rule or regulation shall not change any contract commitment, right, or obligation of the state or of a contractor under a state contract in existence on the effective date of that rule or regulation (R.S. 39:1491D).

Attachment A

Sample Contract adaptable for use by state agencies. (This sample contract contains the minimum language required in a state contract. Additional items may be added as required by the individual agency's needs and applicable federal requirements.)
STATE OF LOUISIANA
PARISH OF _____

CONTRACT

Be it known, that on this ____ day of ____, 19 _____, the _____ (Agency Name) _____ (hereinafter sometimes referred to as "State") and _____ (Contractor's name and legal address) _____ (hereinafter sometimes referred to as "Contractor") do hereby enter into contract under the following terms and conditions.

1.

Contractor hereby agrees to furnish the following services:
(If the Scope of Services is more lengthy than will fit here, it may be attached separately as an addendum.)

2.

In consideration of the services described above, state hereby agrees to pay to Contractor a maximum fee of _____.

Payment will be made only on approval of _____ .
If progress and/or completion to the reasonable satisfaction of the agency is obtained, payments are scheduled as follows:

3.

This contract may be terminated by mutual consent of both parties upon _____ days written notice.

(Other conditions for termination may be stated here.)

4.

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the State.

5.

Contractor hereby agrees that the responsibility for payment of taxes from the funds thus received under this agreement and/or legislative appropriation shall be said contractor's obligation and identified under Federal tax identification number _____.

6.

The contractor shall not assign any interest in this contract and shall not transfer any interest in same (whether by assignment or novation), without prior written consent of the State, provided however, that claims for money due or to become due to the Contractor from the State may be assigned to a bank, trust company, or other financial institution without such prior written consent. Notice of any such assignment or transfer shall be furnished promptly to the State.

7.

It is hereby agreed that the Legislative Auditor of the State of Louisiana shall have the option of auditing all accounts of contractor which relate to this contract.

This contract shall begin on _____ and shall terminate on _____.

THUS DONE AND SIGNED AT Baton Rouge, Louisiana, on the day, month and year first written above.

CONTRACTOR

STATE AGENCY

Attachment B

Sample Certification as required by R.S. 39:1497
Ms. Bonita B. Brown, Director
Office of Contractual Review
Division of Administration
State Capitol Annex
Baton Rouge, Louisiana 70804

Dear Ms. Brown:

In reference to the attached contract we do certify the following:

1. Either no employee of our agency is both competent and available to perform the services called for by the proposed contract or the services called for are not the type readily susceptible of being performed by persons who are employed by the state on a continuing basis.

2. The services are not available as a product of a prior or existing professional, personal or consulting service contract.

3. When applicable, the requirements for consultant service contracts, as provided for under R.S. 39:1503-1507, have been complied with.

4. The Department of _____ has developed and fully intends to implement a written plan providing for:

A. The assignment of specific Agency personnel to a monitoring and liaison function.

B. The periodic review of interim reports or other indicia of performance to date; and

C. The ultimate use of the final product of the service.

Sincerely,

Attachment C

Suggested checklist for review of personal, professional and consulting contracts.

1. Minimum Contract Content:

- | Yes | No | |
|-------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 1. Contains a date upon which the contract is to begin and upon which the contract will terminate. |
| _____ | _____ | 2. Contains a description of the work to be performed and objectives to be met. |
| _____ | _____ | 3. Contains an amount and time of payments to be made. |
| _____ | _____ | 4. Contains a description of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 5. Contains a date of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 6. When a contract includes travel and/or other reimbursable expenses, it contains language to effect the following: <ul style="list-style-type: none"> a. Travel and other reimbursable expenses constitute part of the total maximum payable under the contract; or b. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel or other reimbursable expenses; and c. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (The State General Travel Regulation). |
| _____ | _____ | 7. Contains the responsibility for payment of taxes, when applicable. |
| _____ | _____ | 8. Contain the circumstances under which the contract can be terminated either with or without cause and contains the remedies for default. |
| _____ | _____ | 9. Contains a statement giving the Legislative Auditor the authority to audit records of the individual(s) or firm(s). |
| _____ | _____ | 10. Contains an Assignability clause. |
| _____ | _____ | 11. Budget Form BA-22 P.S. fully completed and attached to the contract. |

2. Determination of Responsibility of Contractor:

- | Yes | No | |
|-------|-------|----------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance. |
| _____ | _____ | 2. Has the necessary experience, organization, technical qualifications, skills, |

and facilities, or has the ability to obtain them (including probable subcontractor arrangements).

- | | | |
|-------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 3. Is able to comply with the proposed or required time of delivery or performance schedule. |
| _____ | _____ | 4. Has a satisfactory record of integrity, judgment and performance (contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement). |
| _____ | _____ | 5. Is otherwise qualified eligible to receive an award under applicable laws and regulations. |
| _____ | _____ | 6. If a contract for consulting services is for \$75,000 or more, the head of the submitting agency has prepared, signed and placed in the contract file a statement of the facts on which a determination of responsibility was based. |
| _____ | _____ | 7. On subcontracting, it has been established that contractor's recent performance history indicates acceptable subcontracting systems; or, major subcontractors have been determined by the head of the submitting agency to satisfy standard. |

3. Consulting Contract for \$75,000 or more:

Contract file attached and this includes:

- | | |
|-------|-------------------------|
| _____ | Criteria for Selection. |
| _____ | Proposals. |
| _____ | Pertinent Documents. |
| _____ | Selection Memorandum. |
| _____ | Request for Proposals. |
| _____ | Contract. |

Attachment D

Agency Transmittal Letter

Ms. Bonita B. Brown, Director
Office of Contractual Review
Division of Administration
Fifth Floor - Capitol Annex
P.O. Box 44095
Baton Rouge, Louisiana 70804

Ms. Brown:

The following contract(s) is/are being submitted to your office this date for review and approval in accordance with R.S. 39:1481 et seq. and the rules and regulations adopted pursuant thereto:

Submitting Agency	Contractor	Amount
-------------------	------------	--------

Upon approval of said contract(s) please return to:
(List Return Address)

Your cooperation in this regard is greatly appreciated.

Attachment E

Ms. Bonita B. Brown, Director
Office of Contractual Review
Division of Administration
Fifth Floor - Capitol Annex
P.O. Box 44095
Baton Rouge, Louisiana 70804

Ms. Brown:

During the quarter ending _____ the following contracts for \$5,000 or less were approved by the Department of _____.

Table with columns: Contract Date, Contractor, Purpose or Service Rendered, Contract Amount. Includes a Total row.

cc: Budget Analyst

Bonita B. Brown
Director, Office of Contractual Review
Division of Administration

Attachment F
Performance Evaluation
(Example Only)

Agency Name _____
Office Name _____
Agency Contract No. _____
DOA Contract No. _____
Contractor _____

Beginning & Ending Dates for Contract: _____ to _____
Description of Services:

Deliverable Products:
(What were final products, if any? Were they delivered on time? Were they usable? . . .)

Overall Performance:
(List weak points, strong points, Would you hire this contractor again?)

Signature of Program Official _____
Approved by: _____

Address all inquiries and written comments on these revised Rules to: Bonita B. Brown, Director, Office of Contractual Review, Box 44095, Baton Rouge, LA 70804, (504) 342-7097.

Comments must be in writing and received by March 25, 1984.

Bonita B. Brown
Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Procurement - Professional, Personal, and Consulting Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated implementation costs or savings to state or local governmental units as a result of this Rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of this Rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

It is anticipated that through improved review processes, savings will accrue to the using agencies.

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

There should be no effect on employment; however the proposed Rules should promote fairer competition among vendors and allow better oversight functions.

Bonita B. Brown
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Office of the Governor
Division of Administration

Fiscal Policy and Procedure Memorandum No. 63
Uniform Policy for Use and Management of State Vehicles

In accordance with the Administrative Procedure Act and the authority vested in the Commissioner of Administration by Sections 60, 231, and 361-365 of Title 39 of the Revised Statutes of 1950, notice is hereby given of the intent to revise the sections below of Fiscal Policy and Procedure Memorandum No. 63 which became Rules effective February 20, 1984.

The revisions are technical in most instances, but because there could be some question regarding the substantive nature of some changes made, and because there was no opportunity to provide a legislative oversight committee with proposed changes to the Notice of Intent printed in the Louisiana Register December 20, 1983, the normal vehicle for changing Rules as provided in R.S. 49:953 is being utilized. Barring further developments, the whole Policy and Procedure Memorandum No. 63 will be re-printed in April, 1984 for ready reference by all agencies. In the intervening period, this Notice shall serve to clarify some areas of the Rule as currently adopted. Where conflicts occur, current Sections will not be enforced.

The changes proposed below are results of written comments received from agencies and to bring the PPM into compliance with the Governor's Executive Order 83-29. The explanations parenthetically provided in some cases will not be part of the final Rules.

Section I.B. - Add to Definitions:

12. Department Head: Unless otherwise noted, use herein represents Statewide elected officials, the Secretary of a Department in the Executive Branch, and his/her equivalent in colleges and universities, boards, commissions, councils, and other entities of any branch of State government. Delegations of authority must be submitted to and approved by the Division of Administration, as alluded to in Section II.D.
Section II.A.8 - Change to read:

Review of all reports of vehicle abuse or policy violation, supervision of investigation of same as necessary, and approval of action recommended by Department Head, or recommend alternative to Commissioner.
Section II.B.5 - Change to read:

By July 1, 1984, and thereafter, insure that every Depart-

ment employee who operates a State vehicle at any time has on file a signed and dated agreement and understanding form. This form will be developed by and available from Forms Management. (Removes annual renewal and gives until July 1, 1984, for compliance after development of new form.)

Section II.B.6.

Change submission date to May 1 to agree with other sections.

Section II.D. - Change to read: (to clarify that Departments with established programs may be only minimally affected):

A Department may develop another organizational structure or internal policies which better serve the vehicle needs of its agencies, if such comply with the minimal guidelines contained herein. Details of such structures, policies, and procedures shall be approved by and filed with the Division of Administration and updated as changes occur. Substitute structures must still provide all reports and accountability features required herein unless excepted by law, or unless a substitute format or timetable of such has also been approved by the Division as part of the Department's internal policies.

Section IV.A.b - Add to first sentence:

, and their equivalent positions in the judicial and legislative branches,

Section V.C.3 - Add after second sentence:

The nature of the service rendered, the importance to life and property of an immediate response, and the reasonable availability of other appropriate means of transportation will be considered on an individual basis.

Section V.C.4 - Change to:

The need for immediate access to special equipment carried only in or attached to the State-owned vehicle, in order to respond to actual threats to life and/or property. (This does not in itself exclude these employees from a commuter fee.)

Section V.E.1 - Add at end:

Individual or group situations where this criterion is difficult to determine will be explained fully by the Department Head to the Commissioner of Administration, with the most economical utilization of the vehicle and efficient use of manhours given prime consideration. Employees or agencies exempted from this fee for any reason (Constitutional exclusions, etc.) are accepting liability for any back withholding taxes subsequently charged by the I.R.S.

Section V.F. - Change to read:

The commute charge to be effective upon implementation of the Governor's Executive Order 83-29 and subsequently by this Rule will be determined according to the shortest round trip distance between the residence of the State employee and the official domicile, at a frequency of 20 times per month and a charge of 20¢ per mile, with a minimum monthly fee of \$40, except for commissioned law enforcement officers in the Office of State Police.

Section V.H. - Change to read:

The State employee who . . . change in residence, whether the commute fee is affected or not.

Section V.I.

A monthly fee of \$25 is imposed on all State Troopers assigned and performing primarily field duties (as defined by the Governor's Office) and who make any personal use of their State vehicles (other than commuting and as clarified by the Governor's Office). If there is no personal use as defined for this Section only, there will be no fee. All other State Troopers not covered by the above will pay a maximum monthly fee of \$40. These allowances are based on the frequency of public services provided while commuting and off-duty, the jurisdiction of the commissioned officers, and the nature of their responsibilities.

Section VI.F.10. - Add to end of first sentence:

. . . attendant, or such are not available.

Section VII.E - Add to fifth sentence after "actually on duty":

or State Police with the personal use privilege; . . . business.

In other *extraordinary* situations, the State Fleet Manager may authorize use of a State vehicle to obtain meals within the domicile.

Section VII.H.

(This Section received several comments and expressions of concern. Current statutes are interpreted as already providing for potential employee liability in the case of wrongful or negligent act or omission to State property, but the following substitution is offered in regard to vehicles and this policy.)

Substitute: Each Department will establish an Accident Review Board consisting of at least three persons, which will review the circumstances of any accident involving a State vehicle. Internal Department guidelines shall be developed regarding disciplinary and other action (potentially including recovery of damages) that *may* be taken should an employee be determined to be at fault due to negligence, violation of law, etc., particularly if the accident did not occur during the conduct of official State business. A copy of the guidelines developed shall be submitted to the Division of Administration for review and approval by June 1, 1984.

Section VII.I - Delete last paragraph that reads:

"If the BR20B, C, D and 14B are completed . . . to the Division of Administration by January 1."

Section VII.I - Replace with paragraph that reads:

Forms DOA-MV-1, 2, 3, 4, and 5 as referenced in Sections II.B.6 through VII.I are to be finalized and printed by the Division of Administration's Forms Management section. All agencies will be sent copies and instructions regarding the procurement of these forms.

All interested persons are invited to submit comments and recommendations on these proposed revisions and additions through March 12, 1984, to Lloyd Graving, Assistant Commissioner, Box 44095, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed regulations.

E. L. Henry
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Revisions to Notice of Intent (PPM #63)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Costs associated with implementation of PPM #63 were identified in Notice of Intent in December 20, 1983 issue of *Louisiana Register*. This revision will have no additional cost impact.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

These figures represent the amounts associated with imposition of the commuter fee originally identified in Executive Order 83-29 and now being effectuated in PPM #63.

1983/84 = \$ 302,066

1984/85 = \$1,103,200

1985/86 = \$1,103,200

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Economic benefit to be derived by State of Louisiana in

that revenues generated from commuting fees will be deposited in State Treasury for later appropriation to all governmental units.

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

Revisions will have no impact on competition and employment.

Robert W. Warren, Jr.
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Real Estate Leasing Office**

The Commissioner of Administration intends to adopt the following revised regulations and procedures for the procurement of rented or leased space by State agencies.

I.

Authority, Purpose, and Policy

A. *Statute*

These regulations and procedures are adopted by the Commissioner pursuant to the statutory authority granted him by the Louisiana Procurement Code (RS 39:§1551 *et seq.*), including: RS 39:§1561 and RS 39:§1681 empowering him to adopt regulations pertaining to State procurements and RS 39:§1644 and RS 39:§1651 authorizing him to promulgate regulations governing the specifications and standards used in such procurements.

B. *Purpose*

The Louisiana Procurement Code, particularly RS 39:§1641, provides that all agreements for the lease or rental of privately-owned space by the State shall be made by the agency whose offices and or activities are to be housed, and shall be made only with the approval of the Commissioner of Administration. These regulations set out the procedures, terms, and conditions which must be followed by agencies to obtain the Commissioner's approval of rental or leasing agreements and specify the circumstances in which such approval will be given.

C. *Policy*

The Division of Administration must maintain public confidence in the integrity of the procurement process and must also assure that the State will acquire rental and leased space for State Agencies adequate to meet the legitimate need of each such agency, at the lowest overall annual rent to the State. Accordingly, these regulations establish procedures for the rental and lease of space by State Agencies which encourage effective competition among private owners of real estate bidding for state leases and rental agreements, by providing assurance of fair and equitable treatment and consideration of their bids. When the special conditions and regulations applicable to the Real Estate Leasing Office differ from General Purchasing Rules and Regulations, such special conditions and regulations will apply.

D. *Application*

These regulations apply to the rental or lease of any real estate by an Agency of the State except as exempted by statute RS 39:1641 (E) or otherwise expressly exempted by special statutes. "Agency" as used herein is defined in RS 39:§2(1). The fact that an Agency is a non-budget agency does not exempt it from the requirements of these regulations. The following Agencies are

exempted by RS 39:1641 (E):

- a. Colleges, Universities, and Trade Schools.
- b. The Department of Transportation and Development.
- c. The Military Department.
- d. Any agency or office that is established as a corporate entity and enjoys a corporate status.
- e. Any agency or office exempted by Executive Order of the Governor.

Exempt Types of Space:

- a. Institutional buildings such as hospitals, clinics, and buildings of educational, penal and correctional institutions.
- b. Space for the storage of voting machines.

II.

Administration of these Regulations

A. *Delegation of Authority*

The Commissioner delegates to the Director of the Real Estate Leasing Office (formerly called the Office of Rentals and Leases) the responsibility and authority for carrying out the procedures pursuant to which rental and lease agreements will be approved. The Director may further delegate responsibility for performing some or all of the duties set forth herein, and all other functions necessary to operate the Real Estate Leasing Office.

B. *Duties of the Real Estate Leasing Office*

The Real Estate Leasing Office shall: receive and review requests submitted by any User Agency to rent or lease privately-owned space, prepare specifications, advertise for bids, conduct bidding conferences and bid openings, review and evaluate bids submitted, determine the responsibility of bidders, initially approve all contract awards, and otherwise supervise and conduct the procurements in accordance with these procedures and regulations.

C. *Approval*

1. The Commissioner or his delegate will not approve the lease or rental of privately-owned real estate by a User Agency, unless the space to be rented or leased has been acquired using the procedures set forth below.

2. Leases of privately-owned space will be approved only when that space is obtained through competitive bidding conducted in conformance with RS 39:§1594 *et seq.* and these regulations. Leases under 2500 square feet shall be approved by the Commissioner of Administration, when such leases are negotiated in compliance with Small Space Procurements Regulations.

III.

Space Acquisition Method - Space 2,500 Square Feet or Greater

A. *Applications by Agencies for Space*

1. *Advance Planning*

It is the policy of the Commissioner to encourage competitive bidding on State procurements. The procedures set forth will enable a prospective bidder enough time to construct, renovate, or equip the space after bid award to meet the needs of the User Agency.

2. *Timing of Application*

All State Agencies will submit applications to the Real Estate Leasing Office for renting or leasing space eleven months prior to the time at which space is required. Applications, submitted later than eleven months in advance of space requirement, will not be approved unless accompanied by a showing, in writing, of satisfactory reasons for the applying Agency's failure to make a timely submittal. The Real Estate Leasing Office shall maintain records of existing leases. The agencies shall be notified at least one year prior to the expiration of the leases then in effect. The User Agency shall submit an application to obtain replacement space.

3. Form of Application

User Agencies shall make application by submitting a properly completed Form RL-2 to the Real Estate Leasing Office, signed by the official in the User Agency authorized to procure the space, and by the chief of the office occupying the space. User Agencies shall express their requirements in the RL-2, conforming to the uniform State space standard set out in the form, where applicable. The information required by Form RL-2 is needed in order to draft specifications and the submitted form must be completed in detail. The Real Estate Leasing Office will disapprove and return submittals which are inadequately detailed or are otherwise incomplete.

4. Approval of Application

No later than ten days after the date of receipt of an acceptable form RL-2, the Real Estate Leasing Office shall submit the approved RL-2 to the Budget Office. Within seven working days after date of receipt of the approved RL-2, the Budget Office shall advise the Real Estate Leasing Office in writing of the amount of budgeted funds available for rental space for the agency and the number of occupants to be housed in the requested space. Where the budgeted funds are inadequate, the RL-2 will be returned to the User Agency for revision and resubmission to the Real Estate Leasing Office.

B. Preparation of the Bid Package

Upon receipt of notice from the Budget Office of the availability of funds, the Real Estate Leasing Office shall prepare a bid package consisting of:

- Form RL-3 Invitation to Bid
- Form RL-4 Bid Proposal Form
- Form RL-5 Specifications

1. Invitation to Bid (RL-3)

The invitation to bid shall conform in all material respects to Standard Form RL-3. It must contain the following:

- a. The date, time, and place where bids shall be received, opened, and publicly read.
- b. A general description of the type, quantity and location of space being procured, any specific requirements and needs, and a statement of where and how specifications and bid forms may be obtained.
- c. The name of the procuring User Agency.
- d. A statement requiring bids to conform to the provisions in the bid and requiring non-conforming bids and bids received after the time set for submission to be rejected as non-responsive.
- e. A statement that minor deviations and informalities in any bids may be waived by the State, so long as the waiver of such informalities is not prejudicial to competing bidders and the integrity of the bidding process, in conformity with the general Rules and Regulations governing the Purchasing Office of the Division of Administration.
- f. A statement that bids may be modified or withdrawn by written or telegraphic notice received at any time before the time set for opening of bids, but that no bid may be withdrawn, modified, or cancelled after that time.
- g. A statement that the State reserves the right to reject all bids.
- h. A statement that award will be made to the responsive, responsible bidder offering the required space at the lowest annual rent to the State.
- i. A statement that upon dispatch of a notice of award by the State, a contract will be formed and the bidder will become bound to the State to perform in accordance with the bid.

2. The Bid Proposal Form (RL-4)

a. Bid forms: All written bids, unless otherwise provided for, must be submitted on, and in accordance with, forms provided, which shall substantially conform to Form RL-4 appended to these regulations. Bidder shall properly sign the bid proposal

form in ink. Bid prices shall be typewritten or handwritten in ink. Bids will be received at the address specified in the Invitation to Bid prior to bid opening time specified in order to be considered. Telephone quotations for formal bids will not be accepted. Telegraphic alterations to the bids received before bid opening time will be considered provided formal bid and written telegram have been received and time-stamped before the designated bid opening time.

b. Special envelope: All bids shall be submitted in special bid envelopes furnished for that purpose. Bids presented in other than the special bid envelopes may not be considered. In the event the bid contains bulky material, the special bid envelope must be firmly affixed to the exterior of the mailing envelope.

3. Contract Terms and Specifications (RL-5)

Specifications shall be provided to all interested bidders setting forth the terms of the lease contract to be awarded and describing the minimum requirements of the User Agency for the space being procured. The specifications shall be prepared in a manner such that the maximum competition is encouraged among available bidders consistent with meeting the minimum legitimate needs of the User Agency. Awards will not be made to bidders offering more advantageous terms, more than the minimum required space, or space equipped and configured to standards in excess of the minimum requirements set forth in the specifications, unless the bidder offers such space at a lower annual rental than is offered by any competing responsive and responsible bidder.

Specifications shall ordinarily require that bidders furnish utilities and janitorial services with the required space, so that bidders with energy-efficient or easy-to-maintain facilities will not be disadvantaged in competing for State leases. Agencies needing an exception to this requirement should furnish justification in writing to the Real Estate Leasing Office.

No preprinted form lease contract provided by a bidder will be signed by the State. The Invitation to Bid must include language which states that the Invitation to Bid, Bid Proposal and the specifications will constitute the entire lease agreement between the State and the Lessor. The lease will be interpreted and construed under the laws of Louisiana.

The Commissioner will approve agreements containing the Technical Specifications and Standard Lease Terms shown on Form RL-5 attached to these regulations. Agencies desiring alteration of any of the provisions of said form shall submit justifying reasons and requests for alterations with their Form RL-2 Applications.

C. Approval of the Bid Package

Within three weeks after receipt of notice of budget authority, the Real Estate Leasing Office shall submit a completed, proposed bid package to the User Agency. The User Agency shall, within one week after receipt of the proposed package, either notify the Real Estate Leasing Office in writing that it approves of all the requirements set forth in the proposed package, or shall return the proposed package with any requests for modifications or changes. The Real Estate Leasing Office will, within one week thereafter, either revise the bid package to incorporate the User Agency's proposals or notify the User Agency that the proposed modifications will not be approved. The decision of the Real Estate Leasing Office as to the incorporation of any requested changes is final.

D. Advertisement

Upon approval of the bid package, the Real Estate Leasing Office will publicly advertise for bids. Advertisement shall be published in the official journal of the State and in a newspaper of general circulation in the parish where the property is to be leased. Notice shall also be given by mail to all persons who have requested in writing the Real Estate Leasing Office to place them

upon the then current lists of interested bidders for procurements of rental or leased space in the localities involved. Notices shall be published and the bid package mailed sufficiently in advance of the date scheduled for the opening of bids so as to comply with any statutory requirement, or in the absence of such requirement, at least 10 days prior to the bid opening date. If the Agency for which space is being bid is presently occupying leased space, the current Lessor shall be provided notice by certified mail. Any omission by the Real Estate Leasing Office to give mailed notice to any such interested bidder shall not invalidate any advertisement or award, nor shall such omission be grounds for any protest of any procurement.

E. *Bid Evaluation and Award*

1. *General*: Unless all bids are rejected, an award shall be made only to the lowest responsive and responsible bidder. The invitation to bid shall set forth the requirements and criteria which will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirement not set forth in the bid documents.

2. *Responsibility*: Contracts shall be awarded only when the Real Estate Leasing Office determines that the record of performing other contracts, the technical capability, and financial resources of the bidder to whom any award is proposed to be made, indicate that the bidder is responsible. Determinations of responsibility and non-responsibility will be made in accordance with the State Procurement Regulations.

3. *Bid Evaluation Procedure*: After the opening of bids, the Real Estate Leasing Office shall identify the apparent low responsive bidder and prepare a notice of award. The notice shall be sent to the User Agency within 3 days after bid opening. Upon receipt of said notice, the procuring Agency shall immediately inspect the premises (if existing) and/or shall within one week inspect the site and review the plans for any proposed new construction with the low responsive bidder. If the User Agency determines that the existing or proposed space complies with the requirements of the bid documents, notices shall be signed and returned within one (1) week to the Real Estate Leasing Office. If the existing or proposed space fails to meet the requirements of the bid documents, the User Agency shall notify the Real Estate Leasing Office within one week and prepare a written report specifying in detail the respects in which the space fails to comply with the specifications. If the Real Estate Leasing Office determines that the deficiencies of the space render the apparent low bid non-responsive, or that the bidder is not-responsible, it shall reject the bid, and prepare and forward to the User Agency a new notice indicating the intent to award the bid to the apparent next lowest bidder. The User Agency shall, within one week after receipt thereof inspect the space or inspect the site and review the plans for any proposed new construction, offered by such bidder and either approve the proposed bid award or notify the Real Estate Leasing Office of the reasons for its disapproval, the same as with the initial inspections. This procedure may be repeated until an award is made. The evaluation of the bids shall be in compliance with the State Procurement Regulations.

4. *Determination of Suitability For Award*: The Real Estate Leasing Office may independently inspect space sites or plans offered by any bidder and otherwise review initial determinations by any Agency that such plans or space fail to meet the bid requirements. If after such review or inspection, the Real Estate Leasing Office determines either that report of the deviations was in error, or that the reported discrepancies are in the nature of minor informalities which ought to be waived, it shall so notify the Agency. Upon receipt of such notice the Agency must either approve the award, or recommend that all bids be rejected and the entire procurement be revised and resolicited. The recommenda-

tion for cancellation of the procurement must show that it is in compliance with the State Procurement Regulations, and must be accompanied by the Agency's plan for housing its operations during the time required to resolicit.

5. *Award of Contracts*: Upon receipt of the proposed notice of bid award from the User Agency, the Real Estate Leasing Office shall, unless it has determined that the bid was non-responsive or that the bidder was non-responsible, signify its approval of the proposed award and forward it to the Assistant Commissioner of Administration, who executes the contract for the State by signing the award. It is the intent of these regulations that the offer of the successful bidder is deemed accepted, and that a binding contract is formed upon the approval and signing of the notice of award. The contract shall be deemed executory, however, only to the extent of appropriations available to the Agency for the lease or rental of the space in question.

F. *Conferences for Interested Bidders and Amendments to the bid Documents*

The Invitation may provide for a pre-bid conference to explain to all interested bidders, the requirements of the procurement. Pre-bid conferences so provided for, shall be announced and conducted in compliance with the State Procurement Regulations.

G. *Amendments or Modifications to the Bid Documents*

After the advertisement for bids, but prior to the time set for opening of bids, the Real Estate Leasing Office, with approval of the procuring Agency, may amend or modify the requirements set out in the bid documents. The timing, form and distribution of any amendments shall conform to the State Procurement Regulations.

H. *Receipt of Bids and Modifications or Withdrawals of Bids, Opening and Receiving of Bids*

The State Procurement Regulations, shall govern the handling of all bids received.

IV.

Additional Space Requirements

In the event a Lessee Agency requires additional adjacent space and it is available at the same price as that now occupied, the Agency may contract for up to 2,500 additional square feet. Additions of 2,500 square feet or more are to be bid.

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

V.

Small Space Procurements - 2,499 Square Feet or Less

A. Conditions Under Which Negotiations of Small Space Procurements Will Be Approved

User Agencies needing to procure agreements for the rental or lease of less than 2500 square feet of space in accordance with these regulations, shall submit to the Real Estate Leasing Office an application to negotiate. The application shall be made on Form RL-2. The application must show to the satisfaction of the Real Estate Leasing Office, that the User Agency's requirements are not being artificially divided into small space procurements for purpose of avoiding competitive bidding. Normally this showing will be made by having the User Agency certify that it is planning no other procurements during the period for which the small space will be required, to which the requirements of the small space could be added so that the User Agency's total requirements during that period are expected to exceed 2500 square feet of rental or leased space.

B. Procedures for Competitive Negotiation for Small Space Procurements

1. **Application for Authority:** User Agencies shall submit to the Real Estate Leasing Office applications for authority to procure agreements for the rental or lease of less than 2,500 square feet of space at least six months prior to the date due upon which occupancy is required. Applications submitted later than six months prior to the anticipated need for occupancy will be approved only when acceptable reasons for late submissions are given in the application.

2. **Content of Application:** The application shall identify all owners of space with whom the User Agency intends to negotiate. Normally, applications for authority to negotiate will be approved only when a minimum of five potential sources are so identified, or the application shows reason why fewer than five sources are likely to be available.

3. **Approval of Application:** If the Real Estate Leasing Office determines that the application for authority to negotiate conforms to the requirements of these regulations, it will so notify the User Agency within 30 days after receipt of the application.

4. **Notice to potential sources:** Upon receipt of approval of its application to negotiate, the User Agency shall proceed to notify all the potential sources of space identified on its application of its intent to negotiate to obtain space. The Agency shall also notify any other potential providers of space as the Real Estate Leasing Office shall direct. Notices to potential sources shall state that negotiations will be conducted only with offerors of space submitting written proposals.

5. **Form of notice:** The Form of the Notice shall be approved in advance by the Real Estate Leasing Office. It shall contain, at minimum:

a. The time and place where written proposals will be received.

b. A description of the User Agency's general requirements, described as to provide for maximum competition among potential proposers consistent with the Agency's needs. The term of any small space leases proposed to be procured through

negotiation shall not extend past the date upon which the requirement for the space can be met by competitive bidding in connection with the procurement of space needed to meet other, future requirements of the User Agency.

c. A statement that the User Agency will negotiate and award a contract only to those who submit written proposals.

6. **Receipt of proposals and negotiation:** Promptly after receipt of proposals, the User Agency will contact, and conduct discussions with the three potential sources offering space at the lowest annual rent. If fewer than three sources respond with written proposals, then contact will be made with all proposing sources. Each potential source with whom discussions were held shall be directed to submit a revised proposal, if appropriate, reflecting any modifications of his or her offer that result from the discussion.

7. **Report and recommendation:** Upon receipt of final written proposals from all offerors with whom discussions were conducted, the User Agency shall submit a report to the Real Estate Leasing Office of its activities and discussions together with copies of all initial and final proposals received in response to the notice. The report shall contain the User Agency's recommendations for award to one of the competing proposers, detailing why, in the User Agency's opinion, such award will result in the lowest overall occupancy cost to the State, or why the User Agency believes that such award is in the best interest of the State.

8. **Disposition or recommendation:** The Real Estate Leasing Office may, if appropriate, approve the User Agency's recommendation, in which case the User Agency may proceed to execute the lease which has been negotiated, and submit it to the Commissioner for approval. If, in the judgement of the Real Estate Leasing Office, more favorable terms or lower costs may result from additional discussions with persons submitting proposals, or from discussions with other potential lessors, it may direct the User Agency to conduct such additional discussions, to receive additional revised proposals, and to submit a new report and recommendation based thereon.

REQUEST FOR APPROVAL
TO LEASE SPACE BY:
COMPETITIVE BIDDING
COMPETITIVE NEGOTIATED BIDDING

To: Real Estate Leasing Office
Division of Administration
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804

1. From: _____

(Department, Office, Division, Board, or Commission needing space)

2. Name, Title, Address, and Phone number of person authorized to enter contracts for the Agency:

3. Current location of office which will occupy the space:

(Office address and phone number)

4. Name and address of current Landlord:

5. Name of Chief of occupying department or office:

6. The standard lease is for five (5) years with an option to renew for three (3) years. Leave the spaces below blank if the standard term will be satisfactory. If a different lease term is required, fill in the following:

From: _____ To _____

Option to renew _____ years

Explain _____

7. Present lease expires on _____ .
(date)

Date when occupancy of new leased space is required, if different from expiration date of present lease: _____ (date)

Explain: _____

8. Name of person preparing this request (if other than #5):

9. Parish in which space is to be procured: _____

10. Proposed use of space: List below under A, B & C the type rooms, square feet and other information as indicated. Be as specific as possible in order to indicate the needs of your agency. Indicate adjacencies when required and any special features needed in any of the areas listed.

A. Administrative Areas

<u>Type</u>	<u>No</u>	<u>Area Each</u> <u>sq. ft.</u>	<u>Present Sq. Ft.</u> <u>(if applicable)</u>	<u>Overall Approx.</u> <u>sq. footage</u> <u>requested</u>
Private Office(s)	_____	_____	_____	_____
Private Office(s)	_____	_____	_____	_____
Private Office(s)	_____	_____	_____	_____
Open Office Spaces - Clerical	_____	_____	_____	_____

B. Common Function Areas

	<u>Present Sq. Ft.</u> <u>(if applicable)</u>	<u>Overall Approx.</u> <u>sq. footage</u> <u>requested</u>
Reception (waiting) sq. ft.	_____	_____
Conference Rooms	_____	_____
Kitchen -	_____	_____
if required will be equipped with: work counter _____ ft. long with upper and/or lower cabinets, drawers, and a standard kitchen sink with hot and cold running water, refrigerator _____ cu. ft.; stove with burners and oven (vented). A microwave may be substituted for stove/oven.		
Storage	_____	_____
Other	_____	_____

11. Special Equipment: List any equipment which requires special surroundings, electrical - or mechanical treatment. (specify in detail)

12. If space is to replace existing space, list total square feet of such existing space: _____

13. Amount budgeted for rental of space requested \$ _____ per year.

14. Give SPECIFIC geographical area needed. Identify the geographic area requested with written description using street names and/or other physical boundaries which encompass the area. Attach a map marked with these boundaries. Give justification for requesting this specific area; such as savings in operational time and cost, more effective service to clients, adjacency or proximity to other agencies, or other considerations. In requesting specific geographical areas the following points should be carefully considered: 1.) whether the area described has heavy industrial or high crime neighborhoods, 2.) whether it is too rural, 3.) proximity to public transit, 4.) eating facilities nearby, 5.) heavy traffic, 6.) noise and electrical interference, etc.

15. Number of parking spaces required _____ . Number required for the physically handicapped _____ .
16. Number of restrooms required _____ .
17. Number of linear feet of new movable partitions required _____ (if applicable)
18. Number of linear feet of existing movable partitions to be installed in the leased space by the Lessor _____ (if applicable)
19. Please have this request signed by the two people indicated below and any others who may need to approve quarters (such as, representatives of funding agencies, etc.)

Signed _____
(Chief of occupying Department or Office)

Signed _____
(Undersecretary for Management & Finance or
Head of Management & Finance Section)

By signing above you signify that you have read and approved items on the RL-2 - Especially Item #14.

Office Standards
For the State of Louisiana

Executive Office 15' x 20'	300 sq. ft.
Office - 12' x 18½	225 sq. ft.
Office 12 x 15	180 sq. ft.
Office 12 x 12½	150 sq. ft.
Office 10 x 12	120 sq. ft.
Work Station 7½ x 10	75 sq. ft.
Work Station 8 x 8	64 sq. ft.
<u>Small Conference Area (6 people)</u>	
10' x 15' 150 sq. ft.	25 sq. ft. per person
<u>Medium Conference Room (8 people)</u>	
15 x 16½ 250 sq. ft.	30 sq. ft. per person
<u>Large Conference Room (16 people)</u>	
15 x 25 375 sq. ft.	24 sq. ft. per person

INVITATION TO BID
STATE OF LOUISIANA
DIVISION OF ADMINISTRATION
BATON ROUGE, LOUISIANA
LEASE PROPOSAL NO. _____

The Division of Administration, State of Louisiana invites bid proposals for the lease of _____ square feet of usable space for the _____

to be located in the City _____ Parish of _____,
Louisiana. The term of the lease shall be for _____ years after
the occupancy date, with the option to renew for _____ years.
The premises to be leased must be ready for occupancy by the agency on
_____.

NOTICE TO BIDDERS

Sealed bids for the lease of _____ space as described below will be received by the State of Louisiana, Division of Administration, Real Estate Leasing Office, P. O. Box 44095, Baton Rouge, Louisiana 70804, situated in the Parish of East Baton Rouge, State of Louisiana. Bids will be opened on _____, 198____, at 10:00 a.m. in the _____

Baton Rouge, Louisiana. Unless all bids are rejected, an award will be made to the responsible bidder offering space which meets all the requirements of the bid documents, at the lowest annual rent. Award will not be made to bidders offering more advantageous terms, more space than the space required, or offering to exceed the requirements set forth in the specifications, unless such offer is made at an annual rent charge lower than the bids by all other competing responsive and responsible bidders.

No preprinted form lease contract provided by the bidder will be signed by the State. This Invitation to Bid, the Bid Proposal Form and the Specifications will constitute the entire lease agreement between the State and the Lessor. The lease will be interpreted and construed under the laws of Louisiana.

Bidders are bound to provide the space described in their bids and to otherwise perform in accordance with specifications upon notice of award. Bids taking exception to any provision of the bid documents, conditional bids, bids offering terms or conditions at variance with those provided for in the bid documents and bids received after the bid opening time stated above will be rejected.

The apparent low bidder shall record a copy of the lease in the official records of the parish where the lease property is situated within ten days of notification by mail of a fully executed lease.

"Usable space" is defined as the total square foot area of the interior building space being or to be rented or leased, but shall not include public hallways, public restrooms, stairs, elevators or any other areas accessible to the public.

Bidder must return (with his bid) the entire package of bid documents, consisting of the Invitation, Bid Proposal, Lease Terms, and Specifications, (Pages 1 through _____). Bid must be returned in the enclosed self-addressed envelope which shows bid opening date and is marked "Rush-Bid Enclosed." In the event bid contains bulky material, the special bid envelope must be firmly affixed to the exterior of the mailing envelope. Bids may be

withdrawn or modified only by written or telegraphic notice received by the Real Estate Leasing Office prior to the time of bid opening. The bid will remain binding and firm for a period of thirty (30) days from date of Bid Opening. If circumstances prohibit a bid award within thirty days the Real Estate Leasing Office will request an extension. Failure of a bidder to extend a bid shall cause the bidder to be determined an unresponsive bidder. The new affidavit provided herein will accompany each bid. Failure to provide affidavit with bid shall cause the bidder to be determined an unresponsive bidder and to be disqualified as a bidder in accordance with the provisions of RS.39:1601.

The Division of Administration reserves the right to reject any and all bid proposals upon determination in writing that such action is taken in the best interest of the State. Minor deviations between the bid documents and any bid received or variations or similar informalities, may be waived by the State if such waiver does not prejudice other bidders.

The price bid for space offered will include janitorial services and electricity, water, and gas utilities.

A Bidders Conference will be held on _____, at _____ o'clock _____, at _____

for the purpose of discussing the bid specifications. All interested bidders are urged to attend. No statement made or information disseminated at the conference will become a term or condition of any contract or lease which results from this invitation nor otherwise bind the State, except as set forth in a written addendum to the bid documents and issued to all bidders.

PLANS:

All bidders including present lessors must submit with his bid one (1) copy of a schematic floor plan(s) drawn to scale of 1/8" to the foot indicating the configuration of the space offered and showing the location of all

existing or proposed windows, entrances, corridors, partitions and exitways. The purpose of this requirement to submit such plan is to permit the State to assess the conformity of the bid with the adjacency and area requirements in the specificifications. By submitting a bid, bidders agree to provide space which conforms to the requirements of the specifications even though dimensions or location information on the drawing submitted deviates from those contained in the specifications.

The apparent successful offeror or bidder must submit suitable evidence of technical and financial responsibility immediately upon request if this information is not already on file with the Real Estate Leasing Office.

The following are among the kinds of information which the Real Estate Leasing Office will consider as evidence of financial responsibility:

1. A letter of credit from a financial institution.
2. Financial Statements.
3. A letter of commitment from the bank or other institution financing the project and addressed to the Real Estate Leasing Administrator stating the amount and terms of commitment to the lessor.
4. Information from the prospective lessor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements.
5. Other information supportive of financial responsibility, including financial data, and records concerning lessor performance.

6. Publications, including credit ratings and trade and financial journals;
7. Information from other sources, including banks, other financial companies, and State Departments and Agencies.

Copies of the Bid Documents and further information concerning this request for bid proposals may be obtained from Administrator, Real Estate Leasing Office, Division of Administration, State of Louisiana, P. O. Box 44095, Baton Rouge, Louisiana 70804, telephone number (504) 342-6835.

E. L. Henry
Commissioner of Administration

BID PROPOSAL

BID OPENING DATE: _____ PROPOSAL NO. _____

ADMINISTRATOR: Laverne Jasek DATE: _____

I, _____, herewith offer to lease
to the State of Louisiana, in the City of _____, Parish
of _____, Louisiana, _____ space as described below.

My offer includes the following items:

ITEM #1: _____ usable square feet, conforming to the attached
specifications, together with the services described therein,
and to comply with all the other terms and conditions of the bid
documents for the period of the lease.

Legal description of Property: Lot # _____ Square # _____

Subdivision _____

If the above information does not exist for subject property, provide here
a brief adequate legal description of the specific subject property: _____

_____ square feet of the space offered is existing space; _____

square feet of the space offered is to be constructed.

If space is to be constructed, tentative outline specifications and

floor plans are attached. Schematic plans must be attached for existing

space (see RL-3 PLANS).

Price of the space, inclusive of the specified utilities and janitorial and

other specified services, will be \$ _____ per square foot per year, for

a period of _____ years, and the Lessor will grant to the Lessee the

option to renew the lease from the end of its term for an additional period

of _____ years, on the same terms and conditions as specified in the

primary lease.

NAME (Printed or Typed) _____

DATE _____

CITY & STATE _____ TELEPHONE NO. _____

PARTY REPRESENTED _____

IN WITNESS WHEREOF, the parties hereto have signed their names on
the _____ day of _____, 198 ____, in the presence of the
undersigned competent witnesses:

WITNESSES:

LESSOR:

BY: _____

LESSEE:

BY: _____

AWARD:

This _____ day of _____, 198 _____

Office of the Governor

DIVISION OF ADMINISTRATION

BY: _____

LEASE TERMS AND SPECIFICATIONS FOR
LEASE PROPOSAL NO. _____

Bidder (hereinafter "Lessor") will be bound to lease the property described in the bid proposal (the "premises") to the State, and be otherwise obligated to perform the services and provide the facilities as set forth below. In consideration thereof, the State agrees to make rental payments to Lessor and to otherwise perform in accordance with the following terms, conditions, and specifications.

I. Lease Terms.

- A.) Occupancy Date: Lessor will make the premises available to the State, suitable for immediate occupancy on _____
The premises must comply with the requirements of the Technical Specifications below as of the occupancy date, and be maintained by Lessor in compliance therewith for the lease term.
- B.) Lease Term: The Lease of the premises shall commence on the occupancy date. Unless the lease be sooner terminated or renewed pursuant to the provisions below, the lease term shall end _____ calendar months after the occupancy date. Renewals of the lease will extend the lease term. At the end of the lease term, the State will vacate the premises leaving them in the same condition (ordinary wear and tear excepted) as on the commencement of the lease term.
- C.) Utilities and Janitorial Service: For the period of the lease term Lessor will provide janitorial service for the space leased to the State in accordance with the technical specifications, at Lessor's sole expense. Lessor will also pay for all electricity, natural

gas, steam and water provided to the premises for the lease term. See E for escalation of utility rates.

- D.) Payment of Rent The State will pay Lessor the amount shown in the bid proposal for the space and services provided by Lessor. Payment of the amount of annual rental shall be made in equal monthly installments for the lease term. Each such monthly payment will be due each calendar month of the lease term following the occupancy date.
- E.) Additional Rent for Escalation of Electricity Rates: The bid price for space offered will include utilities such as electricity, water, sewer, septic tank service, trash/garbage pickup, gas, and other. Electric rates are to be included in the bid price and are to be paid by the Lessor for the first two (2) years of the lease period. Using the bills from the first two (2) years as a base, the Lessee will pay any increase in kilowatt hour price that the electricity cost the Lessor for the remainder of the time of occupancy. Any increase in Kilowatt hour rate shall be submitted in writing to the Real Estate Leasing Office and the Lessee, along with documentation of the increase on or before January 15 of of the year of the proposed increase, with the proposed increase to be effective no sooner than July 1 of the year of the proposed increase. Any proposed increase in rental is contingent upon legislative funding, and in the event the Louisiana Legislature does not provide funds for the increase in rental, the said increase will not go into effect, in which event Lessor shall have the right to terminate said lease upon six (6) months written notice to the Lessee.

Janitorial services are included in the bid.

F.) Lessor's Defaults/State's Remedies: Should Lessor fail to make the premises available to the State by the specified occupancy date or at any other time during the lease term, the State shall be relieved of the obligation to pay rent for the period of such unavailability, and shall be entitled to reimbursement of any damages the State shall suffer as a result of the unavailability of the space for occupancy. Should the State be deprived of the use of the space for a period exceeding 30 calendar days, the State may, in addition to the foregoing remedies, cancel this lease and procure suitable replacement space. Lessor shall, in the event the State exercises such option, reimburse the State for any additional costs of acquiring replacement space and services together with any other damages suffered by the State.

Should Lessor fail to maintain the premises or to provide such services as are required by these terms and specifications, the State may, at its option, after two days notice to the Lessor, order such services or repairs or modifications as are necessary to meet the requirements hereof and deduct the cost thereof and any damages occasioned thereby from the monthly rental payments to be made hereunder. Continuing failure by Lessor to provide required space and services shall after 30 days written notice, also be deemed a failure to make space available, and shall give rise to the State's options set forth in the above paragraph.

G.) Changes by Lessor: No expenses incurred by Lessor-originated changes, renovations, or improvements made during the term of the lease shall be borne by the Lessee.

- H.) Alterations by The State: Lessor herewith grants the State the right to add to, or to install in, the leased premises at the State's expense, any fixtures, telecommunications equipment, appurtenances, appliances, coverings, or other such objects as the State may desire, provided that the installations or alterations made by the State do not diminish the value of the leased premises. Lessor also grants the State the right to remove, at the State's expense, upon the termination of this lease, all such fixtures, telecommunications equipment, appurtenances, appliances, coverings or other improvements placed in or on the leased premises by the State, provided that the State restores the leased premises to substantially the same condition as existed at the time of occupancy by State.
- I.) Fires and Other Casualties not Caused by Lessor: If, prior to the termination of this lease, the leased premises are destroyed by fire or other casualty, or become unfit for occupancy, and the leased premises can be rendered fit for occupancy within sixty (60) days from the happening of such fire or other casualty, Lessor shall repair the damage with reasonable diligence and State shall be entitled to such reduction or remission of rent as shall be just and proportionate. If the premises cannot be made fit for occupancy, within sixty (60) days, the State shall have the option, on written notice, to cancel this lease, in which event the State shall be entitled to a credit corresponding to the unexpired term of this lease, the unearned proportion of rent shall be annulled and returned to State, and Lessor shall, at once, have the right to take possession of the leased premises, discharged of this lease, and to eject all persons and property therefrom. Should the State opt not to so cancel this lease, Lessor agrees that premises shall be rebuilt or repaired with reasonable diligence, in which event the State shall not be obliged to pay rent during the period of repair or reconstruction, but

Lessor shall not be liable to the State for any other damage arising from such fire or casualty.

- J.) Insurance: Lessor shall carry Fire and Extended Coverage Insurance on the Building structure equal to 90% of the value of the building for the term of the lease agreement. Lessor will further obtain and maintain Premises (or "Owners, Landlords, and Tenants") liability insurance insuring Lessor for property damage and bodily injury liability at the same policy limits specified below for the Lessee's liability Insurance. The State does not warrant that the specified insurance is adequate to permit Lessor to meet all of his or her obligations hereunder. Lessor is solely responsible for obtaining such additional or other coverage as may be necessary or desirable to provide for the risks in his business.

Lessor on its own behalf, and for its insurers, further agrees to waive any rights or claims as against the State, its agents and employees for any loss to the premises covered by the property insurance specified above, and will take such steps as are necessary to obtain and make enforceable by Lessor's insurers, whatever waiver of subrogation as are required for the waivers specified herein to operate.

The State agrees to provide general liability insurance coverage in the amounts of \$100,000 per person, \$300,000 per office bodily injury liability and \$50,000 property damage liability for the interest of the State and its employees.

- K.) Assignments: The State may allocate the use of the leased space from one State agency to another without the consent of Lessor, so long as the character or use of the space is not drastically altered.
- L.) Adjacent Space Option/Renewal: In the event the State requires additional space adjacent to the space furnished under this lease, the State shall have an option exercisable by 30 days written notice, to rent additional space on the same terms and at the same rental rate as is provided for such comparable space under the then current lease up to 2499 square feet.
- M.) Option to Renew: Lessor grants to the State the option to renew the lease from the end of its term for an additional period of _____ () years, on the same terms and conditions as specified in this lease upon the State giving _____ () days written notice to Lessor prior to the expiration of the initial term of this lease.
- N.) Escalation for Inflation: The rental per square foot when an option is exercised shall also be the same as specified in the primary lease, unless the United States Government Consumer Price Index reflects an increase in excess of 15% during the term of the primary lease. In that event the rental payments shall increase the same percentage as the Consumer Price Index, but in no event shall the rental payments increase in excess of 20% of the primary rental payment. Any increase in rental due to increases in the United States Government Consumer Price Index is contingent upon approval by the Division of Administration and upon legislative funding. In the event said increase is not approved by the Division of Administration and/or the Louisiana Legislature does not provide funds for the increase in rental, said increase will not go into effect, in which event Lessor

shall have the right to terminate said lease upon six (6) months written notice to the Lessee.

- O.) Cancellation For Replacement Space: If the State of Louisiana provides the User Agency with adequate space in a state-owned facility, the State may terminate this lease by providing sixty (60) days written notice to Lessor. However, this right of the State shall not be exercised until _____ years after the date of occupancy
- P.) Obligations Contingent on Funding: The obligations of this contract are contingent upon the appropriation of funds to fulfill the requirements of the contract by the Legislature. If the Legislature fails to appropriate sufficient monies to provide for the continuation of the contract, the contract shall terminate on the date of the beginning of the fiscal year for which the funds are not appropriated.
- Q.) Notices: All notices required under this lease shall be in writing and shall be sent by United States Mail. Notices to the Lessor shall be addressed to the location shown in Lessor's bid or to such address as the Lessor shall from time to time make written notification to the State. Notices to the State shall be sent to:
- Division of Administration
Real Estate Leasing Office
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804
- R.) Mortgages: Subject to the provisions hereof, this lease is subordinate to all mortgages which may now or hereafter affect

the real property of which the demised premises form a part, and to all renewals, modifications, consolidations, replacements and extensions thereof. This clause shall be self-operative and no further instrument of subordination shall be required by any mortgagee. If confirmation of such subordination shall be required by any mortgagee, the State shall execute promptly any certificate that Lessor may reasonably request. The State hereby constitutes and appoints Lessor the State's attorney-in-fact to execute any such certificate or certificates for and on behalf of the State. Any such mortgage shall, however, recognize the validity and continuance of this lease in the event of foreclosure on Lessor's interest or in the event of conveyance in lieu of foreclosure, so long as the State shall not be in default under the terms of this lease. The State shall not be entitled to enforce the provisions of this lease by offset of rental against a mortgagee without the prior consent of the mortgagee, its successors or assigns. However, nothing contained in this paragraph shall prevent the State from seeking any and all remedies or damages resulting from Lessor's failure or default. On or before 10 days after receiving notice of award, hereunder, Lessor shall cause this lease, when executed by the State, to be properly recorded in the official records of the parish where the property is located, and shall furnish the State with a certificate executed by the appropriate recording officer showing compliance with this requirement. The State agrees to execute such further copies of this lease, in recordable form, as Lessor shall require for such purpose.

Special Requirements: The Lessor shall furnish the premises with the following special requirements: (e.g. computer rooms, kitchens, laboratories, etc., giving detailed specifications of the construction, equipment, special HVAC or electrical requirements)

Kitchens: Where a kitchen is one of the space requirements, it shall be equipped with a work counter not less than six feet long, upper and lower cabinets, drawers, and a standard kitchen sink with hot and cold running water. Lessor will provide stove and refrigerator if required.

4. Building Condition At Bid-Opening Date: The space and the building containing it must be in a state of good repair at bid opening date. A building in such state of disrepair that inadequate building maintenance is evident will not be accepted. Bids proposing to furnish space to be renovated will be considered if schematic drawings are included in the bid that reflect proposed renovations which meet all the requirements of the specifications and are acceptable to the Real Estate Leasing Office.
5. Codes, Permits and Regulations: *Building construction and layout shall comply with all federal, state and local codes, ordinances and regulations. The building must meet all current life safety code standards. Lessor shall obtain approval of the State Fire Marshal prior to occupancy. Lessor shall furnish and maintain all fire extinguishers and equipment required to meet the requirements of the State Fire Marshal.

*Building codes, etc., can be found in the Louisiana State Library in Baton Rouge or in the local library, municipal building, or court house where the building will be located.

6. Roofing: The roof on the leased premise must be in a good state of repair and free of leaks of any kind. Roofing must be maintained in leak-free condition throughout the term of the lease and any leaks which develop must be repaired immediately.
7. Exterior Appearance: Bids should reflect a brick, stone, wood, and/or glass exterior facade (as defined in Webster's New Collegiate Dictionary). A metal building is unsatisfactory without such exterior treatment. If such facade is to be constructed, bidders agree to confer in the selection of such facade within the budget constraints of the bid.
8. Parking: Lessor will provide _____ off street parking spaces within _____ feet from the premises. Spaces provided shall meet the following special requirements:
 - a. Parking areas and driveways shall be asphalt or concrete, well drained and maintained in good usable condition throughout the term of the lease.
 - b. Lessor will also provide _____ parking spaces for the physically handicapped, 12 feet in width and near the building entrance.
9. Usability by the Physically Handicapped: The building must be accessible to the physically handicapped at habitable grade levels meeting the specifications adopted by the American National Standards Institute in its publication "Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People" in the most current edition. The exceptions to this requirement are those specifically enumerated in R.S. 40:1734 B. Standards can be obtained from the Office of Human Development, 1755 Florida Boulevard, Baton Rouge, Louisiana 70802. Louisiana Revised Statutes are available in the Louisiana State Library at 760 Riverside North, Baton Rouge, Louisiana.

- 10. Windows: All windows on the leased premises shall be glazed with SSB glass or equivalent. All windows shall have either horizontal slat type venetian blinds or drapes. Draperies, if furnished, shall be made of fire resistant material and shall be labeled as such.

- 11. Doors: Doors shall meet ANSI requirements as to the 32" width requirements in the ANSI publication referred to in Item #8 above. Any new doors and door frames shall match existing as closely as possible. All doors shall be equipped with suitable hardware. Locksets shall be provided for all doors opening to the exterior or to spaces accessible to the public.

12. Heating, Ventilating and Air Conditioning:

- a. Air conditioning shall be capable of maintaining the following Indoor Conditions:

	<u>Temperature</u>	<u>Relative Humidity</u>
Summer	75°	50%
Winter	72°	30%

Ventilation air shall conform to ASHRAE/ANSI Standard 62-73 "Natural and Mechanical Ventilation, Using the "Minimum" Column Value for Each Type of Occupancy."*

- b. Controls.

A thermostat for regulation of space temperature shall be provided for each separate zone on the system. Where

*ANSI/ASHRAE Publications can be found in the Louisiana State Library at 760 Riverside North, Baton Rouge, Louisiana, and in most large libraries.

used to control both heating and cooling, it shall be capable of being set from 55° to 85°F and shall be capable of operating the system heating and cooling in sequence. If a system is equipped with a means for controlling moisture to maintain specific selected relative humidities in zones a humidistat shall be provided.

c. Standards

The entire HVAC System shall be in compliance with the applicable provisions of the ASHRAE Standard 90A and 90B. The system design should permit operating at minimum energy levels and at comfort conditions consistent with the criteria for ANSI/ASHRAE Standard 55-74, "Thermal Environmental Conditions for Human Occupancy."*

13. Electrical:

- a. Illumination - Interior illumination shall conform to the recommended foot-candle values, for the various types of facility areas of the Illumination Engineering Society.
- b. Convenience Outlets. Lessor shall provide one (1) duplex receptacle in each eight (8) linear foot segment of interior partition and exterior wall, and one (1) outlet on each free standing column. In open office areas larger than 300 square feet, Lessor shall provide one (1) duplex floor receptacle for each 100 square feet of area in excess of 300 square feet, to be located as designated by the State at time of award.

*ANSI/ASHRAE Publications can be found in the Louisiana State Library, 760 Riverside North, Baton Rouge, and in most large libraries.

- c. Wall Switches. Lessor shall provide individual switching for each enclosed area, and double switching for large areas.
 - d. Special Power Requirements - Special outlets for copy machines, printing machines and other equipment requiring special outlets will be furnished by Lessor as follows:
 - e. Dedicated Circuits: Lessor will provide _____ dedicated circuits for Word Processors, data processing, copying, or other equipment, locations to be specified by the State at time of award.
14. Telephone Cables: Lessor will provide access to the State equivalent to one entrance cable into the building for each 150 square feet of total usable space to be occupied.
- In the event ceiling space is used as an air space plenum, it is the responsibility of the Lessor to provide conduit for telephones and/or data processing equipment sized in accordance with equipment requirements.
15. Water Coolers: Lessor will provide, as required in the Building Code, electric water cooler(s) installed in area(s) easily accessible to the staff, general public and physically handicapped, and in a location in or contiguous to the leased space. Not less than one such cooler will be furnished by Lessor, for each 50 occupants at the premises.
16. Interior Partitions: Any required new interior partitions shall be of wood or metal stud and gypsum board construction, plaster or equivalent at the option of the Lessor. Partitions are to be from floor to ceiling, unless otherwise specified.
- Movable Partitions: Lessor will provide _____ linear feet of movable partitions in locations designated by the State. Partitions shall be rigid panels, not less than 72" high, with fire resistant fabric coverings, colors to be selected by the State.

Lessor shall install, where designated by Lessee, _____ linear feet of moveable partitions to be furnished by Lessee.

17. Ceilings: All new and existing ceilings shall be of acoustical tile, new to match existing whenever possible.

18. Floor Coverings: All areas of the leased space are to be carpeted, with the exception of restrooms and _____ . Existing carpet will be accepted provided it is clean and in good serviceable condition. Lessor will maintain all carpet in such condition for the term of the lease. Where new carpet is to be installed, it shall be 100% continuous filament nylon of no less than 22 oz. per square yard face weight, and shall have static control properties. The State reserves the right to approve color and content of new carpet. New carpet must be guaranteed for five (5) years. Where new tile flooring and/or wainscote is to be installed, State reserves the right to approve color of tile.

19. Painting: Walls, woodwork and metal work which have been painted within one year of the scheduled occupancy date and which are clean and in good condition need not be repainted. All new walls, woodwork and metal work shall be painted to match existing. All existing walls, woodwork and metal work which have not been painted within one year of the lease date shall be repainted. The State reserves the right to approve all paint colors.

Existing acoustical ceilings which have discolored shall be spray painted so as to not materially affect the acoustical characteristics of the material.

20. Building Maintenance: Lessor agrees to do, at Lessor's expense, such painting or other maintenance to the exterior of the building as is necessary to maintain the building in good condition and appearance. Lessor shall have sole responsibility for all maintenance and repair to the heating and air-conditioning systems, plumbing systems including plumbing fixtures and sewerage disposal systems or septic tanks, electrical systems and light fixtures including replacement of light bulbs and fluorescent tubes, and all other equipment and fixtures furnished by the Lessor. The Lessor shall be responsible for maintaining the roof, structural walls, foundations, windows, doors, and all other parts of the building, in good condition throughout the term of the lease. Lessor shall make all such repairs to the premises as may become necessary because of breakage or other damages not attributable to the negligence of the Lessee, its agents, or its employees.

21. Janitorial Service:

Janitorial services shall be provided by the Lessor. The Lessor shall maintain the leased premises, including outside areas. The Lessor shall provide supplies and equipment. The following schedule describes the level and frequency of service intended:

1. Service shall begin no earlier than 5:00 p.m. each day.

2. DAILY

Empty trash receptacles and clean ashtrays. Clean drinking fountains. Sweep and damp mop or scrub restrooms.

Clean all toilet fixtures and replenish toilet supplies.

Dispose of all trash and garbage generated in or about the building. Spot vacuum carpets.

3. WEEKLY

Completely sweep offices and vacuum carpets. Dust furniture.

Buff resilient floor in entrances, corridors, and lobbies.

Scrub or wet mop hard surface floors. Wash or wipe hand prints from walls and glass as necessary.

4. MONTHLY

Buff resilient floors in office space.

5. TWICE A YEAR

Vacuum or dust all surfaces in the building over seventy (70) inches from the floor. This includes venetian blinds and light fixtures.

6. ANNUALLY

Shampoo carpets in corridors and lobbies. Vacuum all draperies in place. Strip, wax, and buff all resilient floors. Use non-slip floor wax. Wash all glass surfaces, venetian blinds, roller shades, and light fixtures.

7. EVERY THREE YEARS

Shampoo carpets in non-public areas. Clean all drapes.

Written comments may be addressed to Ms. Laverne Jasek, Administrator, Real Estate Leasing Office, Division of Administration, Box 44095, Baton Rouge, LA 70804.

Laverne Jasek
Administrator

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Real Estate Leasing
Office regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The implementation costs associated with the proposed Rule will be negligible and can be absorbed within agency appropriations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Because of the added lead time and the clarification of the bid specifications, these Rules and Regulations will allow prospective bidders more time to ready their bids, therefore increasing the number of bidders and decreasing the price per square foot. The proposed Rules should clarify requirements for leasing space to the State which should benefit the vendor and facilitate better responses to agency needs. The new requirement for recordation of approved leases will incur additional expenses but would vary by the length of each individual lease.

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

The procedures set forth in these Rules and Regulations will enable a prospective bidder time to provide the space to meet the needs of the State, and will enable the Real Estate Leasing Office the time to contact more prospective bidders. There should be no effect on employment.

Laverne Jasek
Administrator

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Chiropractic Examiners**

In accordance with the provisions of LSA-R.S. 49:951 et seq. of the Administrative Procedure Act, notice is hereby given that the Board of Chiropractic Examiners will conduct a public hearing on March 7, 1984, at 1 p.m. at the Louisiana State Library Auditorium at 760 Riverside N., Baton Rouge, LA 70804, at which time the Board shall consider the adoption of proposed rules for due process procedures for ethical violations.

**DUE PROCESS PROCEDURES FOR
ETHICS VIOLATIONS**

I. Applicability

A. Unethical conduct shall be determined on the basis of the provisions of the rules and regulations of the Louisiana State Board of Chiropractic Examiners, Ethical Standards of Chiropractors, and other provisions included in the Louisiana Revised Statutes 37:2801 - 37:2827, specifically if a Chiropractor:

1. Has been convicted of a felony or any offense involving moral turpitude; or
2. Is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person or to

the public, or to an extent that such use impairs his ability to perform the work of a professional chiropractor with safety to the public; or

3. Has impersonated another person holding a license as a chiropractor or allowed another person to use his/her license; or
4. Has used fraud or deception in applying for a license or in taking an examination provided for in the Act, or
5. Has accepted commissions or rebates or other forms of remuneration for referring clients to other persons; or
6. Has allowed his/her name or license issued under the Act to be used in connection with any person or persons who perform chiropractic services outside of the area of their training, experience or competence; or
7. Has willfully or negligently violated the Ethical Standards of Chiropractors subscribed to by the State Board of Examiners, or
8. Has willfully or negligently violated any of the provisions of the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed chiropractors.

NOTE: The Board will answer complaints regarding the ethical practices of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed chiropractor, or by the Board on its own initiative.

II. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the Board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the Board may require further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the Board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the Board shall determine if the complaint refers to an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The Board shall inform the complainant of the initial determination.

1. No Action
2. Informal Inquiry
3. Informal Hearing
4. Formal Hearing

III. Conduct of an Informal Inquiry/Hearing. This is a non-adversarial procedure.

A. Informal inquiry procedures.

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. Informing the licensee in writing that a complaint has been filed.
- b. A short and plain statement of the nature of the complaint.
- c. A reference to the particular sections of the statutes, rules, and/or ethical standards of the Board which appear to have been involved.
- d. Copies of the law and the rules and regulations of the Board, and
- e. A request for the licensee's cooperation in obtaining a

full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the Board may be cognizant of all relevant aspects of the case.

3. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the Board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

a. If the determination of the Board is that the complaint has no basis in fact, the Board shall so indicate in its proceedings and the complainant and licensee shall be so notified.

b. If the determination of the Board is that the issues raised by the complainant would constitute a violation of standards, the

Board shall then determine whether:

(1) Further investigation by correspondence is indicated.

(2) Further investigation by an informal hearing is indicated, or

(3) Institution of formal hearing procedures is indicated.

B. Informal hearing procedures.

The Board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the findings of the informal hearing.

1. If the Board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the Board shall then determine whether:

a. The violation merits informal disposition or

b. A formal hearing will be held.

2. The Board, in determining for informal disposition, shall order actions such as:

a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the Board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the Board.

D. Refusal to respond or cooperate with the Board.

1. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. If the licensee refuses to reply to the Board's inquiry or otherwise cooperate with the Board, the Board shall continue its investigation. The Board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of a complaint.

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the Board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

F. If, at any point in the informal proceedings described above, the Board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the Board is hereby given authority to obtain a restraining order from a judge of the appropriate court to

suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

IV. Conduct of a Formal Hearing.

A. Initiating the Process.

1. The Board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no Board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

3. Full Notice.

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the Board.

a. The notice shall include:

(1) A statement of the date, time, place, and nature of the hearing.

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

(3) A reference to the particular sections of the statutes, rules or ethical standards involved.

(4) A short and plain statement of the matters asserted which shall be the subject of the hearing.

(5) A statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the Board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the Board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. Designation of Hearing Officer.

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusions which shall be recommended to the Board.

b. The Board shall designate a hearing officer by affirmative vote of a majority of its members.

c. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.

d. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the Board.

e. The hearing officer shall not be a current member of the Board.

B. 1. Discovery.

a. Depositions and Interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the Board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific psychological facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas.

The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste, Attorney General, Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the Board to issue a subpoena when requested in writing by any party in the contested case.

Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of the amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The Board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the Board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions.

a. A request to the Board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing officer may refer a motion to the Board.

C. Formal Hearing Procedures.

1. Conduct of the Hearing.

a. The members of the Board shall be present for the hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, La. R.S. 49:955-966.

(1) Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(2) Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings.

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony shall be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings should be followed at the discretion of the hearing officer.

3. Evidence.

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on evidence presented at the hearing or officially noted in the record.

D. The Final Decision of the Board.

1. The Board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of La. R.S. 37:2801-2837, the Ethical Standards of Chiropractors or other rules and regulations of the Board.

2. The Board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The Board may adopt such findings and conclusions in whole or in part. Any Board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The Board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the Board must be recorded and made a part of the decision. A majority vote must be obtained in order for an ethics violation to be judged to have occurred.

6. The Board determines the sanctions appropriate and consistent with law. The Board may decide rather than to revoke or suspend a license, to censure the licensee. The vote for censure is a majority vote.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

E. Appeal of Board Decision.

1. A petition by a party for reconsideration of hearing must be in writing and filed with the Board within 10 days after the receipt of the Board's final decision. The petition must set forth the grounds for the rehearing which must be one of the following:

a. The Board's decision is clearly contrary to the law and the evidence.

b. There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reserve the Board's action.

c. There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly, or

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

2. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

3. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing of notice of the final decision of the hearing or rehearing.

F. Case Record.

1. A complete case record must be maintained for each formal hearing.

2. The record must be retained until the time for any

appeal has expired, or until the appeal has been concluded.

3. The case record shall be composed of all material officially noted.

4. A transcript of the record shall be maintained.

G. Notification of Final Actions.

Upon either completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the Board shall notify the following of its actions.

1. All licensed chiropractors.

2. All affected parties; and all affected professional organizations.

Comments and inquiries will be accepted through March 6, 1984 by Dr. William C. Chapel, Board of Chiropractic Examiners, 3240 Garden Oaks Drive, New Orleans, LA 70114, (504) 367-3254, or may be presented in person at the public hearing. All interested persons will be provided an opportunity to submit data, arguments and views orally or in writing at the hearing.

Herbert H. Eddington, D.C.
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Due Process for Ethic Violations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Oliver W. Williams
Attorney for Board

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Electrolysis Examiners

The Louisiana State Board of Electrolysis Examiners proposes to adopt the following operating rules and regulations.

Rule. 1 Source of Authority: Title

The Rules and Regulations herein contained constitute, comprise and shall be known as the "Rules and Regulations of the State Board of Electrolysis Examiners". These rules and regulations are adopted and promulgated pursuant to the authority granted to, and imposed upon the said board under the provisions of Louisiana Revised Statutes, Title 37, Sections 37:3051 through 3077.

Rule 2. General Definitions

There is incorporated herein by reference all of the defi-

nitions set forth and contained in R.S. 37:3051 and R.S. 49:951. The following words and terms, when used in these rules and regulations, shall have the following meaning unless the text hereof or the definitions contained in the above-cited statutes clearly indicate otherwise.

A. "Electrology" means the art and practice of removing hair from the normal skin of a body by the application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove hair.

B. "Electrolysis" means the process by which hair is removed from the normal skin by the application of an electric current to the hair root by means of a needle or needles being inserted into the hair follicle, whether the process employs direct electric current or short wave alternating electric current.

C. "Electrologist" means any person who for compensation practices electrolysis for the permanent removal of hair, except a physician licensed to practice medicine who performs electrolysis in his practice or a person who engages, on behalf of a manufacturer or distributor, solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of the demonstration.

D. "Board" means the State Board of Electrolysis Examiners.

Rule 3. Exceptions and Rights

A. The provisions of these rules and regulations shall not authorize the use of roentgen rays and radium for diagnostic and therapeutic purposes or the use of electricity for surgical purposes, including cauterization, removal of warts, moles, or skin deformities of any kind.

B. Electrolysis treatment shall not be performed in areas of high bacterial colonization, such as the ear canals and nostrils, nor shall treatment be performed on moles or to remove eyelashes, except in special instances after consultation with a physician.

C. A health history shall be completed on each patient prior to any treatment. No patient with a history of diabetes and no cardiac patient with a pacemaker shall be treated without the consent of a physician. Persons suspected of having a communicable disease shall not be treated without first having been examined by a physician.

D. Techniques of sterilization of needles shall be the same as is used in hospitals, using pressure heat or any other sterilization of needles deemed appropriate by the board.

E. A practitioner shall limit his practice solely to that of electrology, and no other business shall be allowed on the premises.

Rule 4. Board Composition, Conflict Provision and Reimbursement

A. The State board of Electrolysis Examiners is created within the Department of Health and Human Resources. It shall be composed of three members appointed by the governor in consultation with the secretary of the Department of Health and Human Resources, two from a list of six qualified electrologists recommended by the Louisiana Electrologist Association, who shall be licensed electrologists who have been engaged in the practice of electrology for at least the five years prior to their appointment, and one shall be appointed from a list of three physicians licensed to practice in this state recommended by the Louisiana State Medical Society. If the governor determines that the nominees of the Louisiana Electrologist Association or of the Louisiana State Medical Society are not suitable, he may decline to appoint from the list submitted and shall call upon the association or the society to nominate an additional list of persons. He may repeat such all until a list containing a qualified person or persons

meeting his approval is submitted. Members of the board shall be residents of this state.

B. One of the electrologist members of the board shall be appointed for an initial term of one year and one for three years, as designated by the governor at the time of the appointment. The physician member shall be appointed for an initial term of two years. Thereafter, each member shall be appointed for a term of three years.

C. A vacancy occurring in the membership of the board shall be filled for the unexpired term in the manner provided in Subsection A of this Section for appointment.

D. No member of the board shall have any direct or indirect financial interest in the manufacture or sale of equipment or supplies used in the practice of electrology, nor shall any member have any connection with the management or ownership of a school of electrology.

E. Each member of the board shall receive a per diem fixed by the board at not more than fifty dollars per day for each day in actual attendance at its meetings. Each member shall be reimbursed for his actual travel, clerical, and incidental expenses necessarily incurred while engaged in the discharge of his official duties as determined by the board. The per diem and expenses shall be paid out of the moneys credited to the board as provided by R.S. 37:3062 (B).

Rule 5. Organization of Board, Quorum, Meetings, Records.

A. Within fourteen days after the appointment of its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a chairman, a vice chairman, and a secretary-treasurer. Officers shall be elected for terms of one year, or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

B. The board shall hold regular meetings at least once in each year for the purpose of examining applicants and at any other time the board or its chairman deems necessary, at a time and place designated by the chairman. Special meetings may be called by the chairman upon giving at least seventy-two hours notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

C. A majority of the total membership of the board shall constitute a quorum for the transaction of business, including the granting, suspending, or revoking of a certificate or license to practice electrology.

D. The board shall keep a record of its proceedings, and a register of all applicants for certificates or licenses, which shall contain the name and location of the institution which granted the applicant a diploma, the date granted, and information as to whether a license has been granted or refused. The record and register shall be prima facie evidence of all matters recorded therein.

Rule 6. General Powers and Duties

A. The board shall be the sole and exclusive authority in the state to issue licenses to practice electrolysis and to administer the provisions of R.S. 37:3061, et seq.

B. The board shall have authority to examine for, grant, deny, approve, revoke, suspend and renew the licenses of electrologists and shall review applications for licenses of electrologists and shall review applications for licenses at least once each calendar year. It may conduct hearings on charges for the revocation or suspension of a license.

C. The board is authorized to promulgate such rules and regulations as are necessary and reasonable for the enforcement of R.S. 37:3061, et seq. for the establishment, operation, and

approval of any electrology schools in Louisiana, and for requiring each school of electrology to establish and maintain in force a bond to be determined by the board, but not to exceed the sum of ten thousand dollars in favor of the state, with surety by a corporate bonding company authorized to do business in this state.

D. The board is authorized to issue licenses to approved schools. No school may operate without a license issued by the board. The fee for such license shall be five hundred dollars payable at the time the school makes application for a license. The annual renewal fee shall be three hundred dollars which shall be due on or before July 1 of each year. Each license for an electrology school in this state shall be renewed on or before July of each year upon application therefor accompanied by the renewal fee prescribed in R.S. 37:3072 (A).

E. The board shall initiate an action for the prosecution of any person who violates any provision of this Chapter and may apply to any court having jurisdiction for an injunction to restrain and enjoin violations thereof. It shall keep a record of all proceedings relating thereto.

F. The board is authorized to employ counsel to carry out the provisions of this Chapter, if the fees of the counsel and the costs of all proceedings, except criminal prosecutions, are paid by the board out of the moneys credited to the board.

Rule 7. Licensure of Electrologists and Instructors

A. No person shall engage or attempt to engage in the practice of electrology in the state who does not hold a valid license issued by the board in accordance with the provisions of this Chapter.

B. The board shall license as an electrologist and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by the application fee required by this Part, together with evidence, verified by oath and satisfactory to the board, that he is at least eighteen years of age; is of good moral character; is a resident of this state and has been a resident of this state for at least one year immediately prior to the time of application; has graduated from an accredited high school; after high school graduation has successfully completed a course in practical training in electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board; at the time of certification, is free of any infectious disease; and has passed an examination given and graded by the board which shall consist of a written examination and a practical demonstration of abilities, and has paid any other fees required by the Chapter. Each such school of electrology shall include at least four hundred fifty hours of clinical experience, one hundred fifty hours of lectures on insertion techniques, modalities, healing and regrowth problems, and office management. Each applicant shall provide his subject for the practical demonstration. Within ten days after each examination the official in charge shall deliver the question and answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license, stating the rating of the candidate in each subject and whether or not the board approves the candidate for license. If a candidate fails one or more parts of an examination, he may take the parts in which he has failed in a subsequent examination upon payment of a fifteen dollar examination fee. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination.

C. The board may license any person as an instructor of electrology who has practiced as an electrologist for at least seven years and has completed such other specified training as shall be required by the board for teaching electrology.

D. After investigation of the applicant and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, the notice shall state the reasons for the rejection.

E. The examination shall be given annually at such time and place and under such supervision as the board determines, and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time and place of examination and shall give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

Rule 8. Examination Requirements for Electrologists

A. All applications for the state Board examination must be received by the Board at least 30 days prior to the date of said examination.

B. An applicant must pass all parts of the state Board examination within 2 years of his first examination date.

Rule 9. Requirements for Licensure of Schools of Electrolysis

A. Each applicant for a license to conduct a school of electrolysis shall submit the following to the board:

1. a fully-completed written application form
2. the required application fee, and
3. a surety bond approved by board in the amount of \$1,000.00 per student, or \$10,000.00 per school (whichever amount is greater) in favor of the State of Louisiana.

B. Before a school license can be renewed, proof of an up-to-date bond must be submitted.

C. The following documents must be submitted prior to approval of a license for any school:

1. a detailed projected floor plan
2. a copy of the planned school curriculum
3. a true copy of the student contract used
4. a true copy of the student's permission to receive electrolysis treatment
5. a true copy of the school manual
6. names and qualifications of the instructors and lecturers in accordance with the board regulations

D. Every electrolysis office and electrolysis school shall be open for inspection to any board member or any investigator of the board during regular business hours.

E. When an inspection of an electrolysis office or electrolysis school is made by a member or investigator of the board, the owner or person in charge shall sign an inspection slip. Any violations shall be corrected within three months.

F. No licensed electrologist shall refer to or permit any reference to his or her license in advertising or promoting any method of hair removal other than electrolysis.

Rule 10. Sanitary Requirements for Offices and Schools

A. Every electrolysis office and school shall be adequately lighted, well ventilated and kept in a clean and sanitary condition at all times.

B. All instruments shall be kept clean and sterilized with a medically approved method as prescribed by the board. Before use upon a patient, each electrolysis needle and forceps shall be first wiped clean with a 70 percent alcohol solution, and then be sterilized by one of the following methods:

1. Saturated steam, 250°, 15 Psi, 30 minutes
2. Dry heat 380°, 60 minutes
3. Glass head sterilizer, 475° - 500°* 30 seconds

C. Every electrologist, instructor or student must wash his or her hands immediately prior to the treating of the patient, and

must rewash his or her hands if for any reason the treatment is interrupted.

D. Clean tissues, paper towels or freshly laundered towels shall be used for each patient. Before any patient is permitted to recline in a chair or on a table, said object shall be covered with a clean professional size towel or drape or a clean professional type tissue.

E. The skin area to be treated must first be cleaned with water and surgical soap, such as Septasol, or liquid antiseptics, such as Zephirin Chloride (1:750 or 1:500), or Betadine or any other form of approved cleanser for the skin.

F. Areas of the body not to be treated are the mucous membranes, inclusive of the vermilion border of the lip and the external auditory canal of the ear, the areola of the breast, and the tissues of the nostrils. Conditions of the skin not to be treated are warts, moles, cutaneous papillomas (skin tags), any type of skin eruption, ingrown eyelashes, eyelids, vascular spider (spider nevus) and any type of infected or inflamed areas.

G. A professional lamp will be focused on the treatment area at all times.

H. Every patient must be treated on a professional treatment table or chair, which shall be used for the purpose of electrolysis treatment only. The exception to the preceding is if the patient is physically handicapped, the patient may be treated in a wheel chair or stretcher.

I. Professional type forceps shall be used in the treatment of patients.

J. All treatment shall be given in privacy within an enclosed area.

K. The electrolysis treatment room shall be provided with a separate entrance leading directly from the exterior of the house or which can be reached from the entrance of the house without passing through any part of the living quarters.

L. The treatment room shall be closed from adjacent rooms by walls or doors. During treatment, such doors shall remain closed.

M. Every such office shall have hand-washing facilities with hot and cold water in the treatment room or an adjacent room which can be reached without passing through any part of the living quarters.

N. No electrologist, instructor or student shall treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

O. No electrologist, instructor, or student shall treat a diabetic patient without the written authorization of the patient's physician.

P. Before treatments are instituted, the electrologist, instructor, or student must explain the following matters to the patient:

1. the procedure
2. treatment
3. after care treatment
4. possible effects of treatment
5. treatment fee

Q. Smoking is prohibited by electrologists, instructors, or students, lectures or patients during treatment.

R. All electrologists, instructors, and students shall wear appropriate clothing, with clean fingernails, white stockings and white uniform, or white smock or white laboratory jackets.

S. A complete case history of each patient's electrolysis treatment shall be maintained, which shall include the following data:

1. name, address, telephone number, sex and date of birth of the patient
2. types of hair and of skin, if other than normal

3. patient's medical history and physical condition
4. date of each treatment
5. area of treatment
6. patient's reaction to treatment
7. skin reaction to treatment
8. duration of treatment
9. setting of equipment for area being treated
10. allergies
11. have attached any letters or other data concerning the patient

T. Every electrologist shall display his or her license and renewal certificate in a conspicuous place in his or her principal office. Every electrologist who maintains more than one office shall display in a conspicuous place in every branch office a certified statement of registration provided by the board.

Rule 11. Additional Requirements for Schools

A. Every school shall prominently display its license near the entrance. Licensure of the school is for one location only. Each location must apply separately.

B. Every school shall furnish to each student upon enrollment a true signed copy of the school contract and a copy of the school manual text covering the complete school curriculum as approved by the board. The school shall also furnish at the time of enrollment a copy of the statutes and rules and regulations governing electrologists.

C. Within ten days after each student's enrollment, every school shall furnish the board with:

1. The name, address, date of enrollment, telephone number and specification of day or evening class of each student, recorded on the school's stationery.

2. A certificate signed by a licensed physician stating that the student is free of contagious or communicable disease.

3. A statement signed by the student stating that he or she has received a copy of the statutes and the rules and regulations governing electrologists and is cognizant of the fact that in order to qualify for a state board diploma or its equivalent, and must have attained the age of eighteen years.

4. A signed copy of the students' permission to receive electrolysis treatment, and any restrictions thereof.

D. Every school shall provide each student with a separate locker for the student's clothes and effects.

E. School quarters shall be large enough to accommodate the student body, lecturers and practical demonstrations and shall have proper and sufficient equipment for practical work.

F. The school shall have available for the use of students, several types of machines for electrolysis.

G. Every school shall provide and maintain adequate professional and necessary modern equipment for the student body. A list of equipment shall be submitted to the board for its approval and any additions or subtractions from this list must be reported to the state board.

H. Only FCC approved types of epilators which conform to Federal Food and Drug Administration Rules and Regulations shall be used by each school in training students.

I. Every school shall maintain one complete set of reference books for each 12 students enrolled. These reference books must be approved by the board.

J. Every school shall keep a daily record of the attendance of every student and record of the time devoted by every student to each subject of study; shall establish credits and shall hold examinations before issuing diplomas. These records or any part of the information contained therein shall be available to any member or investigator of the board at any time upon request. Each school shall submit to the board in writing every three months a record of the time completed by every student in

practical and theoretical work. (The first day of January, April, July and October.)

K. No practical work may be done by students except within the school premises and under direct supervision of a licensed instructor. Hours of credit shall be given to a student for time spent as a patient in the ratio of one hour practical credit for every two hours spent as a patient.

L. Every school shall maintain regular class hours with a daily schedule, which shall be submitted to the board for approval.

M. Each group of twelve students or less engaged in practical work simultaneously shall have at least one licensed instructor in attendance at all times, and necessary equipment will be provided at all times for each student.

N. No school shall directly or indirectly accept any remuneration or make any charge for services rendered by its students at said school for practice work but a school may make a reasonable nominal charge to cover expenses of equipment and materials used.

O. A school may advertise as such but shall not in any way hold itself out as an electrolysis office.

P. No school premises shall be used for the private practice of electrolysis.

Q. Any student who leaves a school for any reason shall be reimbursed according to the school contract.

R. No student shall be an instructor for another student.

S. No student, upon graduation from school and pending the state board examination, may engage in the practice of electrolysis other than on the school premises until fully licensed.

T. Every school shall provide the student with an office, properly equipped, and with enough space for the student to properly take a history in confidence, and in private.

Rule 12. Additional Requirement for Offices

A. Every electrolysis office shall have a separate entrance, away from other businesses or residential rooms.

B. Separate toilet facilities must be made available, without entering other businesses or residential rooms.

C. Separate facilities for hand washing shall be provided separate from other business or residential facilities.

D. Every office shall be provided with such instruments, implements, or equipment that are pertinent to the practice of electrolysis.

E. Every office of electrolysis shall be subject to public health standards for treating patients.

F. All devices, instruments, and epilators shall conform to the Federal Food and Drug Administration Rules and Regulations relating to such devices as amended, May 29, 1976, and shall be F.C.C. (Federal Communication Commission) approved.

Rule 13. Regulations for Apprenticeship Programs

A. Every person wishing to supervise and instruct a student under an apprenticeship program must petition the board for approval. The petition for approval must show that:

1. the petitioner is a licensed electrologist;
2. the petitioner has practiced as an electrologist for at least seven years and meets the qualifications set forth for instructors by the board;
3. the petitioner resides in Louisiana

B. Each supervisor or instructor of an apprenticeship program must offer the same number of hours of training in clinical experience and lectures on insertion techniques, modalities, healing, and regrowth problems, and office management, as specified in Rule 1. of these rules and regulations.

C. Each supervisor of an electrologist apprentice shall furnish the apprentice with a signed copy of the contract, a copy of the text to be used and a copy of the statutes, rules and regulations

governing electrologists.

D. Within ten days after commencement of an apprenticeship program, each supervisor shall furnish the board with:

1. The name, address, date of enrollment, telephone number, and specification of approximate time of day the apprentice will be working with the supervisor;

2. A certificate signed by a licensed physician stating that the apprentice is free of contagious or communicable diseases.

3. A statement signed by the apprentice that he has received a copy of the statutes and rules and regulations governing electrologists, and is cognizant of the fact that in order to qualify for a state board license, one must have a high school diploma or its equivalent, and must have attained the age of eighteen years.

4. A signed copy of the apprentice's permission to receive electrolysis treatment, and any restrictions thereof.

5. A daily record of the apprentice's attendance, and a record of the time devoted to each subject of study shall be kept. These records shall be available for inspection to any member or investigator of the board at any time upon request.

E. Each supervisor or instructor must file reports of attendance and training of each apprentice every three months (the first day of January, April, July and October). Said reports must be signed by the supervisor and countersigned by the apprentice.

F. No person shall supervise more than one electrologist apprentice at any one time.

G. No practical work may be done by an apprentice except under the direct supervision of his supervisor or instructor.

Rule 14. Curriculum Regulations for Electrolysis Schools

All electrolysis schools shall maintain the following courses of studies for their students.

A. Every school teaching electrolysis shall maintain a course of study of not less than 600 hours, extending over a period of not less than six months. Each course shall include 150 hours of academic study and 450 hours of practical training.

B. No student shall devote more than five days a week and no more than six hours a day to formal training in electrolysis (including practical training).

C. No more than one and one half hours per day shall be devoted to practical training for the first 50 hours of said training.

D. No more than two and one half hours per day shall be devoted to practical training for the next 400 hours of said training.

E. The 450 hours of practical training shall involve epilation whereby the licensed instructor demonstrates how to proceed on each area to be treated, namely the legs, body, arms, face (including hair line and eyebrow shaping and all other areas not specifically prohibited in Rule 3 (B) and/or Rule 10 (F)).

F. The 150 hours of academic study shall include the following:

1. Histology and Hair and Skin structure (emphasis on hair and skin structure)	35
2. Bacteriology, Sterilization and Hygiene (Basic fundamentals)	35
3. Electricity (principles of electricity, its effects and uses)	20
4. Basic Dermatology	20
5. Physiology (emphasis on endocrinology)	15
6. Equipment (approved electrolysis machines and necessary equipment for an electrolysis office)	10
7. Professional conduct and office management	15

TOTAL 150 hours

Rule 15. Suspension or Revocation of License

A. After notice and an opportunity for hearing, the board may suspend or revoke any license or certificate issued to any electrologist for any of the following causes:

1. Conviction of a crime.

2. Fraud, deceit, or perjury in obtaining a diploma or certificate of licensure.

3. Habitual drunkenness.

4. Habitual use of morphine, opium, cocaine, or other drugs having similar effect.

5. Deceiving or defrauding or attempting to deceive or defraud the public.

6. Obtaining or attempting to obtain payment for electrolic services by fraud, deceit, or perjury.

7. Incompetency, gross negligence, or gross misconduct in professional activities.

8. Intentional violation of federal, state, or municipal laws or regulations relative to contagious and infectious diseases or other public health matters.

B. Nothing in this Section shall be construed to prevent a licensed practitioner from mailing education material to his patients or the dissemination of educational material approved by electrolysis societies or associations and the board.

Rule 16. Complaints and Hearing Procedure

A. Registration of complaints

1. Any person, public officer, association, or the Board, may prefer charges against any licensee for due cause.

2. Such charges shall be in writing, signed, and shall be submitted to the Board.

B. Hearing procedures

1. The Board, or any person or persons appointed by it for the said purpose, shall hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.

2. The Board may dismiss the charges and take no action thereon, by preliminary hearing, in which event the charges and the order dismissing the charges shall be filed with the board.

3. If the Board or the person or persons thus appointed by it decide that the charges shall be heard, the board shall designate a hearing officer to determine the charges and set a time and place for a formal hearing.

4. A copy of the charges together with notice of the time and place of the formal hearing, shall be served on the accused at least ten days before the date fixed for the hearing.

5. Where personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published twice in each of two successive weeks, a notice of the formal hearing in a newspaper published in the parish in which the accused was last known to reside, and, on or before the date of the first publication, a copy of the charges and of such notice shall be mailed to the accused at his last known address.

6. When publication of the notice is necessary, the date of the formal hearing shall be not less than ten days after the last day of publication of the notice.

7. Upon the conclusion of the formal hearing the board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

8. An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.

9. The board, in its discretion, may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such rehearing, but nothing in this sub-division

shall preclude appropriate relief under and pursuant to the laws of the state providing for the review of administrative determination by the courts of the state, as specifically outlined in Title 49:959 of the State statutes.

C. Conduct of Formal Hearings

1. At any formal hearing conducted pursuant to these Rules, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

2. At any formal hearing conducted pursuant to these Rules, if a party shall appear without counsel, the board or person(s) designated as hearing officer or hearing officer shall advise such party of his right to be represented by counsel; and that, if he desires to proceed without counsel, he may call witnesses, cross-examine witnesses, and produce evidence in his behalf.

3. Appearances shall be noted on the official record of formal hearings.

4. The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for any indefinite period of time, but shall be set down for a certain day.

5. If an adjournment is requested in advance of the formal hearing date, such request shall be submitted to the board in writing, and shall specify the reason for such request.

6. In considering an application for adjournment of a formal hearing the board or hearing officer shall consider whether the purpose of the formal hearing will be affected or defeated by the granting of such adjournment.

7. The Board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any formal hearing set down by the board. No subpoena shall be issued until the party who wishes to subpoena the witnesses first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him for contempt. It shall be the duty of the judge to hear the application and, if satisfactory proof is made, to issue an attachment, directed to some proper office, for the arrest of such person and, upon his being brought before him, to proceed to hearing of the case; and upon such hearing, the judge shall have the power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

8. The board or hearing officer shall not be bound by the Rules of evidence in the conduct of a formal hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain it.

9. Upon the conclusion of a formal hearing, the board shall take such action upon such written findings and determinations as it deems proper, and shall execute an order in writing carrying such findings and determination into effect. When in an

adjudication proceeding a majority of the officials of the board who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed order is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the disposition of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the formal hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

10. The order of the board may include the assessment of civil penalties as provided by law. A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency Rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with the Section.

11. The record, minutes and evidence of a formal hearing shall be made available to all parties for examination at the office of the board, or at such place as the board may direct. Copies of the minutes may be purchased at the rate per page covering the cost thereof.

Rule 17. Fees

A. The board shall fix and collect uniform fees, which shall not exceed the following amounts for each type of fee, and which shall not be refundable:

1. Application fee for license to practice electrology	\$150.00
2. For issuing duplicate of certificate of license	10.00
3. Application for certificate of annual renewal of license to practice electrology	75.00
4. Application for certificate of annual renewal license of an electrologist school	300.00
5. Application fee for license of electrology school	500.00
6. Delinquency fee	25.00

B. All fees received by the board and all fines collected under the provisions of these Rules shall be transmitted to the state treasurer, who shall place them in a special fund to the credit of the State Board of Electrolysis Examiners. The board shall have authority to expend the moneys in said fund for the operating expenses of the board and for other expenses incurred in the administration and enforcement of this Chapter.

Rule 18. Renewal of License

A. Each license to practice electrology in this state shall be renewed annually on or before December 1 of each year, upon application therefor, accompanied by the renewal fee prescribed in R.S. 37:3072 (A).

B. When any electrologist or electrolysis school licensed hereunder fails to register and pay the annual registration fee

within thirty days after the registration fee becomes due, the license or certificate of such person or school shall be revoked automatically at the expiration of thirty days after the registration was required, without further notice or hearing. However, any person or school whose license or certificate is automatically revoked as provided herein may make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of \$50.

Rule 19. Penalty

Whoever violates any provision of this Chapter, upon conviction shall be fined not less than one hundred dollars or more than five hundred dollars, or be imprisoned for not more than six months, or both. Each day of violation shall constitute a separate offense.

Rule 20. Grandfather Clause

Any person who has been practicing electrolysis as an electrologist in this state prior to July 1, 1979 shall be eligible to be licensed upon application therefor and payment of the license fee fixed hereafter, but without examination.

Interested persons may submit written comments to the following address: Patricia D. Sibille, Chairperson, 768 Chevelle Drive, Baton Rouge, LA 70806.

Ms. Sibille is the person responsible for replying to inquiries regarding this proposed Rule. Additional copies may be obtained by written request to the above address.

A public hearing on this proposed Rule will be held on March 7, 1984 at 9:30 a.m. in the auditorium of the Louisiana State Library, 760 Riverside, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing at said hearing.

Patricia D. Sibille
Chairperson

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

Rule Title: Adoption of Board Rules and Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no implementation cost to the State or Local Government Unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

It is estimated that there will be no cost to any affected group. The general public will benefit from improved and higher professional service from the electrolysis field.

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

There will be no effect on competition and employment.

Patricia D. Sibille
Chairperson

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners plans to amend the Administrative Rules and Minimum Requirements Relating To Practical Nursing Education And Licensure To Practice In The State Of Louisiana at its meeting on March 16, 1984.

The proposed revision is for content clarification and reorganization of information.

SUMMARY OF RULE REVISION

Following is an outline of the revisions by Section:

The foreword has been reworded and updated to include "as amended through 1982."

**PAGES
PROPOSED CURRENT**

SECTION I

General Board Policies
retitled

pp.1-6 pp.1-3

to read: The Louisiana State Board of Practical Nurse Examiners

This Section has been reorganized and combined with information scattered in other Sections for clarity.

Section I, 4. Rules and Adjudication and Licensing Suspension and Revocation Proceedings has been renumbered in keeping with the revisions.

- 4-15. Reprimand p.4
- 4-16. Probation have been p.4
- 4-17. Suspension defined p. 4-5
- 4-18. Revocation p.5

SECTION II

Definitions

pp.7-8 pp.4-5

This Section has been rewritten for clarity; obsolete terms have been deleted and others added-there are no substantive changes.

SECTION III

Program Establishment

pp. 9-12 pp. 6-7

This Section has been reorganized and reworded for clarity. One addition-5, p. 12- Non-Traditional Programs is to allow permission for experimentation on the part of educators in the field.

SECTION IV

Program Projection

pp. 13-19 pp. 8-18

This Section has been expanded to include Faculty Qualifications,

1. Faculty and Staff, 1-1., b-2., b-3., p. 13 as compared to 1., Faculty and Staff, 1-1., Qualifications, a., b.

6, Admissions, 6-2, Advanced Standing, p. 17 has been combined with information on reentries, as compared to 7.-2., pp. 14-15, Advanced Standing, a., (1), (2), (3), (4) and 7-3, p. 15, Re-admission, a., b.

6-3, Withdrawals, p. 18, has been shortened as compared with 8., Withdrawals, 8-1, 8-2, 8-3, 8-4, p. 16 due to repetitiveness and nonessential information.
 8. Board Reports and Records, 8-1, b., page 19- Annual Reports as compared to 10- Reports and Records, p. 18, b., Bi-Annual Report, reduced paperwork to be forwarded and decreases reporting to once yearly.

SECTION V

Program Progression, 3-3., pp.20-21 pp. 19-20
 p. 21 defines provisional accreditation to allow two consecutive classes with a 20% or higher failure rate on the Board approved licensure examination before Board intervention. It is conceivable that a one time failure rate of 20 percent or higher may occur for any number of reasons without justifying Board intervention; see 3-7, a, b, and c, p. 20 of current rules.

SECTION VI

Approval and Accreditation- pp. 22-24 pp. 21-22
 Mainly rewording with the exception of new definition for Provisional Accreditation, p. 23, 2-5., as compared to p. 22, 2-4 in current rules. (see Section V above).

SECTION VII

Discontinuation of a Program- pp. 25-26 p. 23
 Addition of a detailed outline of requirements for transferring students, p. 25, b-1., b-2., to assure that all necessary records are transferred and plans are submitted to the Board for student protection and avoidance of confusion.

SECTION VIII

Licensure pp. 27-30 pp. 24-27
 Revision for clarity, uniformity addition of detailed outline for temporary permits to practice, prior to licensure, 3, 3-1. thru 3-4.

Deletion throughout Section and throughout book of "State Board Test Pool Examination" due to change in name of the examination to "National Council Licensure Examination for Practical Nursing", sometimes referred to as "Board approved licensure examination for practical nursing."

8. Approved fees, 1-11, p. 30 Fees are listed together as opposed to being scattered throughout this Section (Fees are listed in the Law, 977, p. 7)

There are no proposed changes

in the listing. The fees are combined in one group for clarification and accessibility.

That all fees are non-refundable 8, p. 30 is found on p. 22, 11 in the current rules.

Interested persons may request copies of the proposed rules and direct inquiries to Mrs. Helen W. Sheehan, R.N., Louisiana State Board of Practical Nurse Examiners, 4201½ Canal Street, New Orleans, LA 70119, (504) 483-4505. Written comments on the proposed revision will be received through March 2, 1984.

Mrs. Helen W. Sheehan, R.N.
 Executive Director

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Administrative Rules, Complete Revision**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
 There is no cost involvement to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
 There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
 There are no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
 Section IV, Program Projection, 1, Faculty and Staff, p. 13 may affect competition and employment as compared to the previous same section, p. 8 of current rules.

Theresa L. DiMarcay, R.N.
 Associate Executive Director

Mark C. Drennen
 Legislative Fiscal Officer

**NOTICE OF INTENT
 Department of Health and Human Resources
 Office of Family Security**

Effective May 1, 1984, the Department of Health and Human Resources, Office of Family Security, proposes to implement a rule change in the Aid to Families with Dependent Children and Refugee Assistance Programs in accordance with 45 CFR 206.10 (c)(3)(ii).

Proposed Rule

The time within which the worker shall dispose of the AFDC application is limited to within 45 days from the date on which the signed application is received in the local office. The applicant shall either be mailed his first assistance payment or notification that he has been found ineligible for a grant by the 45th day, unless an unavoidable delay has occurred. In order to assure payment is mailed by the 45th day, the initial payment shall be

issued by the local office on all certifications which pend over 30 days.

Interested persons may submit written comments to R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA. 70804. He is the person responsible for inquiries regarding the proposed rule. A copy of his notice is available for review in each parish Office of Family Security.

A public hearing on the proposed rule will be held Thursday, March 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA. beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Application Processing**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

This rule change relieves the Office of Family Security of the responsibility of estimating the mail time required to assure receipt by a given date.

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

There is no effect on competition and employment.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to establish a prospective reimbursement methodology for nursing homes participating in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective July 1, 1984 the Medical Assistance Program will reimburse nursing homes (see definitions below) for services at rates determined as shown below in this rule. The rates will be prospective and no retrospective cost settlement will be made.

A. DEFINITIONS

1. Nursing Home - Long term care institutions classified and licensed as Intermediate Care Facilities-I (ICF-I), Intermediate Care Facility-II (ICF-II), and Skilled Nursing Facility (SNF). Does not include Intermediate Care Facilities for the Handicapped and/or Mentally Retarded (ICF-H, ICF-MR) and other facilities

whose rates are set by Department of Health and Human Resources policy for Rate Setting for Residential Care published in the *Louisiana Register* on April 20, 1983 (volume 9, number 4, page 215) and July 20, 1983 (volume 9, number 7, page 470-472)

2. Indices

a. CPI - ALL ITEMS - The Consumer Price Index for all Urban Consumers-South Region (All Items line) as published by the United States Department of Labor.

b. CPI - FOOD - The Consumer Price Index for All Urban Consumers - South Region (Food line) as published by the United States Department of Labor.

c. CPI - Medical Care - The Consumer Price Index for All Urban Consumers - South Region (Medical Care line) as published by the United States Department of Labor.

d. WAGE - The average annual wage for production or non-supervisory service workers in SIC code 80, Health Service, as published in the "Supplement to Employment and Earnings" by the Bureau of Labor Statistics, United States Department of Labor.

3. Economic Adjustment Factors

a. CPI - All Item Factor

b. CPI - Food Factor

c. CPI - Medical Care Factor

Each of the above economic adjustment factors is computed by dividing the value of the corresponding Index for December of the year preceding the Rate Year by the value of the index one year earlier (December of the second preceding year)

d. Wage Factor

The wage factor is computed in the same manner as the other adjustment factors except that the average Annual Wage for the calendar year ending in the indicated December is used instead of an index value.

4. Rate Year - The rate year is the one year period from July 1 through June 30 of the next calendar year during which a particular set of rates is in effect. It corresponds to a State Fiscal Year.

5. Base Rate - The base rate is the rate calculated in accordance with Section B of this rule, plus any base rate adjustments granted in accordance with Section C of this rule, and which is in effect at the time of calculation of new rates or adjustments.

6. Base Rate Components - The base rate is the summation of the components shown on Table I. Each Base Rate Component is intended to reimburse for the costs indicated by its name.

BASE RATE COMPONENT	ECONOMIC ADJUSTMENT FACTOR
FOOD COSTS	CPI - FOOD
OTHER ROUTINE COSTS	CPI - ALL ITEMS
AIDS ATTENDENT SALARIES	WAGE
OTHER NURSING SERVICES	CPI - MEDICAL CARE
FIXED COSTS	NONE(1)
RETURN ON EQUITY	NONE(2)
	(1) No inflation allowed
	(2) Adjusted by the Return on Equity Factors shown on Table II

B. Calculation of the Rate

Separate daily rates will be calculated for each level of care - ICF-I, ICF-II and SNF. The rate for each level of care will be recalculated each year and published in the *Louisiana Register* in the Potpourri section no later than June of each year. The rates will be effective July 1 of each year and shall remain in effect until publication of new rates with an effective date. The rates for each level of care shall be calculated by using the following formulae:

1. $NFCC = FCC \times CPIF$

where:

NFCC is the new food cost component

FCC is the current (base) food cost component

CPIF is the CPI - Food Economic Adjustment Factor

$$2. \text{ NORCC} = \text{ORCC} \times \text{CPIAI}$$

where:

NORCC is the new other routine cost component

ORCC is the current (base) other routine cost component

CPIAI is the CPI - All Items Economic Adjustment Factor

$$3. \text{ NAASC} = \text{AASC} \times \text{W}$$

where:

NAASC is the new Aid & Attendent Salaries Component

AASC is the current (base) Aid & Attendent Salaries Component

W is the Wage Economic Adjustment Factor

$$4. \text{ NONSC} = \text{ONSC} \times \text{CPIMC}$$

where:

NONSC is the New Other Nursing Services Component

ONSC is the current (base) Other Nursing Services Component

CPIMC is the CPI - Medical Care Economic Adjustment Factor

$$5. \text{ RATE} = (\text{NFCC} + \text{NORCC} + \text{NAASC} + \text{NONSC} + \text{FCC}) \times \text{ROEF}$$

where:

NFCC, NORCC, NAASC and NONSC are computed by formulae

1 through 4 above

FCC is the Fixed Cost Component for the appropriate level of care as shown in Table III

ROEF is the return on Equity Factor for the appropriate level of care as shown in Table II

RATE is the new reimbursement rate per patient day for the level of care for the next rate year

After formal adoption of the new rate, the components computed above will become the base rate components used in calculating the next year's new rate, unless they are adjusted as provided in Section C below.

TABLE II

SKILL LEVEL	SNF	ICF-I	ICF-II
RETURN ON INVESTMENT FACTOR	1.05	1.05	1.05

C. INTERIM ADJUSTMENT TO RATES

If an unanticipated change in conditions occurs which affects the cost of a level of care of at least 50 percentum of the enrolled nusing homes providing that level of care by an average of 5 percent or more, the rate may be changed. The Office of Family Security will determine whether or not the rates should be changed when requested to do so by (10%) or more of the enrolled nursing homes, or an organization representing at least 10 percent of the enrolled nursing homes, providing the level of care for which the rate change is sought. The burden of proof as to the extent and cost affect of the unanticipated change will rest with the entities requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The Office of Family Security, however, may initiate a rate change without a request to do so. Changes to the rates may be one of two types: 1) Temporary adjustments or 2) base rate adjustments

1. Temporary Adjustment - Temporary adjustment may be made in the rates when changes which will eventually be reflected in the Economic Indices, such as a change in the minimum wage, a change in FICA or a utility rate change, occur after the end of the period covered by the Index, i.e. after the December preceding the rate calculation. Temporary adjustments are effective only until the next rate calculation which uses Economic Adjustment Factors based on index values computed after the change causing the adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

2. Base Rate Adjustments - Base rate adjustments may be made when the event causing the adjustment is not one that would

be reflected in the Indices. This would normally be a change which applies only to the nursing home industry, such as a change in licensure standards. Base rate adjustment will result in a new base rate component value(s) which will be used to calculate the new rate for the next year.

D. TRANSITION PROVISIONS

Upon adoption of this rule the rates currently in effect (published in the *Louisiana Register* July 20, 1983) and the Component values shown in Table III shall become, respectively, the base rate and the base rate components.

Provisions for adjustments (Section C) shall be effective immediately upon adoption of this rule and will apply to events occurring after June 30, 1983.

TABLE III

BASE RATE COMPONENT	VALUE		
	SNF	ICF-I	ICF-II
FOOD COSTS	\$ 2.22	\$ 2.28	\$2.11
OTHER ROUTINE COSTS	12.71	13.03	12.12
AID & ATTENDENT SALARIES	9.20	6.13	3.61
OTHER NURSING SERVICES	6.52	4.35	2.57
FIXED COST	2.74	2.84	2.60
RETURN ON EQUITY	1.41	1.13	0.86
TOTAL DAILY RATE	34.80	29.76	23.87

E. MISCELLANEOUS

1. All calculations described in this rule shall be carried out algebraically.

2. In all calculations the base rate and the base rate components will be rounded to the nearest one cent (two decimal places) and the Economic Adjustment Factors will be rounded to four decimal places.

3. Cost Reports

a. Cost Reports will continue to be required as at present. All rules concerning allowable costs continue in effect.

b. Cost reports will be primary evidence in the justification of interim rate adjustment provided for in Section C of this rule.

c. Cost reports will be compared by the Office of Family Security to the rates calculated by this rule at least every three years to insure that the rates remain resonably related to costs. When indicated by such comparison, base rate components and the overall base rate will be adjusted to reflect cost experience.

4. For state owned facilities, a differential to account for the higher wage rates applicable to civil service employees may be passd through in establishing cost and rate structures.

EXAMPLE

CALCULATION OF RATE FOR RATE YEAR BEGINNING JULY 1, 19X3

WORKSHEET FOR RATE CALCULATION

Level of Care: ICF-I

Rate Year: 19 X3 - 19 X4

ECONOMIC INDEX	VALUE		ECONOMIC ADJUSTMENT FACTOR
	December 19X1	December 19X2	
CPI - ALL ITEMS	158.3	164.3	1.0380
CPI - FOOD	147.1	151.1	1.0270
CPI - MEDICAL CARE	161.6	171.9	1.0640
WAGE	14 456	15 165	1.0490

COMPONENT	BASE VALUE	ECONOMIC ADJUSTMENT FACTOR	NEW VALUE
FOOD COSTS	\$ 2.28	1.0270	\$ 2.34
OTHER ROUTINE COSTS	13.03	1.0380	13.52
AIDS & ATTENDENTS SALARIES	6.13	1.0490	6.43
OTHER NURSING SERVICES	4.35	1.0640	4.63
FIXED COST	2.84	1.0000	2.84
SUBTOTAL	28.63		29.76
RETURN ON EQUITY	1.13	1.05	1.49
DAILY RATE	29.76		31.25

Interested persons may submit written comments at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held March 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Establish Prospective Reimbursement
Methodology for Nursing Homes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
- | | FY 84-85 | FY 85-86 | FY 86-87 |
|---------|-------------|-------------|-------------|
| State | \$4,607,259 | \$4,858,297 | \$5,175,079 |
| Federal | 7,375,210 | 7,777,066 | 8,284,164 |
| Total | 11,982,469 | 12,635,363 | 13,459,243 |
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Federal revenues will be increased by \$7,375,210 for FY 84-85; \$7,777,066 for FY 85-86; and \$8,284,164 for FY 86-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The nursing homes of Louisiana that participate in the Title XIX Medical Assistance Program will benefit because of their overall rate increase for the services they render.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No impact is anticipated on competition or employment.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, hereafter referred to as the Agency, proposes to add Nurse-Midwife care as an additional service available through the Medical Assistance Program as federally mandated by the Omnibus Budget Reconciliation Act of 1981 and found at 42 CFR 440.165. Nurse-midwives are defined as registered professional nurses who are currently licensed in Louisiana and legally authorized to practice midwifery.

Effective May 1, 1984, a nurse-midwife can be reimbursed for pre-natal care, deliveries and post-partum care. In accordance with Louisiana R.S. 37:1261 through 37:1291 and as cited by the Board of Nursing at R.N. 304, entitled Advanced Practitioner of Nursing at subsection (2) of R.N.3.042, entitled Certified Nurse-Midwife, a nurse-midwife must always work as a member of a physician-directed health care team.

The Title XIX State Plan, Section 3, page 19, Item 3.1(a)(2), pages 19, 20 and 20a and Attachment 3.1-A, page 8a will be amended to reflect this policy change. Inclusion of Nurse-Midwife services also requires an amendment to Item 4.18(a)(2) page 54, of the Title XIX State Plan.

Proposed Rule

Effective May 1, 1984 the following will become Agency policy concerning addition of a Nurse-Midwife program.

- Nurse-midwife services for care of a mother shall include:
 - Total obstetric care, antepartum care, vaginal delivery and post-partum care

- Vaginal delivery only
- Pre-natal care only
- Post-partum care only
- Newborn care to normal newborn in a hospital
- Initial history and examination of the normal newborn.

Each nurse-midwife is responsible for billing the Agency for her services. If a physician is not called in, no physician fee will be paid. If a physician is called in, it will be the responsibility of the physician and the nurse-midwife to determine who bills the Agency for the respective services rendered. In no case will the Medical Assistance Program pay twice for the same service.

Interested persons may submit written comments at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held March 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Nurse Midwives**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
- | | FY 83-84 | FY 84-85 | FY 85-86 |
|---------|--------------------------------------|----------|----------|
| State | \$131 | NONE | NONE |
| Federal | <u>\$131</u> | | |
| Total | \$262 (one-time implementation cost) | | |
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
NONE.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
NONE.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with Revised Statutes 9:427 of the 1983 Regular Session of the Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development/

Division of Evaluation and Services intends to adopt the following rule relative to the role of the agency in the Adoption Petition Program when the petitioner is the stepparent of the adoptee:

PROPOSED RULE

OHD/DES shall no longer provide a full investigation and Court Report in stepparent adoptions unless so ordered by the Court.

Henceforth, Adoption Petition workers shall investigate stepparent adoptions only to the extent necessary. The investigation shall

- 1) determine the availability of the child for adoption; and,
- 2) where the child is age 13 or over, determine the circumstances of the child and his/her attitude toward the adoption.

The investigation and Court Report shall cover the following areas depending on the circumstances of the case:

A. Availability of the Child for Adoption

1. Name, birthdate and birthplace of child as verified by birth certificate when available.
2. Relationship of child to petitioner(s).
3. Legal status of petitioners i.e. verification of current marriage and previous deaths/divorces effecting status.
4. Name of legal/biological parents and information concerning their attitude about the adoption and awareness of the implications.

B. Information on the Child

1. Child under 13
 - (a) Age of the child(ren).
 - (b) Length of time child has resided with the petitioner(s).
 - (c) How the child came into the home of petitioner(s).
2. Child 13 or over
 - (a) Age of child(ren).
 - (b) Length of time child has resided with the petitioner(s).
 - (c) How the child came into the home of petitioner(s).
 - (d) Description of child including physical characteristics, personality, general health (no physical exam required), grade placement, and activities.
 - (e) Child's adjustment.
 - (f) Child's relationship with petitioners and others in the home.

Interested persons may submit written comments to the following address: Arthur J. Dixon, Assistance Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed rule.

A public hearing on the proposed rule will be held March 5, 1984 at the State Library Auditorium, 760 Riverside, Baton Rouge, LA at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing at said hearing.

Roger P. Guissing
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Guidelines for Reporting to the Court on Adoption by Stepparents

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to

state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no cost or benefits to those directly affected by the rule.

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

There will be no effect on competition and employment.

Arthur J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation and Developmental Disabilities

The Department of Health and Human Resources, Office of Mental Retardation and Developmental Disabilities, in accordance with R.S. 49:953B, as amended, proposes the following amendments to the Standards for Infant Intervention Programs which were published as a Rule in the May 20, 1983 *Louisiana Register*. The amendments are being proposed due to changes made in the Regulations for the Implementation of Act 754 and the State Department of Education Bulletin 1508 and the passage of Act 659 which extended the purview of the Office of Mental Retardation to include Developmental Disabilities.

The proposed amendments are as follows:

(1) All references to the Office of Mental Retardation shall be amended to read: Office of Mental Retardation and Developmental Disabilities.

(2) All references to mental retardation services shall be amended to read: Mental retardation and developmental disabilities services.

(3) All references to mentally retarded individuals shall be amended to read: Mentally retarded or developmentally disabled individuals.

(4) Section III. A. is amended to read:

“Case management” means, pursuant to R.S. 28:381(4), a department mechanism for linking, coordinating, and developing segments of a Mental Retardation and Developmental Disabilities Services System to insure appropriate residential living options or mental retardation and developmental disabilities services or both to meet a recipient's needs to the greatest extent possible, including those recipients who are served by multiple agencies or regional service centers. Such case management services shall be conducted in accordance with established department procedures.

(5) Section III. D. is amended to read:

“Infant Intervention Services” means, pursuant to R.S. 28:381(8), services for handicapped infants from birth to three years provided either through a center-based or home training program including, but not limited to, language stimulation and development, motor development, socialization and self-help skills development, cognitive development, behavior management, parent training, and other services as appropriate to individual needs.

(6) Section III. E. is deleted.

(7) Section III. G. is amended to read:

“Diagnosable condition” means a state of health such as cerebral palsy, mental retardation, seizure disorder, autism, or congenital disease or abnormality which is identified by a physician.

(8) Section III. I. is amended to read:

“Generic service plan” means, pursuant to R.S. 28:381(24), a plan developed by a case manager, multi-disciplinary evaluation team coordinator, and the individual following receipt of the recommendations of a multidisciplinary evaluation report enumerating those mental retardation and developmental disabilities services or residential living options or both that a mentally retarded or developmentally disabled individual is eligible for and should receive, if available.

(9) Section III. L. is deleted.

(10) Section III. 0.3. is deleted.

(11) Section III. P. is amended to read:

“Infant interventionist” means an individual certified by the LSDE to teach or train in such areas as handicapped infant, noncategorical preschool handicapped, mental retardation, orthopedically handicapped, severe-profound, elementary education; or a nurse, speech therapist, physical therapist, or occupational therapist licensed in Louisiana and certified by LSDE to work in an educational setting; or an individual with a baccalaureate degree in education or a related field who is enrolled in an approved professional plan for certification.

(12) Section III. Q. is amended to read:

“Infant specialist” means an employee of the Regional Service Center assigned to coordinate the Infant Intervention Services in that region.

(13) Section III. U. is amended to read:

“Mental Retardation and Developmental Disabilities Services” means, pursuant to R.S. 28:381(22), programs and assistance for mentally retarded or developmentally disabled persons which include, but are not limited to, information and referral services, case management services, diagnosis and evaluation services, generic service plan development services, family support services, health services, educational services, therapies and habilitation services, vocational services, transportation services, recreation and leisure services, special Olympics services, respite services, infant intervention services, and adult day services.

(14) Section III. V. is amended to read:

“Mental Retardation and Developmental Disabilities Services System” means, pursuant to R.S. 28:400, the combination of private and public mental retardation and developmental disabilities services and residential living options and the process by which a mentally retarded or developmentally disabled individual is admitted, transferred, or discharged within this system which is administered by the Office through the regional service centers.

Components are pursuant to R.S. 28:401.

(15) Section III. W. is amended to read:

“Multidisciplinary evaluation” means, pursuant to R.S. 28:381(33), an assessment of need for mental retardation and developmental disabilities services or residential living options or both, and a determination that a person is mentally retarded or developmentally disabled by a group of professionals meeting together conducting their respective evaluations on a individual who is mentally retarded or developmentally disabled or suspected of being mentally retarded or developmentally disabled. The multidisciplinary evaluation process shall be coordinated by an evaluation coordinator who shall be responsible for developing an integrated evaluation report following a group meeting with those professionals who conducted the multidisciplinary evaluation. Another purpose of the multidisciplinary evaluation is to diagnose mental retardation or developmental disabilities as

defined herein.

(16) Section III. BB. is amended to read:

“Regional service center” means, pursuant to R.S. 28:381(38), an administrative unit of the Office of Mental Retardation and Developmental Disabilities under its administration, supervision, and control through which the office administers and coordinates the Mental Retardation and Developmental Disabilities Services System in any given region. The center is responsible for regional planning, stimulating the development of needed services from private or public providers; presentation of budget information to the office for all residential living options and mental retardation and developmental disabilities services or both in the region and, as appropriate, request funding for such services through normal budgetary channels; dispersal of appropriations made to the region through the office; and administration of the state schools assigned to its geographic area. The regional center shall utilize existing private and public resources to the maximum extent possible. The relationship between a private provider and a regional service center shall be defined by written agreement or contract as specified in R.S. 28:380(C) to allow for maximum permissible fiscal and administrative autonomy.

(17) Section III. DD. is amended to read:

“Therapies and habilitation services” means, pursuant to R.S. 28:381 (46), behavioral intervention, communication training, occupational therapy, physical therapy, community living skills training, self-help skills training, socialization skills training, infant intervention training, and other related therapies and habilitation services.

(18) Section IV. C. 2. is amended to read:

A developmental screening conducted by persons trained in such procedures; and

(19) Section IV. D. is amended to read:

An infant shall be referred to the LEA of the child’s residence by the case manager for an individual evaluation within three working days after the screening if the results of the screening show:

1. That the infant’s developmental age is 50-75 per cent of the child’s chronological age in three or more areas of development; or
2. That the infant’s developmental age is 25-50 per cent of the child’s chronological age in two areas of development; or
3. That the infant’s developmental age is less than 25 per cent of the child’s chronological age in one area of development; or
4. That the infant has a diagnosable medical condition which could result in a serious handicapping condition if untreated.

(20) Section V. A. is amended to read:

The case manager shall insure that each infant shall have a multidisciplinary evaluation within 60 working days of referral. This evaluation shall be conducted by the LEA of the child’s residence, pursuant to Act 754 and LSDE Bulletins 1508 and 1633, to be determined eligible for the Infant Intervention Program.

(21) Section V. B. is amended to read:

The evaluation shall include the following consistent with the LSDE Bulletins 1508 and 1633 and Title XIX criteria:

1. A physical examination conducted by a pediatrician or other appropriately trained physician which specifies the impairment(s) and assesses the extent to which the impairment will inhibit normal development. The report should also indicate facilitators to development and learning.
2. A developmental assessment conducted by an educational consultant, assessment teacher, psychologist, or master level professional, certified in non-categorical preschool handicapped who has appropriate training in developmental as-

assessment and medical/educational implications of handicapping conditions. The assessment report shall be signed by a licensed psychologist.

3. A family interview conducted by a social worker or other appropriate pupil appraisal staff member, which addresses such factors as:

- a. The needs of the family in understanding the child,
- b. The child's development, and
- c. The community service agencies currently providing assistance to the family in relation to the child.

(22) Section VII. B. is amended to read:

The case manager and the multidisciplinary evaluation coordinator shall develop the generic service plan based on the integrated evaluation report for all infants eligible for mental retardation and developmental disabilities services within five working days of the receipt of the report.

(23) Section VII. E. is amended to read:

Admission in a center-based program or home training program shall be determined by considerations such as the infant's age, travel distance to the center or school, severity of the handicapping condition, ability to benefit from peer interactions, medical factors, parent's ability to provide parent training in the home, and/or length of time the delay has existed without intervention.

(24) Section VIII. A. 1. is amended to read:

The assessment shall be conducted at least twice within a calendar year for the purpose of determining infant progress and will be part of Section X. D. of these standards.

(25) Section X. A. is amended to read:

The Infant Intervention Program shall provide home training and/or center-based services.

(26) Section XII. A. 4. is amended to read:

Interagency agreements with the LEA's in their area of service including, but not limited to, identifications, referral, evaluation, and transition.

(27) Section XIV. F. 2 is amended to read:

Center-based program - one infant interventionist and one paraprofessional for four to seven infants, and/or a paraprofessional training unit for one to 12 infants, for a five day a week program.

Interested persons may submit written comments at the following address: Billy Ray Stokes, Ed.D., Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government St., Baton Rouge, LA 70802. Dr. Stokes is the person responsible for replying to inquiries regarding this proposed change.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Proposed Amendments for Infant
Intervention Programs**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no implementation costs or savings to the state or private providers. These amendments to the original standards which were promulgated May 20, 1983 are technical in nature, and add references to the service of developmental disabilities in infant

populations. These services are currently being provided and are funded. The amendments do not institute any new programs or program expansions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

It is estimated that there will be no additional costs or benefits to any affected groups. No substantive changes are proposed in the existing standards. Service recipients will benefit from the continued habilitation and therapy services required by the standards.

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

It is estimated that there will be no effect on competition and employment.

Billy R. Stokes
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, Division of Narcotics and Dangerous Drugs, intends to adopt the following revisions to Part I, Section 2.1 of the Regulations pertaining to Controlled Dangerous Substances as authorized by R.S. 40:972.

PROPOSED RULE

**PART I
* * * * ***

Section 2.1

The application shall be completed in full by the applicant and forwarded to the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at least 30 days prior to the expiration date stated in his current license. The applicant will enclose a check or money order (no cash) made payable to the State of Louisiana in an amount proportional to his class of business which shall be as follows:

(a) Manufacturer	\$100
Broker	50
Day Surgical Centers	50
Emergency Medical Centers	50
Wholesaler (Distributor)	50
Practitioner	20
Researcher	30
Manufacturer's Medical Service Representative (also known as Detail Man or Sales Representative)	20

(b) Persons who knowingly or intentionally submit a false or fraudulent application, or an application any part of which is false or fraudulent, shall be deemed to have committed a prohibited act under Section 975 of the Act.

* * * * *

Interested persons may submit written comments at the following address: Raymond J. Fagot, Director, Division of Narcotics and Dangerous Drugs, P.O. Box 3776, Baton Rouge, LA

70821. He is the person responsible for responding to inquiries regarding this proposed Rule. A copy of this proposed Rule and its fiscal and economic statement may be obtained at the above address.

A public hearing on the proposed Rule will be held Thursday, March 1, 1984 in the Commerce Building, Room 220, 333 Laurel Street, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Licensure of controlled substances
in Emergency Medical Centers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Adoption of this rule will increase revenues by \$2,000 in 1983-84 and by \$2,500 in 1984-85.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

R.P. Guissinger
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, Division of Policy, Planning and Evaluation proposes to amend the Policies and Guidelines for Section 1122 Capital Expenditures Review. The change is the deletion of the current address of the Division where listed and the substitution of the following address:

Division of Policy, Planning and Evaluation
200 Lafayette Street, Room 406
Baton Rouge, Louisiana 70801

Interested persons may submit comments to Joseph E. Ross, Administrator, Division of Policy, Planning and Evaluation, 200 Lafayette Street, Room 406, Baton Rouge, LA. 70801.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 1122 Program Policy & Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

R. P. Guissinger
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission plans to adopt the following Rules and Regulations for the seafood division as they pertain to oyster fisheries - survey section.

A. Office Policies and Procedures:

1. Office hours will be from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. The sale of licenses required for fishing oysters shall be available for purchase in the Survey Section Office of the division during the prescribed office hours or by mail.

3. No one is to go into lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications:

1. a. There shall be a 50 foot Buffer Zone established between new leases. However, by mutual written consent of applicants of adjacent waterbottoms the lease boundaries may be common.

b. Where distances between oyster leases are 200 feet or less, no applications or lease shall be taken or issued except that the intervening space may be shared equally by the existing lessees or applicants if properly applied for and leased in accordance with existing policies and practices.

c. No new applications will be taken or leases issued having widths less than 300 feet except as follows:

1) for closing corners not to exceed a distance (length) of 500 feet,

2) in bayous (or similar configurations; connections or cuts between bays, lakes and ponds, etc.) not less than 100 feet or where less than that width it shall be the full width with a subservience clause prohibiting an impedance of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc., occurs resulting in an enlargement of the waterbottoms for leasing adjacent areas for a period of five years.

d. Any application for an oyster lease may be contoured to follow the shoreline.

2. If an applicant cannot keep his appointment with the

surveyor, and fails to notify the Survey Office by noon on the Thursday prior to the date of the scheduled survey, his application shall be cancelled. Applicants will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within 14 days of cancellation notice, at which time the applicant shall advise the Survey Section on which day he or a representative will be available for rescheduling within 14 to 30 days. If the applicant fails to keep this second appointment, the application shall be cancelled without the option of reinstatement. If the applicant fails to meet the appointment but notifies the Survey Section of vessel breakdown or inclement weather prior to the appointment time, then he will advise the Survey Section Office on which day he or a representative will be available for rescheduling within 14 to 30 days. If he fails to meet this second appointment, his application will be cancelled. When the Department Surveyor cannot keep his appointment, all effort will be made to notify the oyster farmer/applicant.

3. If any survey by the surveyor of the Department shows an overlap, the Department will abstract the leases involved and eliminate the overlap at its expense by giving the overlapped area to the longest continuously uninterrupted lease, notifying the lessees/applicants of this action. If any survey by a private surveyor shows an overlap, a lease shall not be issued until such time as overlap is corrected at no expense to the Department.

4. All applicants must appear in this office to place an application for survey and lease, or provide power of attorney to an agent to act in their behalf.

5. Annual rental notices will be mailed to lessees at least 30 days in advance to due date which is January 1 of each year.

6. A time frame of 30 days receipt of a certified letter from the Department will be allowed for reinstating leases which have been cancelled for failure to pay rental.

7. A fee of \$10 per lease will be charged for transfer of oyster lease.

8. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	\$10 per copy
Plats	\$ 5 per copy
Lease documents	\$ 5 per copy
Other material	\$ 1 per copy

9. Survey Application Fees:

a. Survey application fees for new leases after the moratorium is lifted will be as follows:

Acres	Dollars
10 or less	\$80 (up to five shot points plus \$20 for each additional shot point)
11 - 20	\$120 (up to six shot points)
21 - 200	\$2 additional for each acre after 20 (up to seven shot points)
201 - 1,000	\$1 additional for each acre after 200 (up to eight shot points)

b. Survey application fees on leases expiring by 15 year limitation are established as follows:

Acres	Dollars
10 or less	\$50
11 - 20	\$75
21 - 200	\$1.50 additional for each acre after 20
201 - 1,000	\$1 additional for each acre after 200

C. Survey application fees for RESTAKES of one's own lease are established as follows:

\$20 PER SHOT POINT

d. Survey application fees for restakes of someone else's lease are established as follows:

\$80 for the first two shot points

\$40 for each additional shot point thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

10. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one year period.

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer:

1. All Surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their survey.

2. Surveyor to be charged the basic rate for copies of documents needed, excluding those furnished by this agency.

3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.

4. All surveys must comply with RS 56:427, B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable, application will be cancelled and all fees forfeited.

5. Surveyors to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.

6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.

7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.

8. Survey plats to be drawn on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.

9. The acreage of all surveys, even through calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

10. Application number and ownership on all survey plats to be shown on original application.

11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom, and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.

13. The Louisiana Department of Wildlife and Fisheries, Survey Section will provide all information needed to perform the Survey.

14. Non-compliance with the above twelve items (C, 1-12) after 30 day notification from the Department by certified mail, shall result in cancellation of the application and forfeiture of all fees to the Department.

D. Department Surveys

1. Complaints in the field are to be handled in the following manner:

a. The oyster farmer should allow the survey to be completed in all situations. The engineer has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed he may register his complaint with the Survey Office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

2. In an effort to comply with RS 56:425 D, which allows the Department to settle disputes and RS 56:427 C requiring compact leases, and policy B-1, the Chief Surveyor has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.

E. Oyster Lease Posting Requirements

1. In an effort to comply with RS 56:430, Pr. B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements:

a. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

b. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to twelve feet above the water level.

c. At the main entrance to the property and at no less than at all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

d. In marsh areas and canals posted signs shall also be placed at all major points of ingress or egress.

e. In open water all signs are to be placed facing outward.

Interested persons may submit written comments through February 30, 1984 to Harry Schafer, Chief of Seafood Division, Box 15570, Baton Rouge, LA 70895.

Jesse J. Guidry
Secretary

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

**Rule Title: Rules and Regulations for
Oyster Fisheries and Surveys**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no estimated implementation costs to the agency because the work related to the proposed regulations will be handled by existing personnel.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The proposed regulations will have no effect on present revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no estimated additional costs to affected groups or persons.

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

There will be no effect on competition and employment because these regulations do not require additional personnel or funding.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on January 20, 1984, and reviewed proposed Rule changes by the Louisiana Department of Natural Resources, for which Notice of Intent was published in the December 20, 1983, *Louisiana Register*. Casting of votes at that meeting, along with subsequent mail balloting, resulted in the following:

1) Proposed amendments to the Louisiana Hazardous Waste Management Regulations (LHWMR).

Approved by a vote of 5-1.

Arthur W. Sour, Jr.
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on January 20, 1984, and reviewed a proposed contract extension by the Louisiana Department of Natural Resources, State Mineral Board, between itself and the Town of Berwick. Casting of votes at that meeting, along with subsequent mail balloting, resulted in the following:

1) Proposed extension of contract between the State Mineral Board and the Town of Berwick for the supply of natural gas from the state's in-kind royalty gas.

Approved by a vote of 6-0.

Arthur W. Sour, Jr.
Chairman

COMMITTEE REPORT

House Subcommittee on the Oversight of the Department of Public Safety

On November 22, 1983 the Fire Marshal submitted his report to the legislature proposing a Rule which would require the following of retail manufactured housing (mobile home) dealers:

1. To disclose to any consumer whether any new mobile home or manufactured house was manufactured by a manufacturer known by the retail dealer to have filed bankruptcy;

2. To disclose to the consumer that the manufacturer has

filed bankruptcy which may impair the consumer's ability to enforce the warranty required by both state and federal law, and;

3. To disclose to the consumer that the dealer will honor the warranty in the place of the manufacturer if the bankruptcy does impair the recognition and maintenance of the warranty.

The subcommittee held a hearing on the proposed Rule on January 13, 1984. Testimony was received from the staff of the Office of the Fire Marshal and Art Smith, who represented mobile home manufacturers and retail dealers. He objected to portions of the proposed Rule that required the retailers to make certain disclosures to the purchasers.

After hearing the testimony, by a majority of the quorum present, the subcommittee found the proposed Rules unacceptable and made the following determinations in accordance with R.S. 49:968(D) and (E); to wit:

(a) The proposed Rule change was not in conformity with the intent and scope of the enabling legislation.

(b) The proposed Rule is not in conformity with and is contrary to applicable provisions of law and of the Constitution.

(c) The proposed Rule is not advisable and has no merit.

(d) The proposed Rule is unacceptable to the subcommittee.

Respectfully submitted on behalf of the House Subcommittee on the Oversight of the Department of Public Safety.

W. Wade Adams, III
Staff Counsel

Potpourri

POTPOURRI

Department of Health and Human Resources Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give a Funeral Director and the National Board exam on Tuesday, March 27, 1984 at Delgado Community College, 615 City Park Ave., New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn P. Scardino
Administrative Assistant

POTPOURRI

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

In the January 20, 1984 *Louisiana Register*, the State Planning Office announced by Potpourri Notice the final population projections based on the 1980 Census. In accordance with the Section 1122 Rule published in the November 20, 1983 *Louisiana Register*, the Section 1122 Program will begin using

these final population projections. This will be effective on April 1, 1984 for all applications declared complete on or after that date.

Roger P. Guissinger
Secretary

POTPOURRI

Louisiana Democratic Party Constitution and By-Laws

PREAMBLE

We, the members of the Louisiana Democratic Party, in order to organize and perpetuate a representative, effective, and responsible party organization in the State of Louisiana, affiliate with and advance the interests of the Democratic Party in Louisiana, and to uphold human and civil rights and constitutional government do establish this constitution.

ARTICLE I

Subordination

This constitution and the by-laws adopted pursuant to this constitution are subordinate to the Louisiana and United States Election Laws and to the Democratic National Committee Charter and the Rules of the Democratic National Committee on selection of delegates to the various conventions of the Party.

ARTICLE II

Name

The name of this organization shall be the Louisiana Democratic Party.

ARTICLE III

Object

The object and purpose of this organization shall be to promote the ideals and principles of the Democratic Party of the State of Louisiana.

ARTICLE IV

Party Membership

Any citizen of Louisiana 18 years of age or older shall be entitled to membership in the Louisiana Democratic Party. Unless specifically denied such right by law, all members of the Louisiana Democratic Party shall be eligible to participate in all activities of the party; shall be eligible to serve as delegates to conventions; shall be eligible to hold office in the Louisiana Democratic Party; and shall be eligible to vote on any motion, resolution, nomination, or election affecting the Louisiana Democratic Party at any meeting, caucus, conference, or convention in the state, parish, or precinct in which he or she is authorized to participate, and provided, however, that at the time of casting such vote, such person shall be a resident within the geographical boundaries of the political subdivision he or she represents.

ARTICLE V

Management

The official body for administration of the state affairs of the Louisiana Democratic Party is the Democratic State Central Committee; and the official body for the administration of local affairs shall be the Parish Democratic Executive Committee. All other official party organizations shall be those recognized by the Democratic State Central Committee.

ARTICLE VI

Officers

The officers of the Democratic State Central Committee of

Louisiana shall be the Chairperson, the First Vice-Chairperson, a Second Vice-Chairperson, a Third Vice-Chairperson, a Fourth Vice-Chairperson (at least one of whom shall be the opposite sex from that of the chairperson and at least one shall be a minority member), a Treasurer, a Secretary, an Assistant Secretary, a Legal Counsel, a Clerk, and Louisiana members of the Democratic National Committee. In addition to the officers, two members from each of the eight congressional districts shall be elected.

All officers, except the Legal Counsel and the Clerk, shall be members of the Executive Committee of the Louisiana Democratic Party.

The Executive Committee shall be the governing body of the Louisiana Democratic Party between meetings of the Democratic State Central Committee.

The Chairperson shall appoint such other persons as may be deemed necessary for the management of the party.

ARTICLE VII Election

Any registered Democrat actually residing in and domiciled in the district in which he or she seeks election shall be eligible for election to the Democratic State Central Committee or a Parish Executive Committee. Members of the State Central Committee and/or Parish Democratic Executive Committee shall be elected every four years in compliance with State Law. The term of office shall not extend for a period beyond the time for which the member was elected.

ARTICLE VIII Organization of Committee

The newly-elected members of the Democratic State Central Committee shall meet at the Capitol, shall take office, and shall organize the Committee at noon on the second Saturday in January following each gubernatorial general election. A majority of the newly-elected members of the Committee shall constitute a quorum. At the first meeting of the newly-elected members of the State Central Committee, the officers provided by the constitution and by-laws of the Committee shall be elected.

ARTICLE IX Voting by Proxy

A member of the Democratic State Central Committee may vote by proxy, subject to the following conditions:

1. A member shall not vote by proxy at more than two consecutive meetings.
2. No member shall exercise the proxy votes of more than three other members at any meeting.
3. No member shall exercise the proxy vote of a member who does not reside in the same congressional district as the member who exercises the proxy vote.

ARTICLE X Composition and Apportionment

The membership of the Democratic State Central Committee shall be composed of 210 members. Two members shall be chosen from each of the districts from which the members of the House of Representatives of the legislature are elected.

Each office for membership on the Democratic State Central Committee shall constitute a separate and distinct office. For the purpose of nomination and election to office, the offices within a district shall be designated alphabetically as Office A and Office B. A candidate for nomination and election to the Democratic State Central Committee shall qualify for only one office and shall at the time he or she files their notice of candidacy, designate the office within the district for which he or she is a candidate. Each office within a district shall be arranged separately on the ballot and shall be designated as Office A and Office B. The electors of the

district who are qualified to vote for members of the Democratic State Central Committee shall elect one member to the committee from among the candidates for each office. The successor to any member shall preside over the same office as their predecessor.

The numerical designation for each district of the Democratic State Central Committee shall correspond with those of the Louisiana House of Representatives and shall be further designated as Office A and B.

ARTICLE XI By-Laws

The by-laws are intended to further define and regulate the operating procedures of the Party and its constituent bodies. The by-laws may be added to or amended by majority vote of the membership after 30 days notice of the proposed amendments to be adopted.

ARTICLE XII Amendment

This constitution may be amended by two-thirds vote of the membership after 60 days prior notice of proposed amendments. Changes in the constitution and by-laws may be made when necessary to improve the Party or to enable the Party to conform to state or federal law or the Rules of the Democratic National Convention or the Democratic National Committee.

Adopted By:
Democratic State Central Committee
January 14, 1984

BY-LAWS OF THE LOUISIANA DEMOCRATIC PARTY ARTICLE I Democratic State Central Committee

Section 1 - Duties and Party

The Democratic State Central Committee shall be the governing body for the Democratic Party of Louisiana. It shall have general responsibility for the affairs of the Party. This responsibility shall include, but is not limited to:

- (a) assisting Democratic candidates in state and local elections;
- (b) conducting orderly delegate selection processes to fill the Louisiana delegation to the Democratic National Conventions and Party conferences, according to guidelines established by the Democratic National Committee;
- (c) formulating and disseminating statements of Party policy;
- (d) establishing and maintaining state headquarters for Party activities and maintaining a staff to promote and build the Party;
- (e) maintaining relations with local Democratic committees and affiliated bodies organized to promote Democratic Party activities;
- (f) maintaining relations with the Democratic National Committee following the guidelines established by the body;
- (g) promoting and encouraging Party activities at every level, including but not limited to the following:
 - (i) promoting and encouraging Party participation;
 - (ii) raising funds for the operation of Party activities;
 - (iii) establishment and support of an adequate system of political research;
 - (iv) the preparation, distribution and communication of Party information to its members and the general public;
 - (v) the development and maintenance of programs of public relations;
 - (vi) development of programs for the coordination of Party committees, organizations, groups, public officials, and members;

(vii) devising ways and means of financing activities of the Party;

(viii) taking such action as may be necessary and proper to carry out the provisions of the Constitution and these By-Laws, the resolutions and other official actions to achieve the objectives of the Party;

(ix) approval of the budget of the Democratic State Central Committee.

Section 2 - Membership

(a) The Democratic State Central Committee shall be comprised of 210 members as provided for in the Constitution and in State law.

(b) As provided in State law, members of the Democratic State Central Committee shall be elected every four years at the same time as the governor. The term of office shall not extend for a period beyond the time for which the member was elected.

(c) Any registered Democrat may seek membership on the Democratic State Central Committee. Candidates shall file with the Clerk of Court or the Parish Executive Committee Chairman in the parish in which they are seeking election, and shall pay a filing fee. This fee shall be paid to the Democratic State Central Committee by the Clerk of Court.

Section 3 - Resignation of Members

(a) Any member of the Democratic State Central Committee wishing to resign his or her position shall notify, in writing, the Chairman of the Democratic State Central Committee of his or her desire to resign, giving reasons for doing so. The Chairman of the Democratic State Central Committee shall notify the Secretary of State and the Chairman of the Parish Democratic Executive Committee that a vacancy exists.

Section 4 - Vacancies

(a) A vacancy occurs in the membership of the Democratic State Central Committee when a member dies, no longer meets the qualifications for membership on the Committee, or no one qualifies and is elected to succeed a member whose four-year term has expired.

(b) Upon notification of a vacancy on the Democratic State Central Committee, the Parish Democratic Executive Committee of the parish in which the vacancy occurs shall elect a person to serve until an election to fill the unexpired term is conducted and the newly-elected member takes office. An election to fill the unexpired term of an office of a member of the DSCC shall be held in conjunction with and at the same time as the next regular or special election which is conducted and held throughout the entirety of the district wherein the vacancy occurred. The person elected must meet the guidelines provided in the Constitution for membership on the Committee and shall be required to pay a filing fee of \$75 to the Democratic State Central Committee.

(c) The Chairperson of the Parish Democratic Executive Committee shall notify the Secretary of State and the Chairperson of the Democratic State Central Committee giving the name and address of the person filling the vacancy.

Section 5 - Contests or Challenges

(a) Any challenges to the credentials of a member of the Democratic State Central Committee may be made by any Democrat from the Democratic State Central Committee district of the member challenged or by any member of the Democratic State Central Committee and shall be filed by registered mail (return receipt requested) with the Chairperson.

(b) In case of a contest or challenge to credentials, the chairperson of the Democratic State Central Committee shall appoint an Ad Hoc Credentials Committee of nine members to consider and report to the full Democratic State Central Committee their recommendations.

(c) The findings and recommendations of the ad hoc

committee may be considered and acted upon by a majority vote of the Democratic State Central Committee.

Section 6 - Meetings

(a) The Democratic State Central Committee shall meet upon the call of the Chairperson or upon petition of at least one third of the elected membership of the Democratic State Central Committee. At least one meeting per year shall be called. Meetings shall be held at the State Capitol. All meetings will be conducted according to the official Rules of order of the Democratic State Central Committee.

(b) Members of the Democratic State Central Committee shall be notified of all meetings no less than 10 days prior to the meeting.

Section 7 - Quorum and Voting by Proxy

(a) In order for any business to be transacted, a quorum of the members must be present. A quorum will consist of a majority of the members of the committee.

(b) A member may cast a vote by proxy for an absent member. Each proxy shall be filed with the Chairperson prior to or at the time of a meeting.

(i) A member shall not vote by proxy at more than two consecutive meetings.

(ii) No member shall exercise the proxy votes of more than three other members at any meeting.

(iii) No member shall exercise the proxy vote of a member who does not reside in the same congressional district as the member who exercises the proxy vote.

Section 8 - Attendance

(a) All members of the Democratic State Central Committee should attend or may designate a proxy to represent them at all meetings of the Democratic State Central Committee.

(b) Any member failing to attend in person at least three consecutive meetings of the Democratic State Central Committee shall be deemed to have vacated his or her office, unless he or she submits a doctor's certificate certifying that he or she was unable to attend. The Chairperson of the Democratic State Central Committee shall notify the former member, the Secretary of State and the Chairperson of the Parish Democratic Executive Committee of the vacancy.

Section 9 - Officers

At the first meeting following the elections of new members of the Democratic State Central Committee, the newly-elected members will elect officers for the Party in accordance with State law and the Constitution.

Section 10 - Executive Committee

(a) The State Executive Committee shall be the governing body of the Democratic State Central Committee at times the Committee is not in session.

(b) The Executive Committee will be assembled according to guidelines established in the Constitution.

(c) The Executive Committee shall be charged with the responsibility of transacting the business of the Committee and Party affairs at times when the Committee is not in session. All actions of the Executive Committee shall be submitted and acted upon by the Democratic State Central Committee.

Section 11 - Expenses

Staff members and members of the Democratic State Central Committee who represent the Party on official business shall be reimbursed for actual traveling expenses, provided funds are available for such purposes. Said travel expenses are to be paid in accordance with the guidelines adopted by the Executive Committee, and only after prior approval by the Executive Committee.

Section 12 - Duties of the Chairperson

The Chairperson shall be the chief executive officer of the Democratic State Central Committee and the chief party official of

the Louisiana Democratic Party. The Chairperson shall exercise authority delegated by the Democratic State Central Committee and the Executive Committee in carrying out the day-to-day activities of the Democratic State Central Committee and the Louisiana Democratic Party.

Section 13 - Committees

(a) The Democratic State Central Committee may establish committees deemed necessary for the operation of the Party.

(b) The Chairperson shall appoint the members of all committees, except the Executive Committee.

Section 14 - Participation in National Party Affairs

(a) The Democratic State Central Committee shall work to implement and carry out the objectives of the Democratic National Committee, when such objectives are not in conflict with the objectives of the Louisiana Democratic Party.

(b) The Democratic State Central Committee shall work in cooperation with the Democratic National Committee to promote the well being of national, state and local Party affairs.

(c) The Democratic State Central Committee shall support and actively work toward the election of the Democratic candidate for President of the United States.

Section 15 - Endorsement and Support of Candidates for Public Office

(a) The Democratic State Central Committee may endorse Democratic candidates for federal, state, or local offices by a majority vote of members attending in person any official meeting of the Committee called for the purpose of endorsing candidates.

(b) No member of the Democratic State Central Committee shall use the name of the Committee in opposing a candidate who has been endorsed by the Democratic State Central Committee.

(c) If the Democratic State Central Committee has received notice from a parish executive committee of the Committee's endorsement of a candidate for local office in the parish, then the Democratic State Central Committee may not endorse any other candidate for the office.

(d) Any member of the Democratic State Central Committee may propose that an endorsement be made for a specific office by filing a resolution therefor at least 20 days prior to a meeting of the Democratic State Central Committee called for that purpose.

(e) At a meeting called for the purpose of endorsing candidates, the meeting notice should specify the offices for which endorsements shall be considered and a list of all candidates who have announced or qualified for the offices. Each such Democratic candidate shall be notified of the meeting of the Democratic State Central Committee and the purpose thereof and shall be given the opportunity to address the State Central Committee prior to any vote thereon.

Section 15.1 - Censure

Sub-section 1 - Definition

Censure is a public expression of condemnation by the Democratic State Central Committee.

Sub-section 2 - Grounds for Censure

Any member of the Democratic State Central Committee or of the various Democratic parish executive committees shall be subject to censure for publicly endorsing or publicly supporting any candidate who is not affiliated with the Democratic Party. Any Democratic candidate for governor or other statewide office who has been unsuccessful in a primary election shall be subject to censure for publicly endorsing or publicly supporting in the subsequent general election a candidate for that office who is not affiliated with the Democratic Party. Any state official, as defined in R.S. Title 18, Chapter 5, Section 452(1), affiliated with the Democratic Party shall be subject to censure for publicly endorsing or publicly supporting a candidate who is not affiliated with the

Democratic Party.

Sub-section 3 - Initiation of Proceedings

Censure shall be initiated by the filing with the Chairman of the Democratic State Central Committee a petition signed by at least 20 percent of the members of the Committee setting forth with particularity the grounds for the censure.

Sub-section 4 - Executive Committee Hearings

(a) Within three days after receipt of a censure petition, the Chairman shall forward to the person named in the petition and to each member of the Democratic State Central Committee a copy of the petition and an official notice that a meeting of the Executive Committee will be convened for the purpose of considering the petition not less than seven nor more than 14 days thereafter.

(b) The person named in the petition and any member of the Democratic State Central Committee may appear before the meeting of the Executive Committee to present evidence and arguments with respect to the proposed censure. The person named in the petition shall have the right to cross-examine any person who presents evidence against him.

(c) At the conclusion of the presentations, the committee may, by a two-thirds vote of the total membership of the Executive Committee, recommend censure to the full Democratic State Central Committee. If, at the conclusion of the meeting, two-thirds of the total membership of the Executive Committee has failed to adopt a motion recommending censure, the petition shall be dismissed and no further action taken.

Sub-section 5 - Action by State Central Committee

(a) If the Executive Committee recommends censure, the Chairman shall immediately call a meeting of the Democratic State Central Committee to be held not less than seven nor more than 14 days thereafter for the purpose of considering the censure petition.

(b) When the petition comes before the Democratic State Central Committee, each member shall have the right to present evidence and arguments with respect to the petition. In no instance shall the proponents and opponents of the petition be given less than one hour, respectively, to debate the censure.

(c) At the conclusion of the debate, the Democratic State Central Committee may, by roll call vote of two-thirds of the total membership of the Committee, vote in favor of censure. If, at the conclusion of the meeting, two-thirds of the total membership of the Committee has failed to approve the censure petition, the petition shall be dismissed and no further action shall be taken.

Sub-section 6 - Effect of censure

Any person censured by action of the Democratic State Central Committee shall, for the duration of the censure, be ineligible to receive political contributions or any form of political support from the Democratic State Central Committee. Immediately after the adoption of a censure petition, the Democratic State Central Committee shall publicize the actions of the Committee and notify the Democratic National Committee and all Democratic members of the United States Senate and House of Representatives.

Section 16 - Affiliation of State Democratic Organizations

(a) Statewide organizations which are organized to promote the Louisiana Democratic Party may apply for and obtain affiliation with the Democratic State Central Committee.

(b) Organizations wishing to affiliate with the Democratic State Central Committee shall submit to the Chairperson:

(i) A resolution or motion passed by their organization requesting affiliation;

(ii) Any information concerning membership and objectives of the organization and;

(iii) A constitution and by-laws, if adopted.

(c) Such organizations may be accepted for affiliation by the Executive Committee and approved by the Democratic State

Central Committee by majority vote.

(d) All statewide Democratic organizations affiliated with the Democratic State Central Committee may be officially represented by three persons who will be recognized as non-voting representatives of the organization at meetings of the Democratic State Central Committee.

(e) Local Democratic organizations may also seek affiliation with the Democratic State Central Committee through the same procedures as a statewide organization. Only statewide organizations may have non-voting representatives at meetings of the Democratic State Central Committee.

Section 17 - Congressional District Caucuses

(a) Congressional District Caucuses will be comprised of members of the Democratic State Central Committee in each congressional district.

(b) The chairperson may call meetings and caucus the members in the congressional district when deemed necessary to discuss items of importance to the Democratic Party in that district.

Section 18 - Filing Fees for Democratic Candidates

(a) In compliance with State law, the Democratic State Central Committee of Louisiana shall impose an additional filing fee for any state, local, or municipal candidate who qualifies as a Democrat.

(b) The amount of the additional filing fee shall be equal to one-half the amount required by State law.

(c) Collections and expenditures shall be audited annually and submitted to the legislative auditor no later than February 1 of each year and shall cover the period from January 1 through December 31 of the previous year.

(d) Fees collected shall be used solely for the operations of the Committee and shall not be used for the direct benefit of any particular candidate for public office.

ARTICLE II

Parish Democratic Executive Committee

Section 1 - Duties and Powers

The Parish Democratic Executive Committee shall have general responsibility for the affairs of the Democratic Party on the local level.

This responsibility shall include, but not be limited to:

(a) filling the vacancies on the Democratic State Central Committee;

(b) assisting in the election of local and statewide Democratic candidates;

(c) promoting and encouraging Party activities, including, but not limited to the following:

(i) encouraging and promoting voter registration;

(ii) establishing and maintaining a strong, viable Democratic organization on the parish level;

(iii) assisting local Democratic organizations;

(iv) raising funds for both state and parish Democratic activities and for the Louisiana Democratic Party;

(v) educating local voters as to Democratic Party issues and activities.

Section 2 - Membership

(a) The Parish Executive Committee shall be composed of members as provided by State law.

(b) Any registered Democrat may seek election to the Democratic Executive Committee of the parish in which he is registered.

(c) Except in Orleans Parish, members of the parish democratic executive committees shall be elected every four years at the same time as the governor, as provided in State law. The term of office shall not extend beyond the time for which the member was elected.

(d)(i) If the number of candidates who qualified for office

exceeds the number of candidates to be elected for that office, the candidate who receives the greater number of votes cast shall be elected. If two or more offices of the same character are to be filled, each candidate who received the greater number of votes cast, as compared with the number of votes cast for each other candidate, is elected until all offices are filled. If two or more candidates receive the same number of votes, and as a result thereof, the number of candidates who would otherwise be elected exceed the number of remaining offices, the offices shall be filled by a public drawing of lots among such candidates, conducted by the parish executive committee at its organizational meeting.

(ii) If, after the close of the qualifying period, the number of candidates for membership on a parish executive committee does not exceed the number of members to be elected to the committee, the candidates for membership on that parish executive committee, or those remaining after the death or withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot.

Section 3 - Meetings

(a) Every four years upon election to the parish executive committee, the newly-elected members of the committee shall meet at the parish courthouse, shall take office, and organize the committee within 30 days after the gubernatorial general election.

(b) A majority of the newly-elected members of the parish executive committee shall constitute a quorum for the purpose of organizing and filling any vacancies which may exist due to death, ineligibility, or failure to fill a vacancy by election.

(c) The Parish Executive Committee shall meet at least four times a year at a time and date to be determined by the Chairperson.

(d) A member of a parish executive committee may vote by written proxy subject to the following conditions:

(i) A member shall not vote by proxy at more than two consecutive meetings.

(ii) A member shall not exercise the proxy votes of more than two other members at any time.

Section 4 - Vacancies

(a) A vacancy occurs in the membership of a parish democratic executive committee when a member dies, no longer meets the qualifications for membership on the committee, or no person qualifies and is elected to succeed a member whose four-year term has expired.

(b) A vacancy in the membership of a parish executive committee shall be filled by a member appointed by a majority of the newly-elected members of the executive committee to serve until an election to fill the unexpired term is conducted and the newly-elected member takes office. An election to fill the unexpired term of office of a member of a parish executive committee shall be held in conjunction with and at the same time as the next regular or special election which is conducted and held throughout the entirety of the district wherein the vacancy occurred.

(c) A member elected to a parish executive committee at such an election shall be elected as provided by State law and the By-Laws of the Democratic State Central Committee of Louisiana, except that if an office is to be filled by a public drawing of lots, the public drawing shall be conducted within 15 days after the election.

Section 5 - Affiliation with Democratic State Central Committee

(a) The Parish Executive Committee is an integral part of the Democratic Party, and under the jurisdiction of the Democratic State Central Committee in accordance with State law and the Rules of the Democratic National Committee.

(b) The Parish Executive Committee shall provide the Democratic State Central Committee with changes in its membership and copies of minutes of its official meetings.

Section 6 - Fund Raising and Maintenance of Financial Records

(a) In compliance with State law, parish executive committees may raise funds through the assessment of fees and other methods for Party operations, under the following conditions:

(i) Each parish executive committee shall establish a separate account for the deposit of all funds received by the assessment of fees from Democratic candidates.

(ii) Funds received by the assessment of such fees shall be used solely for the operations of the Committee and shall not be used for the direct benefit of any particular candidate for public office.

(iii) Funds from sources other than the assessment of fees may be used in direct support of Democratic candidates. In no event shall a parish executive committee make an expenditure other than in direct support of Democratic candidates, Democratic Party activities, or to maintain operations of the Committee.

(b) (i) Collections and expenditures of funds received by the assessment of fees shall be audited annually and submitted to the legislative auditor and to the Chairman of the Democratic State Central Committee no later than February 1 of each year and shall cover the period from January 1 through December 31 of the previous year.

(ii) If any parish executive committee raises or expends funds from sources other than the assessment of fees in excess of \$1000 annually, the Committee shall file an additional statement of income and expenditures with the Chairman of the Democratic State Central Committee no later than February 1 of each year and shall cover the period from January 1 through December 31 of the previous year.

Section 7 - Formation of Parish Executive Committees

Parish Executive Committees which are formed where no executive committee has been elected, shall do so in compliance with the State Election Code.

Section 8 - Affiliation of Local Organizations

(a) Local organizations which wish to be affiliated with the Parish Executive Committee shall file with the committee a copy of their constitution and an updated membership and a statement of their objectives.

(b) A local organization may receive affiliation by a majority vote of the members present at a meeting of the Parish Executive Committee.

Deborah S. Moore
Executive Director

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this department, notice is hereby given that 65 completed claims, amounting to \$59,572.13, were received during the month of January, 1984. During the same month, 56 claims, amounting to \$51,547.45 were paid. The following is a list of the paid claims:

- | | |
|-------------------------|-------------------|
| Claim No. 82-528 | Claim No. 83-1118 |
| Louisiana Bunkers, Inc. | Gary J. Treuil |
| Claim No. 83-930 | Claim No. 83-1128 |
| Freddie Plaisance | Gerald E. LeBlanc |

- Claim No. 83-877
Capt. Timmy, Inc.
- Claim No. 83-977
Herbert Schultz, Jr.
- Claim No. 83-1008
Lady Georgianna, Inc.
- Claim No. 83-1032
Glen Cheramie
- Claim No. 83-1053
Charles R. Robin, Jr.
- Claim No. 83-1070
Lester J. Evans, Jr.
- Claim No. 83-1089
Raymond Menendez
- Claim No. 83-1113
Domingo Rano
- Claim No. 83-1124
John Wunstell
- Claim No. 83-1133
Howard P. Dardar
- Claim No. 83-1152
Howard P. Dardar
- Claim No. 83-1169
John S. Domingo, Jr.
- Claim No. 83-1178
Houston Trahan
- Claim No. 83-1211
Warren Delacroix, III
- Claim No. 83-1216
Houston Trahan
- Claim No. 83-1262
Donald Johnfroe
- Claim No. 83-1301
Houston Trahan
- Claim No. 83-816
Joseph Cheramie Corp.
- Claim No. 83-931
Dennis E. LaCoste
- Claim No. 83-972
Rodney Weiskoph
- Claim No. 83-988
Arthur E. Plaisance
- Claim No. 83-1012
Paul A. Luke
- Claim No. 83-1043
Malcolm Assevado
- Claim No. 83-1056
Jerry P. Bourgeois
- Claim No. 83-1078
George C. Reno
- Claim No. 83-1095
Joseph Latapic, Sr.

- Claim No. 83-1136
George Trosclair & Sons, Inc.
- Claim No. 83-1154
Rodney Weiskoph
- Claim No. 83-1178
George C. Reno
- Claim No. 83-1200
Dale Belsome
- Claim No. 83-1212
Warren Delacroix, III
- Claim No. 83-1227
Warren Delacroix, III
- Claim No. 83-1277
Capt. Henry, Inc.
- Claim No. 83-1338
Houston Trahan
- Claim No. 83-906
Herbert Schultz, Jr.
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- Claim No. 83-1279
Myron Berthelot

MARCH HEARINGS

Public hearings to consider completed claims against the Fishermen's Gear Compensation Fund have been scheduled as follows:

- Thursday, March 1, 1984, at 10:30 a.m., in the Lafitte City Hall, Lafitte, Louisiana.
- Claim No. 83-948
Clarence R. Guidry, of Lafitte, LA, while trawling on the

vessel, "Capt. Rosco", in the Gulf of Mexico, east of North Pass, at LORAN-C readings of 29,133.7 and 46,825.3, Plaquemines Parish, encountered an unidentified submerged obstruction on June 13, 1983, at approximately 5 p.m., causing damage to his 68 foot trawl.

Amount of Claim: \$412.

Claim No. 83-981

Rusty L. Barras, of Arabi, LA, while trawling on the vessel, "Capt. James", in Fishing Smack Bay at the entrance to Catfish Pass, St. Bernard Parish, encountered a submerged stump, on June 30, 1983, at approximately 8 a.m., causing damage to his 50 foot trawl.

Amount of Claim: \$260.

Claim No. 83-982

Rusty L. Barras, of Arabi, LA, while trawling on the vessel, "Capt. James", in Christmas Camp Lake, east of Pt. Cahill, St. Bernard Parish, encountered a submerged oyster boat, on June 27, 1983, at approximately 5 p.m., causing damage to his trawl and vessel.

Amount of Claim: \$1,015.

Claim No. 83-1055

Charles Robin, Jr., of St. Bernard, LA, while trawling on the vessel, "Ellie Margaret", in Breton Sound, north of the Mississippi River-Gulf Outlet Canal, 2 miles northeast of the Double rocks, St. Bernard Parish, encountered an unidentified submerged metal obstruction, on July 27, 1983, at approximately 8:30 a.m., causing loss of his 50 foot Balloon Trawl.

Amount of Claim: \$778.40.

Claim No. 83-1096

Lawrence J. Plaisance, of Lafitte, LA, while trawling on the vessel, "Miss Lea", in Barataria Bay, northeast of Mendicant Island, Jefferson Parish, encountered an unidentified submerged obstruction on August 20, 1983, at approximately 4 p.m., causing damage to his vessel.

Amount of Claim: \$1,086.65.

Claim No. 83-1147

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "Alan Michele", in the Gulf of Mexico, east of Four Bayous Pass, LORAN-C readings of 28,640.1 and 46,870.2, Plaquemines Parish, encountered an unidentified submerged obstruction, on August 15, 1983, at approximately 1:00 p.m., causing loss of his trawl.

Amount of Claim: \$610.

Claim No. 83-1160

Robert W. Kenney, of Kinney Seafood, Inc., Slidell, LA, while trawling on the vessel, "Uncle Bob", in Lake St. Catherine at the mouth of Sawmill Pass, Orleans Parish, encountered an unidentified submerged obstruction, on September 5, 1983, at approximately 8 a.m., causing damage to his trawl.

Amount of Claim: \$46.

Claim No. 83-1167

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "Lady Cresnia", in Bay Long, on the north side of the bay, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 17, 1983, at approximately 9:30 p.m., causing loss of his 50 foot trawl.

Amount of Claim: \$554.95.

Claim No. 83-1171

Michael J. Breaux, of Lafitte, LA, while trawling on the vessel, "Windjammer", in West Bay, west of Pass du Bois, at LORAN-C readings of 28,812.8 and 46,805.1, Plaquemines Parish, encountered a submerged piling, on September 4, 1983, at approximately 2:20 p.m., causing loss of his 65 foot trawl, and related gear.

Amount of Claim: \$1,205.19.

Claim No. 83-1201

Herbert L. Clayton, of Barataria, LA, while trawling on the vessel, "Pac-Man", in Barataria Bay near St. Mary Point, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 23, 1983, at approximately 11 a.m., causing loss of his trawl.

Amount of Claim: \$800.

Claim No. 83-1223

Leon J. Harvey, Jr., of Guiding Light, Inc., Lafitte, LA, while trawling on the vessel, "Guiding Light", in the Gulf of Mexico west of Sandy Point, at LORAN-C readings of 28,796.4 and 46,843.2, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 16, 1983, at approximately 8 p.m., causing damage to his trawl.

Amount of Claim: \$362.79.

Claim No. 83-1224

Leon J. Harvey, Jr., of Guiding Light, Inc., Lafitte, LA, while trawling on the vessel, "Guiding Light", in the Gulf of Mexico north of North Pass, at LORAN-C readings of 29,105.3 and 46,833.9, Plaquemines Parish, encountered an unidentified submerged obstruction, on September 27, 1983, at approximately 1:55 p.m., causing loss of his 55 foot trawl.

Amount of Claim: \$1,222.90

Claim No. 83-1225

Leon J. Harvey, Jr., of Guiding Light, Inc., Lafitte, LA, while trawling on the vessel, "Guiding Light", in the Gulf of Mexico, southeast of Bay la Mer, at LORAN-C readings of 28,674.9 and 46,838.7, Plaquemines Parish, encountered an unidentified submerged obstruction, on October 5, 1983, at approximately 9:40 a.m., causing damage to his trawl.

Amount of Claim: \$300.

Claim No. 83-1236

Clinton P. Guidry, of Lafitte, LA, while trawling on the vessel, "Uncle Pops", in the Gulf of Mexico, south of East Little Constance Bayou, LORAN-C readings of 27,050.0 and 46,949.1, Vermilion Parish, encountered an unidentified submerged obstruction, on October 14, 1983, at approximately 1 a.m., causing damage to his vessel.

Amount of Claim: \$3,380. (less insurance)

Claim No. 83-1242

Mark Barbe, of New Orleans, LA, while trawling on the vessel, "Miss Pat", in Lake Pontchartrain, southwest of South Point, approximate LORAN-C readings of 28,812.0 and 47,046.4, Orleans Parish, encountered a submerged ladder on October 3, 1983, at approximately 7:45 a.m., causing loss of his trawl.

Amount of Claim: \$475.

Claim No. 83-1247

Shelby Olano, of Barataria, LA, while trawling on the vessel, "LA 7371 AP" in Bayou Rigolettes, ½ mile from the Harvey Cut Off, Jefferson Parish, encountered a submerged piling, on October 18, 1983, at approximately 6 a.m., causing damage to his vessel.

Amount of Claim: \$836.45.

Claim No. 83-1248

Allen P. Daigle, of Lafitte, LA, while trawling on the vessel, "In The Wind", in West Bay, west of Southwest Pass, approximate LORAN-C reading of 28,841.0 and 46,787.5, Plaquemines Parish, encountered a submerged pipe, on October 16, 1983, at approximately 10:30 a.m., causing damage to his vessel and trawl.

Amount of Claim: \$995.25.

Claim No. 83-1257

Michael J. Russell, of New Orleans, LA, while trawling on the vessel, "Master Nicholas", in Lake Borgne, northeast of Shell Point, LORAN-C readings of 28,941.5 and 47,039.3, St. Bernard Parish, encountered an unidentified submerged obstruction, on October 15, 1983, at approximately 2:00 p.m., causing loss of his

50 foot trawl.

Amount of Claim: \$500.

Claim No. 83-1269

Scott C. Pete, Jr., & C. J. Choina, of New Orleans, LA, while trawling on the vessel, "Hooky Cat", in Lake Pontchartrain, west of South Point, approximate LORAN-C readings of 28,821.8 and 47,049.7, Orleans Parish, encountered a submerged pipe, on October 21, 1983, at approximately 3 p.m., causing loss of his 50 foot trawl and related gear.

Amount of Claim: \$798.

Claim No. 83-1273

August Bertoniere, of Metairie, LA, while trawling on the vessel, "Pontchartrain Princess", in Lake Pontchartrain, one mile east of the 12 mile hump in the Pontchartrain Causeway, St. Tammany Parish, encountered an unidentified submerged obstruction, on October 17, 1983, at approximately 3:00 p.m., causing loss of his 50 foot trawl.

Amount of Claim: \$625.

Claim No. 83-1294

Harry L. Phillips, of St. Bernard, LA, while trawling on the vessel, "Buddy Boy", in Breton Sound, south of the Mississippi River-Gulf Outlet, approximate LORAN-C readings of 29,055.0 and 46,927.0, St. Bernard Parish, encountered an unidentified submerged obstruction, on October 4, 1983, at approximately 3 p.m., causing loss of his trawl, tickler chain, and lazy line.

Amount of Claim: \$680.

Claim No. 83-1298

Allen Wiseman, of Harvey, LA, while trawling on the vessel, "Cajun Power", in the Gulf of Mexico, south of Timbalier Island, LORAN-C readings of 28,164.7 and 46,824.1, Terrebonne Parish, encountered a submerged pipe on October 3, 1983, at approximately 10 a.m., causing damage to his trawl and related gear.

Amount of Claim: \$778.50.

Claim No. 83-1300

Arnold J. Rodriguez, of Violet, LA, while trawling on the vessel, "Our Grand Kids", in Chandeleur Sound, one mile from Comfort Island, LORAN-C readings of 29,135.9 and 46,977.6, St. Bernard Parish, encountered a submerged 4 foot x 8 foot steel plate, on October 29, 1983, at approximately 5 p.m., causing loss of his trawl.

Amount of Claim: \$551.76.

Claim No. 83-1302

Anthony George Touns, of Westwego, LA, while trawling on the vessel, "Capt. Jeffery", in the Gulf of Mexico near Sandy Point, Plaquemine Parish, encountered an unidentified submerged obstruction, on October 25, 1983, at approximately 1:15 p.m., causing damage to his trawl.

Amount of Claim: \$190.

Claim No. 83-1303

Anthony George Touns, of Westwego, LA, while trawling on the vessel, "Capt. Jeffery", in the Gulf of Mexico, near Four Bayou Pass, Plaquemine Parish, encountered an unidentified submerged obstruction, on October 20, 1983, at approximately 5:45 a.m., causing damage to his trawl.

Amount of Claim: \$200.

Claim No. 83-1304

Franklin D. Wiseman, of Barataria, LA, while trawling on the vessel, "Lil Franklin", in the Gulf of Mexico, east of Hog Bayou, LORAN-C readings of 26,908.1 and 46,966.7, Cameron Parish, encountered an unidentified submerged obstruction, on October 28, 1983, at approximately 9:00 a.m., causing loss of his 70 foot trawl and related gear.

Amount of Claim: \$2,004.50.

Claim No. 83-1305

Franklin D. Wiseman, of Barataria, LA, while trawling on

the vessel, "Lil Franklin", in the Gulf of Mexico at LORAN-C readings of 27,450.7 and 46,913.5, Iberia Parish, encountered an unidentified submerged obstruction, on November 1, 1983, at approximately 9 a.m., causing damage to his two trawls and try net.

Amount of Claim: \$473.48.

Claim No. 83-1320

Clarence R. Guidry, of Lafitte, LA, while trawling on the vessel, "Capt. Rosco", in Barataria Bay, northwest of Fort Livingston, Jefferson Parish, encountered an unidentified submerged obstruction on November 8, 1983, at approximately 7 a.m., causing damage to his vessel.

Amount of Claim: \$3,420.89.

Claim No. 83-1328

Gerald E. LeBlanc, of Lafitte, LA, while trawling on the vessel, "Lydia Maria", in the Gulf of Mexico, out of Barataria Pass, approximate LORAN-C readings of 28,563.0 and 46,864.3, Jefferson Parish encountered an unidentified submerged obstruction on November 12, 1983, at approximately 3:30 a.m., causing loss of his 60 foot trawl.

Amount of Claim: \$795.

Claim No. 83-1331

Bruce Guerra, Sr. of St. Bernard, LA, while trawling on the vessel, "Mr. Fabriciano", in Lake Jean Louis Robin, south of Middle Bayou, St. Bernard Parish, encountered a section of submerged drilling pipe on October 18, 1983, at approximately 11 a.m., causing loss of his 52 foot trawl.

Amount of Claim: \$671.03.

Claim No. 83-1354

Bennie A. Troclair, of Marrero, LA, while trawling on the vessel, "Lady Nellie", in the Gulf of Mexico, Southeast of Pass Abel, LORAN-C readings of 28,614.3 and 46,867.9, Plaquemine Parish, encountered an unidentified submerged obstruction, on November 8, 1983, at approximately 2:00 p.m., causing damage to his trawl.

Amount of Claim: \$445.

Claim No. 83-1362

Rudolph Kreger, Jr., of New Orleans, LA, while trawling on the vessel, "Draggin Lady", in Lake Pontchartrain, southwest of Goose Point, at approximate LORAN-C readings of 28,750.0 and 47,062.0, St. Tammany Parish, encountered an unidentified submerged obstruction, on November 28, 1983, at approximately 10:30 a.m., causing loss of his 50 foot trawl.

Amount of Claim: \$500.

Claim No. 83-1363

Clarence Guidry, of Lafitte, LA, while trawling on the vessel, "Capt. Rosco", in the Gulf of Mexico, south of Pass A Loutre, approximate LORAN-C readings of 29,077.2 and 46,807.3, Plaquemine Parish, encountered an unidentified submerged obstruction, on November 17, 1983, at approximately 10 a.m., causing damage to his trawl and try.

Amount of Claim: \$431.30

Claim No. 83-1367

Louis Molero, Jr., of Yscloskey, LA, while trawling on the vessel, "Capt. Jim", in Breton Sound, south of Mozambique Point, Block 13, Main Pass Area, Plaquemine Parish, encountered a submerged pipe, on November 30, 1983, at approximately 10:30 a.m., causing loss of his 40 foot trawl.

Amount of Claim: \$623.12.

Claim No. 83-1371

James Daspit, of Pearl River, LA, while trawling on the vessel, "Country Girl", in the Pearl River, at its entrance to Lake Borgne, St. Tammany Parish, encountered an unidentified submerged obstruction, on October 12, 1983, at approximately 11:30 a.m., causing loss of his 40 foot trawl and tickler chain.

Amount of Claim: \$481.41.

Errata

Claim No. 83-1375

Joseph Assevado, Jr., of St. Bernard, LA, while trawling on the vessel, "Miss Mona", in Eloi Bay, 1½ miles northeast of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction, on December 9, 1983, at approximately 12 a.m., causing loss of his 45 foot trawl.

Amount of Claim: \$630.

Claim No. 83-1379

John S. Domingo, of St. Bernard, LA, while trawling on the vessel, "Capt. John", in the Gulf of Mexico, at the mouth of Southeast Pass, LORAN-C readings of 29,039.2 and 46,793.7, Plaquemines Parish, encountered an unidentified submerged obstruction on December 5, 1983, at approximately 10:30 a.m., causing loss of his trawl and related gear.

Amount of Claim: \$760.68.

Claim No. 83-1396

Dale Belsome and Alvin Fabre, of Barataria, LA, while trawling on the vessel, "Classy Lady", in the Gulf of Mexico, east of Southwest Pass, LORAN-C readings of 28,836.5 and 46,776.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 16, 1983, at approximately 11:45 a.m., causing loss of their two trawls and related gear.

Amount of Claim: \$3,267.41.

Any written objections to these claims must be received by the close of business on February 29, 1983. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44124, Capital Station, Baton Rouge, LA 70808.

Frank P. Simoneaux
Secretary

ERRATA

Office of the Governor Division of Administration

There was an error in the first paragraph of the Notice of Intent relative to Fiscal Policy and Procedure Memorandum No. 67, issued by the Division of Administration in the Office of the Governor and published in the January 20, 1984, issue of the *Louisiana Register*.

The error is located at the end of the first sentence of the first paragraph of the Notice (lines 6 and 7), as follows:

" . . . Travel in State-Owned Aircraft Policy, effective March 1, 1984."

The sentence should read:

" . . . Travel in State-Owned Aircraft Policy, effective March 20, 1984."

E.L. Henry
Commissioner of Administration

POTPOURRI

Department of Urban and Community Affairs Office of Community Services

The Department of Urban and Community Affairs, Office of Community Services will hold a Public Hearing on the Weatherization Assistance Program for the elderly, handicapped and low-income persons at 10 a.m. Friday, March 2, 1984 to discuss and consider revisions to the Weatherization Assistance State Plan for 1984-1985.

The hearing will be held at the Ramada Inn Hotel 1732 Canal Street, New Orleans, LA 70157 in the Governor's Ball Room.

A copy of the draft of the 1984-85 State Plan can be obtained by writing, visiting or calling Percy C. Sims, Department of Urban and Community Affairs Office of Community Services, Box 44455, 5790 Florida Boulevard, Baton Rouge, LA 70804 (504) 925-3725. Written comments on the Louisiana State Plan should also be sent to the aforementioned address.

Percy C. Sims
Program Director

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