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Executive Order

EXECUTIVE ORDER DCT 80-18

WHEREAS, Louisiana's varied cultural resources are unique and irreplaceable; and

WHEREAS, Louisiana's cultural resources provide the citizens of this state with a sense of our history and identity; and

WHEREAS, the state itself must provide leadership in preserving, restoring and maintaining the historic and cultural environment of Louisiana; and

WHEREAS, preservation of Louisiana's cultural resources will also encourage education, recreation, craftsmanship, employment, protection of scarce natural resources and energy conservation,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby issue this order to become effective immediately:

1) All state agencies shall initiate procedures as soon as possible to preserve and maintain when prudent and feasible all state-owned sites under their jurisdiction eligible to be listed on the National Register of Historic Places. The State Historic Preservation Officer shall provide other agencies with advice or assistance as needed, and all agencies shall submit their proposed procedures to the State Historic Preservation Officer for review and comment no later than January 1, 1982.

2) No later than July 1, 1983, state agencies shall inventory all significant historic and cultural sites, structures and objects under their jurisdiction over fifty years of age which may qualify for listing on the National Register of Historic Places. Until such time as this inventory is completed, state agencies shall assure that any property which might qualify for listing is not inadvertently transferred or substantially altered. Questions regarding the eligibility of particular items for listing shall be referred to the State Historic Preservation Officer, who shall also be notified prior to any action which may endanger such items.

3) The State Historic Preservation Officer is directed to advise and assist state agencies in the identification and preservation of their historic properties and provide local governments with information on methods to preserve their historical properties.

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 30th day of October, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-19

WHEREAS, Article 4, Section 5, of the 1974 Constitution of the State of Louisiana vests the executive authority of the State in the Governor; and

WHEREAS, Article 4, Section 5, of the 1974 Constitution of the State of Louisiana provides that the Governor shall be the Chief Executive Officer of the State; and

WHEREAS, Act 691 of the 1980 Regular Session of the Legislature of Louisiana authorized the Governor to prohibit or regulate the filling of vacancies and positions of new employment in the Executive Branch of government; and

WHEREAS, it is the intention of this Executive Order to

implement a program to monitor and supervise the increasing number of state employees at every level and in every agency without reducing the level of services or creating undue hardships,

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

1) The Division of Administration develop procedures to effect a reduction in authorized positions in Executive Branch which procedures shall be made available to the Executive Department by December 1, 1980.

2) The Division of Administration is empowered to reduce the Table of Organization of each agency to ensure accomplishment of this reduction.

3) That each agency shall report quarterly in a manner prescribed in the Division of Administration procedures to the Office of the Governor as to the progress in accomplishing this reduction.

This Executive Order shall remain in effect until the General Appropriation Bill for Fiscal Year 1981-82 becomes law.

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 25th day of November, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-20

WHEREAS, the Red River Waterway project will make navigation possible along the Red River for the first time in a century; and

WHEREAS, the State of Louisiana will soon commence construction of the first north-south interstate highway in Louisiana in the Red River Valley; and

WHEREAS, private industry is currently undertaking the first mining and industrial use of Red River Valley lignite coal deposits,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power vested in me by the constitution and laws of this state do hereby create the Red River Valley Area Council to advise the Governor's Rural Development Council and federal, state and local officials of appropriate responses to these developments.

BE IT FURTHER RESOLVED, that the Council shall be composed of all citizens of the Red River Valley, together with state and federal agency representatives, who actively participate in the committees of the Council.

BE IT FURTHER RESOLVED, that the Council shall have a chairman to be appointed by the Governor from among the residents of the Red River Valley, such chairman to serve at the pleasure of the Governor.

BE IT FURTHER RESOLVED, that the Council shall have committees on: (1) Community Development; (2) Economic Development; (3) Employment and Training; (4) Energy Resource Development and (5) Small and Minority Business Development, the chairman of each of which shall be appointed by the Governor to serve at the pleasure of the Governor.

BE IT FURTHER RESOLVED, that the Council shall be governed by an Executive Committee composed of:

- 1) The chairman,
- 2) The chairman of the five Red River Valley Area Council Committees,

- 3) The chairman of the State Red River Valley Task Force who shall serve as the Council co-chairman,
- 4) The chairman of the Federal Red River Valley Task Force, who shall serve as the Council Federal co-chairman,
- 5) Five representatives of federal agencies named by the chairman of the Federal Red River Valley Task Force,
- 6) The Assistant Secretary of DOTD for Public Works,
- 7) The Secretary of Urban and Community Affairs or his designee,
- 8) The Secretary of Labor or her designee,
- 9) The Secretary of Natural Resources or his designee,
- 10) The Assistant Superintendent of Education for Vocational Education,
- 11) Senator from the Red River Valley appointed by the President of the Senate,
- 12) Representative from the Red River Valley appointed by the Speaker of the House of Representatives,
- 13) Mayor from the Red River Valley designated by the President, Louisiana Municipal Association,
- 14) Police Juror from the Red River Valley designated by the President, Louisiana Police Jury Association,
- 15) Elected Official from the Red River Valley designated by the State President, National Association for the Advancement of Colored People,
- 16) A Community Action Agency official from the Red River Valley area designated by the Chairman of the Louisiana Association of Community Action Agencies,
- 17) Representative of a Council on Aging in the Red River Valley designated by the President of the Association of Councils on the Aging,
- 18) Member of the Board of local Tourist Commission in the Red River Valley designated by the President of the Louisiana Hotel-Motel Association,
- 19) Representative of the Economic Planning and Development Commissions in the Red River Valley designated by the Chairman of the Louisiana Association of Planning and Development Districts,
- 20) Representative of an AFL-CIO local having members in the Red River Valley designated by the State President, AFL-CIO
- 21) Representative of a local Chamber of Commerce in the Red River Valley designated by the State President of the Louisiana Association of Business and Industry,
- 22) Representative of the Association of Minority Contractors from the Red River Valley designated by the State President, Association of Minority Contractors,
- 23) Representative of the Red River Valley Association designated by the Chairman of the Red River Valley Association
- 24) Representative of Rural Electric Cooperatives in the Red River Valley designated by the President of the Association of Louisiana Electric Cooperatives, and
- 25) Representatives of agriculture in the Red River Valley designated by the President of the Louisiana Farm Bureau Federation.

BE IT FURTHER RESOLVED, that the Red River Valley Area Council Executive Committee shall propose means of:

- 1) Insuring that residents of the Red River Valley have an opportunity to secure the jobs created by these projects
- 2) Meeting the increased demand for public facilities and services that growth will cause
- 3) Attracting additional economic development to the Red River Valley
- 4) Facilitating the participation of Valley small and minority businesses in the federal construction projects themselves
- 5) Obtaining maximum assistance from the United States government in the achievement of these objectives as promised in

the President's Small Community and Rural Development Policy
BE IT FURTHER RESOLVED, that the Red River Valley Area Council shall meet at the call of its Chairman, but not less often than twice a year, and shall make an annual report to the Governor and legislature of its activities

BE IT FURTHER RESOLVED, that the Chairman of the Council, acting on its behalf in consultation with the Executive Committee, is authorized to appoint such professional and clerical staff as may be necessary for the proper discharge of its duties under this Order and is further authorized to contract for, receive, accept and expend any funds made available from public or private sources to carry out the purposes of this order.

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 8th day of December, A.D., 1980.

David C. Treen
Governor of Louisiana

Policy and Procedure Memoranda

POLICY & PROCEDURE MEMORANDA

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 66

Subject: Miscellaneous Payroll Deductions.

Policy and Procedure Memorandum No. 66, Miscellaneous Payroll Deductions, was published on October 20, 1980, with a proposed publication as a final rule on December 20, 1980. The Attorney General issued Opinion No. 80-1527 on November 11, 1980 which will require additional legal research and interpretation. Consequently, the publication of the final rule has been postponed indefinitely.

In addition, the Commissioner's restriction on the addition of employees to general insurance deductions as outlined in his memorandum of October 30, 1980 is continued indefinitely.

If you have any further questions in this matter, please contact Mr. David M. Bruce, Assistant Commissioner of Administration, (504) 342-7082.

E. L. Henry
Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on November 20, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted as emergency rule Bulletin

746, *Louisiana Standards for State Certification of School Personnel*. This emergency rule was necessary because Bulletin 746 was out of print in the State Department of Education. This bulletin has been in the revision process for the past two years and copies were not available for distribution to the public statewide. Administrators of colleges and schools are in dire need of an updated version in order to prepare programs for the implementation of certain certification requirements for the 1981 school year.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Office of Facility Planning and Control

SUBJECT: Standards for Capital Projects

Pursuant to the authority of the Commissioner of Administration in Act 14 of the Extraordinary Special Session of 1980, the Division of Administration, Office of Facility Planning and Control, proposes to adopt the following Standards for Capital Projects:

I. Source of Authority

The following rules and regulations have been adopted pursuant to R.S. 39:61.

II. Basic Policy

The Division of Administration, (hereafter sometimes referred to as DOA), shall manage state-owned and leased office buildings and administrative space located in the State of Louisiana and shall issue standards and criteria for the use of such space. DOA shall assign and reassign such administrative space to state agencies. The DOA and other state agencies shall be governed by the following policies for the assignment, reassignment, and utilization of office buildings and space.

A. Material consideration shall be given to the efficient performance of the missions and programs of the agencies and the nature of function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees.

B. In providing general purpose space, DOA will establish and maintain a balance between functional efficiency of agencies served and economy in space use.

C. Maximum use shall be made of existing state-owned permanent buildings which are adequate or economically adaptable to the space needs of agencies.

D. Suitable privately-owned space shall be acquired only when satisfactory state-owned space is not available.

E. Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space to improve management and administration.

III. Rules and Regulations

A. Responsibilities

1. Responsibility of the Division of Administration

(a) DOA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of DOA.

(b) DOA may conduct space inspections and space utilization studies to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of DOA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

(c) DOA may plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspec-

tions will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency and those which are planned by DOA.

(d) Space utilization studies are to quantify space needs and/or to ascertain whether a current assignment can be made more efficient and economical. These studies may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or as a result of a space inspection. Agencies will be kept informed of space utilization studies and actions related thereto by the DOA.

(e) DOA will be responsible for the space planning and layout in all new state buildings. DOA will forward layout plans to occupant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

(f) Alteration of state buildings — This part prescribes policies and procedures for the alteration of state buildings:

(1) Maximum use will be made of existing state-owned permanent buildings which are adequate or economically adaptable to the space needs of agencies.

(2) Suitable privately-owned space will be acquired only when satisfactory state-owned space is not available and only at rental charges which are consistent with prevailing rates in the community for comparable facilities.

(3) Space planning and assignments will take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration.

(4) To the maximum extent practical, DOA will plan the alteration of state facilities when such action can be shown to be the most prudent and economic means of meeting state agency space requirements.

(5) DOA will provide technical services and guidance to other agencies in the formulation and development of their programs for alteration of facilities.

(6) In the alteration of existing buildings, DOA will maintain architectural integrity and compatibility with existing structures.

(7) For the purposes of this Section, "Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building.

2. Responsibility of Agencies.

(a) It is the responsibility of the agencies to assist and cooperate with DOA in the assignment and utilization of space, including the furnishing of data relative to the space occupied, and personnel housed or to be housed. It is also the responsibility of the agencies to continuously study and survey space occupied under assignment by DOA, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to DOA any space which is excess to their needs and which might be assigned to other agencies.

(b) Each agency, department, commission, or authority will designate or appoint a person as space coordinator to represent that agency with DOA in all matters of space. This individual will be responsible for, but not limited to, providing criteria for space utilization studies, organizational charts, communications and work flow information, as well as aid in supplying answers to questions of function and requirements of that agency.

(c) Authorized Requesting Official shall:

(1) Cooperate with and assist the DOA in carrying out the official's responsibilities with respect to buildings and space.

(2) Give DOA early notice of new or changing space requirements.

(3) Economize in requirements for space.

(d) Certification of Request — The information requested on the standard Capital Outlay forms shall be certified by an authorized official of the requesting agency.

(e) The space utilization program is designed to effect maximum effective utilization of state-controlled space. Space for which there is no current foreseeable need will be relinquished.

(f) Agencies are responsible for making their needs known to DOA on a timely basis; providing cooperation and assistance if required in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date.

(g) Notice to DOA of relinquishment of assigned space.

(1) DOA shall be notified by an agency occupying space assigned by DOA at least ninety days prior to the date on which the space, or portion thereof, will no longer be needed. Such notification shall be submitted in writing to the DOA, giving a description of the area involved, its location, and the estimated date of release. When a portion of space is released, it must be consolidated and accessible for reassignment.

(2) When an agency is responsible for operation, maintenance, payment of rentals, and protection of state-controlled space to which it has been assigned by DOA, notice must be given at least six months prior to relinquishing the space in the same manner indicated in paragraph (a) of this section. The operation, protection, payment of rentals, maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the next fiscal year.

(3) Reviews and Appeals

(a) Agencies may at any time request a review of the measurement, classification, quality rating, service levels provided, or charges assessed that pertain to the space assignment without resorting to formal procedures. Such requests do not constitute appeals and should be directed to DOA.

(b) An appeal shall initially be filed by agency officials with the DOA office and include all pertinent information and documentation supporting the need for the appeal. The DOA office shall verify the data submitted and perform additional investigation as necessary. All data developed by the appealing agency and DOA shall be forwarded for review and ruling by the Commissioner of Administration.

4. Changes in Rules and Regulations — The Commissioner of Administration is authorized to adopt additional rules, regulations and standards, or to change the aforementioned rules, regulations and standards as may be required to carry out the provisions of the Act efficiently and effectively.

B. Net Space Requirement — The net space requirement represents in total the agency's space requirement based upon administrative space standards and administrative space allowances plus an additional twenty percent for circulation and traffic flow. The amount of space needed for an agency to function in an efficient manner will be derived from application of standards for administrative space, detailed listing of furniture and/or equipment for each employee, detailed listings of furniture, equipment, and supplementary common space used by various employees, and other requirements for which there are no existing standards and that are unique to the agency. The net space requirement represents that amount of space the agency would occupy under ideal circumstances where no portions would be wasted due to structural irregularities of a building, leftover corners of a floor, columns, pilasters or the like. Therefore, the space occupied by the agency

would rarely exactly equal the net space requirement. The standards are used to quantify the total space and are not intended to be literally applied for each employee's individual work station or for a specific area such as a conference room.

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

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

(b) Common Function Standards

(1) Conference and Meeting Rooms — twenty square feet per person for first ten persons and fifteen square feet for each additional person based on average number of persons in attendance.

(2) Classrooms and Training Rooms — Desk/arm chair at ten square feet per person. Desk and chair at forty square feet per person.

(3) Reception Areas—Based on average visitor load at ten square feet per person.

(4) Exhibit Areas, Internal Duplicating Libraries, Mailrooms, Supply Rooms — Actual measurements of equipment plus circulation.

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

(a) Individual work stations when standards afford too little or too much space for the best utilization of space.

(b) Common office functions such as conference rooms, storage rooms, training rooms, etc., when standards are not applicable or there is no standard.

(c) Areas with specialized functions such as laboratories, printing facilities, warehouses, etc.

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

C. Space Planning

Scope of Subpart — This Subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing DOA agency coordination.

1. Space Planning Assistance — DOA shall be responsible for preparing the initial space layout. When an agency requires subsequent space layout assistance, a request for such assistance should be made to the DOA. In consultation with the agency, DOA will determine the scope of assistance required and will provide such service, by use of existing staff or by contract with consultant(s).

2. Use of Contractual Services for Space Planning — No state agency shall, without the written approval of DOA, enter into a contract for interior office design or space layout with any firm or individual, or government entity. When it is determined that a contract is required, DOA will enter into the contract and supervise the contractor's performance.

3. Space Planning of New Buildings — Modern space layout principles, which contribute to good space management

and operational efficiency, are particularly appropriate in the case of the new state buildings. Full coordination, strict observance of space planning procedures, and followup action are required to insure maximum return to the State in terms of efficiency and economy.

D. Space assignment

1. DOA will perform all functions with respect to the assignment and reassignment of space:

(a) In state-controlled buildings which DOA controls for assignment and reassignment purposes.

(b) In state-controlled buildings or space acquired or to be acquired by the state by purchase, condemnation, transfer, lease, permit, rental agreement, or otherwise.

(c) In state-controlled buildings which have been or may be determined to be within the assignment and reassignment authority of DOA.

2. DOA may, after consultation with the agencies affected, assign and reassign space of any agencies after determining that such assignments or reassignments are advantageous to the state in terms of economy, efficiency, or security.

If there are any questions concerning the Standards for Capital Projects they should be referred to Mr. Curtis G. Lee, Box 44095, Capitol Station, Baton Rouge, Louisiana or telephone 342-7000.

E. L. Henry
Commissioner of Administration

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration

Policy and Procedure Memorandum No. 63 (Revised)

Subject: Policy for the Use of State-Owned Vehicles and Mileage Reimbursement and Reporting Requirements

Effective Date: December 20, 1980

Authorization: Title 39, R.S. 1950, Part VI, Section 231;
Title 39, R.S. 1950, Part XIII, Section 361;
Title 39, R.S. 1950, Part II, Section 62.

1. General Information.

1.1 — A uniform policy for the use of state-owned vehicles is herein set forth to provide for the inclusion of more energy efficient vehicles in the state transportation program, the adoption of energy conserving transportation methods, and to require that these measures be promulgated as official policy and procedure effective December 20, 1980.

2. Purpose and Scope.

2.1 — The purpose of this Policy and Procedure Memorandum is to require the implementation of a uniform policy for the use of state-owned vehicles, to provide for the purchase of motor vehicles, and to establish intradepartment motor pools where feasible. The policies and procedures contained herein shall apply to all departments of state government as required by Act 142 of the 1976 Louisiana Legislature and Act 18 of the Second Extraordinary Session of 1980.

3. Policy and Procedures.

3.1 — Policy.

3.1.1 — State-owned vehicles shall be made available on a top priority basis to state employees who travel in excess of fifteen thousand miles annually in the performance of state business. The state-owned vehicle may be stored at the employee's residence when it is determined to be in the best interest of the department.

Use of state-owned vehicles for other than official state business is strictly prohibited.

3.1.2 — Conditions requiring mileage reimbursement must receive written authorization from the Cabinet Secretaries or their designees. Authorization records should be maintained in the appropriate files for reimbursement records or must be submitted by the employee with his or her expense form.

3.1.3 — Where the vehicle is to be used primarily for city-to-city travel, a standard size car may be purchased. Where travel is primarily within a small geographical area, a compact car or economy class vehicle shall be purchased.

3.1.4 — Cases of special need where the performance of official state business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

(1) State-owned vehicles used by employees traveling less than fifteen thousand miles annually.

(2) Privately owned vehicles used by employees traveling in excess of fifteen thousand miles annually.

3.1.5 — Cabinet Secretaries shall establish intradepartment motor pools for use in the performance of official state business by department personnel who are not assigned a state-owned vehicle nor authorized for travel reimbursement. Motor pool vehicles shall be designated as such by the use of appropriate lettering and/or decals. Motor pool overnight storage cities shall be designated by the Cabinet Secretaries.

3.2 Procedures.

3.2.1 — An assessment shall be made by all Cabinet Secretaries of the travel requirements for the performance of their department business.

3.2.2 — An assessment shall be made by all Cabinet Secretaries of the conditions influencing the types of vehicles required. Assignments of vehicle types shall correlate to any special transportation requirements (e.g., the use of Cushman cars for transportation within the confines of an institutional complex). Transportation type vehicles for assignment to individual employees or to motor pools shall include all automobiles, station wagons, carryalls, trucks and any other vehicle assigned for the purpose of transporting employees. Purchase release orders shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such detail as intended use in motor pool, intercity travel, city-to-city travel, etc.

3.2.3 — An assessment shall be made of employee travel requirements and assignment of state-owned vehicles will be made to those employees who travel in excess of fifteen thousand miles annually on state business. Necessary exceptions must be defined, justified and submitted to the Commissioner of Administration for approval.

3.2.4 — State-owned vehicles anticipated to be operated less than fifteen thousand miles annually which will not be incorporated into intradepartment motor pools shall be turned over to the Division of Administration, Proper Control Section.

3.2.5 — An assessment shall be made of the feasibility of operating intradepartmental motor pools. Where a significant number of state employees could benefit from such a pool one shall be established.

3.2.6 — An annual report shall be submitted by each department to the Commissioner of Administration by December 31, 1980 and each succeeding year to include the following:

(1) Total number of state-owned vehicles as of November 30, listed by license number, type, make, model, year, primary user (if not a pool vehicle), and annual mileage traveled (Use attached format).

(2) Total number of leased or rented vehicles as of November 30, listed by license number, type, make, model, year,

primary user (if not a pool vehicle), annual mileage traveled, and annual rental or lease cost. (Use attached form.)

(3) Total number of state-owned vehicles and the total number of leased vehicles driven less than fifteen thousand miles annually.

(4) Total number of employees receiving mileage reimbursement and that dollar amount.

(5) Number of employees receiving mileage reimbursement for traveling more than fifteen thousand miles annually and

that dollar amount.

(6) List exceptions to uniform policy approved under section 3.1.4 of this Policy and Procedure Memorandum.

(7) Intradepartmental motor pool status.

(8) Number of cars turned over to Division of Administration, Property Control Section.

E. L. Henry
Commissioner of Administration

Report of State-Owned and Rental Vehicles for Calendar Year Ended November 30, 19

Department

License No.	Type	Make	Model	Year	Primary User	Annual Mileage Traveled	Annual Rental/Lease Cost

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953 B) to adopt effective January 1, 1981, a rule to implement the Cuban/Haitian Entrants Program. This program, provided for by P.L. 96-422, covers the Cuban and Haitian immigrants who began arriving in the United States in the Spring of 1980 and who were given the special "entrants" status. These immigrants, due to their entrants status, are not eligible under the currently funded Refugee Resettlement Program.

Within the limits of available appropriations the Department of Health and Human Resources through the Office of Refugee Resettlement will provide special Federal funding to states for one hundred percent of the costs of cash and medical assistance and related administrative program costs for Cuban/Haitian Entrants. Funds will also be available to provide services for unaccompanied minors and an appropriation will be made for social services and the related administrative program costs.

The Cuban/Haitian Entrants Program must be implemented by December 1, 1980 and will extend through the month of September, 1981.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution: Emergency Doe Season Morganza Area

WHEREAS, Biologists with the Louisiana State University Cooperative Wildlife Research Unit under the heading of Mr. John D. Newsom have made continuous checks on deer herd conditions in the Morganza Spillway Area; and

WHEREAS, Due to the 1980 summer drought and continuous deer herd population build-up in this area; and

WHEREAS, Due to this deer population build-up, the deer herds are in a very serious condition due to the lack of food plants that will be needed to sustain this herd during late winter months; and

WHEREAS, on an emergency basis, it is recommended that one doe deer per one hundred acres of land be harvested in 1980-81 season in this area, this number to include the does taken during regular season on club areas; and

WHEREAS, Personnel of the Louisiana State University Cooperative Wildlife Research Unit and the Louisiana Department of Wildlife and Fisheries will distribute to each club a supply of self-locking tags for the taking of one doe deer per one hundred acres including the does taken during the regular doe season; and

WHEREAS, The Emergency Doe Deer Area is described as that area in the Morganza Spillway, south of Morganza Control Structure to U.S. Highway 190, east of Atchafalaya River to East Guide Levee all land inclusive; and

WHEREAS, The recommended dates for the harvesting of doe deer for the purpose of relieving the food (vegetation) situation will be December 20, 1980—January 13, 1981, and now

THEREFORE BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission has taken the recommendation of Mr. John D. Newsom and approves the any sex season December 20, 1980 — January 12, 1981, on the above described area in the Morganza Spillway Area.

Joseph V. Colson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Provide additional taking of antlerless deer in a portion of Atchafalaya Basin.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation costs will be minimal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated that there will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs are expected for affected groups. Benefits will be in the form of improved food conditions for deer and resulting improvement in the quality of the animals. Monetary benefits cannot be estimated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is estimated that there will be no effect on competition and employment.

Mary Mitchell
Administrative Assistant

Mark C. Drennen
Legislative Fiscal Officer

Rules

RULE

Department of Agriculture Office of Animal Health Services

The Commissioner of Agriculture, pursuant to the authority granted under LSA 40:2282 and in accordance with Notice of Intent published on November 20, 1980, has adopted the Rules and Regulations for the administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program shown below through a series of public hearings, as follows: November 10, 1980, Alexandria; November 17, 1980, Ruston; November 20, 1980, Lafayette; December 3, 1980, New Orleans; and December 8, 1980, Baton Rouge.

Copies of the Federal Meat and Poultry Inspection Regulations and Handbook 191 of the U.S. Department of Agriculture, adopted by reference in Rules 1.1 and 1.2 below, are available upon request from the following: C. T. Raby, DVM, Assistant Commissioner of Animal Health Services, Box 1951 or 12055 Airline Highway, Baton Rouge, 70821.

The rules and regulations for the administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program are as follows:

Department of Agriculture Rules and Regulations For the Administration of The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program

- 1.0 Adoption of Federal Meat and Poultry Inspection Regulations
- 2.0 Definitions
- 3.0 Establishments Required to Register
- 4.0 Permits for Establishments Coming under Registration
- 5.0 Application for Approval of Addition and/or Renovation of Previously Approved Establishments
- 6.0 Change of Ownership of Previously Approved Establishment

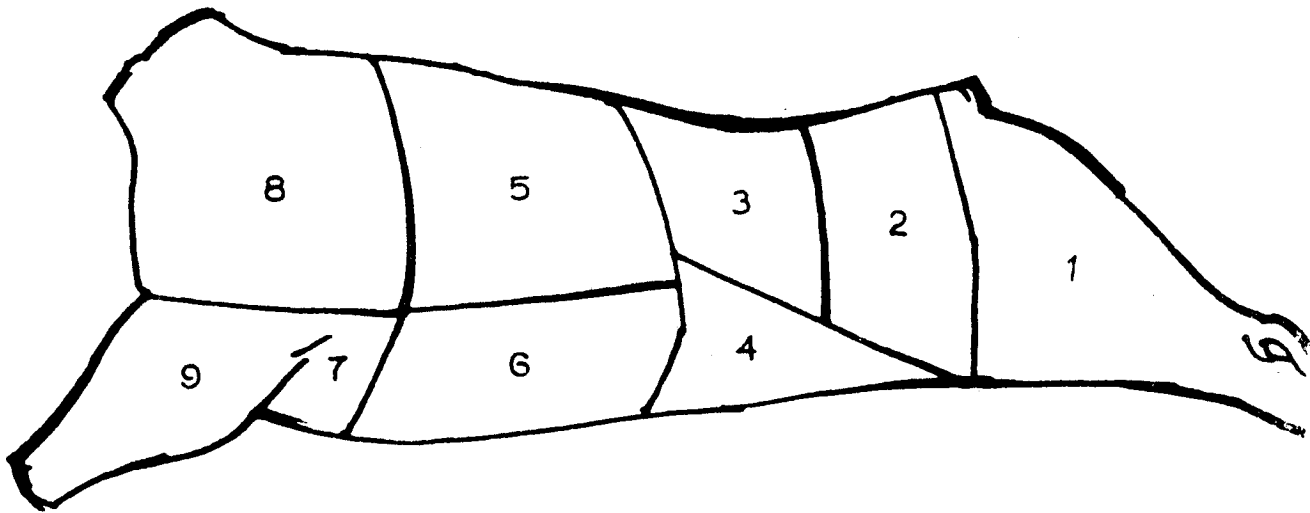
- 7.0 Exemptions
- 8.0 Custom Slaughter Facility, Combination Custom Slaughter and Processing Facility, and Custom Processing Facility
- 9.0 Retail Stores and/or Outlets and Restaurants
- 10.0 Removal of Inspection Services
- 11.0 Inspection Brands; Hot Brands; Replacement Brands
- 12.0 Stamping of Carcasses
- 13.0 Inspection Upon Movement of Meat and Meat Products
- 14.0 Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program
- 15.0 Hearings on Alleged Violations of Law and/or Regulations
- 16.0 Taking of Blood Samples

- 1.0 Adoption of Federal Meat and Poultry Inspection Regulations
 - 1.1 The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program will be governed by the rules and regulations contained in the "Meat and Poultry Inspection Regulations" of the Meat and Poultry Inspection Program of the U.S. Department of Agriculture, in effect as of the effective date of these regulations, as follows:
 - (a) Meat Inspection Regulations: Title 9, Chapter III, Subchapter A, Code of Federal Regulations
 - (b) Poultry Inspection Regulations: Title 9, Chapter III, Subchapter C, Code of Federal Regulations
 - (c) Humane Slaughter of Livestock Regulations: Title 9,

Exhibit "A"

PRACTICAL MEAT CUTTING AND MERCHANDISING—VOL. 1—BEEF

Location of Primal and Subprimal Beef Cuts¹



Primal and Subprimal Cuts

- 1. Round
- 2. Short hip
- 3. Short loin
- 4. Flank
- 5. Rib
- 6. Short plate
- 7. Brisket
- 8. Square cut chuck
- 9. Foreshank

Combination Cuts

- Hindquarter: 1 + 2 + 3 + 4
- Sirloin round: 1 + 2
- Loin: 2 + 3
- Forequarter: 5 + 6 + 7 + 8 + 9
- Wing: 5 + 6
- Full plate: 6 + 7
- Armbone chuck: 8 + 9
- Cross-cut chuck: 7 + 8 + 9
- Triangle: 6 + 7 + 8 + 9
- Back: 5 + 8

Identification of Beef Cuts by Geographical Location and Trade

	New York Area	New England Area	Restaurant and Institutional Trade
Beef round No. 1	Cross-cut round Beef round Round across primal round	Beef round Primal round	Beef round (a) Primal round (b) Primal round with rump on or off, shank on or off, bone-in or boneless (c) Round, three-way boneless
Knuckle No. 1 (Taken from beef round)	Knuckle face Top sirloin	Sirloin tip	Knuckle (a) Knuckle steaks

Code III, Subchapter D, Code of Federal Regulations

1.2 The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program will be governed by the requirements in the June 1975 edition of the U.S. Department of Agriculture Handbook 191. Copies of Handbook 191 may be obtained from the Superintendent of Documents, U.S. Printing Office, Washington, D. C. 20204.

2.0 Definitions

2.1 "Primal cut" means the first or main cut. See Exhibit "A."

2.2 "Intrastate Commerce", with respect to these Rules and Regulations, means any type of business in which meat and/or meat food products are prepared and/or transported in Louisiana and such products are sold only in the State of Louisiana.

2.3 "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

2.4 "Adulterated" means any carcass, part of a carcass, meat or meat food product which:

- (a) contains any substance injurious to health;
- (b) contains any pesticide or pesticide residue, food additive or color additive which the Commissioner of Agriculture deems unsafe or which the Commissioner of Agriculture prohibits by regulations;
- (c) has been prepared, packed, or held under unsanitary conditions;
- (d) is, in whole or in part, the product of an animal which has died other than by slaughter;
- (e) is held in any container which is composed, in whole or in part, of any poisonous or deleterious substance;
- (f) has been subjected to radiation at tolerances which exceed the tolerances established in regulations of the Commissioner of Agriculture;
- (g) was prepared with a valuable constituent omitted or taken out;
- (h) was prepared with any substitute for a required constituent;
- (i) has been damaged, and the damage or inferior quality is or has been concealed;
- (j) contains any substance which has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is.

2.5 "Establishment" means the principal place of business of a permit holder or a business subject to inspection.

2.6 "USDA" means the United States Department of Agriculture.

2.7 "Meat broker" means a person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, who receives a commission or other financial reimbursement; who negotiates such purchases or sales on behalf of some person, firm, or corporation other than himself or a firm or corporation in which he has a financial interest; and who does not personally handle the product in any manner, either personally or through activities of others under his control, or change the form of such product in any manner.

2.8 "Meat jobber" means a person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, who receives a commission or other financial reimbursement; who negotiates such purchases or sales on behalf of some person, firm, or corporation other than himself or a firm or corporation in which he has a financial interest; who attains physical custody of the

product by receiving, retaining, and subsequently shipping out, but who receives the product intact and who does not subsequently change the form of the product in any manner.

2.9 "Meat processor" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, or other equines at the wholesale level; who receives the product intact, and who changes the form of the product before shipping out again.

2.10 "Custom slaughterer" means any person, firm, corporation, educational program, or association which offers to the public the service of slaughtering cattle, sheep, poultry, swine, goats, horses, mules or other equines for the owners thereof.

2.11 "Custom processor" means any person, firm, association, educational program, or corporation which prepares, processes, and/ or transports intrastate the meat of animals slaughtered for the owners of such animals.

2.12 "Combination custom slaughtering and processing facility" means a person, firm, corporation, association, or educational program which provides both slaughter and processing services solely for the owners of animals.

2.13 "Retail outlet" means any place of business operated in the traditional or usual manner of operation or a retail store, with sales across-the-counter only in normal retail quantities. The term "retail outlet" applies solely to businesses with a single location.

2.14 "Traditional or usual manner" of operation includes:

- (a) cutting up, slicing and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops and roasts, and freezing such cuts;
- (b) grinding and freezing products made from meat;
- (c) curing, cooking, smoking, rendering or refining of livestock fat or other preparation of products, except slaughtering or retort processing of canned products;
- (d) breaking bulk shipments of products;
- (e) wrapping or re-wrapping of products.

2.15 "Normal retail quantities" is defined as sales to a single customer not exceeding the amounts shown below (see also Section 303.1 (d) (2) (ii), Federal Meat and Poultry Inspection Regulations):

- (a) cattle, 300 pounds
- (b) calves, 37.5 pounds
- (c) sheep, 27.5 pounds
- (d) swine, 100 pounds
- (e) goats, 25 pounds

2.16 "Restaurant" shall mean any place of business (1) where products are prepared solely for sale or service, as meals or entrees, directly to individual consumers at such establishments, and (2) where only Federally or State inspected and passed products or products prepared in a retail store or outlet are used.

3.0 Establishments Required to Register.

3. The following types of persons, firms, associations, corporations, or educational programs must register with the Meat and Poultry Inspection Program prior to conducting intrastate commerce:

- (a) Meat brokers, renderers, and animal food manufacturers;
- (b) Wholesalers of any carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules, or other equines, whether the product is intended for human consumption or not;
- (c) Public warehousemen who store carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines;
- (d) Any persons, firms, associations, and/or corporations which buy, sell or transport any dead, dying, disabled or diseased

animals or parts of carcasses of such animals;

- (e) Meat brokers;
- (f) Meat jobbers;
- (g) Meat processors;
- (h) Slaughter plants, including custom slaughter plants;
- (i) Processing plants, including custom processing plants;
- (j) Custom plants, including educational programs where carcasses or parts of carcasses are slaughtered and/or processed;
- (k) Any combination of the above.

3.2 All persons, firms, corporation, associations, or educational programs listed in Rule 3.1 must apply for registration within ninety days of the effective date of these Rules. Any person, firm, corporation, association, or educational program entering into any of the business activities listed in Rule 3.1 after the effective date of these Rules shall apply for registration prior to engaging in such business. All persons, firms, corporations, association, or educational programs shall be registered by category as shown in Rule 3.1 above.

3.3 All applicants shall pay an initial registration fee of twenty-five dollars to cover the costs of processing of registrations and issuance of certificates of registration.

3.4 All persons, firms, associations, corporations, or educational programs listed in Rule 3.1 must submit the following information in their applications for registration:

- (a) Names and addresses of each place of business;
- (b) Names and addresses of owner(s) and principal stockholder(s) and/or names and addresses of members of boards of directors;
- (c) All trade names under which the person, firm, association, corporation, or educational program conducts business.

3.5 All registrations required in Rule 3.1 must be renewed on or before April 1 of each year. The fee for renewal of registrations shall be the same as for the initial registration, i. e., twenty-five dollars.

3.6 Each registrant shall receive a certificate of registration within thirty days after registration is filed.

3.7 Penalties for failure to register and/or renew registration annually shall be assessed in accordance with R.S. 40:2296.

3.8 Any person, firm, association, corporation, or educational program registering in accordance with Rule 3.0 shall be subject to investigation.

4.0 Permits for Establishments Coming Under Inspection.

4.1 All slaughter, processing, custom, and combination establishments must obtain a permit from the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program prior to conducting intrastate commerce.

4.2 All establishments applying for permits shall meet the basic minimum facility requirements outlined in USDA Handbook 191.

4.3 All new applications for permits shall consist of a completed Form 401 (available on request from the State Office (Baton Rouge) of the Federal/State Meat and Poultry Inspection Program).

4.4 All new applications for permit must include three copies of plant blueprints and three copies of construction specifications as part of the initial application.

4.5 The applicant's name and address must be shown on each page of the blueprints and each page of the specifications.

4.6 Applications for permits, including blueprints and specifications, shall be submitted to the Federal/State Meat and Poultry Inspection Program, Office of Animal Health Services, State Department of Agriculture, Box 1951 (or 12055 Airline Highway), Baton Rouge, Louisiana 70821.

4.7 A permit number shall be assigned to each establishment upon approval and the permit shall be issued to the establish-

ment within thirty days of final approval, in one of the following categories:

- (a) Slaughter
- (b) Processing
- (c) Custom
- (d) Combination of (a), (b), and/or (c) above

4.8 All establishments receiving permits shall display the permit at a prominent location in the principal place of business.

5.0 Application for Approval of Addition and/or Renovation of Previously Approved Establishments.

5.1 Additions and/or renovations of previously approved establishments must be in conformance with the requirements of USDA Handbook 191.

5.2 Applicants for approval of an addition and/or renovation to a previously approved establishment must submit:

- (a) plot plan of entire premises;
- (b) floor plan, identifying each department as to use;
- (c) plan of plumbing system for entire establishment, particularly the point of discharge into the main sewer lines;
- (d) three copies of blueprints for the addition and/or renovation, which must be drawn to scale with the blueprints of the existing facility and labeled on each page with the applicant's name and address;
- (e) three copies of specifications for the addition and/or renovation, which must be labeled on each page with the applicant's name and address.

6.0 Change of Ownership of Previously Approved Establishments.

6.1 Whenever the ownership of a previously approved establishment changes, the new owner must submit an application for a permit to the State Department of Agriculture at least thirty days prior to the scheduled sale date.

6.2 New owners are required to meet all of the requirements of USDA Handbook 191.

6.3 Applicants for a permit after change of ownership must submit the following:

- (a) certified copy of Act of Sale;
- (b) three copies of blueprints and specifications if any changes are made to the physical plant of the establishment, submitted in accordance with the requirements of Rule 5.0 hereof;
- (c) evidence that sanitary conditions are or have been maintained throughout the interim during the change of ownership.

7.0 Exemptions.

7.1 The following persons, firms, associations, or corporations are exempt from these regulations, except as provided in Rules 8.0 and 9.0 hereof:

(a) Any owner of cattle, sheep, swine, or goats who slaughters, prepares and/or transports intrastate any animal or parts of animals for the sole use of himself, his family, or his non-paying guests or employees;

(b) Any person, firm, association, or corporation which slaughters, prepares and/or transports intrastate any cattle, sheep, poultry, swine, goats, horses, mules or other equines, or parts thereof, for the owners of such animals, provided that such person, firm, association, or corporation meets all of the requirements set forth in Rule 8.0 hereof;

(c) Operators of retail stores or outlets and/or restaurants when sale or service is made in normal retail quantities to customers at such establishments (i.e., across-the-counter, or at a dining facility located at the establishment), provided that such retail stores or outlets meet all of the requirements set forth in Rule 9.0 hereof;

(d) Poultry owners who slaughter sound and healthy poultry on their own premises for distribution directly to household

consumers, restaurants, hotels and/or boarding houses, provided that such products must be identified with the name and address of the producer. This exception shall not apply to poultry producers who buy and/or sell poultry, or to those who slaughter more than five thousand turkeys or more than twenty thousand other types of poultry per annum, or to farmers who slaughter more than two hundred fifty turkeys or more than one thousand other types of poultry per annum.

8.0 Custom Slaughter Facility, Combination Custom Slaughter and Processing Facility, and Custom Processing Facility.

8.1 To assure the continuing certification of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program, all custom facilities defined in Rules 2.10, 2.11 and 2.12 hereof must meet the applicable requirements of Handbook 191 and the applicable requirements of the Federal Meat and Poultry Inspection Regulations, provided that custom facilities are not required to provide an inspector's office.

8.2 All custom facilities are subject to periodic review by inspectors of the Federal/State Meat and Poultry Inspection Program.

8.3 All custom establishments must be operated in a sanitary manner and kept free of objectionable odors. Outside premises must be kept clean and free of harborage for rodents and vermin. Sanitary dressing procedures must be followed to avoid adulteration of any product.

8.4 All products must be protected from contamination from any source during handling, storage, loading and unloading at the custom facility.

8.5 The custom slaughterer must take a blood sample from any cattle which are not accompanied by an official Department of Agriculture document proving that a blood sample has been taken within the thirty day period immediately preceding the slaughter date. The custom slaughterer must properly affix an official backtag, to be provided by the Department of Agriculture, on any cattle which is received at the slaughter establishment without a backtag. Each blood sample must be clearly identified by backtag number, name and address of owner, and such additional information as may from time to time be required by the Department of Agriculture. Records of such samples shall be on forms provided by the Department of Agriculture. The custom slaughterer shall maintain and transmit the blood samples and completed forms as instructed by the Department of Agriculture. In any situation not clearly described by this Rule, the custom slaughterer shall contact the State Office of the Meat and Poultry Inspection Program prior to slaughter.

8.6 Fresh pork shall be kept separated, in coolers, and handled and/or stored so as to prevent any direct contact with any other meat or meat products.

8.7 Equipment (i.e., grinders, saws, tables, knives, pans, hooks, etc.) which is used to handle and/or process fresh pork and/or wild animals must be broken down, thoroughly cleaned and sterilized before any other meat or meat products are processed with or come into contact with the equipment.

9.0 Retail Stores and/or Outlets and Restaurants.

9.1 In order to assure the continuing certification of the Cooperative Federal/State Meat and Poultry Inspection Program, retail outlets and restaurants must qualify as such under the definitions set forth in the applicable sections of the Federal Meat and Poultry Inspection Regulations.

9.2 Retail outlets or stores which do not qualify as such under the Federal Meat and Poultry Inspection Regulations will be subject to investigation or review.

9.3 Meat processors which supply retail stores or outlets must be under inspection.

9.4 Retail sales must be made directly to the consumer at

the location where the product is processed.

10.0 Removal of Inspection Services.

10.1 An assigned inspector may, upon proper justification, withhold inspection services for an inspected plant for a period not to exceed six hours, but may not withhold inspection services for a period longer than six hours. If for any reason the assigned inspector leaves the plant during the period when inspection services are withheld, he shall be available to the plant within one hour of notification of correction of the problem.

10.2 An area supervisor may, upon proper justification, withhold inspection services for a period not to exceed a total of twelve hours from the time when inspection services were first withheld.

10.3 The State Office of the Meat and Poultry Inspection Program may withhold inspection services for an indefinite period of time upon proper justification.

10.4 An informal public hearing shall be held on the next working day following the initial withholding of inspection services upon the request of the establishment.

10.5 Inspection services may not be permanently withdrawn by the Meat and Poultry Inspection Program except following a public hearing on the matter conducted in accordance with Rule 14.0 hereof.

11.0 Inspection Brands; Hot Brands; Replacement Brands.

11.1 The Meat and Poultry Inspection Program shall furnish an appropriate number of inspection brands to the establishment upon initial approval for inspection.

11.2 The establishment shall furnish the required number of hot brands and the number provided shall be registered in the State Office of the Meat and Poultry Inspection Program.

11.3 The establishment shall notify the assigned inspector when replacement brands are needed, providing the following information to the assigned inspector:

(a) the name and address of the brand manufacturer preferred by the establishment, and

(b) the number and kind of brands needed.

11.4 Upon receipt of the information required in Rule 11.3, the inspector shall immediately notify the State Office, which shall place the official order with instructions for the brands to be shipped direct to the establishment.

11.5 Upon receipt of the replacement brands, the establishment must deliver all unserviceable brands to the assigned inspector for transmittal to the State Office for destruction.

12.0 Stamping of Carcasses.

12.1 All beef, calf, and veal carcasses must be stamped with not less than seven stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Exhibit "B" attached immediately following.

12.2 All swine carcasses must be stamped with not less than five stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Exhibit "C."

13.0 Inspection Upon Movement of Meat and Meat Products.

13.1 All carcasses, parts of carcasses, meat and meat products brought into any slaughtering, meat canning, salting, packing, rendering or similar establishment must originate from an establishment under inspection.

13.2 All carcasses, parts of carcasses, meat or meat products which are inspected and passed at any slaughtering, meat canning, salting, packing, rendering or similar establishment before movement therefrom, which is later returned to the same establishment, must be re-inspected upon return before further treatment or processing.

14.0 Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program.

EXHIBIT "B"

A. Hind Shank

B. Fore Shank

A and B to be stamped on kill floor prior to shrouding or placing in cooler.

1. Round
2. Loin
3. Plate
4. Rib
5. Chuck

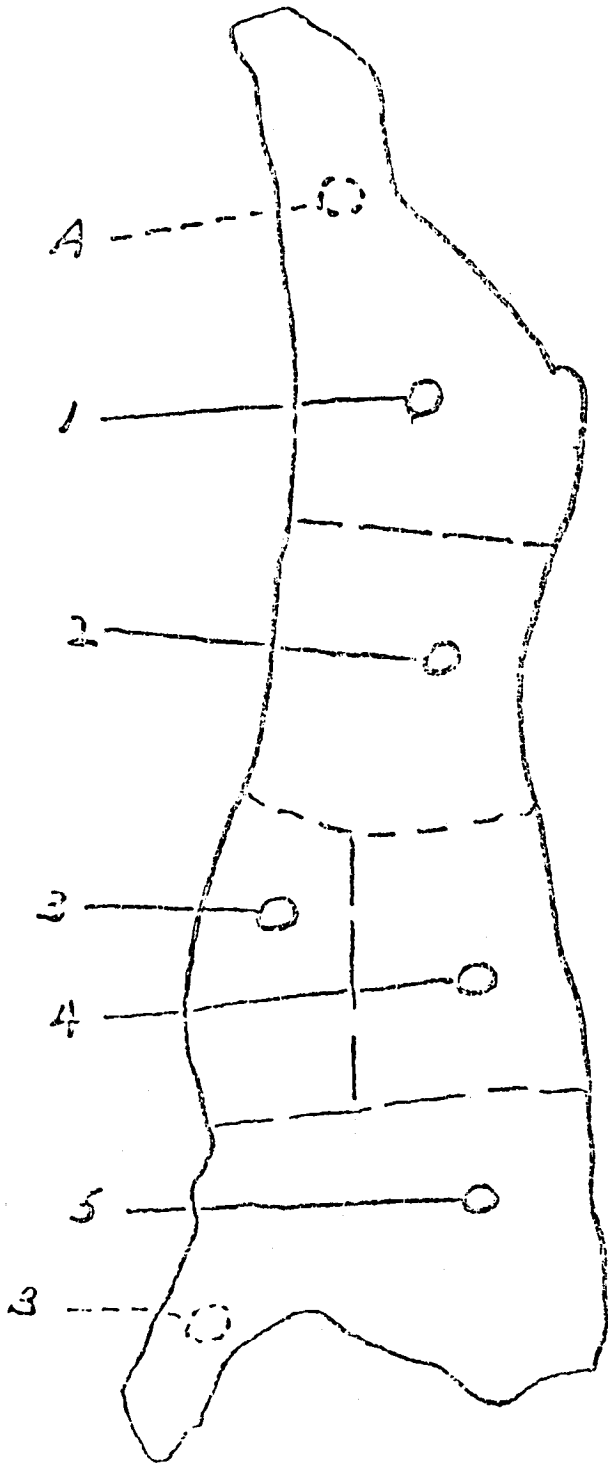
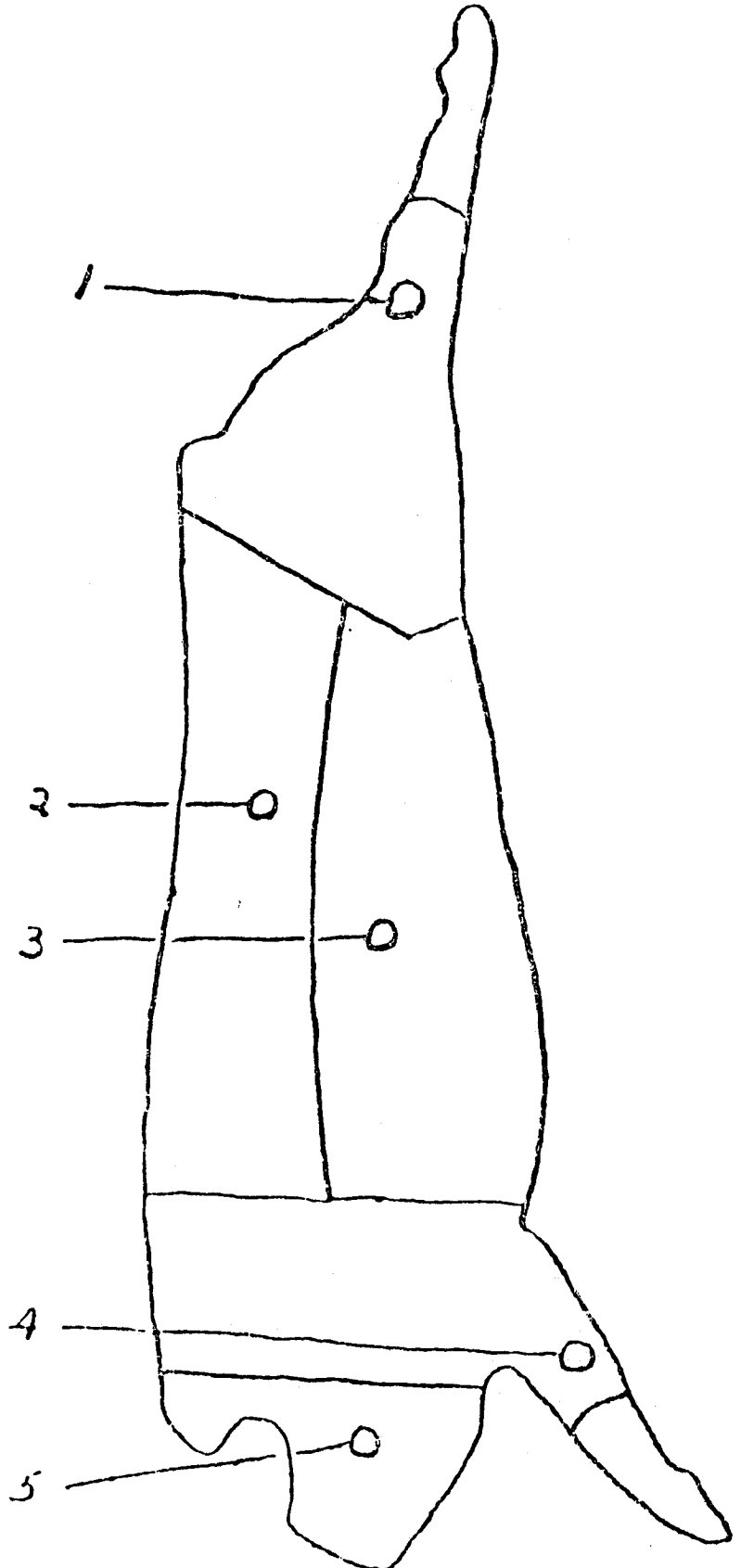


Exhibit "C"

1. Outer surface of ham hock
2. Skin side of each loin
3. Skin side of each belly
4. Outer surface of shoulder hock
5. Skin surface of each jowl or head



14.1 Any person, firm, association, or corporation which is subject to any of the inspection procedures and/or requirements contained in the Federal Meat and Poultry Inspection Regulations, USDA Handbook 191, or these rules and regulations may appeal any decision made thereunder in accordance with the procedures set forth in this Rule.

14.2 If the person, firm, association, or corporation disagrees with the methods used by any inspector in the program, such person, firm, association, or corporation shall first make his objections known to the inspector.

14.3 If the differences cannot be resolved by this informal method, the person, firm, association, or corporation objecting shall immediately notify the Area Supervisor of the objections and the basis therefor.

14.4 If the differences cannot be resolved by conference with the Area Supervisor, the person, firm, association, or corporation objecting shall then notify the State Office of the Meat and Poultry Inspection Program. Such notification may be verbal but shall be confirmed in writing within three days after the verbal notification.

14.5 If the differences cannot be resolved by this method, the person, firm, association, or corporation may petition the Commissioner of Agriculture, in writing, for a full public hearing on the matter.

14.6 The Commissioner of Agriculture shall call a public hearing on the matter within fifteen days of the date of receipt of such petition, which hearing shall be conducted within thirty days of the date on which the call is issued.

14.7 No permit shall be permanently removed from any establishment without a full hearing on the matter. Whenever, for any reason, the Commissioner of Agriculture contemplates the permanent withdrawal of a permit for inspection services, he shall call a public hearing on the matter.

14.8 Notice shall be given to the affected person, firm, association, or corporation, as required by the Administrative Procedure Act, setting forth the following:

(a) A statement of the time, place, and nature of the hearing;

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

(c) A reference to the particular sections of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted.

14.9 Such notice of public hearing shall be mailed by certified mail, return receipt requested, at least fifteen days prior to the date on which the hearing is scheduled to be held.

14.10 At any hearing called under this Rule, the affected party(ies) shall have the right to counsel of his (their) own choosing and shall be afforded the opportunity:

(a) to respond,

(b) to present evidence on all issues of fact involved,

(c) to present argument on all issues of law and policy involved,

(d) to conduct such cross-examination as may be required for a true and full disclosure of the facts, and

(e) to examine any evidence entered into the record.

14.11 All hearings called under this Rule shall be conducted by the Commissioner of Agriculture or his designated Hearing Officer.

14.12 Any determination made as a result of such hearing shall be rendered in writing and shall be made available to all affected parties.

14.13 Any determination made at any hearing held in accordance with this Rule shall be final and shall be binding upon the party(ies) notified as provided herein, whether or not such

party(ies) appear at said hearing.

14.14 Whenever a settlement cannot be reached by the procedures set forth herein, the Commissioner of Agriculture and/or the affected party(ies) may appeal to a court of competent jurisdiction as provided by law, provided that all such matters shall be lodged in the parish in which the Department of Agriculture is domiciled.

15.0 Hearings on Alleged Violations of Law and/or Regulations.

15.1 Whenever any establishment which is subject to the requirements of the State Meat and Poultry Inspection Act (R.S. 40:2271-R.S. 40:2299), the Federal Meat and Poultry Inspection Regulations, USDA Handbook 191, and/or these Rules and Regulations appear to be in violation of any provision(s) thereof, the Commissioner of Agriculture shall convene a public hearing on the matter, which hearing shall be conducted in accordance with Rule 14.0 hereof.

16.0 Taking of Blood Samples.

16.1 The slaughter establishment under inspection shall be responsible for the identification of animals and the maintenance of records as provided in this Rule.

16.2 Any cattle that are not officially backtagged upon receipt shall be identified by an official backtag, properly placed.

16.3 The name and address of the consignor and the name and address of the owner of the herd of origin, if different from the consignor, shall be recorded on forms provided by the Department of Agriculture, the original of which shall be transmitted to the Department of Agriculture and the copy of which shall be maintained in the establishment's files.

16.4 The assigned inspector shall take a blood sample from all cattle received at the establishment.

16.5 The assigned inspector shall be responsible for collection and identification of all blood samples, and for packaging and transmission of blood samples, corresponding backtags, and forms to the diagnostic laboratory.

16.6 Failure to comply with the provisions of this Rule shall subject the slaughter establishment to prosecution under the provisions of R.S. 3:2096 and/or R.S. 40:2296.

Bob Odom,
Commissioner of Agriculture

RULE

Department of Agriculture State Entomologist

The State Entomologist, State Department of Agriculture, pursuant to the authority given in LSA 3:1655 and in accordance with Notice of Intent published on November 20, 1980, has adopted the following Rule relative to fees for the inspection of nurseries and greenhouses:

Fees shall be levied for the inspection of nursery stock grown or propagated for sale or distribution as follows:

a. Twenty-five dollars for nurseries with acreage of more than two thousand, five hundred square feet and/or greenhouse space of more than two hundred square feet;

b. Five dollars for nurseries with acreage of less than two thousand, five hundred square feet and/or greenhouse space of less than two hundred square feet.

Said fees shall be due and payable, effective January 1, 1981, for the period January 1, 1981, through June 30, 1981. Thereafter, said fees shall be levied on an annual basis and shall be due and payable on July 1 of each year.

All monies derived from the collection of said fees shall be deposited in a special fund and used to help defray the expenses incurred for salaries for inspecting said nursery stock.

Bob Odom
Commissioner of Agriculture

RULE

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:902B and R.S. 6:950.1D, hereby gives notice of his intentions to adopt the following Rule.

RULE

I. Introduction. These rules govern the conversion of State-chartered savings and loan associations from mutual to stock form under the provisions of Sections 950 and 950.1 of Chapter 9 of Title 6 of the Louisiana Revised Statutes of 1950.

II. Definitions. As used in these rules:

A. "Applicant" means a mutual savings and loan association incorporated under the laws of the State of Louisiana which is applying to the Louisiana Commissioner of Financial Institutions, in his capacity as supervisor of Louisiana-chartered savings and loan associations, to convert to a capital stock savings and loan association.

B. "Capital stock association" means an association incorporated under the provisions of the Louisiana Capital Stock Association Law.

C. "Commissioner" means the Louisiana Commissioner of Financial Institutions in his capacity as supervisor of Louisiana-chartered savings and loan associations, or his successor.

D. "FSLIC" means the Federal Savings and Loan Insurance Corporation.

E. "Mutual association" means a savings and loan association organized and operated on a mutual basis under the provisions of PARTS I through XVI of Chapter 9 of Title 6 of the Louisiana Revised Statutes of 1950.

III. Application to Commissioner. An Applicant shall file with the Commissioner five copies of an Application for Approval of Conversion, with supporting exhibits, in the form required by the FSLIC, including Forms AC, PS and OC. The Applicant shall also furnish to the Commissioner such additional information as the Commissioner may request which is not included in the Applicant's filings with the FSLIC.

IV. Content of Proposed Stock Articles of Incorporation and By-Laws.

A. Articles of Incorporation. As part of the Application, the Applicant shall submit to the Commissioner proposed Amended Articles of Incorporation as a capital stock savings and loan association which shall comply with the requirements of R.S. 6:942 with regard to *de novo* stock Articles of Incorporation, except that subsections (5) and (8) of R.S. 6:942 shall not apply to the Amended Articles of Incorporation for a Louisiana-chartered mutual savings and loan association converting to stock form. The proposed Amended Articles of Incorporation shall specify that the name of the Applicant, upon conversion, shall contain the wording "corporation", "incorporated", "limited", or "company", an abbreviation of one of such words or other words sufficient to distinguish capital stock associations from mutual associations. The proposed Amended Articles of Incorporation shall also state that the stock savings and loan association resulted from the conversion of the association from mutual form.

B. By-Laws. As part of the Application, an Applicant shall submit to the Commissioner proposed stock By-Laws which shall be similar as to content and form as the stock By-Laws specified by the Federal Home Loan Bank Board for federally-chartered stock savings and loan associations, except to the extent that such federal stock By-Laws are inconsistent with Louisiana Law.

V. Content of Applicant's Plan of Conversion. The Applicant's Plan of Conversion shall comply with the requirements of

the FSLIC, including the determination of the eligibility record date and supplemental eligibility record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, except, however, that officers, directors and employees of the Applicant in their individual capacities as officers, directors and employees, will be permitted to purchase in the specific subscription offering category established for that purpose an amount no greater than twenty percent of the total shares being offered in the Plan of Conversion. The Applicant's Plan of Conversion may also provide for employment contracts for the Applicant's officers and employees upon conversion and for a Stock Option Plan (including a Management Incentive Plan providing for stock options), which shall be subject to approval by the Commissioner. The Commissioner may require provisions in an Applicant's Plan of Conversion in addition to the requirements of the FSLIC if he determines that such additional provisions are necessary for an equitable conversion.

VI. Standard for Approval of Application. The Commissioner will not approve a Plan of Conversion unless he finds that the Plan is fair and equitable to the members of the Applicant, that the interests of the Applicant's savings account holders and the public are adequately protected, and that the Plan conforms to regulatory requirements of the FSLIC. In approving an Applicant's Plan of Conversion, the Commissioner will also give preliminary approval by the Applicant's proposed Amended Articles of Incorporation and By-Laws.

VII. Vote by Applicant's Members on Plan of Conversion.

A. No Plan of Conversion shall be implemented unless it is approved at a meeting of the voting members of an Applicant called to consider such action by a majority vote of the total number of votes eligible to be cast, in person or by proxy. Notice of the meeting, giving the time, place and purpose thereof, together with a proxy statement and proxy form approved by the Commissioner covering all matters to be brought before the meeting, shall be mailed to the Commissioner and each voting member of the Applicant at such member's last address as shown on the books of the Applicant at least thirty days before the date on which the meeting is to be held.

B. The Applicant shall file with the Commissioner promptly after the meeting of the Applicant's voting members called to consider the Plan of Conversion a certified copy of each resolution adopted at such meeting relating to the Plan of Conversion, together with the following information:

1. The total number of votes eligible to be cast;
2. The total number of votes represented in person or by proxy at the meeting;
3. The total number of votes cast in favor of and against each such matter; and
4. The percentage of votes present in person or by proxy cast in favor of each such matter.

The Applicant shall also file with the Commissioner an opinion of counsel that the meeting was held in compliance with all applicable state and federal laws.

The certified copy of each resolution adopted at the meeting (being part of the minutes of such meeting), when filed, shall be presumptive evidence of the holding of the meeting and of the action taken.

VIII. Filing of Offering Circulars. The offering circulars for the Applicant's subscription offering and any additional offering to the general public shall be prepared in compliance with regulation of the FSLIC and any additional requirements imposed by the Commissioner. Five copies of each such offering circular in preliminary form shall be filed with the Commissioner, and no such offering circular shall be distributed to the Applicant's members or to the general public in final form unless it has first been declared effective

by the Commissioner. In connection with an Applicant's offering of its conversion stock, an Applicant may employ the services of an investment banking or other firm to underwrite the public offering of the Applicant's stock. The initial stockholders of a converted savings and loan association shall not be restricted to natural persons and residents of Louisiana.

IX. Effective Date of Conversion. Prior to the execution of orders for the Applicant's conversion stock, the Applicant shall obtain from the Commissioner his approval affixed to the Applicant's Amended Articles of Incorporation. An authenticated copy of the Amended Articles of Incorporation shall be filed with the Secretary of State. The Applicant shall cease to be a mutual savings and loan association and shall be a capital stock savings and loan association on the date and at the time specified in the approved Articles of Incorporation, which shall be concurrent with the execution of all orders received for the Applicant's conversion stock.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

**Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted Federal savings and loan associations by Federal Home Loan Bank Board Regulation 545.4-1 (c), published in Volume 45, page 66781 of the *Federal Register* dated October 8, 1980.

RULE

Notwithstanding any limitations imposed by R.S. 6:701, et seq., state chartered savings and loan associations may issue NOW accounts, authorized Federal savings and loan associations by Federal Home Loan Bank Board Regulation 545.4-1 (c), et seq., which was published in Volume 45, page 66781 of the *Federal Register* dated October 8, 1980.

a. Effective date. This rule will become effective December 31, 1980.

b. Definition. NOW (Negotiable Order of Withdrawal) account is defined as a savings account on which interest is paid, and from which the owner may make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. The account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit.

c. Overdraft authority. State chartered savings and loan associations may extend secured and unsecured credit in the form of overdraft privileges specifically related to NOW accounts.

d. Account books. A state chartered savings and loan association is not required to issue account books or certificates evidencing ownership of NOW accounts.

e. Minimum balances. A state chartered savings and loan association, by resolution of the Board of Directors, may establish minimum balances for NOW accounts.

f. Fees. An association may charge a fee for making any payment or transfer or for maintaining a NOW account.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

**Department of Commerce
Office of Financial Institutions**

Under authority granted by LRS 6:902B the Commissioner of Financial Institutions proposes to issue the following rule.

RULE

Section I. Introduction. On August 20, 1980, the Commissioner of Financial Institutions caused a rule to be published in Volume 6, Number 8 of the *Louisiana Register*, which granted state chartered savings and loan associations authority to exercise trust powers, subject to prior approval of his office. The purpose of this rule is to standardize and outline application procedures to be followed by state chartered savings and loan associations when applying to the Commissioner of Financial Institutions for authority to exercise trust powers.

Section II. Application procedure. State chartered savings and loan associations desiring to exercise trust powers will submit an application to the Commissioner of Financial Institutions according to the following format:

1. This application is filed with the Commissioner of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, requesting consent to exercise trust powers under the Louisiana Trust Code, Title 9, Part V.
2. Name of Applicant.
Association Name _____

Location _____
3. Officer to contact regarding this application.
Name _____
Location _____
Telephone _____ Area Code _____
4. Mailing address of association (include zip code).
Name _____
Mailing address _____
5. Application is hereby made to act in the following fiduciary capacity: (Check either 5-a or 5-b)
 - ___ 5-a Full trust powers in accordance with the Louisiana Trust Code Title 9, Part V.
 - ___ 5-b Limited trust powers as indicated in 5-c below.
 - 5-c SCHEDULE OF LIMITED TRUST POWERS APPLIED FOR (complete only if item 5-b is checked)

PERSONAL TRUST POWERS

- | | |
|--|---------------------------------|
| ___ Executor and Administrator | ___ Agent |
| ___ Trustee | ___ Escrow agent only |
| ___ Trustee for land trusts only | ___ Investment management agent |
| ___ Committee | ___ Investment advisor agent |
| ___ Conservator | ___ Safekeeping agent |
| ___ Guardian | ___ Custodian |
| ___ Other fiduciary capacity (specify) | |

EMPLOYEE BENEFIT TRUST POWERS

- | | |
|--|---------------------------------|
| ___ Trustee | ___ Agent |
| ___ Custodian | ___ Investment management agent |
| ___ Other fiduciary capacity (specify other) | ___ Investment advisor agent |

CORPORATE TRUST POWERS

- | | |
|-----------------------|-----------------------------------|
| ___ Corporate trustee | ___ Transfer agent |
| ___ Corporate agent | ___ Registrar of stocks and bonds |
| ___ Escrow agent | ___ Paying agent |

Other fiduciary capacity (specify) _____

6. Resolution to be adopted by the Association's Board of Directors authorizing this application.

RESOLUTION

This application is made pursuant to authorization and direction of the Board of Directors of this association, as evidenced by the following resolution adopted by said Board at a meeting duly called and held on the _____ day of _____, 19____, viz:

RESOLVED, that an application be made by this association for the written consent of the Commissioner of Financial Institutions to exercise full/limited trust powers (strike out full or limited, specify those powers applied for).

FURTHER RESOLVED, that the President or Vice President and the Secretary of the association be and they hereby are authorized and directed, on behalf of this association, to execute and submit such application to the Commissioner of Financial Institutions;

FURTHER RESOLVED, that the following Statement of Principles of Trust Department Management is hereby adopted and that the exercise of any fiduciary powers granted will be in conformance with such principles.

(1) Designate an officer, qualified and competent, to be responsible for the administration of the activities of the Trust Department, and define his duties.

(2) Name a Trust Committee consisting of at least three directors, at least one of whom shall not be an officer of the association, to be responsible for and supervise the activities of the Trust Department. The Trust Committee should:

- (a) Meet at least once every month;
(b) Review the assets of each trust account at least once during each period of twelve months;
(c) Approve all purchases, sales and changes of trust assets;
(d) Approve the opening of all new trust accounts;
(e) Approve the closing of trust accounts;
(f) Keep full minutes of its actions, including its actions on matters included in (a) through (e) above;

(g) Make periodic reports to the board of its actions.

(3) Provide competent legal counsel to advise the Trust Officers and the Trust Committee on legal matters pertaining to the administration of the Trust Department.

(4) Provide for joint custody of trust assets under at least two or more officers and employees;

(5) Receive the report of the Trust Committee and record its actions thereon in its minutes;

(6) Make or cause to be made an annual audit of the Trust Department at least once during each period of twelve months and, where possible and practical, provide for internal controls over the Trust Department; and

(7) Review the examination reports of the Trust Department by Supervisory Agencies and record its action thereon in its minutes.

Nothing herein is intended to prohibit the board of directors from acting as the Trust Committee, from designating additional officers to administer the operations of the Trust Department and defining their duties, or from appointing additional committees for the Trust Department operation and defining the duties of such committees.

Date _____

Name and location of applicant

By _____

President or Vice President

Attest:

Secretary

- 7. If the association is a defendant in any suits in law or equity, state full details including names of plaintiffs, nature and amounts of claims, and probable outcome.
8. Complete the following schedule showing the association's major insurance coverage. Discuss any contemplated changes in the coverage below the schedule.

Table with 2 columns: Fidelity Insurance (Blanket Bond), Excess Employee Dishonesty Bond. Rows: Amount of coverage, Insurance Company, Policy Expiration Date.

- 9. The following information should be detailed for each member of the Trust Committee.
(a) Name, position with applicant, number of years associated with applicant, principal occupation, education, and qualifications in fiduciary and investment areas.
(b) Business interests. List the name, location and type of business of all companies in which the individual is a director, officer, or substantial shareholder, as well as all partnerships and whether general or limited.

10. Management of the Proposed Trust Department - Trust Officer(s). The following information should be detailed for each Trust Officer.

Name

Date of birth

Proposed Annual Salary

Anticipated Percentage of Time Devoted to Fiduciary Activities

Present Occupation and Employer (include position, duties, and year employed)

General Education (college and postgraduate, name and location of school, degrees, year graduated)

Specialized Fiduciary and Investment Training (name and location of school, type of program, year completed)

Employment History (include employer, position, dates employed and description of duties, particularly those of a fiduciary or investment nature)

Business and Community Affiliations

Professional Licenses or Similar Certificates (attorney, CPA, teaching certificate, etc.)

11. Legal Counsel for Fiduciary Activities.

For individual attorneys, provide:

- (a) Name and year of birth.
- (b) College and postgraduate education, name and location of school, degrees, year graduated.
- (c) Name and location of firm.
- (d) Experience in probate and other fiduciary business.
- (e) Any present professional work performed for Applicant.
- (f) Any present fiduciary work performed for competing institutions.

For legal firms, provide:

- (a) Name and location of firm.
- (b) Experience in probating estates and other types of fiduciary accounts.
- (c) Any present professional work performed for the Applicant.
- (d) Any present fiduciary work performed for competing institutions.

INCOME:	Year 1	Year 2	Year 3
Fee income (from Schedule A)			
Other Income (specify)			
Total Income			
EXPENSES:			
Personnel Costs (from Schedule B)			
Occupancy Expense			
Stationary and Supplies			
Legal Fees			
Investment Costs			
EDP Costs			
Other Expenses (specify)			
Total Expenses (specify)			
NET OPERATING INCOME OR (LOSS)			
CREDIT FOR DEPOSITS (optional)			
Income earned from in-house Deposits (from Schedule C)			
NET PROFIT OR (LOSS)			

Additional Comments:

12. General Information About Proposed Trust Department (attach continuation pages if necessary).

(a) Describe the size, location, and space allocated to the proposed Trust Department. Detail any additional investment (or rental costs) which will be required to provide the new building, remodeling, or leasehold improvements.

(b) Describe any proposed investment in (or rental of) furniture, fixtures, and equipment for the proposed Trust Department.

(c) Describe the types of accounting records to be maintained for the proposed Trust Department. Indicate whether these are to be manual, machine-posted, or EDP. If they are to be on EDP, indicate these applications to be automated, whether on-line, and frequency of posting. If an outside EDP servicer is to be utilized, show the name and location of the servicer, as well as the anticipated annual cost for each of the first three years.

(d) Describe the audit program to be used for the proposed Trust Department. If an internal auditor is to be used, show the name, position, number of years with Applicant, and training and experience in both bank and trust auditing. If an outside auditor is to be used, show the name and location of the firm, as well as the firm's experience in bank and trust auditing. For both internal and outside auditors, as applicable, indicate the extent of the proposed trust audit program.

(e) Detail a proposed schedule of fees for each type of service to be rendered by your Trust Department.

(f) Does the applicant meet the net worth and liquidity requirements for State Chartered Savings and Loan Associations?

13. Estimated Income and Expense From Fiduciary Operations for First Three Years.

Section III. Maintenance of records.

1. The operation of the Trust Department shall be separate and apart from every other department of the Association, with Trust assets separated from other assets owned by the Association, and the assets of each Trust account separated from the assets of every other Trust account; and

2. Maintenance of a separate set of books and records for the Trust Department in sufficient detail to properly show all Trust Department activities.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

INCOME AND EXPENSES FROM FIDUCIARY OPERATIONS FOR FIRST THREE YEARS

SCHEDULE A – ESTIMATED VOLUMES OF FIDUCIARY BUSINESS FOR FIRST THREE YEARS OF OPERATION

TYPE OF ACCOUNT	YEAR 1			YEAR 2			YEAR 3		
	No. of Accounts Administered	Asset Volume	Fee Income	No. of Accounts Administered	Asset Volume	Fee Income	No. of Accounts Administered	Asset Volume	Fee Income
ESTATES									
PERSONAL TRUST ACCOUNTS									
EMPLOYEE BENEFIT ACCOUNTS									
CORPORATE TRUST ACCOUNTS									
OTHER (Specify)									
TOTAL									

SCHEDULE B – ESTIMATED PERSONNEL EXPENSES OF FIDUCIARY BUSINESS

PERSONNEL	YEAR 1				YEAR 2				YEAR 3			
	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)	(1) Number	(2) Total Salary, Bonuses, and Benefits	(3) % Devoted to Trust	(4) Allocated Trust Expense (Col. 2 X Col. 3 = Col. 4)
TRUST OFFICER(S)												
ASST. TRUST OFFICER(S)												
SECRETARIAL												
CLERICAL												
OTHER (Specify)												
TOTAL												

INCOME AND EXPENSES FROM FIDUCIARY OPERATIONS FOR FIRST THREE YEARS (Continued)

SCHEDULE C - ESTIMATED VOLUMES OF IN-HOUSE DEPOSITS GENERATED FROM FIDUCIARY BUSINESS

TYPE OF ACCOUNT	Year 1			Year 2			Year 3		
	NOW ACCOUNTS	SAVINGS	TIME	NOW ACCOUNTS	SAVINGS	TIME	NOW ACCOUNTS	SAVINGS	TIME
ESTATES									
PERSONAL TRUST ACCOUNTS									
EMPLOYEE BENEFIT ACCOUNTS									
CORPORATE TRUST ACCOUNTS									
OTHER (Specify)									
TOTALS (By Type of Deposit)									
ESTIMATED INCOME GENERATED THROUGH DEPOSITS									

RULE

Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:902 B, the Commissioner of Financial Institutions intends to adopt the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Board Rules and Regulation 545.6-4a, which was published on page 24108, Volume 45 of the *Federal Register* dated April 9, 1980.

RULE

Notwithstanding any limitations imposed by R.S. 6:822, State Chartered Savings and Loan Associations are hereby authorized to make, purchase, and participate in renegotiable rate mortgage instruments authorized Federal associations by Federal Home Loan Bank Board Regulation 545.6-4a. For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulation, as amended, is outlined below:

Renegotiable Rate Mortgage Instruments

(a) Authorization. (1) Federal association may make, purchase, or participate in a renegotiable rate mortgage loan under this section if the loan complies with the provisions of 545.6-2(a) of this Part, pertaining to one-to-four family home loans. (2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in Section 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in renegotiable rate mortgages, or to directly or indirectly restrict such ability or right.

(b) Description. For purposes of this section, a renegotiable rate mortgage loan is a loan (1) issued for a term of three, four or five years, secured by a long-term mortgage of up to thirty years, and automatically renewable at equal intervals except as provided in subparagraph (c)(1) of this section, or (2) issued for a term of up to thirty years, secured by a mortgage of equal term, on which the rate is adjusted at intervals of three, four or five years except as provided in subparagraph (c)(1) of this section. The loan must be repayable in equal monthly installments of principal and interest during the loan term or adjustment period in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining term of the mortgage. At renewal or adjustment, no change other than in the interest rate (and, correspondingly, in the monthly installment amount) may be made in the terms or conditions of the loan. Prepayment in full or in part of the loan balance secured by the mortgage may be made without penalty at any time after the beginning of the minimum notice period for the first renewal or adjustment, or at any earlier time specified in the loan contract.

(c) Interest-rate changes at renewal or adjustment.

(1) The interest rate offered at renewal or adjustment shall reflect the movement, in reference to the date of the loan, of the contract interest rate on the purchase of previously-occupied homes in the Board's most recent monthly national average mortgage rate index for all major lenders, provided that an association may alter the initial terms or initial adjustment periods of loans originated within a six-month period so that they mature or adjust on the same date three, four or five years after the end of that period. In which case the interest rate offered at renewal or adjustment shall reflect the movement of the index from the end of that period (that is, as though all loans in the group had originated at the end of the period).

(2) The maximum rate increase or decrease shall be one-half of one percent per year multiplied by the number of years in the loan term or adjustment period, with a maximum increase or decrease of five percent over the life of the mortgage. Associations may offer a borrower a renegotiable rate mortgage loan with maximum annual and total interest rate decreases smaller than the maximum set out in this subparagraph; provided, however, that in such a case the maximum annual and total interest rate increases offered shall not exceed the maximum annual and total decreases set out in the loan contract.

(3) Interest rate decreases from the previous loan term or adjustment period are mandatory. Interest rate increases are optional with the association, but the association may obligate itself to a third party to take the maximum increase permitted by this paragraph.

(d) Cost of renewal or adjustment. The borrower may not be charged any costs or fees in connection with the renewal of such loan or adjustment of the interest rate.

(e) Notice to borrower.

(1) If the loan is structured as a renewable, short-term note, at least ninety and not more than one-hundred twenty days before the due date of the note, the association shall send written notification in the following form to the borrower:

NOTICE

Your loan with _____ Federal Savings and Loan Association, secured by a (mortgage/deed of trust) on property located at _____ (address) _____, is due and payable on _____ (date of renewal) _____. The outstanding balance of your loan on that date, based on the remaining monthly payments due by that date, will be \$ _____.

Unless you elect to pay the loan in full by that date, your loan will be renewed automatically for _____ years, upon the same terms and conditions as the current loan, except that the interest rate will be _____ %.

Your monthly payment, based on that rate, will be \$ _____, beginning with the payment due on _____, 19____.

You may pay off the entire loan or a part of it without penalty at any time.

If you have any questions about this notice, please contact _____ (title and telephone number of association employee)

(2) If the loan is structured as a long-term note, at least ninety and not more than one-hundred twenty days before adjustment of the interest rate, the association shall send written notification to the borrower in the following form:

NOTICE

The interest rate on your loan with _____ Federal Savings and Loan Association, secured by a (mortgage/deed of trust) located at _____ (address) _____, scheduled to be adjusted on _____ (date of adjustment) _____. The outstanding balance of your loan on that date, based on the remaining monthly payments due by that date, will be \$ _____. As of _____ (date of adjustment), the rate on your loan for the next _____ years will be _____ %, unless you elect to pay the loan in full by that date.

Your monthly payment, based on that rate, will be \$ _____, beginning with the payment due on _____, 19____.

You may pay off the entire loan or a part of it without penalty at any time.

If you have questions about this notice, please contact _____ (title and telephone number of association employee)

(f) Application disclosure. An applicant for a renegotiable rate mortgage loan must be given, at the time of receipt of an

application, a disclosure notice in the following form (underlined, bracketed language should be substituted for bracketed language if the loan is structured as a long-term note):

INFORMATION ABOUT THE RENEGOTIABLE-RATE MORTGAGE

You have received an application form for a renegotiable-rate mortgage ("RRM"). The RRM differs from the fixed-rate mortgage with which you may be familiar. (In the fixed-rate mortgage the length of the loan and the length of the underlying mortgage are the same, but in the RRM the loan is short-term (3-5 years) and is automatically renewable for a period equal to the mortgage (up to 30 years). Therefore, instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease at each renewal of the short-term loan.) (Instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease every three, four or five years.) This means that the amount of your monthly payment may also increase or decrease.

(The term of the RRM loan is _____ years, and the length of the underlying mortgage is _____ years. The initial loan term may be up to six months longer than later terms.)

(The term of the RRM is _____ years. The interest rate may be adjusted every _____ years. The initial adjustment period may be up to six months longer than later periods.)

(The lender must offer to renew the loan, and the only loan provision that may be changed at renewal is the interest rate. The interest rate offered at renewal is based on changes in an index rate.) (Adjustments to the interest rate are based on changes in an index rate.) The index used is computed monthly by the Federal Home Loan Bank Board, an agency of the Federal government. The index is based on the national average contract rate for all major lenders for the purchase of previously-occupied, single-family homes.

(At renewal, if the index has moved higher than it was at the beginning of the mortgage, the lender has the right to offer a renewal of the loan at an interest rate equalling the original interest rate plus the increase in the index rate.) (At the time of interest rate adjustment, if the index has moved higher than it was at the beginning of the mortgage, the lender has the right to adjust the interest rate to a rate equalling the original interest rate plus the increase in the index rate.) This is the maximum increase permitted to the lender. Although taking such an increase is optional with the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

If the index has moved down, the lender must (at renewal) (at the time of adjustment) reduce the original interest rate by the decrease in the index rate. No matter how much the index rate increases or decreases, THE LENDER, (AT RENEWAL) (AT THE TIME OF ADJUSTMENT), MAY NOT INCREASE OR DECREASE THE INTEREST RATE ON YOUR RRM LOAN BY AN AMOUNT GREATER THAN _____ OF ONE PERCENTAGE POINT PER YEAR OF THE (LOAN) (ADJUSTMENT PERIOD), AND THE TOTAL INCREASE OR DECREASE OVER THE LIFE OF THE MORTGAGE MAY NOT BE MORE THAN _____ PERCENTAGE POINTS.

(As the borrower, you have the right to decline the lender's offer of renewal. If you decide not to renew, you will have to pay off the remaining balance of the mortgage. Even if you decide to renew, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the minimum notice period for the first renewal. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before renewal, will send a notice stating the due date of the loan, the principal balance as of that date, the

new interest rate and the monthly payment amount. If you elect not to pay the loan in full by the due date, the loan will be automatically renewed at the new rate. You will not have to pay any fees or charges at renewal time.) (As the borrower, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the minimum notice period of the first interest rate adjustment. To give you enough time to make this decision, the lender, at least ninety but not more than one-hundred twenty days before interest rate adjustment, will send a notice stating the date of adjustment, the principal balance as of that date, the new interest rate and the monthly payment amount. If you pay the loan in full by the due date the interest rate will be adjusted to the new rate. You will not have to pay any fees or charges at the time of interest rate adjustment.)

The maximum interest-rate increase at the first (renewal) (adjustment) is _____ percentage points. On a \$50,000 mortgage with an original (term) (adjustment period) of _____ years and an original interest rate of (lender's current commitment rate) percent, this rate change would increase the monthly payment (principal and interest) from \$_____ to \$_____. Using the same example, the highest interest rate you might have to pay over the life of the mortgage would be _____ percent, and the lowest would be _____ percent.

The validity of renegotiable rate mortgage instruments under Louisiana Law has been affirmed by Attorney General Opinion No. 80-565 dated August 20, 1980.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission adopted the following Rule, LAC 11-6:25.32, at its meeting held Thursday, November 6 in New Orleans.

LAC 11-6:25.32

In cases where a trainer enters two horses, each having bona fide separate owners, the horses may be allowed to run as separate betting units, at the discretion of the stewards.

Albert M. Stall, Chairman
Racing Commission

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission adopted the following Rule, LAC 11-6:33.6, at its meeting held Thursday, November 6 in New Orleans.

LAC 11-6:33.6

Coupled entries are permitted in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of LAC 11-6:25.32.

Albert M. Stall, Chairman
Racing Commission

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 State office, department, board, commission, institution, division, officer or other person, or functional group, heretofore existing or hereinafter created, that is authorized to exercise, or that does exercise, any functions of the government of the State, but not any governing body or officer of any local government or subdivision of the State, or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.

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 telephone 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 Centrex II ESS, ESSX, or Dimension 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 subscribers in a particular area. More than one central office may be located in the same building.

Centrex II ESS — An electronically switched telephone system which can provide centralized service to various state agencies within a specific location. The system allows for direct inward dialing, automatic identified outward dialing, touchtone calling, abbreviated number calling to any telephone within the system and other optional and standard features. The computerized switch of the system is located in the central office of the common carrier for the area served. This type of system is no longer a new service offering in the common carrier tariff in Louisiana.

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 telephone systems and selective routing of the calls between the systems based on the least expensive available path.

Credit card — A service provided by the telephone com-

pany 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.

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.

Dimension (A registered trademark of American Telephone and Telegraph Company) — An electronic private branch exchange (PBX) telephone system which provides centralized service to various state agencies within a specific location. The system uses stored programs and a minicomputer processor located on the user's premises to control all basic operations. Dimension systems can provide direct inward dialing, touchtone calling, and abbreviated number calling to any telephone within the system.

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 telephone system switching feature which permits incoming calls to reach stations directly without attendant assistance.

ESSX-1 — An electronically switched telephone system which can provide centralized service to various state agencies within a specific location. The system allows direct inward dialing, automatic identified outward dialing, touchtone calling, abbreviated number calling within the system and more optional and standard features than were available on Centrex II ESS systems. The computerized switch of the system is located in the central office of the common carrier for the area served. This system essentially is replacement for the Centrex II ESS.

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.

Intercom system — A communications system that allows selective intercommunications between telephone stations within an office or building complex.

Interconnect — To connect privately owned components to a public network of a communications 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 communications circuit between a subscriber and the local central office (switching center) or between two private line subscribers.

Louisiana Intercity Network for Communications (LINC) — A network comprised of special types of private line channels connecting consolidated and individual telephone 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 — A common carrier provided service designated for use in vehicles. Mobile telephone service is primarily a radio connection through an interface point to the public telephone network.

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 communications 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 station at a different premise or different city than that of the switch.

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.

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 circuits.

Telecommunications — Any transmission, emission or reception of signs, signals, writings, images and sounds of intelligence of any nature by wire, radio, visual or electromagnetic means.

Telecommunications systems or service — The equipment, personnel, policies and means necessary to provide state agencies with central telephone systems and telephone networks, teleprocessing and data transmission networks, teletype and facsimile networks, satellite services, radio paging services, mobile tele-

phone service, intercom and electromechanical paging systems and any and all systems based on emerging and future telecommunications technologies.

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

Telephone listings coordinator — A representative selected by the agency head or the Telephone Systems Coordinator who is assigned the responsibility for gathering and maintaining accurate listings for his state agency.

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

Telpak — An interexchange private line service offering that provides communications channel capacities of various sizes.

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

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

Touchtone (A registered trademark of American Telephone and Telegraph Company) — A dialing arrangement where dual tone multi-frequency signaling is used on instruments rather than rotary dials to initiate calls.

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 communication 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 inwats (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, an operational section of the Division of Administration.

2.2 **Authority.** These rules are adopted pursuant to Title 39 of the Louisiana Revised Statutes and Executive Order 1980-10 dated June 2, 1980. By this Executive Order, the Office of Telecommunications Management was given the authority to:

2.2.1 Establish, manage and operate, through either state ownership or commercial leasing, telecommunication systems and services as they affect management and operation of state government.

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

2.2.3 Under the authority of the Centrex Revolving Fund, 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, departments and institutions, and require, where appropriate, cooperative utilization of telecommunications equipment and services by aggregating users.

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 telecom-

munications consultation contracts.

2.2.6 Establish and define telecommunications systems and service specifications and designs so as to assure compatibility of telecommunications systems and services within state government.

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

2.2.8 Promote, coordinate and/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 and institutions of telecommunications management planning and related matters and 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 telecommunications services at minimum expenditure to support the programs of all state departments.

2.4 Scope. These rules apply to all state agencies defined in Title 39 of the Louisiana Revised Statutes and LAC 1-10:1 and any and all entities designated by the Commissioner of Administration.

LAC 1-10:3 State Agencies Responsibilities

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

3.1.1 Assure that projects initiated within their organization requiring telecommunications services are coordinated with the Office of Telecommunications Management during the earliest planning stages.

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 Telephone Systems Coordinator(s). The person(s) designated must have sufficient knowledge of the agency's function and 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 Telephone Systems 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 Telephone Systems Coordinator, the Office of Telecommunications Management will assume that the Undersecretary or the equivalent administration position in the offices of higher education, elected officials, or other subdivisions of state government is the Telephone Systems Coordinator.

3.2 Telephone Systems Coordinator Responsibilities. The Telephone Systems Coordinator is charged with:

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

3.2.2 Determining the need for and approve or disapprove requests for service and equipment which are in compliance with these standards.

3.2.3 Forwarding all approved requests for service to the Office of Telecommunications Management to obtain final approval.

3.2.4 Coordinating with the Office of Telecommunications Management planning projects which require communications services. Coordination consists of but will not be limited to:

A. Notifying the Office of Telecommunications Management at the initiation of these projects.

B. Informing the Office of Telecommunications Management of meetings relative to the planning of the project.

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

D. Submitting any additional information to facilitate determination of the type of communications systems required.

E. Providing notification to the Office of Telecommunications Management that sufficient funds have been budgeted for the communications systems for these projects.

3.2.5 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.

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

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

3.2.8 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. The Telephone Systems Coordinator may delegate responsibility for telephone listings to a representative in the agency who shall be referred to as the Telephone Listings Coordinator. Upon delegation of this responsibility, the Telephone Systems Coordinator shall advise the Office of Telecommunications Management of the name, title, mailing address, and telephone number of the individual who is responsible for preparation of the listings. Before submission of the listings to the Office of Telecommunications Management, final budgetary approval must be given by the Telephone Systems Coordinator.

LAC 1-10:4 Telecommunications Equipment and Service Standards

4.1 Central System. The State of Louisiana will utilize the concept of a major central voice communications system to provide services for state agencies. Consolidated services will be considered and implemented by the Office of Telecommunications Management when more than thirty stations are located in the same serving central office of a telecommunications common carrier and when economically justifiable. Many different agencies will share this centralized telephone service in order to provide coordinated and efficient communication service at the least dollar expenditure for the State.

4.2 Central System Configuration. The type of consolidated telephone system utilized is dependent upon emerging technologies in telecommunications. The Office of Telecommunications Management utilizes electronically switched systems such as Centrex II ESS, ESSX-1, and Dimension PBX systems to provide coordinated services to state agencies in Baton Rouge, New Orleans, Monroe, Alexandria, Lafayette, Lake Charles, and Shreveport.

4.2.1 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 telephone service to include a touch tone instrument with optional color selection and the call transfer feature providing an equivalent of two lines per instrument. Optional features are available at additional monthly costs. Each agency will be responsible for determining the optional features needed on each telephone to meet operational requirements for respective jobs. The Office of Telecommunications Management will advise and assist agencies in meeting these operational requirements.

4.2.2 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 telephone systems when the line is located within the service area of the electronic switch. Off premise extensions on electronically switched systems shall not be terminated into privately leased or owned key telephone systems.

4.3 Use of Central System. Any agency located within the service area of an existing centralized communications system requiring telephone service must be given service from the centralized system if economically justifiable.

4.3.1 All members 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 extension of that line will be allowed. During legislative sessions, legislators will be provided a Baton Rouge off premise extension in their temporary residences.

4.3.2 A state officer 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 state agency 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.

4.4 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.

4.4.1 The entities shall be either quasi-state agencies supported, in part or in whole, by state funds; corporations or agencies who provide a direct service which is of benefit to state employees; or the working press with offices in the State Capitol.

4.4.2 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.

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

4.5 Individual Agency Telephone System. Individual agency telephone 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 telephone 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 telephone systems may be used with PBX telephone systems where traffic volume and work methods require that an instrument have access to more than one line. Individual telephone systems having intercity capability may be provided an office premise extension from a centralized system if such line meets the standards set forth in LAC I-10:4.2.2.

4.6 Commercial or Business Service. Public business lines may be authorized by the Office of Telecommunications Management when an agency cannot be served by a central telephone system. Business line telephone service may also be authorized to augment a central system 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.

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

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

4.7.2 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 telephone company central offices and use private line channels to connect the consolidated and individual telephone 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.

4.7.3 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 telephones requiring long distance service.

D. Uniform dial access to allow telephones with network access to dial the access code number 8 and seven-digit number when calling another State office on the network.

E. PO2 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.

4.8 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.

4.9 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 Commissioner 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 designated by the Commissioner of Administration 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 calls should be minimized to reduce lost personnel time.

A. Personal long distance calls over the common carrier toll network should 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 should 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 should be 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 Telephone Systems Coordinator on an annual basis. Upon approval by the Telephone Systems 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 should be 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 telecommunications services for state agencies must be submitted in writing to the Office of Telecommunications Management by the Telephone Systems 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 Telecommunications Management following such circumstances. Written requests must contain:

6.1.1 The department, office, and division name, street address, building name and/or number, room number, and city location of the service affected by the request.

6.1.2 The telephone number or numbers to which service is being added, removed, or altered and the name of the person to which each number is assigned.

6.1.3 An appropriate description of the work being requested. Example: Change the location of 342-0000 from Room 34 to Room 43 and add the call forwarding variable feature.

6.1.4 The date service is desired.

6.1.5 The name and telephone number of the agency employee to be contacted for access, location, and other information related to the request.

6.1.6 The specific account number to be billed for the work completed.

6.1.7 The signature of the designated Telephone Systems Coordinator for the agency.

6.2 Changes in Service. Requests for installation, relocation, 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. Any rate inquiries applicable to these requests must be directed to the Office of Telecommunications Management and not to the telecommunications common carriers or suppliers.

6.2.1 Requests for new service should be forwarded to the Office of Telecommunications Management at least forty-five 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 forwarded to the Office of Telecommunications Management at least twenty 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 forwarded to the Office of Telecommunications Management at least thirty 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.

6.2.4 Installation, relocation, modification, or removal of existing telephone equipment by state employees is prohibited.

6.2.5 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 cited in LAC 1-10:4. Any requests which cannot be approved by the Office of Telecommunications Management will be returned to the agency with reasons for disapproval of the request stated in writing.

6.3 Periodic Review of Systems. The Telephone Systems Coordinator should periodically review the need for telephone service installed in their offices and facilities and should order the removal of any unnecessary lines, stations, or special features.

6.3.1 Upon request of the Telephone Systems Coordinator, the Office of Telecommunications Management will make a premise review to provide assistance in the evaluation of existing communications systems and make recommendations to provide a more effective telecommunications program.

6.3.2 When a telecommunications system is determined to be inadequate, a review will be conducted to identify all communications needs and to formulate recommendations and specifications for a new system. If specifications are in compliance with the standards outlined in these rules and regulations the Office of Telecommunications Management will forward the proposal and price quotation for the new system to the agency for review and concurrence. 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.

LAC 1-10:1 Telecommunications Charges

7.1 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' communications services utilized.

7.2 Local Service Charges. Under the authority of the Centrex Revolving Fund, the Office of Telecommunications Management charges respective user agencies for their proportionate cost of the installation, maintenance, and operation of the telecommunications systems and services including commercial or business service, consolidated electronically switched systems, or individual agency systems. Administrative costs for the operation of the Office of Telecommunications Management are billed to all subscriber agencies as a surcharge to the local service amount billed by communications companies.

7.3 Network Charges. LINC costs are billed to subscriber agencies on an actual usage basis with each telephone using the network being billed for its pro rata share of network cost. This is accomplished through the use of a computer tape derived from CCSA switcher activity which identifies the individual use of each telephone with LINC accessibility. 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 telephone.

7.3.1 The Office of Telecommunications Management bills for actual use incurred, therefore, the LINC usage will be one month in arrears on the telecommunications invoice.

7.3.2 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.

7.4 Mileage Charges. A mileage charge per billing period will be rendered for specialized voice and data circuits routed through the State's leased telecommunications channels. Such circuits will be provided on an intercity basis between the common carrier switching centers. All charges for local loop circuits; line conditioning; terminal equipment; modems; interconnect devices; and other required equipment will be billed to the using agency based upon the rates charged by the telecommunications common carrier or other suppliers.

7.5 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.

7.6 Rate Requests. All inquiries concerning telecommunications rates must be directed to the Office of Telecommunications Management.

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

7.7.1 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.

7.7.2 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 Telephone Systems 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.

7.7.3 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 Telephone Systems 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 noncompliance with this notification procedure.

7.7.4 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 Telephone Systems 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 Telephone Systems Coordinator no later than ten 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.

7.8 Payment. The agency must return one copy of the invoice summary with payment to the Office of Telecommunications Management to ensure 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 thirty days of the receipt of the invoice. Nonpayment of charges within ninety days constitutes sufficient reason for the Office of Telecommunications Management to notify applicable common carriers or suppliers to terminate service.

7.9 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.

LAC 1-10:8 Directory Listings

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

8.2 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.

8.2.1 The Telephone Systems 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 specified directories. The Telephone Systems Coordinator or his designated representative (the Telephone Listings Coordinator) should contact each subdivision within the agency to determine the necessity, completeness and accuracy of listings submitted.

8.2.2 The Office of Telecommunications Management will determine a uniform format to be complied with by all state agencies for state government directory listings.

8.2.3 Changes to directory listings submitted in writing to the Office of Telecommunications Management between yearly

updates will not incur a service order writing charge if the listing change is submitted at the same time that a request for installation, relocation, or termination of telecommunications services is submitted.

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

8.3 State Directory. The Office of Telecommunications Management shall publish yearly a State Government Telephone Directory to provide users of state telephone equipment 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.

8.3.1 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.

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

LAC 1-10:9 Telecommunications Training

9.1 General. The Office of Telecommunications Management will provide to all state agencies necessary training and/or instructions related to telecommunications technology and system use.

9.2 Telephone Systems Coordinator Training. Training designed to instruct the Telephone System 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.

9.3 Employee Training. Instructions will be provided to 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.

9.4 Requests for Training. 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.

LAC 1-10:10 Telecommunications Repair

10.1 General. The grade of service on any telephone system 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.

10.2 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.

10.2.1 The trouble should be reported to the 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.

10.2.2 In case of recurring problems existing after numerous reports, or troubles 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.

10.3 Other Telecommunications Services. The Office of Telecommunications Management in Baton Rouge should be contacted for repair of other telecommunications devices and/or services.

LAC 1-10:11 Waiver of Regulations

11.1 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.

Alexis M. Holstead
Director

RULES

Department of Natural Resources Office of Forestry and Office of the Governor Tax Commission Timber Stumpage Values Calendar Year 1981

Listed below are the timber stumpage values set by the Louisiana Tax Commission and the Louisiana Forestry Commission on December 1, 1980, as provided by law. These values are for the Calendar Year 1981.

The unit values were determined by the Commissions following an examination of stumpage price information collected from sawmills and pulpwood procurement centers.

The sawtimber values are based on accepted Doyle Log Rule standards and the pulpwood values are based on a standard cord (128 cu. ft.).

Pine Sawtimber	\$212.00 per M Bd. Ft.
All Hardwoods & Cypress Sawtimber	60.00 per M Bd. Ft.
Pine Pulpwood	10.20 per Cord
Hardwood Pulpwood	4.00 per Cord

The regular severance tax rate is two and one-fourth percent of the above sawtimber stumpage values and five percent of the above pulpwood values.

The severance tax rate on Timber Conservation Contract lands is six percent of all above stumpage values both sawtimber and pulpwood.

Effective date: January 1 - December 31, 1981.

All other forest products (fence posts, ties, poles, piling, etc.) to be computed on basis of accepted Doyle Log Rule standards or standard cords (128 cu. ft.) as applicable.

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

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

Rule Title: Timber Stumpage Values - 1981

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

No implementation costs will be incurred by the Office of Forestry. All severance taxes are collected by the Department of Revenue.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections for 1981 cannot be estimated at this time; however, due to current economic conditions it is possible revenues collected in 1981 may be less than in previous years.

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

Timber severance taxes, by law, are distributed as follows: Seventy-five percent to the parish where timber was cut Twenty-five percent to State Treasurer

The average stumpage market values were increased for 1980 as follows. Severance taxes collected on timber during 1981 will be based on the 1980 stumpage market values.

	1979	1980
Pine Saw Logs	\$160.00/M	\$212.00/M
Pine Pulpwood	8.00/cord	10.20/cord
Hardwood Saw Logs	56.00/M	60.00/M
Hardwood Pulpwood	4.40/cord	4.00/cord

Because of increased stumpage market values, timber cutters will experience increased costs due to higher severance taxes. These costs will eventually be passed on to private mill operators; however, the additional costs to be incurred cannot be estimated at this time.

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

There is no anticipated effect on competition or employment.

H. H. Meng
Administrative Officer

Mark C. Drennen
Legislative Fiscal Officer

COMMITTEE REPORT

**Department of Health and Human Resources
Board of Embalmers and Funeral
Directors
Louisiana House of Representatives**

December 3, 1980

Honorable David Treen, Governor
State of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Subject: Report on Disapproval of Proposed Rule 2 and Proposed Rule 15 of the Louisiana State Board of Embalmers and Funeral Directors

Dear Governor Treen:

This is to certify that Proposed Rule 2 and Proposed Rule 15 of the Louisiana State Board of Embalmers and Funeral Directors (notice of intent not yet published in the Louisiana Register) have been found unacceptable and disapproved in accordance with La. R.S. 49:968.

A copy of the proposed rules is attached.

The House members of the Subcommittee on Oversight, acting as a committee on behalf of their respective house of the legislature, have, as specifically provided by R.S. 49:968(D) and

49:968(E), disapproved the proposed rules by a vote of 6 to 0.

Voting to disapprove the rules were Reps. Robert Adley, Lane Carson, Quentin Dastugue, Avery Alexander, Louis (Woody) Jenkins, and Bruce Lynn.

With respect to the proposed rules, the committee made the following determinations:

1. Lack of Statutory Authority for Adoption of Rules. The Louisiana State Board of Embalmers and Funeral Directors has no legal authority for the adoption of new or additional fees or costs, other than those already permitted by law. No statutory power has been granted to the board to impose an "examination fee" or to impose costs of hearings on parties which have been disciplined by the board.

2. No Tax, Fee or Similar Charge May Be Levied Without Legislative Action. New taxes, fees or similar charges are always levied by act of the legislature in Louisiana, rather than by administrative rule.

The proposed rules were opposed by the Department of Health and Human Resources, which stated that all fees for boards and agencies within DHHR must first be submitted to the Secretary for approval, under other provisions of law. The committee did not make its decision based on this assertion.

Under the provisions of La. R.S. 49:968, please be advised that you have five calendar days to consider this report and, if it is your desire, to disapprove the action taken by the committee.

Please indicate your approval or disapproval of the action of the committee and return this document to my office at One American Place, Suite 1023, Baton Rouge, La. 70825.

With kindest regards, I remain

Sincerely,

Louis (Woody) Jenkins, Chairman

Subcommittee on Oversight

Joint Committee on Health and Welfare

ACTION BY GOVERNOR

I approve the action of the Subcommittee on Oversight of the Joint Committee on Health and Human Resources with respect to Proposed Rule 2 and Proposed Rule 15 of the Louisiana State Board of Embalmers and Funeral Directors (notice of intent not yet published in the *Louisiana Register*).

David C. Treen, Governor

State of Louisiana

December 8, 1980

RULE

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy regarding assignment of health insurance benefits by Medical Assistance recipients (Act 255 of the 1980 Legislature, effective September 12, 1980):

According to Louisiana law, by accepting Medical Assistance from the Office of Family Security, the right to any hospitalization, accident, medical, or health benefits owed to you (recipient) by any third party is automatically assigned to the Department of Health and Human Resources for that portion of medical expenses paid by the Medical Assistance Program in your (recipient) behalf or in behalf of those (recipients) for whom you are legally responsible.

George A. Fischer, Secretary

Department of Health and Human Resources

RULE

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

The Department of Health and Human Resources, Office of Family Security, has implemented a program of state medical assistance for state and local retirees who become ineligible for Supplemental Security Income and Medicaid benefits due to cost of living increases in state or local government retirement benefits occurring on or after August 31, 1979. The medical benefits to be provided are the same as those provided through Title XIX, Medicaid, but will be funded by all state monies.

The expansion of the State Medical Assistance Program is mandated by Act 481 of the 1980 session of the Louisiana Legislature.

In determining eligibility of potential recipients, all percentage increases in state, local, and parish retirement benefits beginning in August, 1979, will be disregarded from the individual's current income. Need will be determined in accordance with Supplemental Security Income (SSI) standards. SSI resource criteria will also be used.

For those determined eligible, medical cards will be issued for any appropriate retroactive months and for current and subsequent months.

The declaration method shall be used in redetermining eligibility annually. If the individual becomes ineligible for any reason other than the cost of living increase from state and local retirement, the case shall be closed.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, has implemented the following policy regarding Title XIX (Medicaid) payment for abortions.

The Louisiana Medical Assistance Program will enforce Medicaid regulations which restrict payments for abortions except when one of the two criteria outlined below is met:

1) A physician has found, and so certifies in writing, that on the basis of his/her professional judgment, the life of the pregnant woman would be endangered if the fetus were carried to term.

2) A physician has obtained signed documentation from a law enforcement agency or public health service stating: (a) that the pregnant woman was reported to have been the victim of an incident of rape or incest; (b) the date on which the rape occurred; (c) the date on which the report was made, which, in the case of rape, must have been within seventy-two hours (three days) of the date on which the incident occurred; (d) the name and address of the person making the report (if different from the victim); and (e) that the report included the signature of the person who reported the incident.

Previous Notices concerning Medicaid payment for abortions no longer apply and should be disregarded.

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

RULE

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

In accordance with the provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources (DHHR) has adopted amendments to the Final Social Services (Title XX) Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1980 through June 30, 1981.

Amendment Number 1

To clarify the definition of "family" for purposes of determining eligibility under Title XX by specifying that (a) where adults, other than spouses, reside together, each shall be considered a separate family and (b) emancipated minors and children living under the care of individuals not legally responsible for their care shall be considered one-person families.

Effective date of this Amendment: January 1, 1981.

Reason for Amendment Number 1

To ensure uniformity in the definition of family and equity in determination of eligibility for family members as required by Action Transmittal HDS-AT-80-8 (APS) April 8, 1980 which clarifies the intent of federal regulation 45 CFR 228.1 as specified in the Federal Register, Volume 42, Number 20, Monday, January 31, 1977, page 5849.

Amendment Number 2

To delete the three services related to respite care, which are (a) Family Aide, pages 70-71, (b) Family Education and Training, pages 72-73 and (c) Respite Care, pages 99-100, and to delete the Fee Schedule for these three services, page 51, as well as the explanation of eligibility for these three services, paragraph 2, page 4.

Effective date of this Amendment: January 1, 1981

Reason for Amendment Number 2

The 1980 Louisiana Legislature elected to fund respite care services with one hundred percent state funds during fiscal year 1980-81 rather than through the Title XX Social Services Program.

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

RULE

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

The Department of Health and Human Resources, Office of Human Development, hereby adopts the following increases in the monthly maintenance subsidy rates in the Subsidized Adoption Program for special needs children:

	Old Rate	New Rate
Special Needs Adoptive Child under age six	\$116.80	\$128.00
Special Needs Adoptive Child between six and twelve	\$136.00	\$148.00
Special Needs Adoptive Child ages thirteen or older	\$154.82	\$169.60

Additionally, the following revised income eligibility standard for the Adoption Subsidy Program is being adopted to reflect adjustments in the Louisiana median annual income as computed by the U.S. Bureau of the Census. The table lists, by family size, 115 percent of the Louisiana median annual income. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table may apply for a maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
2 Persons	\$14,616	9 Persons	\$30,300
3 Persons	\$18,048	10 Persons	\$30,948
4 Persons	\$21,492	11 Persons	\$31,956
5 Persons	\$24,936	12 Persons	\$32,244
6 Persons	\$28,368	13 Persons	\$32,880
7 Persons	\$29,016	14 Persons	\$33,528
8 Persons	\$29,664		

For each additional family member above fourteen, add \$648.00 to the figure shown for a fourteen-member family.

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

RULE

Department of Health and Human Resources Office of Human Development

With funds provided in the Appropriations Act of the 1980 Louisiana Legislature the Department of Health and Human Resources hereby adopts the following increased rate schedule for the provision of Day Care Services provided through vendor payments to licensed day care centers and approved family day care homes:

	Licensed Day Care Centers		Approved Family Day Care Homes	
	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$112.43	\$123.20	\$73.92	\$81.62
Daily	5.11	5.60	3.36	3.71
Hourly	.73	.80	.48	.53

The amount paid by the Office of Human Development for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$123.20 per month.

In no case shall the amount of payment exceed the amount charged by a day care center to private paying clients.

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

COMMITTEE REPORT

Department of Health and Human Resources Office of Licensing and Regulation Division of Health Planning and Development Louisiana House of Representatives

December 3, 1980

Honorable David Treen, Governor
State of Louisiana
State Capitol
Baton Rouge, La. 70804

Subject: Report on Disapproval of Proposed Rules on Appropriateness Review of Existing Institutional Health Services, as required by La. R.S. 49:968.

Dear Governor Treen:

This is to certify that proposed rules on appropriateness review of existing health services by the Department of Health and Human Resources, Office of Licensing and Regulation, Division of Health Planning and Development (notice of intent published in the Louisiana Register, p. 681, November 20, 1980) have been found unacceptable and disapproved in accordance with La. R.S. 49:968.

A copy of the proposed rules is attached.

The House members of the Subcommittee on Oversight, acting as a committee on behalf of their respective house of the legislature, have, as provided specifically by R.S. 49:968(D) and 49:968(E), disapproved the proposed rules by a vote of 6 to 1.

Voting to disapprove the rules were Reps. Robert Adley, Lane Carson, Quentin Dastugue, Louis (Woody) Jenkins, Jon Johnson, and Bruce Lynn. Voting against disapproving the rules was Rep. Avery Alexander.

With respect to the proposed rules, the committee made the following determinations:

1. **Improper Notice.** La. R.S. 49:968(B) requires state agencies to file a notice of intent to adopt rules with the Speaker of the House and President of the Senate or the chairmen of the House and Senate committees on Health and Welfare on the same date that said notice is filed with the *State Register* for publication. However, no such notice has been filed. In addition, the *State Register* was late in publication, which caused the committee to be notified of the proposed rules on Monday, December 1, 1980, two days prior to our regularly scheduled monthly meeting. Because of the length, complexity and importance of the proposed rules, it was impossible on such short notice to analyze the proposals properly. This lack of notice operated to prejudice the legal review functions of the legislative branch of state government.

2. **Lack of Statutory Authority for Adoption of Rules.** The committee determined, and representatives of the Department of Health and Human Resources agreed in testimony before the committee today, that there exists no Louisiana statutory authority granting to DHHR the power to adopt rules on the subject of appropriateness review. On the contrary, the only legal authority cited was P.L. 93-641 and 96-79, a federal statute which could not possibly grant rule-making powers to a state agency.

3. **No Criteria for Review of Health Services.** The proposed rules set forth no criteria for reviewing the "appropriateness" of the various health care services now existing in the state. This means that the committee has no way of knowing what standards might be applied to hospitals, nursing homes, or other health care facilities. Yet, the adoption of the proposed rules would purport to grant DHHR the authority to adopt such criteria in the future with no legislative review or oversight.

4. **No Assurance of Public Involvement in Establishment of Criteria.** The proposed rules fail to grant to the public any opportunity to testify for or against the criteria which would be adopted pursuant to the proposed rules for the determination of appropriateness.

5. **Federal Policy on Appropriateness Review Likely to Change.** Because of the change in administrations in Washington and the change in the composition of the Congress, the committee believes that it is very likely that federal regulations purporting to require appropriateness review will be changed or repealed.

The proposed rules were opposed by the Louisiana State Medical Society and the Louisiana Hospital Association.

Under the provisions of La. R.S. 49:968, please be advised that you have five calendar days to consider this report and, if it is your desire, to disapprove the action taken by the committee.

Please indicate your approval or disapproval of the action of the committee and return this document to my office at One American Place, Suite 1023, Baton Rouge, La. 70825.

If you decide to approve the committee's action, be assured that we will continue to work with DHHR in order to resolve this issue.

With kindest regards, I remain

Sincerely,

Louis (Woody) Jenkins, Chairman

Subcommittee on Oversight

Joint Committee on Health and Welfare

ACTION BY GOVERNOR

I approve the action of the Subcommittee on Oversight of the Joint Committee on Health and Welfare with respect to Proposed Rules on Appropriateness Review by the Department of Health and Human Resources, Office of Licensing and Regulation, Division of Health Planning and Development (notice of Intent published in the Louisiana Register, p. 681, November 20, 1980).

David C. Treen, Governor
State of Louisiana

December 8, 1980

COMMITTEE REPORT

Department of Health and Human Resources Board of Pharmacy Louisiana House of Representatives

November 14, 1980

Honorable David Treen, Governor
State of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Subject: Report on Disapproval of Proposed Rule - Section 28 - Louisiana Board of Pharmacy, as required by R.S. 49:968

Dear Governor Treen:

This is to certify that Proposed Rule - Section 28 - Louisiana Board of Pharmacy (as published in the *Louisiana Register*, pp. 614-615, October 20, 1980) has been found unacceptable and disapproved in accordance with La. R.S. 49:968.

A copy of the proposed rule is attached.

The Senate members of the Subcommittee on Oversight, acting as a committee on behalf of their respective house of the legislature, have, as provided specifically in R.S. 49:968 (D) and 49:968 (E), disapproved the proposed rule by a 3 to 0 vote.

With respect to the proposed rule, the members of the committee made the following determinations:

1. The proposed rule goes beyond the intent and scope of the Act 420 of 1980, the legislation which purports to authorize the adoption of the rule in question.

Act 420 permits licensed pharmacists to substitute a multi-source generic drug only when the physician or other licensed practitioner has failed to forbid substitution "in writing" or by "printed form". However, the proposed rule would permit pharmacists to substitute under certain circumstances when the physician or other licensed practitioner has specifically forbidden substitution "in writing" or "by printed form". For example, under the proposed rule, if a physician writes on his prescription, "No substitution!", the pharmacist will nevertheless be permitted to make a substitution. The members of the committee believe this is clearly contrary to the intent and scope of Act 420.

In addition, contrary to Act 420, the proposed rule requires that the physician or licensed practitioner specify that rule prohibition on substitution is "Medically Necessary" or that he specify "Brand Necessary". However, nothing in Act 420 limits the reasons for which a physician may decide to prohibit generic substitution.

2. The proposed rule may violate other provisions of law, such as the Medical Practice Act, by attempting to limit the power of physicians and other licensed practitioners to prescribe specific drugs and forbid substitution. However, further study of those statutes is necessary.

3. The proposed rule is unacceptable because it attempts

to intrude upon and limit the practice of medicine and other healing arts.

Under the provisions of La. R.S. 49:968, please be advised that you have five days to consider this report and, if it is your desire, to disapprove the action taken by the committee.

Please indicate your approval or disapproval of the action of the committee and return this document to my office at One American Place, Suite 1023, Baton Rouge, La. 70825.

With kindest regards, I remain

Sincerely,
Louis (Woody) Jenkins, Chairman
Subcommittee on Oversight
Joint Committee on Health and Welfare

ACTION BY GOVERNOR

I approve the action of the Subcommittee on Oversight with respect to Proposed Rule - Section 28 - Board of Pharmacy.

David C. Treen, Governor
State of Louisiana

November 19, 1980

RULE

Department of Health and Human Resources Board of Pharmacy

The following Rules and Regulations of the Louisiana Board of Pharmacy were formally adopted by said Board in session on November 18, 1980, subsequent to an open hearing and proper Notice of Intent published in the *Register* and in accordance with R. S. 951-966 and Act No. 392 of the 1980 Legislature:

1. Rule - Section 6
2. Rule - Section 29
3. Rule - Section 11
4. Rule - Section 7

The Resolution passed by the Board made the effective date January 1, 1981.

Section 6

It shall be the responsibility of the Pharmacy Permit Holder to maintain in such pharmacy the following reference books, equipment, and supplies required by the Louisiana Board of Pharmacy:

1. Compendium

Current editions with supplements of the following:

- a. Louisiana Board of Pharmacy Laws, Rules, and Regulations.
- b. United States Pharmacopoeia Dispensing Information.
- c. F.D.A. Approved Drug Products.
- d. Additionally, one of the following books is required:

- (1) Facts and Comparisons
- (2) Pharm-Index
- (3) American Hospital Formulary Service

2. Equipment

- a. Suitable prescription balance.
- b. Accurate set of weights.
- c. Graduates, mortars and pestles, spatulas, funnels, ointment slab.

3. Supplies—filter paper, powder papers, empty capsules, ointment jars, vials, bottles, labels, distilled water, prescription files.

Section 29

Continuing Pharmacy Education

The Louisiana Board of Pharmacy, recognizing that a pharmacist's competency is a safeguard for public health and the

safety and welfare of the citizens of the State of Louisiana, hereby adopts the following Continuing Pharmacy Education regulations as a prerequisite for Pharmacist Re-licensure.

1. Definitions:

A. Continuing Pharmacy Education is defined herein as accredited experiences obtained from participation in post-graduate pharmacy studies, institutes, seminars, lectures, conferences, workshops, reading approved journals, and other authorized forms of education experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens of the State of Louisiana.

B. Continuing Pharmacy Education Units are units of measure adopted by the American Council on Pharmaceutical Education and approved by the Louisiana Board of Pharmacy for the purpose of accreditation of various Continuing Pharmacy Education activities. One Continuing Pharmacy Education Unit is equivalent to ten hours of activity.

C. American Council of Pharmaceutical Education (A.C.P.E.) is the recognized organization for pharmacy education standards.

2. Continuing Pharmacy Education Requirements

A minimum of 1.5 Continuing Pharmacy Education Units (15 actual hours) is required each year as a prerequisite for pharmacist re-licensure.

Minimum Requirements:

A. All Continuing Pharmacy Education may be obtained through contact participation. However, a minimum of 0.3 Continuing Pharmacy Education Units (three hours) shall be obtained by this method.

B. A maximum of 0.6 Continuing Pharmacy Education Units (six hours) may be obtained by reading approved journals.

C. Other Continuing Pharmacy Education Unit credits may be obtained through correspondence courses or from other sources approved by the Louisiana Board of Pharmacy.

D. Out-of-State - Louisiana will accept out-of-state Continuing Pharmacy Education credits provided said State's requirements are consistent with those in Louisiana.

3. Continuing Pharmacy Education

A. Contact Participation: Consists of physical attendance at seminars, lectures, conferences, or workshops.

B. Correspondence Courses: All Correspondence Courses accredited by the American Council on Pharmaceutical Education and/or approved by the Louisiana Board of Pharmacy.

C. Approved Journals: The reading and studying of official pharmacy association journals which are pharmacy oriented will be accepted as follows:

1. The Louisiana Pharmacist
2. N. A. R. D. Journal
3. American Journal of Hospital Pharmacy
4. American Pharmacy
5. Drug Topics
6. American Druggist
7. U. S. Pharmacist
8. Pharmacy Times
9. Others as may be approved by the Louisiana Board of

Pharmacy.
D. All Continuing Pharmacy Education must be obtained during the calendar year prior to re-licensure.

4. Approved Continuing Education Programs

It shall be the duty of the Louisiana Board of Pharmacy to approve all Continuing Pharmacy Education Programs for which credit shall be given to Louisiana Licensed Pharmacists, as follows:

A. All contact participation programs accredited by the American Council on Pharmaceutical Education and/or approved by the Louisiana Board of Pharmacy will be accepted as follows:

1. Seminars
2. Lectures
3. Conferences
4. Workshops

B. All Correspondence Courses completed which are accredited by the American Council on Pharmaceutical Education and/or approved by the Louisiana Board of Pharmacy.

C. Reading and studying of approved Journals for credit as set forth in Section 3C.

D. Programs offered by the State of Louisiana Providers approved by the Louisiana Board of Pharmacy.

E. All programs must be approved by the Louisiana Board of Pharmacy prior to presentation.

(1) Programs requiring approval should be submitted to the Louisiana Board of Pharmacy at least ninety days prior to proposed presentation.

5. Providers:

A. All Continuing Pharmacy Education Providers shall be approved by the Louisiana Board of Pharmacy.

(1) Providers requiring approval should submit their credentials to the Louisiana Board of Pharmacy at least ninety days prior to any proposed presentation.

B. All Out-Of-State Providers presenting programs in Louisiana shall present their programs in cooperation with a Louisiana approved Provider.

6. Responsibility:

Each Pharmacist shall:

A. Certify that they have completed the minimum requirements of Continuing Pharmacy Education for re-licensure under this section.

B. Maintain individual records of personal Continuing Pharmacy Education activities. Such records shall include A. C. P. E. or other program identification number, program title, date of program completion, and credit claimed. In addition, journal reading and study activities must be maintained. This Continuing Pharmacy Education file shall be maintained by each individual pharmacist for a period of not less than two years. Each pharmacist must produce this file as evidence of Continuing Pharmacy Education when required by the Louisiana Board of Pharmacy or its agents.

C. In the event a pharmacist is unable to achieve Continuing Pharmacy Education as required due to extraordinary circumstances, he or she shall submit to the Louisiana Board of Pharmacy a written notarized explanation of the circumstances for approval or disapproval by the Louisiana Board of Pharmacy.

7. Non-Compliance:

A. Complete compliance with these rules is a prerequisite for renewal of a Pharmacist's license. The rule is effective on January 1, 1981, and required for re-licensure beginning January 1, 1982.

B. Non-compliance with these rules will be considered to be a violation of Louisiana R.S. 37:1225 (23) (see page 15).

C. Failure to maintain proper records of Continuing Pharmacy Education or falsifying certification will be considered a violation of Louisiana R.S. 37:1200 (4) (see page 10).

Section 11 - Page 20

Change to read as follows:

The Louisiana Board of Pharmacy, by resolution, may assess administrative costs as it deems necessary to facilitate the proper implementation of its rules and regulations.

Section 7

Section 7. Each examination shall be at least one and one-half hours (ninety minutes) duration, or whatever duration the

Louisiana Board of Pharmacy may deem necessary. The following examination, and/or any others as specified by the Board, will be administered to its applicants:

Pharmacology
Chemistry
Pharmaceutical Arithmetic (Calculations)
Pharmacy
Jurisprudence
Practical Pharmacy

The minimum passing grade shall be seventy-five in practical pharmacy and sixty in all other subjects; provided that a general average of seventy-five shall be required.

Howard B. Bolton
Executive Director

RULES

Department of Natural Resources Office of Conservation

The following are amendments to Statewide Order 29-0-1, pertaining to surface mining in Louisiana, which are being adopted pursuant to the Administrative Procedures Act of Louisiana (R.S. 49:951 et seq.) after a Public Hearing held thereon in Baton Rouge, Louisiana on December 8, 1980 under Docket SMAR 80-2.

These two identical rules were previously adopted as Emergency Rules which appeared in and were made effective by their publication in the *Louisiana Register* of June 20, 1980, Volume 6, Number 6, Page 252; and the *Louisiana Register* of August 20, 1980, Volume 6, Number 8, page 411, respectively.

Statewide Order 29-0-1 is hereby amended to read as follows:

Rule

Section 185.22(b)

An application for a permit for operations covered by this Section shall be made according to all requirements of 30 CFR Subchapter G applicable to underground mining activities, which are, for the specific and limited purposes of this Section, hereby adopted and made a part hereof. In addition, the mining and reclamation operations plan for operations involving in situ processing activities shall contain information establishing how those operations will be conducted in compliance with the requirements of Part 228, including:

1. Delineation of proposed holes and wells and production zone approval of the Office;
2. Specification of drill holes and casings proposed to be used;
3. A plan for treatment, confinement or disposal of all acid-forming, toxic-forming or radioactive gases, solids, or liquids constituting a fire, health, safety or environmental hazard caused by the mining and recovery process; and
4. Plans for monitoring surface and ground water and air quality, as required by the Office.

Rule

Section 245.19(a)

The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty, to the Commissioner (to be held in escrow as provided in Paragraph (b)) within thirty days from receipt of the proposed assessment or fifteen days from the date of service of the conference officer's

action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under Section 243.16.

R. T. Sutton
Commissioner of Conservation

RULE

Department of Natural Resources Office of Forestry

The Office of Forestry, in accordance with Act 591 of 1970, after holding a public meeting on November 12, 1980, at the Alexander State Forest, announces the following revised fees to be collected at Indian Creek Recreation Area beginning January 1, 1981:

Boat Launching	\$3.00/day
Regular Camping	\$7.00/day
Primitive Camping	\$4.00/day
Group Pavilion	\$15.00/day

D. L. McFatter, Assistant Secretary
Office of Forestry

RULE

Department of Public Safety Commission on Alcoholic Beverages

Having placed the proper Notice of Intent in the *Louisiana Register* as required by law and having considered testimony under required provisions of rule-making authority of this office, I have this day promulgated the following rule which shall be effective upon publication in the next official publication of the *Register*.

Rule

A. The Louisiana Alcoholic Beverage Control Board shall deem it unlawful by wholesaler permittees, their agents, servants or employees, manufacturers' agents, importers and brokers, the pricing, stocking and rotating of alcoholic beverages containing more than six percent alcohol by volume at retail premises. It is permissible for a wholesale permittee to assemble a display on a retailer's premises. However, this display shall not be priced or restocked.

B. The Assistant Secretary of the Louisiana Beverage Control Board may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties as prescribed by law.

Forrest H. "Bucky" Lanning
Assistant Secretary-Commissioner

RULES

Department of State Office of the Secretary

Rules for the Election of a Classified State Employee to the Louisiana Civil Service Commission

1. Term of Office, Vacancy:

(a) The classified employee member of the State Civil Service Commission shall serve a term of six years unless elected at a special election to fill the unexpired term of a vacancy.

(b) The classified employee member of the State Civil Service Commission elected to fill an unexpired term will take office immediately following the promulgation of the results of the

special election by the Secretary of State and will serve until a new regular election is conducted to elect a successor.

2. Call for Election:

The Director of State Civil Service shall post on the day it is issued, the call for election on the bulletin board at the office of the Director of State Civil Service. It shall remain posted until the final day for qualification as a candidate has passed. A copy of the call shall be delivered to the Secretary of State for publication in the official state journal.

3. Nomination:

(a) Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name, as it is to appear on the ballot.

(b) The Director of Civil Service, or his designated representative, shall examine the nomination petition of each candidate on receipt, determine that the person nominated is eligible or ineligible and that the petition is valid or invalid on its face and so notify the candidate of his decision within twenty-four hours of his receipt of the petition by mailing such notification to the candidate's home address.

(c) A candidate may withdraw his name from nomination by notifying the Director of Civil Service, in writing, prior to the end of the qualifying period.

4. Conduct of Election:

(a) All eligible candidates shall have their names listed on the ballot in alphabetical order by their last name, exactly as it appears on the nomination petition. A number, in consecutive order, shall be assigned to each candidate in the order listed on the ballot.

(b) Ballots will contain the final date on which the ballots must be received by the Director of State Civil Service in order to be counted in the election.

(c) Correspondence received by the Director of State Civil Service will be opened and all such correspondence containing ballot envelopes and signature slips will be examined by the ballot counting committee to be accepted or rejected as provided by law.

(d) Accepted unopened ballot envelopes will be placed in specially provided ballot boxes for opening at the designated time and place for counting of ballots.

(e) Rejected unopened ballot envelopes shall be grouped together with the signature slip attached and retained separately in specially provided ballot boxes.

(f) Ballots that are rejected for cause after removal from the sealed ballot envelope will be grouped together and retained separate from the counted ballots.

(g) All ballots, accepted and rejected, and the unopened but rejected ballot envelopes will be retained by the Director of State Civil Service in the specially provided ballot boxes together with all tally sheets and other working papers for thirty days following the promulgation of the results of the election by the Secretary of State and will then be destroyed unless restrained by appropriate authority.

5. Report of Results:

(a) The ballot counting committee shall examine each ballot and record the vote for each candidate. The results of their count shall be certified to the Director of State Civil Service who shall cause a report of the results to be prepared and submitted to the Secretary of State. He shall also notify the Civil Service Commission and each of the candidates of the fact that the election has been completed and the results thereof certified to the Secretary of State.

(b) A copy of the report shall be posted on the bulletin board at the Office of the Director of State Civil Service for five

consecutive working days following submission of the report to the Secretary of State.

James H. "Jim" Brown
Secretary of State

RULE

**Department of Transportation and Development
Board of Registration for Professional
Engineers and Land Surveyors**

At its meeting November 25, 1980, the Louisiana State Board of Registration for Professional Engineers and Land Surveyors adopted the following rule:

LAC 19-3:8

Overlaps in fields of Practice

It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of Architecture, has a right to engage in activities properly classifiable as Professional Engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the Professional Engineer who has complied with all of the current laws of Louisiana and is properly registered in that branch of engineering for which he may be qualified has the right to engage in activities properly classifiable as architecture insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs or projects with which he may be engaged.

Daniel H. Vliet,
Executive Secretary

RULE

**Department of Transportation and Development
Board of Registration for Professional
Engineers and Land Surveyors**

The Board of Registration for Professional Engineers and Land Surveyors has adopted the following revisions to their rules:
Add two paragraphs to Section 5.2:

Graduate students enrolled in Louisiana schools who have completed at least two years of a three-year program leading to the degree Ph.D. or Doctor of Engineering or their equivalent may be permitted to take the examination in fundamental engineering subjects provided they have filed applications with the Board.

Graduates of four-year engineering technology and related science curricula may be permitted to take the examination after they have acquired three years of engineering experience satisfactory to the Board.

Applications must be filed with the Board.

Add sentence to Section 5.6:

The Board may permit an applicant to take this examination one year before the applicant is eligible for registration.

Revise Sections 6.2 through 6.20 as follows:

6.2 Application for certification as an Engineer-In-Training or Land Surveyor-In-Training shall be on forms prescribed by the Board, shall contain statements made under oath describing the applicant's education and experience and the names and addresses of personal and employer references.

6.3 An applicant may qualify for certification as an En-

gineer-In-Training by meeting the requirements specified in Section 6.3.1 or Section 6.3.2 or Section 6.3.3. At least one of the applicant's personal references must be a registered Professional Engineer.

6.3.1 A person who is a graduate of an engineering curriculum approved by the Board, who is of good character and reputation, and who has passed a written examination in the fundamentals of engineering may be certified as an Engineer-In-Training.

6.3.2 A person who is a graduate of an unapproved engineering curriculum of four years or more, who has obtained a Master's degree in an engineering curriculum approved by the Board, who is of good character and reputation, and who has passed a written examination in the fundamentals of engineering may be certified as an Engineer-in-Training.

6.3.3 A person who is a graduate of an unapproved engineering curriculum, engineering technology or related science curriculum of four years or more, who has at least four years of satisfactory experience in engineering work, who is of good character and reputation, and who has passed a written examination in the fundamentals of engineering may be certified as an Engineer-In-Training.

6.4.1 An applicant for certification as a Land Surveyor-In-Training on the basis of graduation plus examination must have at least a Bachelor of Science degree in an approved curriculum including the successful completion of at least six semester credit hours in surveying courses approved by the Board, pass a written examination in the fundamentals of land surveying, and be recommended by three persons not less than one of whom shall be a professional engineer or land surveyor who has personal knowledge of the applicant's character and abilities.

6.4.2 An applicant for certification as a Land Surveyor-In-Training on the basis of education plus examination must have had at least two years of formal education (not less than sixty semester credit hours) in an approved curriculum above high school level including at least six semester hours in approved surveying courses, have at least two years of combined office and field experience in land surveying with a minimum of one year of experience in charge of land surveying projects under the supervision of a registered land surveyor, pass a written examination in the fundamentals of land surveying, and be recommended by three persons not less than one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

6.4.3 An applicant for certification as a Land Surveyor-In-Training on the basis of experience plus examination must be a high school graduate, have had at least four years of combined office and field experience in land surveying with a minimum of two years experience in charge of land surveying projects under the supervision of a registered land surveyor, pass a written examination in the fundamentals of land surveying and be recommended by three persons not less than one of whom shall be registered land surveyor having personal knowledge of the applicant's land surveying experience.

Renumber old 6.9 through 6.20 as 6.5 through 6.16, making changes to statute references as appropriate. (P. E. registration refers to old law. L/S registration to new law.)

Daniel H. Vliet
Executive Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Dairy Stabilization Board

The Department of Agriculture, Dairy Stabilization Board, intends to adopt the following rules:

- (1) Licensed retailers selling fluid milk shall maintain competition in the dairy case.
- (2) Sellers of dairy products shall not discriminate in price or service against buyers or between territories in Louisiana.
- (3) Advertisements of low-fat milk products shall clearly state the percentage of milk fat contained in said products.

Interested persons may comment on the proposed regulations, in writing, through January 3, 1981, at the following address: Mr. C. James Gelpi, Director-Attorney, Dairy Stabilization Board, Department of Agriculture, 2843 Victoria Drive, Baton Rouge, Louisiana 70805. Mr. Gelpi is the person responsible for responding to inquiries about the proposed rules.

C. James Gelpi
Director-Attorney

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Competition in Dairy Case

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation costs (savings) to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is anticipated that the groups affected by the proposed rules will have no additional costs to be incurred as a result of the adoption of the rules.
The benefits to be derived from this rule is that free and fair competition will be enhanced which is the cornerstone of our economic system thereby benefiting the consumer and industry alike.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition in the private sector (dairy processing industry) will be enhanced.

C. James Gelpi
Director-Attorney

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Meeting Competition and Price Discrimination

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

There is no estimated implementation costs (savings) to agency.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is anticipated that the groups affected by the proposed rules will have no additional costs to be incurred as a result of the adoption of the rules.
The benefits to be derived by this rule is that unscrupulous persons who are willing to lie in order to obtain an illegal and discriminatory price will be hindered in doing so and, accordingly, the victims of such practices will be aided. Generally, lying buyers will find it more difficult to be successful.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition in the private sector (dairy processing industry) will be enhanced.

C. James Gelpi
Director-Attorney

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Advertisement of Low-Fat Milk

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation costs (savings) to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is anticipated that the groups affected by the proposed rules will have no additional costs to be incurred as a result of the adoption of the rules.
The consumer will benefit by this rule which will provide the information necessary to evaluate the product.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition between milk products in the dairy case will be enhanced.

C. James Gelpi
Director-Attorney

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture Livestock Sanitary Board

Notice is hereby given that the Livestock Sanitary Board hearing scheduled for December 12, 1980, was cancelled and re-scheduled. In accordance with the provisions of LSA 49:951, et seq., and LSA 3:2096, relative to the authority of the Livestock Sanitary Board to regulate all matters pertinent to animal disease, notice is hereby given that the Livestock Sanitary Board will conduct a public hearing at 9:30 a.m. on January 9, 1981, in the Office of the Commissioner of Agriculture, Twenty-first Floor, State Capitol, to consider the permanent adoption of the following

proposed Rule adopted on an emergency basis on October 14, 1980, as an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

"No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm, association or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation."

Due to the re-scheduling of the public hearing, the period for public comment has been extended until January 6, 1981. Written comments will be accepted until that date by the following: C. T. Raby, DVM, Assistant Commissioner of Animal Health Services, Box 1951 or 12055 Airline Highway, Baton Rouge, or may be presented in person at the public hearing.

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

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Animal Vaccines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Failure to enact this Rule will necessitate additional personnel to test the vaccine for safety, purity, potency, and effectiveness in order to adequately protect the veterinarians and consuming public of Louisiana. Approximate cost of this new staff will be \$421,000. There are no costs anticipated if this rule is adopted.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No fee for licensure or special permit is now proposed. There will be no increase in revenue, whether or not the Rule is enacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Veterinarians in Louisiana presently purchase vaccine from out-of-state manufacturers who are Federally licensed. The costs of these licensed vaccines are comparable to the costs proposed by the out-of-state firm. Consequently, there will be little difference in costs to veterinarians. The benefits of this Rule is primarily in assurance of quality products.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The enactment of this Rule as written will prevent the manufacture, distribution and sale of canine parvovirus vaccine by any individual, firm, association, or corporation which is not Federally licensed or the holder of a special permit from the State Veterinarian.

Bob Odom
Commissioner of Agriculture

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. Procedures for determining Board approval of the list of encyclopedias and encyclopedic references to be used by school librarians.
2. Proposed Certification Criteria for Education Program Evaluations. AERA Standards for Evaluation of Education Programs, Projects and Materials.
3. Amendment to Bulletin 1508, *Pupil Appraisal Handbook*: Changes in the screening criteria relative to gifted students.
4. Addition to Bulletin 1508, *The Evaluation Model, Section II of the Louisiana Model of Developmental Evaluation for Handicapped Pre-Schoolers*.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., January 7, 1981, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau
Executive Director

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

**Rule Title: Criteria for Certifying Evaluators
and Adoption of Standards for Evaluation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The anticipated cost to the Department of Education for implementing the proposed rule is \$30,000. This money was previously appropriated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The proposed rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The only costs to affected groups are one-time-only expenses incurred for the required training in the interpretation and application of the *Standards for Evaluations of Educational Programs, Projects and Materials*. The major benefits are (1) certification of evaluators provides assurance to employing state and local boards of education that potential evaluators have met minimum education, experience and training requirements, and (2) application of *the Standards* provides users of evaluations with a yardstick for measuring the utility, feasibility, propriety, and accuracy of evaluation processes and products.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Adoption of the proposed rule will affect competition and employment among educational evaluators to the extent that programs, projects and materials approved by the BESE which have evaluation requirements must be evaluated by an evaluator with a valid Louisiana certificate. The rule does not threaten the employment of currently employed or contracted evaluators who will be certified upon recommendation of the state or a local superintendent and successful completion of the required training. And, the rule does not impose additional evaluation requirements on educational programs, projects or materials in Louisiana.

George B. Benton, Jr.
Associate Superintendent for Finance

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title: Procedure for Approving List of
Encyclopedias and Encyclopedic References**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation costs (savings) to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no estimated effect on costs and benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This does not apply.

George B. Benton, Jr. Mark C. Drennen
Associate Superintendent for Finance Legislative Fiscal Officer

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

Rule Title: Addendum to B1508 *The Evaluation Model*

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The benefit is that this model provides guidelines for the access of previously established state resources for each of the local school districts. Especially, the smaller local school districts will not have to develop the expertise to evaluate infants.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

George B. Benton, Jr. Mark C. Drennen
Associate Superintendent for Finance Legislative Fiscal Officer

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

**Rule Title: Change in Screening Criteria
for Gifted Students**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on the agency's revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Each of the sixty-six school districts will be affected. It is estimated that this rule change will reduce the workload of current pupil appraisal personnel required for the conduct of

individual evaluations for gifted students by approximately fifty percent. This time savings would be redistributed toward the conduct of evaluations of other children suspected of being handicapped and therefore reduce the current waiting list for evaluations.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The rules affect only the conduct of individual evaluations and will have no effect on competition and employment.

George B. Benton, Jr. Mark C. Drennen
Associate Superintendent for Finance Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Architects Selection Board**

The Louisiana State Architects Selection Board proposes to adopt a new application form (LA-1) for state architectural projects as provided in Article XI of the Board Rules and to amend Article XII, Section 2, of the Board Rules relative to voting on applicants for state architectural projects.

Inquiries concerning the proposed revisions to the application and the proposed rule changes should be addressed to: L. Dow Oliver, Secretary, Louisiana State Architects Selection Board, 3131 Harvard, Metairie, Louisiana 70002.

A public hearing to receive oral and/or written comments on the proposed application revision and rule changes will be held at 10:00 a.m., Thursday, January 8, 1981, in Budget Committee Room C in the basement of the State Capitol in Baton Rouge, Louisiana.

L. Dow Oliver, Secretary
Louisiana State Architects Selection Board

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

Rule Title: Articles XI and XII

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The initial printing costs will be offset by the savings that will be generated from having fewer pages of the proposed application form to print and to mail.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no revenue collected during the selection process for state projects, therefore, this is not applicable to this proposed rule change.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The benefits in the proposed rule change are two-fold. First, the front page of the new application form will provide the vital information that is needed by the Selection Board. This information will speed up the selection process. Secondly, the new form will make it easier for all architects to understand what is asked and easier for them to fill out.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The proposed rule change will tend to improve in a small

measure competition because more architects may be encouraged to use the shorter and improved application form for state projects.

Joseph A. Stockstill
Assistant Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Office of the Governor
Division of Administration
Capital Outlay Budget Request Procedures

The Office of the Governor, Division of Administration, pursuant to the provisions of R.S. 39:61, proposes to adopt rules and regulations pertaining to the Capital Outlay Budget Request procedure. These rules and regulations are identical to those published as emergency rules in the November, 1980 *Louisiana State Register* and are to be considered re-published here by reference.

Written comments will be accepted through January 6, 1981 and should be addressed to Mr. David Bruce, Assistant Commissioner, Division of Administration, Box 44095, Baton Rouge, Louisiana, 70804.

E. L. Henry
Commissioner of Administration

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Preparation of 1981-82 Capital Outlay
Budget Request Forms

- I. ESTIMATED IMPLEMENTATION COST (SAVINGS) TO AGENCY - (Summary)
Although it is foreseeable that the provisions of Act 14 (particularly in the area of needs assessments/feasibility studies) may require additional resources in the future years, the implementation of this rule will not have a fiscal impact for the following reasons:
- 1) The rule pertains only to FY 1981-82 budget cycle. Since no funds were appropriated to implement Act 14, any additional efforts required by this Act must be absorbed by the agency operating budget.
 - 2) With the exception of the requirements for needs assessments/feasibility studies the procedures outlined in this rule are essentially identical to those already in effect.
 - 3) Since this rule pertains only to the administrative procedures and information required for requesting projects, it is not anticipated that this rule will either increase or decrease the amount of funds appropriated by the Legislature for capital outlay projects.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Local governments may require additional funding (or a re-establishment of funding priorities) to finance feasibility studies. Other state agencies have no 1981-82 appropriations to finance such studies. Benefits may include the expenditure of funds on higher priority projects.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
In 1981-82 it is possible that employment opportunities will increase for individuals or firms hired by local governments to

conduct feasibility studies. No funds were provided in 1981-82 to state agencies for this purpose.

David M. Bruce
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Office of the Governor
Division of Administration
Policy & Procedure Memorandum
No. 49 (Revised)

Subject: General Travel Regulations

In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:951-968 as amended, notice is hereby given of intent to revise Policy and Procedures Memorandum No. 49, the State General Travel Regulations, which became effective August 20, 1980. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. Proposed changes presented herein are in italics for emphasis; other sections have been rearranged for clarity. These regulations apply to all State Departments, boards, and commissions created by the Legislature or Executive Order, with the exceptions noted below, and operating from funds appropriated, dedicated, self-sustaining, and/or federal funds.

Legal Basis - L.R.S. 39:231 — "The Commissioner, with the approval of the Governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by State officers and employees and used by them in the discharge of the duties of their respective offices and positions in the State service, and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

I. Definitions: For the purpose of this Section, the following words have the meaning indicated.

- A. State Officer -
1. State Elected Officials
 2. 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 the Offices of Elected Officials.)
- B. State Employee — Employees below the level of State Officer.
- C. Authorized Persons -
1. Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et. seq.
 2. *Members of boards, commission, and advisory councils required by federal or state legislation or regulation.*
- D. Official Domicile -
1. Except where fixed by law, the official domicile of an officer or employee assigned to an office shall be the city in which the office is located. *The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace).*
 2. The official domicile of a person located in the field shall be 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

department head, provided that in all cases such designation must be in the best interests of the agency and not for convenience of the person.

3. Every State Officer, Employee, and *Authorized Person*, except those on temporary assignment, shall be assigned an official domicile, and no travel or subsistence expenses shall be allowed at the place of official residence unless granted under the provisions of *Section II or VI-A-5. Documentation of official domicile assignments shall be readily available in the department's travel reimbursement files.*

E. Temporary Assignment — Any assignment made for a period of less than thirty-one consecutive days at a place other than the official domicile.

F. Traveler — A State Officer, State Employee, or authorized person when performing authorized travel.

G. Travel Period — A period of time between the time of departure and the time of return.

H. In-State Travel — All travel within the borders of Louisiana or *travel through adjacent states* between points within Louisiana when such is the most efficient route.

I. Out-of-State Travel — Travel to other states within the continental United States. Travel through an adjacent state when this is the most efficient route between points within Louisiana is not considered out-of-state travel for the purpose of these regulations.

J. International Travel — All travel to states, nations, or territories outside the continental United States.

K. Special Meals — *Meals for persons who are considered guests of the state and who are not state officials, employees, or authorized persons.*

II. Exceptions to Regulations:

The Travel Regulations established by the Commissioner of Administration shall govern reimbursement of travel expenses (transportation, meals, lodging, and miscellaneous expenses) for all *travelers* with the following exceptions:

A. Where allowances are fixed by law.

B. Where the best interests of the State call for exceptions; however, no change from the established regulations will be allowed without first securing prior written approval from the Commissioner of Administration.

C. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration.

D. Department heads may, in special instances, allow their employees to exceed the lodging and meals provisions of these regulations by no more than twenty percent on a case-by-case basis. *Each case must be fully documented as to necessity (e.g., proximity to meeting place) and cost effectiveness of alternative options.* Documentation must be readily available in the department's travel reimbursement files. *This authority shall not be delegated to any other person.*

III. Eligibility for Reimbursement of Travel Expenses:

A. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless reimbursed under provisions of *Section II or VI-A-5.*

Temporary assignments will be deemed to have ceased after a period of thirty-one days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the thirty-one day period has been previously secured from the Commissioner of Administration.

B. A State Officer or Employee whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence.

C. State Officers and others so authorized by statute or individual exception will be reimbursed on an actual expenses basis for all reasonable travel expenses except in cases where other provisions for reimbursement have been made by statute. In cases where actual expenses are claimed, all state officers and others so authorized will cooperate to the extent that all records of travel will be clear and complete. *The request for reimbursement must be accompanied by a receipt or other supporting document for each item claimed, except:*

1. *Taxicab or local public transportation less than \$10.00.*

2. *Telephone and telegraph under \$3.00.*

3. *Tips for baggage handling.*

4. *Parking at self-service lots when less than \$5.00. The location of the lot and length of time parked must be indicated on the travel voucher in these cases.*

IV. Authority to Incur Traveling Expenses:

A. All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. *A department head may delegate this authority in writing to one designated person, except as noted in Sections II.D, IV.D, and V.B.6. Additional persons within a department may be designated with approval from the Commissioner of Administration.* A file shall be maintained on all approved travel authorization. Attachment "A" depicts the format to be used for travel authorization.

B. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency, and must be within the limitations prescribed.

C. *The department head may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties. An authorization for routine travel shall not cover out-of-state travel or travel to conferences or conventions and must be renewed each fiscal year.*

D. *All international travel must be approved by the Commissioner of Administration prior to departure, unless specific authority for approval has been delegated to a department head pursuant to Section VIII of these regulations.*

V. Transportation: (Applicable to all Travelers)

A. Travel Routes — The most direct and usually traveled route must be used by official State travelers. All mileage shall be computed on the basis of odometer readings or from point of origin to point of return on the basis of the current official state Department of Transportation and Development highway map. For out-of-state travel, mileage shall be computed on the basis of standard highway guides. Any substantial deviations from distances shown in the standard highway guides shall be documented.

B. Method of Transportation — *The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, cost of operation of a vehicle, cost and availability of common carrier services, etc.*

1. *State-owned vehicles shall be utilized for travel to points within Louisiana whenever possible unless another method of transportation can be documented as more efficient.*

2. *When common carrier services is unavailable and time is at a premium, the cost effectiveness of travel via state aircraft should be investigated.*

3. *A common carrier (train, bus, or airplane) shall be used for out-of-state travel unless it is documented that utilization of*

another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

4. A personally-owned vehicle may be approved under Section IV-A when a state vehicle or common carrier is not available or appropriate and this has been certified by the traveler.

5. Before travel by privately-owned aircraft is authorized by a department head, traveler shall certify that: a) at least one hour of working time will be saved by such travel; and, b) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

6. Written approval of the department head prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purposes of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

C. Operation of Motor Vehicles on Official State Business

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

2. If available, safety restraints shall be used by the driver and passengers of vehicles.

3. All accidents, major and minor, shall be reported on the standard Department of Public Safety reporting form and immediately sent to the Office of Risk Management of the Division of Administration, together with names and addresses of principals and witnesses. An accident report concerning state-owned vehicles shall also be filed with the insuring agency if other than the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

D. State-Owned Automobiles

1. All purchases made on state gasoline credit cards must be signed for by the State Officer or Employee making the purchase and the license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Item 4 of this Section.

2. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall acquaint themselves with the locations of such allowance and/or contracts by contacting the Purchasing Office, Division of Administration.

3. No traveler may carry unauthorized passengers in state-owned automobiles unless their presence is for purposes relating to official state business.

4. The user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool, shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

5. State-owned vehicles may be taken out of state only if permission of the department head has given prior to departure. If a state-owned vehicle is to be used to travel to a destination more

than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

E. Personally-Owned Vehicles

1. No personally-owned vehicle may be used on official state business unless prior written approval, conforming to Sections IV.A and V.B., has been granted.

2. When two or more persons travel in the same personally-owned vehicle only one charge will be allowed for the use of expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

F. Rented Motor Vehicles

1. Only the cost of rental of sub-compact or compact models is reimbursable, unless non-availability is documented, or the vehicle will be used to transport more than three persons.

2. Department heads shall send to the Commissioner of Administration a monthly report listing each instance in which a vehicle has been rented and showing the name of the renter, the type of vehicle, the location where the vehicle was rented, the number of days of rental, the total expense, and the source of funds.

VI. Reimbursement for Transportation, Subsistence, and Other Expenses (Applicable to Employees and Other Travelers Not Excepted Under Section III.C.)

A. Transportation

1. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while in the conduct of official state business. Mileage shall be reimburseable on the basis of 21¢ per mile. Mileage shall be computed as provided for in Section V-A. When the use of a privately-owned vehicle has been approved in accordance with Sections V-B-4 or V-B-5 for out-of-state travel, the traveler will be reimbursed on the basis of 21¢ per mile not to exceed the cost of travel by coach/economy class air rates. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all operating expenses of the vehicle such as, but not limited to, fuel, repairs, replacement of parts and insurance.

2. Travelers using motor vehicles on official state business will be reimbursed for storage and parking fees, ferry fares, and road and bridge tolls.

3. State-owned credit cards will not be issued to travelers for use in the operation of privately-owned vehicles.

4. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

5. When a traveler is required to use his/her personally-owned vehicle for agency activities in the immediate vicinity of his/her official domicile, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage) as provided in Section VI-A-1. Requests for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a one month travel history to include a complete mileage log for all travel incurred showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

6. As otherwise provided herein, air travel will be reimbursed only at coach or economy class rates. The difference between the air coach or economy class rates and first class air rates will be paid by the traveler, if the travel was performed at first class air rates. If space is not available in less than first class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this

fact. The certification will be attached to the travel voucher.

7. Reimbursement for use of a privately-owned aircraft under the guidelines of Section V.B.5 will be made as provided for in VI.A.1 or the cost of coach/economy class commercial air rates, whichever is less.

B. Lodging and Meals.

1. Meals only (including tips): *Except as provided in Section II.D.*, employees, while traveling, may be allowed up to the following amounts for meals.

Breakfast	-	\$ 3.00
Lunch	-	4.00
Dinner	-	8.00
		<u>\$15.00</u>

2. Employees may be reimbursed for meals according to the following schedule.

Breakfast: When travel begins on/or before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch: When travel begins on/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner: When travel begins on/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

3. Lodging Only — *Except as provided in Section II.D.*, employees may be reimbursed actual expenses for lodging not to exceed \$35 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Lodging and Meals in High Cost Areas.

1. Meals only (including tips) — *Except as provided in Section II.D.*, employees traveling on official state business in high cost areas as designated in Section VI.C.5, may be reimbursed up to the following amounts for meals:

Breakfast	-	\$ 5.00
Lunch	-	7.00
Dinner	-	14.00
		<u>\$26.00</u>

2. Employees may be reimbursed for meals according to the following schedule:

Breakfast: When travel begins on/or before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch: When travel begins on/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner: When travel begins on/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

3. Lodging only — *Except as provided in Section II.D.*, employees may be reimbursed actual expenses for lodging not to exceed \$52 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

4. High Cost Area: Atlanta, Georgia; Baltimore, Maryland; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Detroit, Michigan; Houston, Texas; Las Vegas, Nevada; Los Angeles, California; Miami, Florida; *Minneapolis-St. Paul, Minnesota*; New Orleans, Louisiana; New York, New York; Philadelphia, Pennsylvania; *Pittsburgh, Pennsylvania*; *St. Louis, Missouri*; San Francisco, California; Seattle, Washington; Washington, D. C.

5. The inclusion of suburbs of these cities as high cost areas shall be determined by the department head on a case-by-case basis.

D. Other Expenses — Only the following expenses incidental to travel may be reimbursed.

1. Communication expense relative to official state business.

2. Registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

3. Charges for storage and handling of equipment.

4. Taxi and bus fares.

5. Tips (for baggage handling only).

6. Limousine services to and from terminals or stations.

7. *Vehicle rental, when documented and approved as required in Section V.B.6.*

(a) Only the cost of rental of sub-compact or compact models is reimbursable, unless non-availability is documented, or the vehicle will be used to transport more than three persons.

(b) Collision deductible waiver insurance is not reimbursable. Should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and reimbursement claimed on a travel expense voucher. The accident should also be reported in accordance with Section V.C.3. Personal accident insurance when renting a vehicle is not reimbursable; employees are covered under workmen's compensation while on official state business.

(c) Any personal mileage on a vehicle rented for official state business is not reimbursable and shall be deducted.

E. Special Meals — Reimbursement for special meals incurred by state officials while on travel status.

1. Permission to incur expenses relative to Special Meals must be obtained from the Commissioner of Administration prior to the time of departure. The request for permission must include a statement of justification which fully describes the purpose of the gathering and why it is in the best interest of the state. Additionally, such a request must list all persons to attend by name and title.

2. Subsequent to a Special Meal and prior to actual reimbursement a detailed breakdown of all expenses incurred, accompanied by receipts, must be sent to the Commissioner of Administration for review and approval.

3. For the purpose of this Section there will be no reimbursement for alcoholic beverages either separately or as part of a special meal reimbursement as provided for above.

F. Restrictions Governing Claims for Reimbursement

1. Travel allowances shall not be granted for travel accomplished on Saturday, Sunday, or holidays unless approved in writing by the head of the department or his designee. (Approval and justification must be readily available in the department's reimbursement file.)

2. No claim for reimbursement shall be made for any lodging and/or meals furnished at a State institution or other State agency.

3. In case an employee travels by an indirect route for his/her own convenience, any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and usually traveled route.

4. Items included in any expense account which do not fully conform to these regulations will be disallowed for payment.

5. *In all cases where lodging expenses are incurred, the traveler shall utilize the most economical rooms available, considering such factors as the availability, and cost of transportation to the site where state business will be conducted and availability of special discount rates.*

G. Receipts or Other Support (Applicable to Employees; State Officials and Others Authorized to Receive Actual Expenses are Referred to Section III.C.).

Receipts or other substantiation are required for travel expenses, except for the following:

1. Taxicab or local public transportation less than \$10.00.
2. Routine meals (number of meals must be shown on travel voucher).
3. Telephone and telegraph under \$3.00.
4. Tips for baggage handling.
5. Parking at self-service lots when less than \$5.00. The location of the lot and length of time parked must be indicated on the travel voucher in these cases.

H. Reimbursement for International Travel — International travelers will be reimbursed at the rates specifically approved by the Commissioner.

VII. General

The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

A. Funds for Travel Expense — Persons traveling on Official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel.

The expense claim covering the related travel shall be submitted not later than the fifteenth day of the month following the completion of travel, and any advance made for the purpose of travel shall be repaid no later than the time the expense claim is submitted.

B. State Agency Credit Cards — Credit cards used in the name of the State agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the Commissioner of Administration.

C. Claims — All claims for reimbursement for travel shall be submitted on State Form BA-12 (Attachment B) and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

Excepting where the cost of air transportation is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher depicting the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger ticket shall be attached to the travel voucher.

In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the State Department.

D. Lodging — Agency heads shall take necessary steps to inform all personnel on travel status that whenever possible travelers shall request and make use of special discount rates for lodging usually granted to government employees.

E. Extended Stays — For travel assignment involving duty for extended periods at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the

travel. The rates authorized will not exceed the reimburseable allowance stated herein, unless special approval is granted by the Commissioner of Administration.

F. Emergency Travel — Under extraordinary circumstances where the best interests of the state require that travel be undertaken not in compliance with these regulations, approval after the fact may be given if appropriate documentation is presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

G. Advisors and Consultants — Reimbursement of expenses for travel to be performed by authorized persons who are called upon to contribute time and service as consultants or advisors as defined in Section I.C.1 or who are requesting reimbursement in excess of state employee allowances shall require prior written approval from the Commissioner of Administration. Complete explanation and justification must be shown on the travel expense form or attached thereto.

H. Fraudulent Claims — Any person who submits a claim pursuant to the aforementioned regulations, and who willfully makes and subscribes to any such claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to immediate dismissal, as well as being criminally and civilly liable within the provisions of State Law.

VIII. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the State will be served.

Interested persons may submit written comments on the proposed amendments to the regulations until 4:30 p.m. on January 5, 1981 to: Mr. David M. Bruce, Assistant Commissioner, Division of Administration, Box 44095, Capitol Station, Baton Rouge, LA 70804.

E. L. Henry
Commissioner of Administration

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: PPM 49 (Revised)

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

By providing greater flexibility to department heads for approving certain exemptions, the proposed rule will reduce the number of requests being submitted to the Commissioner's Office. However, since these requests have been handled since August by the existing staff of the Division of Administration, in addition to their regularly assigned duties, this rule change will not result in any savings to the Division of Administration.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

It is not anticipated that these changes will have any significant fiscal impact for the following reasons:

- 1) The majority of the proposed changes are in the nature of technical corrections and clarifications which do not alter the substance or application of the regulations.
- 2) Those changes which are substantive in nature (e.g., as in

the designation of high cost areas) reflect *only* those changes which are already being granted by exemption by the Commissioner's Office. These changes are being made to allow these provisions to become a permanent part of the regulations, thereby eliminating the necessity for special exemption.

3) Those changes that are procedural in nature (e.g., providing a mechanism for approval of emergency travel) are designed to give more authority to agency heads in approving exemptions to these regulations. In granting such authority, the Division of Administration will expect the agency head to adhere to PPM 49 and exercise the same prudence that the Division of Administration would use in approving/disapproving requests for exemptions. Monitoring and reporting procedures will be implemented through this rule to ensure that the Division of Administration will continue to have sufficient information to oversee these exemptions. Thus, it is not expected that these changes will significantly affect the agency's travel expenditures.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

David Bruce
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or savings to the Louisiana Tax Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections for either the State or any local government.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs to affected groups. Benefits accruing to affected groups will be that all taxpayers, those in New Orleans included, will be paying taxes based upon property assessments established as of one uniform date throughout the State.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no identifiable effect on competition or employment.

J. Reginald Coco, Jr.
Louisiana Tax Commission

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Tax Commission**

In accordance with the provisions of the Administrative Procedures Act (R. S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Wednesday, January 14, 1981 at 9:30 a.m. in Room 215, Capitol Annex, Baton Rouge, Louisiana.

The purpose of the hearing is to establish a base date for reappraisal for 1982-83, and to conduct any further business of the Commission.

The following changes will be made in the Real and Personal Property Guidelines:

Page 3, paragraph number one: In making appraisals of residential, commercial, and industrial buildings for 1982, the assessors shall use the three nationally recognized approaches to value, those being cost, income, and market, where each is applicable. When applying the cost approach, each assessor shall be responsible for obtaining and keeping an updated Residential Cost Handbook and Marshall Valuation Service, published by Marshall and Swift, and shall use the building cost index and local multipliers as of January 1, 1981.

Page 3, paragraph number six: The Louisiana Tax Commission hereby orders that all property be reappraised in all parishes, Orleans excepted, for the 1982 tax year. Property is to be valued as of January 1, 1981. The Louisiana Tax Commission hereby orders that all property in the Parish of Orleans be reappraised for the 1983 tax year. Property in Orleans is to be valued as of January 1, 1981.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr., Chairman
Louisiana Tax Commission

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

The Department of Health and Human Resources, Louisiana State Board of Dentistry proposes to adopt the following rule by virtue of its authority under LSA — R.S. 37:760.

Section 775. Advertising; Unprofessional Conduct Defined

Advertising by dentists in the State of Louisiana to provide the citizens of this State with helpful information as to the fees and services rendered by the dental profession shall be permitted under the guidelines listed below:

(1) Advertising by dentists in the printed media is limited to advertising in newspapers in general circulation in the community in which the dentist maintains an office. Advertising on radio or television is limited to those radio or television stations located in the community in which the dentist maintains an office. No advertising in other media is permitted.

(2) All advertising in any media must contain the name, address, telephone numbers of the dentist, and of other dentists with whom he is associated. The use of the dentist's name shall mean the use of the full name of the dentist as it appears on his license or renewal certificate. The use of assumed names is prohibited.

(3) In addition to the above, advertising by dentists in any media may contain the following information:

(a) Any specialty as recognized by the Louisiana State Board of Dentistry under its rules and regulations.

(b) Office hours.

(c) Fees charged for routine dental services as delineated in Subsection (7). If the fees are contained in an advertisement then the advertisement shall include a disclosing statement which states that the fee advertised is the minimum fee charged for these services and that the actual fee may vary depending upon the degree of complexity involved in a given case. Such disclosing statement shall be no less prominent in context of the advertisement than the fee information in the advertisement. If the fee statement is verbal, then the disclosing statement shall be both

verbal and written, and must be of equal size, intensity and duration as the fee statement.

(4) Advertising on radio or television may contain a person narrating the advertisement. In the case of advertisements on television, only the advertising dentist may appear or speak on camera. If the person narrating on radio or television advertisement represents himself to be a dentist, then he must be the dentist represented.

(5) No advertisement on radio or television shall use any celebrity or authority figure. Nor shall the advertisement contain direct or implied guarantees or testimonials from patients or other persons.

(6) A prerecorded copy of all advertisement on radio or television must be retained for a six month period following the final appearance of the advertisement. The advertising dentist is responsible for retaining control of the advertisement for a period of six months following termination of the use of the advertisement and is responsible for making prerecorded copies of the advertisement available to the Board of Dentistry within five days following a request by the Board.

(7) The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to Subsection 3(c) of these rules. The definition of each of these services is intended to set forth a minimum standard as to what constitutes such service for advertising purposes in order to allow the public to accurately compare the fees charged for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to Subsection 3(c) is limited to the following dental services:

(a) Examination - a study of all of the structures of the oral cavity, including the recording of the conditions of all of such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

(b) Diagnosis - a written opinion of items found in an examination.

(c) Treatment planning - a written statement of treatment recommendation following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

(d) Radiographs - x-rays of the hard and soft oral structures to be used for purposes of diagnosis and which includes either 1) panograph and bite wings, or 2) an intra-oral x-ray review utilizing a minimum of sixteen films. Any films must be adequate to provide an appropriate radiographic study of both dental arches.

(e) Basic full upper or lower denture - the replacement of all natural dentition with artificial teeth. The replacement includes satisfactory tissue adaption, satisfactory function, and satisfactory aesthetics. The materials used in these replacements shall be non-irritating in character and meet all the standards set by the National Institute of Health, the Bureau of Standards and the Testing Agencies of the American Dental Association for materials to be used in or in contact with the human body. If the service advertised is for a denture which is partially prefabricated or is intended by the manufacturer to be used as an emergency or temporary denture, such fact shall be fully set forth in the text of the advertisement. The advertising of partial dentures is prohibited.

(f) Prophylaxis - the removal of calculus deposits, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.

(g) Simple extractions - this service is for the removal of non-impacted teeth and includes necessary x-rays, anesthesia, preoperative and postoperative care.

(h) Amalgam restorations - Class I, II, III, V, amalgam restorations shall include preparation of cavity, normal cement,

CaOH or ZnO&E base when necessary, novocaine when required, placing matrix band and carving. Minimum fees may be advertised together with a disclosing statement as described in Subsection 3(c) of these regulations. Amalgam restoration must be listed as the number of surfaces restored unless it is the custom of the office to charge a single fee for all restorations.

(8) Because of the many variables which could be misleading or misrepresented as to diagnosis, materials, techniques, and therapy, no other dental services may be advertised, but the patient should be informed as to the fees, prior to the rendering of any service.

(9) The purpose of this section is to list advertising practices which are expressly prohibited. Although any dentist may advertise, no dentist shall:

(a) Advertise or solicit patients in any form of communication in a manner that is false or misleading in any way or which tends to deceive or defraud the public.

(b) Advertise a range of fees for routine dental services.

(c) Make any statement as to his own, an associate's, a dental hygienist's, or any employee's or other dentist's or dental hygienist's skill or lack of skill, or method of practice.

(d) Claim to practice without causing pain.

(e) Claim superiority over other dentists, or circulate or advertise reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, expertise, or ability, of his or their use of any system, method, technique, device, drug, medicine, material, manipulations or machine.

(f) Advertise as giving or give free dental services or examinations as an inducement to secure dental patronage.

(g) Use any advertising containing as a part thereof the representation of a tooth, teeth, bridgework, or any part of the human head.

(h) Use such words as "quality", "comfort", "custom", "secure", "painless", "reasonable", "economical", "inexpensive", or words of a similar nature in advertising dental services of any type.

(i) Advertise to guarantee any dental service.

(j) Give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways or any place other than the office where the licensee is known to be regularly engaged in the practice of dentistry.

(k) Use display signs of a larger area than four hundred square inches or containing letters more than five inches in height.

(l) Use the name of any deceased licensed dentist or dental hygienist on an office door, directory, or any stationary or bill head at any time after one after the death of the deceased licensee, regardless of the fact that said office may have been owned by the deceased licensee.

(m) Employ or engage the services of any person, firm, or corporation to construct, repair, furnish, supply or reproduce a prosthetic appliance or denture (sometimes known as a plate), bridge or other substitute for natural teeth without furnishing a written work order on a form approved by the Louisiana State Board of Dentistry which shall contain: (1) name and address of person, firm or corporation to which work order is directed, (2) patient's name or identification number, and if number is used, patient's name must be written upon duplicate copy retained by dentist, (3) date on which work order was written, (4) description of work to be done, including diagrams if necessary, (5) specification of type and quality of materials to be used, (6) signature of dentist and number of his license, or, the failure to retain the original copy of the work orders so furnished for a period of two calendar years in addition to the current year.

(n) Employ a solicitor or "cappers" or "steerers" or "run-

ners" to obtain dental patronage.

(10) Any violation of these rules as set forth in the previous subsections shall constitute "unprofessional conduct", and is punishable as outlined in LSA - R.S. 37:776.

Interested persons may comment on the proposed rule, in writing, through January 5, 1981 at the following address: Mr. Norman J. Robinson, Jr., Secretary-Treasurer, Louisiana State Board of Dentistry, 505 Saratoga Building, New Orleans, Louisiana 70112.

Norman J. Robinson, Jr.
Secretary-Treasurer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
It is anticipated that it will cost approximately \$1,000 to print and mail the new regulation to all licensed dentists.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No estimated effect on revenue collections can be determined at this time. There are possible collections due to fines levied against offenders.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Only the public and licensed dentists would be affected by the proposed regulation. The public would be saved an incalculable amount of expense by being able to determine the price of "routine" dental services from truthful, non-misleading information available to it. Dentists would not be affected monetarily since those who wish to advertise do so at present.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The estimated effect on competition and employment cannot be determined at this time. Advertising is currently allowed by dentists. Those practitioners who currently advertise would probably continue to do so and those not advertising would either continue that course or possibly begin advertising under the regulation, and thus increased competition is possible.

Norman J. Robinson, Jr.
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a rule to implement the Low Income Energy Assistance Program to assist low income households with the high cost of energy during the winter months of January, February, and March 1981.

Eligible households are those with liquid assets at or below \$1,500 for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not exceed \$276 for a single person household and \$451 for a multi-person household. Finally, eligible households are those vulnerable to the rising cost of home energy. To be vulnerable, a household shall be paying for a heating utility or making an undesignated payment for energy in the form of rent and shall not be a resident of Low Rent Public Housing or Section 8 Public Housing.

Payments in the months of January and February to eligible recipients shall range from \$15 to \$35 depending upon income, household size, region of the State, and the type of heating utility. The third payment in the month of March may be higher or lower than the preceding two depending upon the amount of Federal funds remaining.

Interested persons may submit written comments on the proposed rule through January 5, 1981, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

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

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

Rule Title: Low Income Energy Assistance Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
A total of \$15,413,687 is allotted to the State of Louisiana to provide for administration and benefits of the program. Regulations limit administrative costs to 7-1/2 percent of allotment. Due to the uniqueness of the program, it is impossible to determine what the actual administrative costs will be at this time, although it is estimated by the agency that the 7-1/2 percent is not excessive. In addition to 110,000 households estimated to be automatically eligible, an additional 50,000 households (not currently being served by the agency) are estimated to gain eligibility through individual applications. These additional households will greatly increase the workload of the agency. Therefore, it is estimated that the 7-1/2 percent allotment of \$1,151,421 will be needed for administrative purposes. The remaining \$14,262,266 will be distributed as benefits.
This is a one-time cost, with the benefits being distributed during the three months of January through March, 1981. Funds were not provided for this program in the agency's 1980-81 appropriation; the costs will be funded entirely with Federal funds received and budgeted to the agency by the Joint Legislative Committee on the Budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Estimate obtained using data from the Office of Family Security's file on AFDC, GA, SSI, Food Stamp, Refugee and Medicaid recipients indicates 110,000 households have automatic eligibility based on declared income. An additional 50,000 households are estimated to gain eligibility through individual applications.
Benefits will be fifteen dollars to thirty dollars in the Southern Region and twenty dollars to thirty-five dollars in the Northern Region. Total benefits for the eligible groups statewide will be \$14,262,266.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not noticeably be affected by the Home Energy Assistance Program as benefits to eligible recipients will be applied to ongoing current utility bills for the households.

The economic impact is that the State will have an additional \$14,262,266 in circulation by the low income consumer group receiving these benefits.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt a rule amending the list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations, published in the Federal Register dated October 24, 1980, Volume 45, Number 208, pages 70574 through 70584.

These additional MACs have been established:

Potassium Chloride, oral Liq., 10 per cent	\$0.0030	per ml.
Dicloxacillin Sodium, 250 mg. caps.	0.2690	per cap.
Quinidine Sulfate, 200 mg. tabs.	0.0688	per tab.
*Hydrochlorothiazide, 25 mg. tabs.	0.0152	per tab.
*Hydrochlorothiazide, 50 mg. tabs.	0.0194	per tab.

*These MACs reflect a reduction in the MACs established on June 28, 1979.

The MACs for the following drugs have been suspended:

Oxyphenbutazone, 100 mg. tabs.
Phenylbutazone, 100 mg. tabs.
Phenylbutazone Alka, 100 mg. caps.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. HHS's regulations provide that when a physician certified that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case, their specific guidelines provide that:

- 1) The certification must be in the physician's handwriting.
- 2) The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription.
- 3) A standard phrase written on the prescription, such as "brand necessary," will be acceptable.
- 4) A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable.
- 5) A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Interested persons may submit written comments on this proposed policy change through January 3, 1981, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposed rule.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Maximum Allowable Costs (MAC) for Drugs

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

The projected net savings to the agency resulting from the proposed rule amending the federally established Maximum Allowable Costs (MAC) on five drugs and the suspension of MAC on three drugs are:

FY 1980-81: \$9,402 (31.18% State/68.82% Federal)

FY 1981-82: 54,297 (32.66% State/67.34% Federal)

FY 1982-83: 63,378 (33.15% State/66.85% Federal)

The agency has sufficient funds to implement this proposed action, as this action will result in a decrease in agency expenditures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

No costs or benefits to Title XIX recipients is estimated. However, those Title XIX providers which have been reimbursed for the drugs included in the rule change will be affected by a reduction in the reimbursement; this will total approximately \$9,402 for 1980-81, \$54,297 for 1981-82 and \$63,378 for 1982-83.

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

There is no effect on competition and employment anticipated.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, will implement, effective December 1, 1980, the following policy related to determining the applicant's eligibility for the Medically Needy Program:

Bills (expenditures) for medical services recognized under State Law shall be included in the spend-down process for determining Medically Needy eligibility, although some of these services may not be covered under Louisiana's Medical Assistance Program (i.e., dental services, psychiatric services, podiatrist services, etc.).

This action will allow the Medical Assistance Program to be in compliance with federal regulation 42 CFR 435.831. Compliance with this federal regulation assures Federal financial participation in Louisiana's Medical Assistance Program.

Interested persons may submit written comments on this proposed policy change through January 3, 1981 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposed rule.

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

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

Rule Title: Medically Needy Program Eligibility Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
- A. The only cost of implementation is for the additional benefits due to the change in eligibility requirements: 1980-81 (six months); \$11,157 (31.18% State/68.82% Federal)
1981-82: \$24,992 (32.66% State/67.34% Federal)
1982-83: \$28,741 (33.15% State/66.85% Federal)
- B. No new staff or additional administrative costs will be required since the caseload will not increase. (Spend-down Medically Needy cases are simultaneously certified and closed and require no maintenance.) The number of applications will not increase, only the number of approved applications.
- C. The agency has sufficient funds to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs to affected groups.
It is estimated that in FY 1980-81, thirty-six new recipients will receive \$11,157 in benefits; in FY 1981-82, seventy-two recipients will receive \$24,992; and in FY 1982-83, seventy-two recipients will receive \$28,741.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

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

- 1) Ten dollars per one-way pick-up for the first person; and
- 2) Five dollars per one-way pick-up for each additional person; and
- 3) Fifty cents per Title XIX vehicle mile.

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

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

This proposed change which is necessary to contain cost, will decrease annual expenditures for non-emergency medical transportation by approximately \$1,978,560.

Upon adoption of this rule, annual cost reports must be submitted by those providers who are reimbursed on the basis of a

pick-up fee and mileage within ninety days following the provider's fiscal year end.

Interested persons may request copies of the proposal or submit written comments on this proposed policy change through January 5, 1981 at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposal.

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

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

Rule Title: Title XIX Non-Emergency Transportation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Cost savings to the Agency is estimated to be \$824,000 (State and Federal) for the period February 1, 1981 through June 30, 1981 and \$1,978,560 per year for Fiscal Years 1981-82 and 1982-83. (The source of funding for 1981-82 is 31.18 percent, State/68.82 percent, Federal; for 1982-83, 32.66 percent State/67.34 percent Federal; for 1982-83, 33.15 percent State/66.85 percent Federal.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There would be no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There would be no change in cost and/or benefit to Title XIX recipients due to a change in methodology of rate setting. However, Title XIX providers will be effected by a reduction in the reimbursement for such services. The total estimated costs to this group are \$824,000 in 1980-81 and \$1,978,560 for 1981-82 and 1982-83.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There would be no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a rule amending present regulations related to vendor payment for emergency hospital services to include the following:

Licensed hospitals that are not participating fully in the Title XIX Program (i.e., Emergency Access Only Facilities) are reimbursed on the basis of eighty-five percent of the hospital billed charge for emergency hospital services, not to exceed the Medicare reimbursement rate.

Interested persons may submit written comments on this proposed policy change through January 3, 1981, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Vendor Payment For Emergency
Access Hospitals**

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

No cost to the agency is anticipated to implement this proposed action. The Program Manager for Hospital Services is presently responsible for securing and forwarding to the Title XIX fiscal intermediary the current Medicare rates. Therefore, no change in workload is anticipated.

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

No impact upon revenue will result from this rule.

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

No additional costs or benefits to Medicaid eligible recipients, or to providers, will result from this proposed action. The law currently mandates that the Medicaid reimbursement rate not exceed the Medicare reimbursement rate; this rule only provides that the State's Title XIX State Plan assures compliance.

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

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

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Health Services and Environmental Quality
Food and Drug Control Unit**

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

1.01 Sterilization Process:

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

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

2.01 Prohibited Activities:

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

B) The attempted sterilization of reusable plastic containers for the packaging of foods, drugs or cosmetics after they have been used to hold any toxic organic chemicals.

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Second-hand container regulations**

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

The proposed rule would require no implementation cost.

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

The proposed rule would have no impact on revenues.

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

The proposed rule would primarily affect the soft drink and bottled water industries. The present approved sterilization method designed for glass bottles appreciably shortens the life of reusable plastic containers. By allowing alternate approved methods of sterilization for second-hand and returnable plastic containers, such containers could be reused more often. The cost savings to affected industries and to the consumer which may result through implementation of this rule cannot be determined due to the general nature of the rule.

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

The proposed rule change will have no appreciable effect on competition and employment.

Harold A. Heitkamp, M.D.
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Pharmacy**

The Louisiana Board of Pharmacy hereby gives notice that it will hold an open public hearing for the proposed Regulation - Section 28 - for the implementation of Act Number 420 of the 1980 Louisiana Legislature. If allowed, the Board in session intends to adopt said Regulation. Public notification made herein indicates no final approval. The public is made aware of the proposed Regulation in compliance with R.S. 49:951-966.

Proposed Regulation

By the

Louisiana Board of Pharmacy

Section 28

The selection of a multisource generic drug product in lieu of a specific brand name drug, in accordance with Act 420 of the 1980 Louisiana Legislative Regular Session consistent with State and Federal regulations, may be prohibited by a licensed practitioner in the following manner:

(1) Written Prescription

(a) Written Form — A licensed practitioner may prohibit brand interchange by specifying in his own handwriting directly on

the face of the prescription "medically necessary" or "brand necessary", or "no substitution", in accordance with any applicable State or Federal regulation.

(b) Printed Form — In the alternative, a licensed practitioner may prohibit brand drug interchange of a generic drug by utilizing the following printed form with drug, patient's name, and signature entries inscribed in the prescribing physician's handwriting, as follows:

LICENSED PRACTITIONER
ADDRESS
CITY, STATE
TELEPHONE NO.

PATIENT'S NAME _____
ADDRESS _____
CITY, STATE _____

★ ★ ★ ★

It is my medical judgment that
(Drug Name)

Is medically necessary for the treatment of

(Patient's Name)

And that no other drug product is acceptable. This certificate is to be effective

(Date)

(Medical Practitioner, M.D.) (Date)

Physician's Handwritten Signature

NOTE: Certification attached to prescription and all entries must be in the prescribing physician's handwriting as required by applicable federal and/or state regulations.

(2) Oral Prescription

A licensed practitioner shall substantiate instructions to the pharmacist prohibiting brand product selection of an oral prescription by the execution of the aforementioned printed form as required by applicable State and/or Federal regulation.

(3) Notification of Brand Interchange

(a) A pharmacist serving Institutionalized Patients (i.e., hospitalized patients, or patients in skilled nursing or extended care facilities) may notify said patients via special procedures or admission forms executed by agents of the institutions in order to satisfy R.S. 37:1225 (f).

Written comments may be addressed to: Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Blvd. - Suite 8-E, Baton Rouge, Louisiana 70808, until 5:00 p.m., Monday, February 9, 1981.

The Board will conduct an Open Hearing on Friday, February 13, 1981, at 9:30 a.m., in the Pharmacy Auditorium of the Pharmacy Building on the campus of Northeast Louisiana University in Monroe, Louisiana.

Howard B. Bolton
Executive Director

**Fiscal and Economic Impact Statement
For Administration Rules
Rule Title: Section 28**

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

\$500.00 - Estimated printing and mailing of Regulation to all pharmacies in the State.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that there will be no effect on revenue collections.

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

It is estimated that if this Rule and Law were fully implemented, a savings of \$900,000 in the Medicaid program (approximately Federal/State match of .69/.32) could be realized and as much as \$2,000,000 could be realized by the residents of the State of Louisiana.

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

It is estimated that there will be no effect on competition and employment.

Howard B. Bolton
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Office of Labor**

The Department of Labor, Office of Labor, intends to amend rules and standards under the Administrative Procedures Act (R.S. 49:951, et seq.), for the administration of the Apprenticeship Laws of Louisiana (R.S. 23:381, et seq.).

It will hold a public hearing thereon Friday, January 9, 1981 at 2:00 p.m. in the Office of Labor conference room, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules may be obtained from Mr. J. T. Armatta, Assistant Secretary, Office of Labor, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Box 44094, Baton Rouge, Louisiana, telephone (504) 342-3080, on or before said hearing date.

J. T. Armatta, Assistant Secretary
Office of Labor

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

**Rule Title: State Apprenticeship
Standards and Procedures**

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

The estimated cost of printing 500 booklets @ 75¢ is \$375.00.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

We anticipate selling 200 booklets @ 75¢ for a reimbursement of \$150.00.

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

Estimated legal fee cost of 75¢ per copy to be paid by any person or group affected or general public (provided on voluntary request).

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

The implementation of these rules will have no effect whatever on competition and employment.

J. T. Armatta, Assistant Secretary
Office of Labor

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Environmental Control Commission

The Environmental Control Commission will hold a public hearing on January 22, 1981 at 10:00 a.m. in the State Land and Natural Resources Building, Conservation Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana to consider the adoption of final rules and regulations for the implementation of a fee system as required by Section 1065.B of Act 449 of the 1979 Legislature which specifies activities under the jurisdiction of the Nuclear Energy Division.

The person within the agency responsible for responding to inquiries about the proposed fee system is William H. Spell, Administrator, Nuclear Energy Division, Box 14690, Baton Rouge, Louisiana 70898, telephone (504) 925-4518. Written comments may be submitted to the above address until 4:30 p.m. on January 21, 1981.

Information concerning the proposed fees is available for review at the Nuclear Energy Division Office, 4845 Jamestown Boulevard, Baton Rouge.

B. Jim Porter
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fee System

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

The costs to the Nuclear Energy Division for the final five months of FY 80-81 are estimated at \$12,500, including the additional support of one clerical and one professional that will be required to implement the system. Costs for FY 81-82 are estimated to be \$35,000. Four other professionals, additional equipment and supplies will be obtained with the balance of revenues (\$58,100 for FY 80-81 and \$135,000 for FY 81-82).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Currently, no funds are being collected by the Nuclear Energy Division. The effect will be to generate approximately 170,000 during the first year of operation.

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

The principle effect will be on industrial radiography, college and universities, and medical users of radiation. In most instances, the cost will be in the range of a few tens of dollars for an annual fee. The larger, more complex programs will range up to approximately \$300 annually, in most cases. Diagnostic dental and medical X-ray equipment will be assessed \$10 and \$15 each respectively. Therapeutic X-ray equipment will not exceed \$200 per unit per year.

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

There is no component of this rule which will effect competi-

tion in any known way. It may be demonstrated that the costs represented in the fee structure are well within the variables in most budgets and should not result in the loss of any employment.

B. Jim Porter
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Research and Development Division

The Department of Natural Resources intends to adopt a Residential Conservation Service (RCS) State Plan and revisions suggested since its last hearing relative to it, held May 21, 1980. The revisions are in accordance with rules and regulations proposed or developed by the Department of Energy (DOE) (Federal Register, Volume 44, Number 217, November 7, 1979, Part II, pages 75956-75986) in response to Title II (Residential Energy Conservation) of the National Energy Conservation Policy Act (Public Law 95-619), Part 1, pages 3208, dated November 9, 1978, and the Energy Security Act (Public Law 96-294), Part 2, pages 719-758, dated June 30, 1980.

1. Relevant information is as follows:

A. The purpose of this public hearing is to receive suggestions and solicit comments from Louisiana citizens in consideration of the RCS State Plan with proposed revisions.

B. Any written comments or questions on the issues identified or any other aspects of the RCS State Plan must be received on or before January 4, 1981.

C. A public hearing will be held beginning at 9:00 a.m. on January 22, 1981, at the Land and Natural Resources Building, 625 North Fourth Street, (Conservation Hearing Room, first floor), Baton Rouge, Louisiana.

D. Questions concerning any aspects of the public hearing as well as any written comments addressing the issues defined or any other feature of the RCS program should be directed in writing to Louisiana Department of Natural Resources, Attention: Jackie D. Hunt/RCS, Research and Development Division, Box 44156, Baton Rouge, Louisiana 70804.

E. Any person(s) wishing to speak at this hearing should submit in writing on or before January 4, 1981, their intended statements to the above person.

II. Some of the more pertinent issues are as follows:

A. Is the requirement of a surety contract as part of the listing criteria by the contractors practicable?

B. Is a signed statement from an RCS listed supplier identifying the product, date of purchase, RCS warranty on said production, and statement that the product meets DOE's RCS standards feasible? Will all the businesses willing to participate as suppliers in the RCS program be agreeable to furnishing this amount of information for each purchase made as a result of the RCS program?

C. One of the criteria for lenders in the program allows a customer to make minimum payments of five dollars over a maximum period of three years; this payment should be used by the utilities who finance money for program measure(s) installation and not for regular lending institutions; and the minimum amount should be removed.

D. As a criteria for reinstatement on the Master Record by any contractor, supplier, or lender that has been de-listed as a result of violating any of the listing requirements, a forty thousand dollar surety contract has been stipulated; in view of item "A" of this section should this amount be lowered to twenty thousand dollars?

E. In reference to the funding process for post-installation inspections of installed program measures, as the RCS State Plan now reads, a portion of the audit fee collected is to be reserved for this funding; would different wording, to the effect of having sufficient funds on hand to defray the costs of post-installation inspections and related procedures, be a viable consideration?

F. The payment of costs incurred by a utility should be reviewed as the Energy Security Act (ESA) allows for the state regulatory authority to fully establish the methodology used to meet these costs. ESA also stipulates that the amount a utility can charge for an audit may not exceed fifteen dollars; the State RCS Plan now allows for a maximum of twenty-five dollars. The Public Service Commission has determined that the maximum audit charge may be no more than fifteen dollars.

Copies of the State RCS Plan are on file at the following locations for "in-house" review during normal duty hours as of December 20: (1) Department of Natural Resources, Research and Development Division, fifth floor lobby, 625 North Fourth Street, Baton Rouge, La., and (2) Louisiana State Library, 740 Riverside Mall, Baton Rouge, La.

Frank A. Ashby, Jr., Secretary
Department of Natural Resources

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Residential Conservation Service (RCS) State Plan

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

Implementation of the RCS program is the responsibility of the covered utilities. The Department of Natural Resources, Policy and Planning Section, is functioning as an administrative agency (Lead Agency) and is essentially taking on additional duties to assure the proper implementation of this program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Should the Department of Natural Resources not participate as the Lead Agency, the RCS federal grant funds to be made available in FY-81 and FY-82 would not be accessible to this agency. Louisiana's FY-81 and FY-82 allocations will be based upon a formula as specified in proposed U.S. Department of Energy regulations. Upon adoption of the Residential Conservation Service State Plan, DNR will be eligible to apply for a maximum of \$50,000 for administrative costs which may be incurred by the RCS auditor training program.

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

The Consumer Protection Agency and Louisiana Public Service Commission should not be affected beyond their normal public service functions. For those local governments which have a public utility participating in this program, some costs will inevitably be passed on to the customer. Customers of all RCS utilities will experience the expensing of program costs through ratebasing. The individual audit costs are estimated to range from \$80 to \$120; this cost plus administrative and promotional costs may be expensed to the customers of RCS utilities. Everything above a maximum of \$15 will be rolled into the ratebase but the cost transmitted to the utility customers will depend on how much of that cost the appropriate regulatory body allows to be recovered. It is expected that those customers who install energy conservation measures will recover their cost in a relatively short time.

**Consumer Protection Agency and Louisiana Public
Service Commission**

Consumer Protection Agency (CPA) and Louisiana Public Service Commission (PSC) costs cannot be estimated because the function they serve falls within their normal scope of service, and an estimate of expansion includes too many indeterminate factors at this stage.

Local Government

Costs will be incurred by those local governments which elect to undertake the post installation inspections. The local government of New Orleans may experience some cost in the sense that their utility (NOPSI) must provide the services of this program. At a three percent response rate, NOPSI estimates the program will cost (them) approximately \$2.5 million over a program's four year life. Cost for the first year is approximately \$560,000. These costs will be borne by their 175,000 customers.

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

Employment in the private sector should increase. There should be no significant effect on competition under the original RCS regulations; however, the Energy Security Act, which amends the RCS regulations by allowing RCS utilities to install energy measures or to finance energy measures and for which DOE is developing regulations, could be anti-competitive if not properly administered.

Jerry D. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Consumer Protection

The Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, hereby gives notice of his intention to amend Consumer Protection Rule 3:5007 and 2:2,4,9 on January 5, 1981, at 5:00 p.m. at the office, 2610-A Wooddale Boulevard, Baton Rouge, Louisiana 70806. The proposed amendments are as follows:

(1) 3:5007-Deceptive Pricing

(a) Add to the definitions in Part A to define "Retail grocery outlet."

(b) Change all instances where the words "and/or" appeared to "or."

(c) Add to Part B, (3), the words "nationally advertised price" and "NAP."

(d) Change the agency name to "Office of Consumer Protection, Department of Urban and Community Affairs."

(e) Add a new Part C to set forth unfair and deceptive acts or practices of retail grocery outlets.

(2) 2:2,4,9 - Administrative Rules

(a) Change the agency address.

(b) Implement Act 392 of 1980 relative to providing fiscal and economic impact statements.

Any interested person may submit, orally or in writing to Charles W. Tapp at the above address, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of amendments to the rules and regulations by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: CPR3:5007 Deceptive Pricing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No additional implementation cost to the agency. The amended rule will be promulgated and administered within the current budget. There will be no savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated there will be little, if any, effect on revenue collections in Louisiana since the change affects only certain specific advertising practices and has little direct impact on sales.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs to affected groups. Benefits to affected groups will be fairer competition among retail food outlets. The buying public will be able to make accurate shopping comparisons by the elimination of hidden overhead costs being built in to what is now advertised as "cost" plus a surcharge.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Fairer competition among retail grocery outlets. Those grocery stores that do not use this form of advertising will be able to compete on a more equitable basis because of the absence of misleading information.

Charles W. Tapp
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of Wildlife and Fisheries intends to continue the closure of certain lakes to commercial netting and/or commercial fishing. These lakes are Prien Lake, Lake Charles, Moss Lake and Lake Bistineau.

Interested parties may direct inquiries to Mr. Kenneth Smith, Chief, Fish Division, Louisiana Department of Wildlife and Fisheries, Box 44095, Baton Rouge, Louisiana 70804, telephone number (504) 342-5864. Written comments on this proposal will be received through January 2, 1981 at the above address.

Joseph V. Colson
Secretary

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

Rule Title: The continued closure of certain lakes to commercial fishing and/or netting.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Since all lakes concerned have been closed for several years, the continued closing will result in no additional cost to this Department.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated that there will be no effect on revenue collections.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The local residents will continue to enjoy recreational fishing in areas that will not support commercial fishing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is estimated that there will be no effect on competition and employment since these lakes have been closed for years.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

**Department of Agriculture
Dairy Stabilization Board**

Resolution on Board Meetings

Whereas, regular monthly meetings of the Board on a prefixed day of the month facilitate scheduling for the staff; and

Whereas, regular monthly meetings of the Board on a prefixed day of the month enable Board members to arrange their schedules more easily; and

Whereas, regular monthly meetings of the Board on a prefixed day of the month enable the public and representatives of the news media to participate;

Therefore be it resolved, that the Louisiana Dairy Stabilization Board in 1981 will hold its monthly meetings on the second Thursday of each month at the Commissioner's Office located on the twenty-first floor of the State Capitol, Baton Rouge, Louisiana, at 10:00 a.m.

Be it further resolved, that this resolution be published in January, 1980, in accordance with R.S. 42:6A.

C. James Gelpi
Director-Attorney

POTPOURRI

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

In accordance with R.S. 39:198(a), the Office of the Governor, Data Processing Coordinating and Advisory Council has set a limitation as to the total dollar amount which may be expended by any one state agency under each single direct order contract for data processing equipment during Fiscal Year 1981.

These limitations are as follows:

**DATA PROCESSING COORDINATING AND ADVISORY COUNCIL
DIRECT ORDER CONTRACT LIMITATIONS
FISCAL YEAR 1981**

AGENCY NAME	CONTRACT # 205-20-03-0001 Lease/Purchase	CONTRACT # 205-20-03-0001 Lease/Purchase	CONTRACT # 205-20-02-0001 Lease/Purchase	CONTRACT # 205-20-01-0001 Lease/Purchase
La. Info. Processing Auth.	\$20316/\$44660		\$103345/\$295570	\$7260/\$11928
Health & Human Res.-N.O.	\$28126/\$68502		\$51132/\$148632	\$8561/\$17227
Labor				\$174250/\$397375
Transportation & Development				\$36690/\$73830
Health & Human Res.-B.R.				\$100382/\$226864
Southern University				\$2446/\$4922
Louisiana State University		\$11808/\$18144		
All others	\$12054/\$29358	\$1968/\$3024	\$16533/\$47058	\$28301/\$64229
TOTAL	\$60496/\$142520	\$13776/\$21168	\$171010/\$491260	\$357890/\$796375

Thomas G. Hagan
Executive Director

POTPOURRI

**Department of Health and Human Resources
Office of Licensing and Regulation**

In accordance with the provisions of the Administrative Procedures Act (R.S. 49:951 - 968) notice is hereby given that the Department of Health and Human Resources, Office of Licensing and Regulation intends to hold a public hearing on February 6, 1981, at 10:00 a.m. at the Natural Resources building in the Mineral Board Room on the first floor.

The subject matter of this hearing will be proposed rules relative to appropriateness review of existing institutional health services, for which a notice of intent was published in the November 20, 1980, *Louisiana Register*.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

Jim Harris,
Assistant Secretary

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund Claims**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 therefore; 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 eighteen completed claims were received during the month of December, amounting to \$13,369.28 for which public hearings will be held as follows:

Tuesday, January 6, 1981 at 11:00 a.m. in Room 109 and 110 in Cameron Parish courthouse building in Cameron, Louisiana to consider payment of the following claims against the fund.

80-154 Russell G. Corley of Cameron, Louisiana
Vessel: Tuffy II On August 19, 1980 shrimping in Calcasieu Lake struck a submerged piling damaging vessel. Amount of claim: \$834.82. (Reschedule)

80-186 Ashful Authement of Cameron, Louisiana
Vessel: Miss Becky On October 8, 1980 shrimping in Gulf of Mexico, 2 miles West of Johnson's Bayou, struck an unknown object damaging net and tickler chain. Amount of claim: \$55.00.

80-187 Ashful Authement of Cameron, Louisiana
Vessel: Miss Becky On October 12, 1980 claimant while shrimping near the east end of Johnson's Bayou, hung the inshore rig on an unknown object. Amount of claim: \$492.00.

80-188 Ashful Authement of Cameron, Louisiana
Vessel: Miss Becky On October 14, 1980 shrimping in Gulf of Mexico, caught an unknown obstruction with his inside rig. Amount of claim: \$200.00.

Tuesday, January 20, 1981 at 10:00 a.m. in the Louisiana Cooperative Extension Office, 511 Roussel Street, Houma, Louisiana to consider payment of the following claims against the fund.

79-043 Delton T. Cheramie, Sr. of Galliano, Louisiana
Vessel: Cindy On October 20, 1979 while shrimp trawling in Timbalier Bay, hung a submerged casin, damaging net. Amount of claim: \$115.47.

79-060 Joseph Cheramie of Cut Off, Louisiana
Vessel: Cathy Cheramie On November 10, 1979 trawling one mile northwest of Freshwater Bayou in Gulf of Mexico, hooked and damaged net, chains and doors on unknown submerged object. Amount of claim: \$880.00.

80-104 Eudras Prosperie of Chauvin, Louisiana
Vessel: St. Anthony On May 14, 1980 shrimping in Gulf of Mexico south of Bayou Moreau, hit unknown submerged object, damaging trawl. Amount of claim: \$340.15.

80-138 A. J. Satoon of Morgan City, Louisiana
Vessel: Eunia Kay On May 6, 1980 trawling south of Lighthouse Point in Gulf of Mexico hung up on submerged unknown object, damaging trawl and chains. Amount of claim: \$1,400.00

80-178 John Armbruster of Houma, Louisiana
Vessel: Wendy Lynn On October 3, 1980 while trawling in Gulf of Mexico near Rollover Bayou, hung on submerged unknown object, damaging trawl and chains. Amount of claim: \$737.95.

Thursday, January 22, 1981 at 10:00 a.m. in the Police Jury Chambers, 2201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund.

79-006 Malcolm Assevado of St. Bernard, Louisiana
Vessel: Lady Cynthia On September 26, 1979 while trawling for shrimp northeast of Comfort Pass, trawl hooked a

- creosote piling and was destroyed. Amount of claim: \$625.00. (Reschedule)
- 79-007 Malcolm Assevado of St. Bernard, Louisiana
Vessel: Lady Cynthia On September 10, 1979 while trawling for shrimp northeast of Cut in Rock Jetties, hooked a large pipe with pontoon on it and damaged net. Amount of claim: \$625.00. (Reschedule)
- 79-039 Leroy Palmisano of Gretna, Louisiana
Vessel: Lori Ann On October 9, 1979 while trawling for shrimp in Gulf of Mexico off Grand Bayou Pass, hooked a sunken boat, damaging net. Amount of claim: \$655.00.
- 79-053 Anthony Guerra, Jr., of St. Bernard, Louisiana
Vessel: Peperick On November 6, 1979 claimant lost his complete rig when he encountered an unknown underwater obstruction in East Bay, Plaquemines Parish. Amount of claim: \$4,000.00. (Rehearing)
- 79-073 Howard P. Dardar of Belle Chasse, Louisiana
Vessel: Master Timothy On November 9, 1979 while shrimping in Custom House Bay caught net on pipe, damaging net. Amount of claim: \$600.00. (Reschedule)
- 80-084 Joseph R. Gainey of Gretna, Louisiana
Vessel: Man-O-War On November 21, 1979 while trawling north of Pass-a-Loutre hooked unknown object. Trawls were completed damaged. Amount of claim: \$2,000.00.
- 80-150 Timothy Maise of Lafitte, Louisiana
Vessel: Moonlight Lady On September 2, 1980 while trawling for shrimp, hooked a pipeline at the mouth of Bayou Dulac, damaging net. Amount of claim: \$500.00.
- 80-155 Joseph LaFrance of Marrero, Louisiana
Vessel: Cajun Lady On September 1, 1980 while trawling east of Grand Isle Pass, hooked unknown submerged object, damaging net. Amount of claim: \$640.00.
- 80-170 John M. Thigpen of Slidell, Louisiana
Vessel: Unknown On September 24, 1980 while trawling outside Rigolets Pass, caught an unknown object and destroyed net. Amount of claim: \$426.00.
- 80-171 John M. Thigpen of Slidell, Louisiana
Vessel: Unknown On October 1, 1980 while trawling outside Rigolets Pass, hung on an unknown submerged object and destroyed gear. Amount of claim: \$282.00.
- 80-181 Malcolm J. LeBlanc of Lafitte, Louisiana
Vessel: Southern Nights On September 22, 1980 while trawling northeast of Grand Isle Sea Buoy, net was damaged. Amount of claim: \$1,690.11.
- 80-189 Louis O. Freire, Jr. of St. Bernard, Louisiana
Vessel: Lady Carolyn On October 18, 1980 while shrimping near Breton Sound, net hung on unknown submerged object, damaging nets. Amount of claim: \$1,210.60.
- 80-195 Stanley Weiskope of Braithwaite, Louisiana
Vessel: Karen-Susan On October 30, 1980 while trawling in Breton Sound, hung on a pontoon and destroyed net. Amount of claim: \$895.00.
- 80-201 John Domingo, Jr. of St. Bernard, Louisiana
Vessel: Captain John On October 15, 1980 while trawling near the Breton Sound area, hooked an iron hang and destroyed net. Amount of claim: \$750.00.

Any written objections to these claims must be received by the close of business January 5, 1980 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

**Department of Urban and Community Affairs
Office of the Secretary
Notice of Meeting
of the
Louisiana Housing Finance Agency**

Notice is hereby given that there will be a meeting of the Board of Commissioners of the Louisiana Housing Finance Agency on Wednesday, January 7, 1981, at 10:00 a.m. in the Governor's Press Conference Room on the fourth floor of the State Capitol in Baton Rouge, Louisiana.

Linton Ardoin
Secretary

Errata

ERRATA

**Department of Labor
Office of Labor**

This Prevailing Wage Notice is in lieu of that as published with the Rules and Regulations adopted by the Office of Labor and published in the *Louisiana Register* of November 20, 1980, on page 659.

Should any employee have a question concerning the wages paid to him on this project or his job classification thereunder, said employee should either contact his employer or the following representative of the Office of Labor.

J. T. Armatta
Assistant Secretary of Labor

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