CONTENTS

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Executive Orders

EXECUTIVE ORDER DCT 83-1

WHEREAS, there is a public concern in the area of public health as it may be affected by the environment; and

WHEREAS, the incidence of some diseases, particularly cancer, is higher in certain ares of the State of Louisiana than the national average therefor; and

WHEREAS, it is essential for the health and welfare of the people of the State of Louisiana that there be a better understanding of environmental health problems, particularly their possible causes and possible corrective actions to prevent or lessen their incidence;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Environmental Health which shall consist of at least one or more representatives appointed by me from at least the following professions and organizations:

1. Epidemiology or the field of medical statistics generally;
2. Toxicology;
3. Oncology;
4. Industrial medicine;
5. A state or quasi-public health organization;
6. The petrochemical industry; and
7. The House of Representatives and the Senate.

The Task Force shall review major epidemiological studies and findings concerning environmental health factors, identify those issues for which further development of information is necessary, review the feasibility of baseline studies, make an estimate of time and funding needed for resolution of the issues and problems so identified, and develop a plan for an orderly resolution of the issues and problems.

The Task Force, whose chairman shall be appointed by the Governor, shall report its findings not later than December 31, 1983. Within 60 days after the Task Force has been organized, it shall report to the Governor its plan of action and any initial findings to that date.

The Task Force may draw funds set aside for research on environmental and health issues in the Environemental Emergency Response Fund as authorized by the Legislature in the First Extraordinary Session of 1983 of the Louisiana Legislature.

The members of the Task Force may draw per diem and travel expenses as authorized by law.

The Task Force may call on the resources of educational and research institutions, private industry, nonprofit organizations, or any other organizations or individuals as may be appropriate for assistance in carrying out its responsibilities. The Governor, on behalf of the Task Force, may accept grants, donations or appropriations from public or private sources, to the extent permitted by state or federal law or regulations, which will aid the Task Force in the fulfillment of its responsibilities. The appropriate departments of the State of Louisiana are hereby directed to provide the necessary technical and other assistance required by the Task Force to carry out its responsibilities. The Task Force may make recommendations to the Governor regarding the need for additional technical staff to assist the Task Force in the completion of its work, and the Governor, on the basis of these recommendations, may authorize the Task Force to hire technical staff or obtain such assistance on a contractual basis.

The Task Force shall be organized under the Office of the Governor and shall terminate on April 30, 1984, unless otherwise extended by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 31st day of January, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 83-2

WHEREAS, the Executive Mansion of the State of Louisiana belongs to all of the people of the state and is a symbol of the hospitality of our people and of the cultural heritage of our state; and

WHEREAS, the Executive Mansion was constructed in 1963 as a home for the Governor of Louisiana and as a place in which visitors might be welcomed in an environment representative of the graciousness and gentility of all of Louisiana's people; and

WHEREAS, the Executive Mansion is visited each year by thousands of visitors from all parts of Louisiana, this nation and the world and is one of the most popular tourist destinations in the State of Louisiana; and

WHEREAS, a visit to Louisiana's Executive Mansion should provide guests in the state an insight into the rich and varied cultural heritage that is ours in Louisiana; and

WHEREAS, it is important that this symbolic facility be maintained in such a manner that Louisianians may visit and enjoy it with pride and that visitors may come to a better understanding of the history and culture of Louisiana by viewing examples of Louisiana's arts and crafts and by experiencing the environment of true hospitality and graciousness which is Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create the Friends of the Mansion Commission within the Office of the Governor.

The Commission shall have the following powers, duties, functions and responsibilities:

1. To promote a greater understanding and awareness of the importance and significance of the Executive Mansion and to enhance the appearance, contents and surroundings of the mansion so that it will better serve as a symbol and actual representation of the history and cultural heritage of the state.

2. To encourage, approve or accept contributions, bequests, gifts or loans of furniture, works of art, crafts, memorabilia, objects of historical significance and other personal property in order to carry out the purposes of the Commission and its duties and responsibilities.

3. To acquire or provide for accession of appropriate furnishings, books, works of art, crafts, historical objects and similar items for the Executive Mansion through gifts, purchases or otherwise, from public or private sources, in order to carry out the purposes of the Commission, all in accordance with applicable laws.

4. To exchange or sell such items as provided in paragraph three above acquired by the Commission subsequent to the effective date of this Executive Order through gifts, purchase or otherwise from public or private sources, all in accordance with applicable laws.

5. To make recommendations to appropriate public entities for the purchase of any furnishings or other property or for the deaccession, exchange, sale or replacement of any inventory of the Executive Mansion existing as of the date of this Executive Order.

6. To administer all funds made available to the Commission from public and private sources and to disburse such funds in accordance with the purposes of the Commission and with provisions of applicable laws.

7. To guide research for and publication of appropriate materials concerning the Executive Mansion and its contents and the history and significance thereof and to coordinate and guide such activity of other state and local agencies.

8. To keep a complete inventory of all furnishings, objects of art or of historical value, crafts and of all other gifts or articles received, purchased or acquired by the Commission, together with their history, significance and value, and a similar list of all such items sold, exchanged or otherwise disposed of by the Commission.

All departments, commissions, boards, agencies and officers of the state or of any political subdivision thereof are authorized and directed to cooperate with the Commission in implementing the provisions of this Executive Order.

Members of the Commission shall be appointed by the Governor in such number as the Governor shall determine and shall serve at the pleasure of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 2nd day of February, A.D., 1983.

David C. Treen
Governor of Louisiana

Policy and Procedure Memorandum

POLICY AND PROCEDURE MEMORANDUM

Office of the Governor
Division of Administration
Policy and Procedure Memorandum
No. 51 (Revised 3/20/83)

SUBJECT: Contractual Agreements for Maintenance, Rental and Leases of Office Equipment and Custodial Services
TO: Heads of All State Agencies, Boards, and Commissions (Budget and Non-Budget Units)
EFFECTIVE DATE: February 20, 1983
AUTHORIZATION: Title 39, Section 1561: Authority and duties of the Commissioner of Administration

This Policy and Precedure Memorandum rescinds Policy and Procedure Memorandum No. 51 and Policy and Procedure Memorandum 51 (Revised 6/1/73).

Except as otherwise provided in this Chapter, the Commissioner of Administration, hereinafter referred to as "the Commissioner" shall have the authority and responsibility to promulgate regulations, consistent with this Chapter, governing the procurement, management, and control of any and all supplies, services, and major repairs required to be procured by the State. The Commissioner shall consider and decide matters of policy within the provisions of this Chapter including those referred to him by the Director of State Purchasing. The Commissioner shall have the power to audit and review the implementations of the procurement regulations and requirements of this Chapter.

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State Statutes, it is hereby ordered that all State of Louisiana agencies shall abide by the following Rules and Regulations except where specific authority has been delegated in writing by the Commissioner of Administration.

I. Purpose and Scope:

1.1 The policies and procedures contained herein shall apply to all agencies of the State Government as required by the Louisiana Procurement Code, R.S. 39:1551 et seq, the Executive Order of the Governor, No. 82-13, and the official Rules and Regulations of the Purchasing Section, Division of Administration as contained in the State Purchasing Manual.

II. Definition of "Contractual Services":

2.1 Contractual Services include all contracts, interagency agreements, or other documents for the maintenance and service of equipment, buildings or any other facilities and the lease and rental of equipment of any State agency under the jurisdiction of the Division of Administration, as noted in paragraph 1.1.

2.2 The following is a listing of contracts referred to in this memorandum, any other type of contract needs prior approval from the Director of State Purchasing.

It is emphasized that this directive applies to CONTRACTUAL SERVICE FOR MAINTENANCE AND CONTRACTUAL AGREEMENTS FOR LEASES AND RENTALS OF EQUIPMENT. Listed below are some commodities that fall into this category:

1. Janitorial services
2. Garbage disposal services
3. Water treatment services
4. Office machine maintenance
5. Thermostatic and temperature control
6. Laundry services
7. Pest control services
8. Office equipment
9. Communication equipment
10. Heavy equipment
11. Concession leases
12. Vending
13. Any other category with prior approval of the Director of State Purchasing

III. Procedures:

3.1 In accordance with R.S. 39:1566 All agencies of the State Government are hereby delegated the authority to purchase all contractual services as defined above in accordance with Executive Order 82-13 and Purchasing Rules and Regulations.

3.2 Agencies are authorized to prepay preventive maintenance contracts on equipment only when a brand name statewide contract exists that provides for at least a ten percent savings over paying on a monthly basis, or a competitive bid is requested that provides for preventive maintenance on a monthly basis and on a prepaid basis. A savings of ten percent or more is required to award on a prepaid basis.

3.3 A sample checklist is attached for use on each contract.

3.4 One complete copy of each file shall be forwarded to the Purchasing Section of the Division of Administration upon completion. These files will consist of:

Copy of Purchase Requisition; Complete Agency Purchase

Order; BA-22 RL for Leases or Rental of Equipment; Copy of all bids received; Proof of advertisement (In accordance with Executive Order 82-13); Tabulation of bids received; Copy of the list of Vendors solicited.

Please note no Purchase Order is to be released until approval has been granted by the director of State Purchasing.

Approved copies of the Purchase Order will be returned to you: one copy of the Purchase Order and the remainder of the file will remain on file in the Division of Administration. Agencies are authorized to handle at agency level, without forwarding to Central Purchasing, those files within their delegated purchasing authority.

Any questions concerning this matter should be directed to the Purchasing Section of the Division of Administration.

E. L. Henry
Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture
Horticulture Commission

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Department of Agriculture, Horticulture Commission, has determined that the provisions of Rule 9.5 (B) (1) of its Rules and Regulations have created an economic hardship on certain persons presently engaged in practice as arborists and/or persons desirous of entering into such practice, in that the said Rule imposes upon such persons a requirement for expensive and unnecessary insurance coverages. The high cost of certain medical payment coverage required in Rule 9.5 (B) (1), as previously written, has resulted in a reduction in the number of persons qualified for licensure as arborists at the beginning of the season when competent arborists are needed by citizens throughout the state.

Therefore, in order to remove the economic burden imposed upon certain licensed arborists and persons otherwise qualified for licensure as arborists, the Horticulture Commission has adopted the following amendment to its Rule 9.5 (B) (1), in which certain previous insurance coverage requirements have been deleted, on an emergency basis:

9.5 (B) (1) A certificate of insurance, written by an insurance company authorized to do business in Louisiana, covering the public liability of the applicant for personal injuries and property damages, providing for not less than $25,000 per person for personal injuries and not less than $50,000 for property damages, both limits applicable to each separate accident, provided that the Commission may waive the requirement for the stated insurance coverages for any licensed arborist who does not physically work on trees or accept responsibility for work on trees but only provides consultation with respect to work on trees. The certificate of insurance must provide for 30 days' written notice to the Commission prior to cancellation.

At its next regular meeting, the Horticulture Commission will call a public hearing to consider the adoption of the above Emergency Rule on a permanent basis.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture
Structural Pest Control Commission

Notice is hereby given that the passage of Act 35 of the First Extraordinary Session of 1983 has created an emergency affecting the welfare of certain persons subject to regulation under R. S. 40:1261, et seq., in that the provisions of said Act conflict with regulations dealing with the same subject matter which were previously promulgated by the Structural Pest Control Commission. Therefore, in order to avoid confusion among the regulated community, the Structural Pest Control Commission has adopted the following revisions of its Rules and Regulations on an emergency basis:

Rule 3.4, relative to fees for place of business permits, was amended to read as follows:

3.4 — The fee for issuance of a permit for operation shall be $100 for firms which employ two or less employees and $150 for firms which employ three or more employees.

Rule 3.5, relative to fees for renewal of such permits, was amended to read as follows:

3.5 — The fee for renewal of a permit for operation shall be $100 for firms which employ two or less employees and $150 for firms which employ three or more employees.

Rule 5.3, relative to examination fees, was amended to read as follows:

5.3 — Each applicant for examination shall pay a fee of $50 at the time of submission of the application, which fee shall be non-refundable.

Rule 8.0, entitled "Contracts for Termite Control Work", was amended by adding thereto a new Rule 8.6 reading as follows:

8.6 — No fee shall be due to the Commission for the first 10 termite control contracts performed in each fiscal year by a structural pest control operator. The operator must, however, report the performance of the first 10 contracts for termite control work in the report required under Rule 8.4 above. The fee established in R. S. 40:1272 is applicable to the eleventh and all subsequent contracts for termite control work in each fiscal year.

At its next quarterly meeting, during the month of April, 1983, the Structural Pest Control Commission will call a public hearing to consider the adoption of the above Emergency Rules on a permanent basis.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B at its meeting of October 26, 1982, and adopted by resolution the following Emergency Rule:

WHEREAS, due to the exceptional weather conditions which existed throughout the State of Louisiana during the months of December, 1982 and January, 1983, and

WHEREAS, this climatic condition caused extensive flooding and extreme high water throughout all of the State of Louisiana's natural watershed system, and

WHEREAS, fur bearing populations are managed on an annual basis through trapping programs, and

WHEREAS, the unusual climatic conditions prohibited and delayed many trapping programs, and

WHEREAS, fur technicians of the Department of Wildlife and Fisheries have determined that excessive annual populations presently exist in several coastal ecosystems which would result in environmental damage to habitat conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby extend the trapping season in the North Zone through February 28, and

BE IT FURTHER RESOLVED, that the trapping season in the following described portion of the South Zone shall be extended through March 15,

Cameron Parish:

The area south of Little Chenier Highway east to the Mermentau River. South and west along the Mermentau River to the Creole Canal. North on the Creole Canal to Highway 27. North on Highway 27 to its junction with the Little Chenier Highway.

Terrebonne Parish:

The northern boundary line will begin at North Point on the west end of Point Au Fer Island and extend east and northeast along the shoreline of Atchafalaya Bay to the mouth of Creole Bayou. Then east along Creole Bayou and southward and eastward to the end of Bayou De Log and then eastward to the north end of Carrion Crow Lake. Then east and south along the bank of Carrion Crow Lake to Carrion Crow Bayou and then east on Carrion Crow Bayou to the Voss Canal. Then south on the Voss Canal to the junction with the Mauvais Bois Ridge and east along this ridge to the junction with Liners (Peoples) Canal. Down Liners (Peoples) Canal to Lake Decade. Then east along the north bank of Lake Decade to the Falgout Canal and eastward along the Falgout Canal to the Houma Navigation Canal. Then south of the Houma Navigation Canal to Terrebonne Bay.

Jesse J. Guidry
Secretary

Rules

RULE

Department of State Civil Service
Commission on Ethics for Public Employees

3.7 If during the course of a public hearing a tie vote of the Commission is reached, or in the event of an inability of a majority of the Commission's membership to reach a concurring decision, other members who were unable to participate in the entire public hearing due to the personal illness or disability or who were appointed after the commencement of said public hearing may participate in the Commission's decision after review of the transcript of the proceedings and review of the exhibits and physical evidence.

R. Gray Sexton
Executive Director

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions has adopted 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 545.24-3, which was published on page 36610, Volume 47, Number 163, of the *Federal Register* dated August 23, 1982.

Not withstanding limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, state chartered savings and loan associations, subject to regulation of the U.S. Treasury Department, are hereby authorized to serve as depositaries for Federal taxes, as Treasury tax and loan depositaries, as depositaries of public money and fiscal agents of the Government, or any other instrumentality thereof when designated for that purpose by such instrumentality and satisfy any requirement in connection therewith, including maintaining the following accounts:

a. Tax and Loan Account. An account, the balance of which is subject to the right of immediate withdrawal, established for receipt of payments of Federal taxes and certain United States obligations; such accounts are not savings accounts or savings deposits.

b. Note Account. A note, subject to the right of immediate call, evidencing funds held by depositories electing the note option under applicable U.S. Treasury Department regulations. Note accounts are not savings accounts or savings deposits.

c. United States Treasury General Account. An account maintained in the name of the United States Treasury the balance of which is subject to the right of immediate withdrawal, except in the case of the closure of the association, and in which a zero balance may be maintained. Such accounts are not savings accounts or savings deposits.

d. United States Treasury Time Deposit-Open Account. A non-interest-bearing account maintained in the name of the United States Treasury which may not be withdrawn prior to the expiration of 30 days' written notice from the United States Treasury, or such other period of notice as the Treasury may require. Such accounts are not savings accounts or savings deposits.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his power specifically enumerated in R.S. 6:902 B, has adopted 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 federally chartered associations by Federal Savings and Loan Insurance Corporation Regulations 563.17-3, 563.17-4 and 563.17-5.

RULE

An association may engage in forward commitments, futures transactions and financial option transactions pursuant to the following provisions:

I. FORWARD COMMITMENTS

A. Definitions

1. Forward Commitment. An oral or written contract to buy securities 30 or more days after the contract date; such a commitment is a standby commitment if delivery is optional with the seller and a firm commitment if both buyer and seller are obligated to perform on the agreed date.

2. Securities. Assets in which the association is authorized to invest (except financial futures or financial options contracts entered into pursuant to the provisions of Section II and III of this Rule.)

3. Commitment Fee. Any consideration received directly or indirectly by an association for a forward commitment.

B. Authorized Personnel

The minutes of the board of directors of the association shall set out the names, duties, responsibilities, and current limits of authority, of the association's personnel authorized to engage in forward commitment transactions for the association; the brokerage firms through which authorized personnel may conduct forwards activity; and the dollar limit on transactions with each such firm.

C. Limitations

1. General - An association may make forward commitments to purchase securities, subject to the limits in C.2 below, if that activity is conducted in a safe and sound manner. An example of an unsafe and unsound practice which may preclude further investment under this section is an inability to fund commitments when due. No association may sell a forward commitment or security under agreement to purchase another forward commitment or security at a price other than actual market value.

2. Percent of assets - An association's outstanding forward commitments to purchase securities plus short put options entered into may not exceed an amount equal to 5 percent of its assets if new worth is 3 percent or less of assets, 10 percent of its assets if net worth is over 3 percent but less than 5 percent of assets, or 15 percent of its assets if net worth is 5 percent or more of assets.

D. Disposal before Settlement

All profit or loss related to disposal or modification of a forward commitment before settlement shall be recognized on the association's books at the time of disposal or modification.

E. Recordkeeping Requirements

An association engaging in forward commitments shall establish and maintain the following:

1. A current register of all outstanding forward commitments, including the type (firm or standby), commitment date, amount, rate, price to be paid at settlement, market price at date of commitment, settlement date, commitment fees received, date and manner of disposal, sales price and market value at disposal if disposition is made on or prior to settlement date other than through funding, and seller's indentity and confirmation; and

2. Documentation of the association's ability to fund all outstanding forward commitments when due.

F. Commitment fees Received

A fee received for a forward commitment shall be recorded according to generally accepted accounting principles for loan commitment fees. If the commitment period is 30 days or less, a fee shall be deferred over at least ten years.

II. FUTURE TRANSACTIONS

A. Definition

As used in this section, the following definitions apply unless the context otherwise requires:

1. Financial futures contract. A transferable agreement to make or take delivery of a standardized amount of a financial instrument, of standardized minimum quality grade, during a month specified in the agreement, under terms and conditions established by an exchange designated and regulated by the Commodity Futures Trading Commission.

2. Financial futures transaction. Purchase or sale of a financial futures contract.

3. Long position. The holding of a financial futures contract to take delivery of a financial instrument.

4. Mortgage-related securities. Securities based on and backed by mortgages, including mortgage-backed securities guaranteed by the Government National Mortgage Association ("GNMAs"), Mortgage Participation Certificated of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the association or in which the institution is authorized to invest.

5. Offset. To cancel an obligation to make or take delivery of securities under a financial futures contract. A futures contract to purchase a financial instrument is offset by a futures contract to sell a financial instrument of the same type for the same type for the same delivery month. A futures contract to sell a financial instrument is offset by a futures contract to purchase a financial instrument of the same type for the same delivery month.

6. Short position. The holding of a financial futures contract to make delivery of securities.

B. Permitted Transactions

To the extent that is has legal power to do so, an association may engage in financial futures transactions to reduce its net interest-rate risk exposure as provided in this paragraph B. For purposes of this section, net interest-rate risk exposure is the volatility in an institution's earnings that can arise from the mismatching of the effective maturities of assets and liabilities. An association may enter into short positions that are appropriate for reducing its net interest-rate risk exposure. An association may enter into long positions, other than those that offset short positions, only under the following conditions:

1. The futures position must be matched against a firm forward commitment to sell mortgages not yet originated or to issue mortgage-related securities to be based on mortgages not yet originated. For purposes of this paragraph B. a firm forward commitment is a written commitment obligating the seller to make delivery, and the buyer to take delivery, of mortgage loans not yet originated or mortgage-related securities to be based on mortgages not yet originated, at a price and on or before a date specified in the commitment; and

2. The futures position may be entered into and maintained only to the extent that the institution's firm forward commitments exceed 10 percent of long-term assets with fixed interest rates. For purposes of this section, long-term assets are those having remaining terms to maturity in excess of five years.

C. Authorized Contracts

An association may engage in financial futures transaction using any financial futures contracts designated by the Commodity Futures Trading Commission and based upon a financial instrument that the institution has authority to invest in or to issue.

D. Board of Director's Authorization.

Prior to engaging in financial futures transactions, as association's board of directors must authorize such activity. In authorizing futures trading, the board of directors shall consider any plan to engage in financial futures transactions, shall endorse specific written policies, and shall require the establishment of internal control procedures. Policy objectives must be specific enough to outline permissible contract strategies, taking into account price and yield correlations between assets or liabilities and the financial futures contracts with which they are matched; the relationship of the strategies to the institution's operations; and how such strategies reduce the institution's net interest-rate risk exposure. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to futures transactions, identify personnel authorized to engage in futures transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

E. Notification.

An Association engaging in financial futures transactions shall report its gross outstanding long and short financial futures positions on the Federal Home Loan Bank Monthly Report.

F. Recordkeeping Requirements.

An association engaging in financial futures transactions shall maintain records of such transactions sufficient to document how the transactions reduce the net interest-rate risk exposure of the institution in accordance with the following requirements:

1. Contract register. The association shall maintain a contract register adequate to identify and control all financial futures contracts and including, at a minimum, the type and amount of each contract, the maturity date of each contract, the cost of each contract, the dollar amount and description of the asset or liability with which the futures contract is matched, and the date and manner in which a contract is closed out. Such register shall be prepared in a manner sufficient to indicate at any time the institution's total outstanding long and short financial futures positions.

2. Other documentation. The association shall maintain, as part of the documentation of its futures strategy, a schedule of the assets and liabilities for which net interest-rate risk exposure is being reduced and the purpose of each contract entered into.

3. Maintenance of records. The records designated in this paragraph F. shall be maintained for all futures transactions closed-out during the preceding two years.

G. Accounting.

1. Purchase or sale. Upon the initial purchase or sale of a financial futures contract, a memorandum entry of the information specified in subparagraph F.1 of this section shall be made and appropriate margin accounts shall be established.

2. Gains and losses. Gains and losses on futures contracts shall be accounted for as follows:

(a) Gains and losses on futures contracts that are matched with assets or liabilities to be carried at cost shall be deferred and included in measurement of the dollar basis of the asset acquired or the liability incurred and amoritized over the estimated life of the asset or liability as an adjustment to interest income or interest expense.

(b) Gains and losses on futures contracts that are matched with existing assets or liabilities carried at cost shall be deferred and included in measurement of the dollar basis of the asset or liability and amortized over the estimated remaining life of the asset or liability as an adjustment to interest income or interest expense. If the asset or liability is sold or otherwise disposed of, the unamortized gain or loss shall be recognized in income.

(c) Gains and losses on futures contracts that are matched with existing asset positions carried at the lower of cost or market shall be deferred and recognized in determining the lower of cost or market adjustment of the corresponding asset at the end of each reporting period, or upon sale or disposition of the corresponding asset.

III. FINANCIAL OPTION TRANSACTIONS

A. Definitions.

As used in this section, the following definitions apply unless the context otherwise requires:

1. Call. An option which gives the holder the right to purchase a financial instrument at a price and on or before the expiration date specified in the option contract.

2. Deliverable instrument. A financial instrument whose terms satisfy the requirements for fulfilling delivery obligations of an option.

3. Effective exercise price. The yield equivalent price of an instrument whose coupon rate differs from the standard instrument specified in the option.

4. Financial options contract. An agreement to make or take delivery of a standardized financial instrument upon demand by the holder of the contract at any time prior to the expiration date specified in the agreement, under terms and conditions established by an exchange designated or regulated by the Commodity Futures Trading Commission or the Securites Exchange Commission.

5. Financial options transactions. Purchase or sale of a financial options contract.

6. Immediate exercise value. The market value gained by exercising an option with the lowest cost deliverable instrument at its effective exercise price compared to purchasing (or selling) an identical instrument with the same coupon rate in the cash market.

7. Long position. The holding of a financial options contract with the option to make or take delivery of a financial instrument.

8. Option commitment fee. The option premium minus the immediate exercise value of the option.

9. Option premium. The price paid or received for establishing an option position.

10. Put. An option which gives the holder the right to sell an financial instrument at a price and on or before the expiratin date specified in the financial options contract.

11. Short position. A commitment through a financial options contract to stand ready during the term of the contract to make or take delivery of a financial instrument.

B. Permitted Transactions.

To the extent that is has legal power to do so, an association may engage in financial option transactions as provided in this paragraph B.

1. Long positions. An insured institution may enter into long positions without numerical limit.

2. Short positions. An insured institution may enter into short call positions without numerical limit. An institution may enter into short put options to the extent that the aggregate amount of its short put options and forward commitments to purchase securities does not exceed an amount equal to 5 percent of its assets if net worth is 3 percent or less of assets, 10 percent of assets if net worth is over 3 percent but less than 5 percent of assets, or 15 percent of its assets if net worth is 5 percent or more of assets.

C. Authorized Contracts.

An insured institution may engage in financial options transactions using any financial options contracts designated by the Commodity Futures Trading Commission or approved by the Securities and Exchange Commission and based upon a financial instrument that the institution has authority to invest in or to issue, or based upon a financial futures contract.

D. Board of director's authorization.

Prior to engaging in financial options transactions, an institution's board of directors must authorize such activity. In authorizing options, the board of directors shall consider any plan to engage in writing or purchasing financial options contracts, shall endorse specific written policies, and shall require the establishment of internal control procedures. For options positions that will be matched with cash or forward market positions, policy objectives must be specific enough to outline permissible options contract strategies, taking into account price and yield correlations between assets or liabilities and the financial options contracts; the relationship of the strategies to the institution's operations; the rationale for the ratio of the value of options positions to the value of the matched cash market positions; and how the options strategy reduces the institution's interest-rate risk exposure. For unmatched option positions, policy objectives must specify the relationship of the strategy to the institution's operations. Prudent business judgment shall be exercised by participating institutions engaging in financial options transactions in order to maintain a safe and sound financial position. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to financial options transactions, identify personnel authorized to engage in financial options transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding options contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

E. Notification and reporting.

The association shall report its outstanding positions together with the total unrealized gain or loss from such positions on the Federal Home Loan Bank Board Monthly Report.

F. Recordkeeping requirements.

An association engaging in financial options transactions shall maintain records of such transactions in accordance with the following requirements:

1. Contract register. The association shall maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date and the cost of or income from each contract.

2. Other documentation. The association shall maintain as part of documentation of its financial options strategy a schedule of any cash market or forward commitment position with which the option is matched and the purpose of each contract.

3. Maintenance of records. The records designated in this paragraph F. shall be maintained for all financial options closed out during the preceding two years.

G. Accounting

(1) Purchase or sale. Upon initial purchase or sale of a financial options contract, a memorandum entry of the information specified in subparagraph 1. of paragraph F. of this section shall be made and appropriate margin accounts shall be established.

(2) Option commitment fee. The option commitment fee paid or received shall be amortized to income or expense over the term of the option, except as provided in subparagraph 3 of this paragraph G of this section.

(3) Option contracts.

a. Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value or carried at market value shall be considered in determining the market value of the asset or liability.

b. Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows:

(i) If a commitment fee will be or has been received with respect to the matched asset, the option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or received in connection with the matched asset;

(ii) If a commitment fee has not been received with respect to a matched asset the option commitment fee shall be amortized to income or expense over the commitment period by the straight-line method;

(iii) Any resulting gain or loss from an option position shall be treated as a discount or premium on the matched asset or liability;

(iv) In the event that the cash market or forward commitment position with which an option is matched is sold or will not occur, the option shall be market-to-market.

c. The immediate exercise value of short puts and other unmatched option positions shall be carried at their current market value.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

Under the authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions has adopted the attached amendment to the Rule previously published in Volume 6, Number 8 of the *Louisiana Register,* dated August 20, 1980. The purpose of this amendment to the Rule is to change the form and content of the personal financial statement required of the proposed directorate, proponents and officers.

SUMMARY

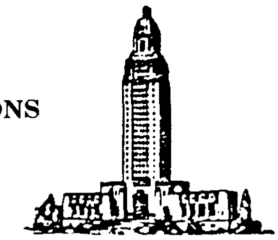
This amendment is to give the Office of Financial Institutions additional and better information to enable us to properly analyze the proposed directorate, proponents and officers of a proposed new State-chartered bank.

STATE OF LOUISIANA

OFFICE OF FINANCIAL INSTITUTIONS

P. O. BOX 44095 — CAPITOL STATION

BATON ROUGE, LOUISIANA 70804



Financial Statement

I, ______________________________, ______________________________,
Name Address

submit herewith the following information and a correct and complete statement of my financial condition as of ______________.
Date

to the Office of Financial Institutions for its confidential use as a part of the Application of the ______________________________

____
Name and address of Applicant Bank

for the organization of a State-chartered Bank in accordance with the provisions of Louisiana Laws relating to Banks and Banking:

Section I

An answer to each item is required. If the answer is "No," "None" or "Not applicable", so state. If an item of information called for is unknown, so state. If space provided on this form is inadequate, **attach** a separate schedule. All such schedules should be signed and dated.

ASSETS		LIABILITIES	
1) Cash on hand and in banks	$	9) Accounts payable	
2) Notes, loans, and other accounts receivable considered good and collectible		10) Notes payable to banks — from Schedule D	
3) Merchandise and inventory at lower of cost or market value		11) Notes payable to others — from Schedule E	
4) Real estate — from Schedule A		12) Real estate mortgages — from Schedule F	
5) Machinery and equipment — at cost less depreciation		13) Interest and taxes due and unpaid — from Schedule G	
6) Marketable securities — from Schedule B		14) Other debts and liabilities — from Schedule H	
7) Life insurance (face amount $__________) cash surrender value		TOTAL LIABILITIES	
8) Other assets — from Schedule C		15) NET WORTH	
TOTAL ASSETS	$	TOTAL LIABILITIES AND NET WORTH	$

NOTE: Notes, accounts receivable, mortgages and other assets considered doubtful, and not included in above financial statement have an estimated value of $______________.

CONTINGENT LIABILITIES (If none, so state)

In addition to the debts and liabilities listed above, have you endorsed, guaranteed, or become otherwise indirectly or contingently liable for the debts of others? ☐ Yes ☐ No If "yes" give details in the following schedule.

Name and address of Debtor or Obligor	Name and address of Creditor or Obligee	Description of Collateral	Value of Collateral	Date Obligation Incurred	Date Obligation Due	Current Amount
			$			$
					TOTAL	$

STATEMENT OF INCOME	19____	19____	19____	If more than six months CURRENT YEAR
Salaries, wages, and commissions from employment				
Income from dividends and interest				
Net income from rents, royalties and investments				
Other income				
TOTAL INCOME				
Expenses				
NET INCOME				

(If spaces provided are insufficient, please attach signed supporting schedules.)

Schedules set forth on this page must agree in total with the appropriate item contained in the Financial Statement on Page 1 of this report. Note: Please attach a current balance sheet and statement of income relative to any investment, the value of which is not readily ascertainable (such as closely held corporations, partnership interests, etc.) when the investment exceeds 10% of total assets.

Schedule A — Real Estate Owned

Description and Location	Title in Whose Name	Date Acquire	Cost	Insurance	Current Value
					$
				carried forward to item 4, page 1 TOTAL	$

Schedule B — Marketable Securities

Description	Amount	Description	Amount
	$		$
		carried forward to item 6, page 1 TOTAL	$

Schedule C — Other Assets

Description and Basis for Valuation	Value
	$
carried forward to item 8, page 1 TOTAL	$

Schedule D — Notes Payable to Banks

Name of Creditor	Security	Date Due	Amount
			$
		carried forward to item 10, page 1 TOTAL	$

Schedule E — Notes Payable to Others

Name of Creditor	Security	Date Due	Amount
			$
		carried forward to item 11, page 1 TOTAL	$

Schedule F — Real Estate Mortgages Payable

Name of Creditor	Location of Property	Date Due	Amount
			$
		carried forward to item 12, page 1 TOTAL	$

Schedule G — Interest and Taxes Due and Unpaid

Description	Payable To	Date Due	Amount
			$
		carried forward to item 13, page 1 TOTAL	$

Schedule H — Other Debts and Liabilities

Description	Date Due	Amount
		$
	carried forward to item 14, page 1 TOTAL	$

Employment Record

(Include present and all past employment)

Date From	Date To	Name, Location and Type of Business	Position Held and Nature of Duties

Business Affiliations

List all firms, companies, corporations, or other business organizations of which you are at present a director, officer, employee, partner, or owner.

Name and Location	Type of Business	Position Held

Stock of this bank owned or subscribed for:

Number of Shares________________Par Value $____________________Total Cost $______________

Method of Payment ____

Is a loan to be made to purchase this stock? ☐ Yes ☐ No. If "yes" give details in the following schedule.

Name of Lender	Date	Interest Rate	Amount	Security	Repayment Terms

PRIVACY ACT STATEMENT

The information requested in this form, including your Social Security Number, is necessary to assist the OFI in processing certain applications and notices. The information will be used to make a legally required evaluation of your general character and financial condition as a part of the bank's management. It may be shared with the Federal agency responsible for supervising the bank. Some of the information, including your Social Security Number, may be provided to law enforcement or other governmental agencies for identity verification purposes. Should the information indicate a violation of law, this form may be referred to any agency responsible for investigating or prosecuting such a violation. In addition, in the event of litigation, the form may be presented to the appropriate court as evidence and to counsel in the course of discovery. While submission of the information is voluntary, an omission or inaccuracy may result either in a delay in processing the publication or notice, or in a denial or disapproval of the application or notice.

CERTIFICATE

I hereby certify that the foregoing information and statement of financial condition is true and correct to the best of my knowledge and belief and that said information and statement of financial condition are submitted voluntarily by me to the Office of Financial Institutions as essential data to be considered by them in connection with the Application of the______________________________

____
Name and address of Applicant Bank

to become an insured bank under the provisions of the Federal Deposit Insurance Act.

______________________________ ______________________________
Date Signature in full

INFORMATION FOR SIGNER

1. This form is for the use of Directors and Officers of bank making application for a State charter. Each individual Director and Officer is to submit a Financial Statement on this form in connection with said application, and is solely responsible for its contents.

2. Directors and Officers of Applicant Bank are asked to prepare Financial Statements on this form for the benefit of the Office of Financial Institutions in determining with respect to the applicant bank, the "general character of its management" in accordance with the provisions of the State Banking Laws.

(Revised 6/82)

BIOGRAPHICAL INFORMATION

Section II

Date of Birth	
Place of Birth	
Citizenship	

Residence Address	Length of Residence in Community

Social Security No. or assigned Internal Revenue Identification Number	Trade names and/or other names used in place of given name

List principal civic, professional, social, or other organizations in which you have membership

Resume of Education

Have you ever been adjudged a bankrupt or had to work out a compromise with your creditors? ☐ Yes ☐ No
If yes, give details in the following schedule.

Title and Nature of Proceeding	Date	Name and Address of Court	Disposition

Are you involved as defendant or plaintiff in any civil litigation? ☐ Yes ☐ No
If yes, give details in the following schedule.

Title and Nature of Lawsuit or Proceeding	Date	Name and Address of Court Where Pending	Amount

Have you ever been indicted or convicted of or pleaded nolo contendre to any criminal matter involving dishonesty or breach of trust in any State or Federal Court? ☐ Yes ☐ No
If "yes" give details in the following schedule.

Nature of Charge	Date	Jurisdiction & Location	Disposition

Have you been subject to any administrative proceedings, disciplinary proceedings, or other adverse actions with respect to any professional license you hold or have held, including those involving any business or enterprise with which you have been associated as a partner, officer, director or major shareholder (owning 5% or more of the outstanding stock)?
☐ Yes ☐ No If "yes" give details in the following schedule.

Name of Authority	Nature of Proceedings	Disposition & Date

Has any business or enterprise with which you are or were associated as a partner, officer, director, or major shareholder (owning 5% or more of the outstanding voting stock) been the subject of an indictment, conviction, or plea of nolo contendre on any criminal matter involving dishonesty or breach of trust? ☐ Yes ☐ No If "yes" give details in the following schedule.

Business	Your Interest	Nature of Charge	Date	Jurisdiction & Location	Disposition

STOCK OWNERSHIP

____
(Date)

Re: ____________________
(Applicant)

____
(Location)

OFFICE OF FINANCIAL INSTITUTIONS
P. O. BOX 44095, CAPITOL STATION
BATON ROUGE, LOUISIANA 70804

To Whom It May Concern:

In connection with an application pending before the Office of Financial Institutions, the following information is submitted.

Name ____________________

Address ____________________

Social security account number and/or employer identification number ____________________

Date of birth ____________________

Place of birth ____________________

Occupation ____________________

Total number of shares subscribed ____________________

Total par value of shares subscribed ____________________

Total price of subscription ____________________

Amount (to be) borrowed of total subscription ____________________

Lending institution ____________________

Interest rate ____________________

Collateral (to be) pledged ____________________

Repayment terms ____________________

____
(Signed)

This form must be completed and signed by a director, an officer, and a subscriber to five percent or more of the stock offering.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:902 B, hereby rescinds the Rule published in Volume 7, Number 7, July 20, 1981, pertaining to Adjustable Mortgage Loan Instruments.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in LRS 6:237(B), hereby rescinds the Rule published in Volume 7, Number 6, June 20, 1981, and its amendments published in Volume 8, Number 9, September 20, 1982, in the *Louisiana Register*, pertaining to Adjustable Rate Mortgage Loan Instruments.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:902 B and R.S. 902.1, the Commissioner of Financial Institutions has adopted 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 Regulations 546.2 (b) and (e).

Notwithstanding limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, one or more state chartered savings and loan associations may merge in accordance with the following Rule:

(a) Each association, by a two-thirds vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The agreement shall state that it is effective only when approved by the Commissioner of Financial Institutions, State of Louisiana, and the Federal Home Loan Bank Board and shall specify (1) which association will be the resulting association; (2) the name it will use; (3) the location of its home office and branch offices; (4) the basis on which its savings accounts will be issued; and (5) the number of its directors and their names, addresses, and the length of their terms.

(b) Notwithstanding any other provision of this Rule, the Commissioner may require that a plan of merger be submitted to the voting members of any of the merging associations at a duly called meeting(s) and that the plan, to be effective, be approved by them.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by LRS 6:237(B), the Commissioner of Financial Institutions has adopted the following Rule for the purpose of providing a means by which state-chartered banks may share electronic financial terminals and participate with others in the use of electronic financial terminals.

Shared EFT

1. Definitions

A. "Commissioner" means the Commissioner of Financial Institutions, State of Louisiana.

B. "Electronic financial terminal" (EFT) means an electronic information processing device, other than a telephone, which is established to do either or both of the following:

1. Capture the data necessary to initiate financial transactions; or

2. Through its attendant support system, store or initiate the transmission of the information necessary to consumate a financial transaction.

The term includes, without limitation, point of sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines. An EFT shared by a bank domiciled in a parish other than that of the EFT's location is not a branch of the sharing bank so long as the restrictions imposed by this Rule are complied with.

C. "Financial institution" means a national banking association, federal savings and loan association, or federal credit union, or a bank, savings and loan association, or credit union established and operating under the laws of the State of Louisiana.

D. "State-chartered bank" means a bank chartered under the laws of the State of Louisiana.

2. EFT Sharing Permitted

A State-chartered bank may share an EFT established and operated by another financial institution. A state-chartered bank may share an EFT controlled by a non-financial institution only if such institution has agreed, in writing, that the EFT is subject to such examination by the Commissioner as he deems necessary.

3. Authorized Functions for a Shared EFT

Financial transactions which may be performed by an EFT shall be limited to the disbursement of funds under a preauthorized credit agreement, the withdrawal of funds from a customer's account, the receiving of cash or checks, check verification and/or guarantee, the disbursement of cash, the payment of loan payments, the transfer of funds to or from one or more accounts in one or more financial institutions, and responding to account balance inquiries. A shared EFT may be used to accept deposits of customers of state-chartered banks domiciled in the parish in which the EFT is located, if such function is approved by the Commissioner.

No shared EFT may be used to accept deposits from a customer of a State-chartered bank, which is domiciled in a parish other than that of the location of the EFT.

4. EFT Security

Every institution sharing an EFT shall adopt and maintain safeguards to insure the safety of funds, items, and other information, which safeguards shall include security devices consistent with the appropriate requirements specified under the federal bank protection Act of 1968, 12 USCAs 1881 et seq, or any alternative security precautions as are approved by the Commissioner.

5. Service Charges

A state-chartered bank may impose service charges for shared EFT services.

6. Application to National Banks

The provisions of this Rule shall apply to National banks to the extent permitted by Federal law.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:902 B and R.S. 902.1, the Commissioner of Financial Institutions has adopted 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 Temporary Final Rule, published in Bulletin Number 82-730, dated November 4, 1982.

I. Implementation of Power

Notwithstanding the limitations imposed by Title 6 and Title 39, Louisiana Revised Statutes, and to implement certain new powers, state chartered savings and loan associations may now make or participate in demand deposits, governmental unit NOW accounts, commercial real estate loans, commercial loans, and consumer loans, pursuant to the following provisions:

A. Demand Deposits. An association may accept non-interest-bearing demand deposits from (1) a commercial, corporate, business, or agricultural entity for the sole purpose of effectuating payments thereto by a nonbusiness customer, or (2) any person or organization having a business, corporate, commercial or agricultural loan relationship with the association. An association may extend secured or unsecured credit in the form of overdraft privileges specifically related to demand deposits, but such overdraft loans must be aggregated with other commercial loans for purposes of the five-percent-of-assets limitation. Overdraft loans made under authority of this implementation must be made pursuant to proper underwriting and with due regard for safety and soundness.

B. Governmental Unit NOW Accounts. An association may offer NOW accounts as defined in Volume 6, Number 12, *Louisiana Register,* published December 20, 1980, for the deposit of public funds by an officer, employee, or agent of the United States, any state, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.

C.Commercial Real Estate Loans. An association may invest up to 40 percent of its assets in loans secured by commercial real estate, pursuant to subparagraphs 1 and 2. Commercial real estate loans are not required to be secured by first liens, but associations must continue to comply with the 90-percent loan-to-value ratio for commercial real estate loans.

(1) Commercial real estate loans (including construction loans) secured by first liens on other improved real estate shall not exceed 90 percent of the value of the security property and shall be repayable within 30 years, except that construction loans and nonamortized loans shall be repayable within five years. Interest shall be payable at least semi-annually except to the extent that the loan contract provides for deferral and capitalization of interest, as provided by paragraph C, Section 3504, Title 9, Louisiana Revised Statutes (Act 767, 1982 Legislature). Provided, that the ratio of the loan balance to the current appraised value of the security property may not at any time during the loan term exceed 90 percent as a result of deferral and capitalization of interest.

(2) Other improved real estate. Commercial real estate containing (1) a permanent structure(s) constituting at least 25 percent of its value, or (2) improvements which make it usable by a business or industrial enterprise.

D. Commercial Loans. An association may invest up to five percent of its assets in secured or unsecured loans for commercial, corporate, business or agricultural purposes, provided that loans to any one borrower shall not exceed the limits of 6:822 B (1) and Rule published in Volume 8, Number 2, *Louisiana Register,* February 20, 1982.

E. Consumer Loans. Effective immediately, state chartered savings and loan associations may make up to thirty percent of their assets in consumer loans as defined by the Louisiana Consumer Credit Law (LRS 9:3516 (13)). All provisions of the Louisiana Consumer Credit Law (LRS 9:3510, et seq) will apply to loans made under this authority.

II. Rescission

This Rule rescinds paragraph (1) of Rule published in Volume 6, Number 8, *Louisiana Register,* August 20, 1980.

Hunter O. Wagner, Jr.
Commissioner

RULES

Board of Elementary and Secondary Education

Rule 3.01.70.w(1)

The Board approved for final adoption, Revised Bulletin 996, *Standards for the Approval of Teacher Education Programs* as amended by the Teacher Certification Committee on January 26, 1983.

Rule 4.01.40

The Board adopted the Minimum Standards and Procedures for Approval of Montessori Training Courses.

Rule 3.01.51.ff

The Board adopted an amendment to Bulletin 741 to allow Consumer Math to appear in both Math and Business Education sections of the Bulletin.

Rule 3.08.00

The Board adopted the Revised Home Study Guidelines.

Rule 4.03.02

The Board adopted the Revised Minimum Standards for State Approval of Vocational Education Programs.

Rule 3.01.09.a

The Board adopted a performance standard for the Third Grade Basic Skills Test to be 75 percent of the total items on each of the language arts and mathematics test.

Rule 4.00.72.c(1)

The Board adopted an amendment to Bulletin 1196, *Louisiana Food and Nutrition Programs, Policies of Operation,* Revised, to add calculators to the authorized list.

James V. Soileau
Executive Director

RULE

Office of the Governor
Division of Administration

SUBJECT: MISCELLANEOUS PAYROLL DEDUCTIONS

Pursuant to the authority of the Commissioner of Administration in Article IV, Section 5(A), (H), and (I), Louisiana Constitution of 1974, the Division of Administration, Office of the Governor, adopts the following uniform accounting policy concerning miscellaneous payroll deductions for state employees:

I. Definitions

A. "Miscellaneous payroll deductions" shall be defined as those voluntary payroll withholdings not mandated or otherwise authorized by state or federal statute.

B. "Organization" as utilized herein shall be defined as those groups authorized to receive payroll deductions or those corporations registered with the Secretary of State who have been approved or are requesting approval from the Division of Administration to receive payroll deductions under these provisions, primarily insurance companies. Intraoffice payroll deductions such as flower, gift and coffee funds previously permitted will not be authorized.

II. Application Process

A. Any organization requesting authority to implement a miscellaneous payroll deduction shall submit a completed application form to the State Accounting Office. The application form shall include:

(1) A letter from at least one Department Secretary or Undersecretary requesting establishment of the particular deduction.

(2) A petition signed by at least 200 current state employees requesting that the organization be permitted to receive payroll deductions.

3. Information relative to the organization requesting the payroll deduction.

(4) And information relative to the disposition and processing of the payroll deduction by the organization, reflecting the use of generally accepted accounting procedures.

B. The petition and application shall be reviewed by the Division of Administration to ascertain its potential impact on and service to state employees, reserving the right to investigate and verify any material submitted. The Division of Administration shall notify the organization of the approval or rejection of its application.

(1) For statewide payroll system agencies, the Division of Administration shall implement the payroll deduction.

(2) For payroll systems independent of the statewide payroll system, the Division of Administration shall notify the appropriate fiscal authority of the system that the payroll deduction has been approved and may be implemented.

III. Termination of Payroll Deductions

A. Organizations failing to maintain participation of at least 100 employee deductions for each of eight consecutive bi-weekly pay periods, four consecutive monthly pay periods, or the equivalent pay period appropriate for the agency involved will be terminated.

B. Any deduction established by and for an elected official by specific request for exemption to these Rules and Regulations may be terminated by that elected official or his successor by written notice to the director of the statewide payroll system.

C. The Division of Administration, State Accounting Office, shall notify the organization of the date of its final payroll deduction after termination. It will be the responsibility of the organization to notify its participants of the termination of deduction.

IV. Transitional Procedures for Currently Authorized Organizations

A. Any organization or other group currently receiving payment through voluntary state employee payroll deductions shall continue to be approved as a receiving organization under the following conditions:

(1) An application is completed and submitted to the Division of Administration, State Accounting Office, with any required documentation by April 1, 1983. A petition with 200 signatures is not required.

(2) The Division of Administration approves the applicant organization after review and consistent with the definition in Section I as a receiving organization.

(3) State Accounting Office or agency records verify vendor certification relative to minimum participation required in Section III has been maintained during the third quarter of the 1983 state fiscal year (Jan.-Feb.-Mar. '83) and annually thereafter. Payroll systems other than the statewide system must validate annual vendor certification and forward to the State Accounting Office a list of qualified and remaning vendor deductions for the ensuing fiscal year, no later than July 30 each year.

(4) Because records of original requests and/or authority for some payroll deduction slots currently recognized do not exist, a specific written request for exemption from these Rules and Regulations must be received from each statewide elected official for each deduction (to a maximum of five*) for which such exemption is desired.

(5) Documented requests for additional slots, which were subsequently approved, made prior to publication of this Notice of Intent shall comply with the continued participation requirements only and shall not require a petition of 200 names.

B. Organizations (or groups not included under this definition) which do not meet the criteria in Section III(A), above, for continued receipt of payroll deductions will be terminated on the last payroll of the fiscal year unless the organization voluntarily terminates its payroll deduction before that time.

V. General

A. Miscellaneous payroll deductions withheld shall be made payable only to the incorporated organization or carrier, not an individual, company, or agent representing the principal.

B. Approval of any organization by the Division of Administration for payroll deduction in no way constitutes an approval or certification of the organization or the deduction. The services, insurance or policy may be available to state employees for lesser cost through other organizations or vendors.

C. Voluntary withholding authorized under statutory authority shall continue to be governed by the statutory provisions.

D. Procedural requirements described herein shall govern only those agencies in the Executive Branch under the control of the governor but are recommended to departments under statewide elected officials. Annual written notification by the governing elected official will be required for continued exemption of a specific deduction (maximum of five per department.)

VI. Waivers

The Commissioner of Administration may waive in writing any provision of these regulations when the best interest of the State of Louisiana will be served.

*This represents a mechanical system limitation rather than a policy determination.

E. L. Henry
Commissioner

RULE

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

Rule 12, paragraph 3 is amended to read:

"Preceptors shall participate in an orientation training session conducted by the Executive Secretary, a Board member serving on the Continuing Education Committee, or other person(s) designated by the Board."

Winborn E. Davis
Executive Secretary

RULE

Department of Health and Human Resources
Board of Nursing

AMENDMENT TO LSBN RULES
FOR PRIMARY NURSE ASSOCIATES

R.N. 3.041, add (3) to read as follows:

The educational requirements set forth in R.N. 3.04 shall not apply to any registered nurse who shows evidence that on or before March 20, 1981, the nurse (1) was actively pursuing a program from which national certification to practice as a primary nurse associate was received on or before September 20, 1981; or (2) was actively pursuing a formal educational program, which included didactic and clinical experience, from which certification to practice at the level of a primary nurse associate was received on or before September 20, 1981.

In the event the certifying body in (1) or (2) of this section requires recertification, evidence of same shall be made available to the Board.

Anyone wishing to qualify as a primary nurse associate under the provisions of this section must submit a formal application to the Board within six months of the effective date of this section.

Merlyn M. Maillian, R.N.
Executive Director

RULE

Department of Health and Human Resources
Office of Family Security

Effective March 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall implement the following changes in the Food Stamp Program as required by 7 CFR part 271, 272, 273, 277, and 281, as published in *Federal Register*, Vol. 47, No. 224, pages 52328-52338, dated November 19, 1982. The Food Stamp Program's State Manual has been revised to reflect these mandated changes.

(1) Amendment to the definition of household, to include as a separate household, parents living with their natural, adopted or step-children or such children living with such parents, if at least one parent is sixty years of age or older or receiving Supplemental Security Income benefits under Title XVI, or disability, or blindness benefits under Titles I, II, X, XIV or XVI of the Social Security Act.

(2) Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household. Eligibility shall be determined by considering the day prior to the strike as if it were the day of application and assume the strike did not occur. Eligibility at time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application. To determine benefits, deduction shall be calculated for the month of application as for any other household. Whether the striker's pre-striker earnings are used or his current income is used, the earnings deduction shall be allowed if appropriate.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

Effective March 1, 1983 the Department of Health and Human Resources, Office of Family Security, shall implement the following amendments to Expedited Service Policy in the Food Stamp Program as required by 7 CFR Parts 271, 272, 273, and 275 as published in *Federal Register* Vol. 47, No. 230, pages 53828-53831, dated November 30, 1982. The Food Stamp Program's State Manual has been revised to reflect these mandated changes.

(1) A maximum allowable limit of one-hundred dollars in liquid resources shall be imposed and expedited services shall be limited to households with less than one-hundred fifty dollars in monthly gross income, or destitute migrant or seasonal farmworker households.

(2) Expedited services shall be defined as providing food stamp benefits no later than five calendar days from the application date.

(3) Verification shall be required of income and liquid resources to the extent practical within the expedited service time frame.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall require the IV-A agency to treat assigned support payments retained in the current month as income, in determining the need and amount of assistance payments. Under this Rule an overpayment of assistance shall occur for each month in which a direct support payment is retained by a recipient and not counted by the IV-A agency to reduce the AFDC payment.

This Rule is elected by the Office of Family Security under 45 CFR 233.20(a)(3)(v) as published in the *Federal Register*, Vol. 47, No. 193, dated October 5, 1982, and shall become effective March 1, 1983.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereby discontinues reimbursement for the following two drugs, deemed "less than effective."

TRADE NAME	ACTIVE INGREDIENT	DOSAGE FORM	FIRM
Clistin R-A	Carbinoxamine Maleate	SRT/Oral	McNeil
Parafon Forte	Acetaminophen/ Clorzoxazone	Tab/Oral	McNeil

This action is necessary because Section 2103 of the "Omnibus Budget Reconciliation Act of 1981" (P.L. 97-35) prohibited the use of Federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for drugs identified in Section 2103. Identical products made by manufacturers not shown on the list are also excluded from payment.

Lists of drugs deemed "less than effective" and identical, similar and related were published in the *Louisiana Register* on November 20, 1981 and September 20, 1982.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereby adopts a new Maximum Allowable Cost (MAC) determination as outlined below for the following drug:

Doxepin HCl - 10 mg. capsule	.1030 per capsule
Doxepin HCl - 25 mg. capsule	.1328 per capsule
Doxepin HCl - 50 mg. capsule	.1869 per capsule
Doxepin HCl - 100 mg. capsule	.3382 per capsule

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. DHHS's regulations provide that when a physician certifies 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.*

This action is in response to a telegram received from the chairman of the Pharmaceutical Reimbursement Board of the Health Care Financing Administration (HCFA). Medicaid regulations mandate compliance with these costs in order to assure Federal financial participation in Louisiana's Medical Assistance Program.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereby amends a Rule published in the *Louisiana Register* on December 20, 1982, in reference to prior authorization for Title XIX reimbursement for specific elective surgical procedures. The first amendment shall state that the Office of Family Security shall respond to any request for said prior authorization within 30 days of receipt of such request.

The second amendment shall state that reimbursement for any of the specified elective surgical procedures enumerated in the Rule published December 20, 1982, performed on an emergency basis may be requested of the Office of Family Security by the provider submitting a claim for the service accompanied by supporting medical documentation to the Office of Family Security Medical Assistance Director for review and post authorization.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall revise the Refugee Resettlement Program as follows:

(1) A refugee must register for employment services as a condition of receiving cash assistance regardless of his/her date of entry into the United States unless otherwise exempt from such registration.

(2) Every employable refugee shall participate in any social service program that the Office of Family Security and/or Office of Human Development determines is available and appropriate.

(3) An employable refugee's cash assistance shall be terminated (after opportunity for an administrative hearing) with the month in which the refugee refuses an appropriate offer of employment or refuses to participate in an available and appropriate social service program.

(4) Cash assistance shall not be made available to refugees who are full time students in institutions of higher education.

The above revisions are mandated by Public Law 97-383 and Action Transmittal ORR-AT-82-3 and shall become effective March 1, 1983.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

Effective March 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall implement the following provision in the Food Stamp Program as authorized by 7 CFR Parts 272 and 273, published in *Federal Register*, Vol. 47, No. 221, pages 51551-51553, dated November 16, 1982. The Food Stamp Program's State Manual will be revised to reflect these provisions.

The Food Stamp Program shall maintain the provision that allows households to use a single standard utility allowance or actual verified utility costs in calculating shelter costs. Under this proposed change, the standard utility allowance shall be available only to households which incur heating or cooling costs separate and apart from their rent or mortgage. To be qualified, the household must be billed on a regular basis for months in which the household is actually billed for heating or cooling costs. However, during the heating season a household that is billed less often than monthly, but is eligible to use the standard allowance, may continue to use the standard allowance between billing months.

Any household living in a housing unit which has central utility meters and charges the household for excess utility costs only, shall not be permitted to use the standard utility allowance, However, if a household is not entitled to the standard utility allowance, it may claim the actual utility expenses which it does pay separately.

Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the parties which contribute to meeting the utility costs. In such cases, the household shall only be permitted to use its prorated share of the standard allowance, unless the household uses its actual costs.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall suspend homemaker services provided under the approved waiver document for Home and Community-Based services effective March 1, 1983 through August 31, 1983.

The Notice of Intent proposing to suspend homemaker services as well as adult day health services was published in the December 20, 1982 *Louisiana Register* (Volume 8, Number 12, page 665). As a result of comments received during a public hearing regarding the proposed Rule held on January 6, 1983, the agency has elected to suspend only homemaker services and to *not* suspend adult day health services.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Family Security

Effective March 1, 1983, the Department of Health and Human Resources, Office of Family Security, shall implement the following changes in the Food Stamp Program as required by 7 CFR Parts 271, 272, 273, and 274, as published in *Federal Register*, Vol. 47, No. 226, pages 53309-53318, dated November 26, 1982. The Food Stamp Program's State Manual has been revised to reflect these mandated changes.

(1) Verification shall be required, prior to certification or recertification of the household, of all factors of eligibility which are determined questionable and affect the household's eligibility and benefit level. The definition of questionable information is amended to include any information deemed by the eligibility worker to be inconsistent as established by the agency. Questionable information could be information that is inconsistent with other information on the application, or inconsistent with other information received by the agency. It could also be any information that seems inconsistent with the household's situation and raises reasonable doubt about certain factors of eligibility. The eligibility worker may not use these procedures to require additional verification based on race, religion, ethnic background, or national origin. The eligibility worker shall not target groups such as migrants and American Indians for additional verification.

(2) Any member whose citizenship is questionable shall be declared ineligible, to participate until proof of U. S. citizenship is obtained. Until proof of U. S. citizenship is obtained, the member whose citizenship is in question will have his or her income, less a pro rata share, and all of his or her resources considered available to any remaining household members.

(3) Collateral contacts will be selected if the household fails to designate one or designates one which is unacceptable to the agency. If the agency designates a collateral contact, the agency shall not initiate contact with the designated collateral without providing prior written or oral notice to the household at the time of this notice, the agency shall inform the household that it has the following options: (A) consent to the contact, (B) provide acceptable verification in another form, or (C) withdraw its application. If the household refuses to choose one of these options, its application shall be denied in accordance with the normal procedures for failure to verify information.

(4) Households participating or applying for participation in the Food Stamp Program shall provide the agency with the Social Security Number (SSN) of each household member, or apply for one through the agency before certification as a condition of eligibility. The member that has applied for an SSN shall be allowed to participate for thirty days from the first day of the first full month of participation while awaiting receipt of the SSN. If the household member(s) can show good cause why an SSN has not been obtained in a timely manner, they shall be allowed to participate for an additional 30 days. In determining if good cause exists for failure to comply with this requirement, the Office of Family Security shall consider information from the household member, the Social Security Administration, and its own information. Documentary evidence or collateral information that the household has applied for the number or made every effort to supply SSA with the necessary information shall be considered good cause for not complying with this requirement.

(5) The Office of Family Security shall have the authority to establish the location and hours of service of Food Stamp Certification and Issuance offices.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, adopts the following Rule pursuant to R.S. 40:33 and R.S. 40:46E and pertaining to an acknowledgment in accordance with Article 203 of the Louisiana Civil Code.

General Rule

In circumstances wherein the birth certificate of an illegitimate child on file in the Vital Records Registry does not reflect the name of a father, the certificate may be altered by an authentic act of acknowledgment in compliance with the provisions of Louisiana Civil Code, Article 203.

Vital Records Registry shall recognize formal and authentic acts of acknowledgment executed before a notary public, by the father and the mother jointly, or by the father alone, in the presence of two competent witnesses. The act of acknowledgment should set forth the ackowledging father's address and full name, city and state of birth, age at the time of the child's birth, and the father's race. In the event that the above information relating to the child's father is not a part of the authentic act itself, that information may be otherwise provided in writing by the acknowledging parent(s) or an attorney acting on his or their behalf.

Note: An acknowledgment by the child's mother alone, while authorized pursuant to Article 203, would have no effect on the birth record. In other words, the child's mother, acting alone, may not cause a father's name to be added onto a birth record.

Upon presentation of the prescribed act of acknowledgment and parental information, the State Registrar or his designee shall add the name and birth facts of the father to the child's birth certificate. No other alteration to the certificate may occur based upon an act of acknowledgment.

Thereafter the certificate shall be distinctly marked "altered" on its face and include the evidentiary basis for the alteration, the date of alteration and initials of the State Registrar or his designee making the alteration. See LSA-R.S. 40:59 and 40:60.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, implements the following regulations pursuant to R.S. 40:33 and pertaining to delayed or altered certificates in accordance with R.S. 40:59 and R.S. 40:60 as amended and reenacted by Act 776 of 1979.

DELAYED CERTIFICATES

I. Delayed Birth Certificates - Six Months to Twelve Years:

In instances where there exists no birth certificate of record of a person born in Louisiana, who is six months to twelve years of age, on file with the Vital Records Registry, an applicant shall be furnished an application with instructions for filing a certificate of birth for a child ages six months to twelve years only.

The State Registrar shall not furnish such applications unless he is satisfied that the applicant thereof is the person who has no birth certificate or record, or is a member of the immediate or surviving family of said person, or is named in a court proceeding as a member of the immediate or surviving family of said person. The credentials of an attorney at law authorized to practice in this state, together with a written declaration of the record in which he is interested, that he is a legal representative of one of the named parties at interest, shall constitute sufficient proof of a direct interest in the matter to warrant being furnished an application.

The certificate shall be completed by a hospital official, unless the child is delivered by someone other than a physician, in permanent black ink, or with a black typewriter ribbon. The original signature of the physician or attendant who delivered the child must appear on the face of the certificate, certifying that the physician or attendant attended the birth of that child and that the child was born alive on the date and hour stated on the certificate. The affidavit in the lower portion of the certificate must be signed by a parent or legal guardian, in the presence of a notary public. Upon completion, the certificate shall be forwarded to the Health Unit or Local Registrar in the parish of birth, where upon it will be forwarded to the central office of the State Registrar in New Orleans for official recordation.

II. Delayed Birth Certificates - 12 Years and Older:

In instances where there exists no birth certificate or record on file for a person born in Louisiana and that person is 12 years of age or older, the applicant shall be furnished an application with instructions for filing a delayed certificate of birth.

The State Registrar shall not furnish such applications unless he is satisfied that the applicant thereof is the person who has no birth certificate of record, or is a member of the immediate or surviving family of said person, or is named in a court proceeding as a member of the immediate or surviving family of said person. The credentials of an attorney at law authorized to practice in this state, together with a written declaration of the record in which he is interested, that he is a legal representative of one of the named parties at interest, shall constitute sufficient proof of a direct interest in the matter to warrant being furnished an application.

The applicant is required to submit certain documentation as evidence to establish the facts of birth. The types of records generally acceptable in establishing the facts of birth are listed below. Original records are preferred for examination; certified or true copies are acceptable only if it is impossible to secure original records.

A.) Records That may Support Date of Birth, Birthplace and Names or Parents:

1.) BAPTISMAL, CRADLE ROLL, CONFIRMATION - Form issued by church. The form must have the signature of the priest or pastor and the seal of the church.

2.) SOCIAL SECURITY RECORD - Photostatic copy of application.

3.) ATTENDING PHYSICIAN'S OFFICE RECORD - Notarized abstract signed by physician or custodian, based on office record made at time of birth.

4.) NEWSPAPER CLIPPING (NOTING OF BIRTH) - Notarized abstract signed by publisher showing the name of the newspaper and the date of issue.

5.) PUBLIC WELFARE RECORD - Certified abstract of record.

B.) Records That May Support Date of Birth or Age and Name of Parent or Parents:

1.) SCHOOL ENROLLING RECORD - Records of enrollment in two different schools on dates at least five years apart will be acceptable as two *different* records. Records must be signed by the principal of the school or the Superintendent of Schools. Records are not acceptable if signed by a teacher.

2.) APPLICATION FOR MARRIAGE LICENSE - If the registrant is married, obtain the document from the Clerk of Court of the parish or county in which the license was issued.

3.) LOCAL HEALTH UNIT RECORDS - The Local Registrar, upon request, will make a search of health unit records and, if a record is found, will abstract the data contained therein onto the lower section of the delayed certificate.

C.) Records That may Support Date and Place of Birth:

1.) APPLICATION FOR VOTING REGISTRATION - If the registrant has been a qualified voter for more than five years, obtain from the Registrar of Voters or other authorized official a statement as to the facts of birth as given on the applicant's original registration record.

2.) APPLICATION FOR INSURANCE - The registrant may obtain from the insurance company a statment as to facts of birth contained on an original application for insurance. If the registrant has a photostatic copy of the insurance application in his possession, this photostat may be submitted. Policies taken out with two different companies on dates at least five years apart will be acceptable as two different records. In every case it is necessary that the name and address of the company and the policy number be given. Forms are only acceptable when signed by a manager or other duly authorized representative of the company. Certifications by agents of companies are not recognized.

3.) BIRTH CERTIFICATE OF REGISTRANT'S CHILD - Send the name of the child, date and place of birth, and the names of the child's parents (registrant and wife or husband) to the Office of Vital Records of the state in which the child was born. Request a photostatic certified copy.

D.) Records That Support One or More Facts of Birth:

1.) HOSPITALIZATION, EMPLOYMENT, FRATERNAL AND MILITARY SERVICE RECORDS - Abstracts of hospitalization, employment and fraternal records may be obtained by writing said agencies. A military service record (discharge) may be submitted for perusal.

2.) FAMILY BIBLE RECORDS - Acceptable as evidence only when the Bible itself is presented to a local registrar.

3.) RECORD OF FEDERAL OR LOCAL CENSUS - If the registrant cannot secure any other records, he may apply to this office for a form to send to the U.S. Bureau of Census for a copy of records on file. Two Federal Census records of two different decades, together with an affidavit of Personal Knowledge will suffice.

When the State Registrar has reasonable cause to question the validity, adequacy or authenticity of any evidence submitted, the State Registrar shall so advise the applicant as provided by R.S. 40:60E as amended and reenacted by Act No. 776 of 1979.

The certificate shall be entitled "Delayed Certificate of Birth". All delayed certificates of birth are reviewed for correctness and acceptability by the section of Vital Records. Acceptable certificates are numbered and filed accordingly. Unacceptable certificates are returned for further investigation and clarification. If there is no response from an applicant or the applicant is unable to submit the necessary documentation within a six month period, the file shall be closed and the materials and documents returned.

In addition, any person born in Louisiana who is over 12 years of age and who has no birth record on file with the section of Vital Records may establish a birth record as provided by R.S. 40:67 through R.S. 40:71 as amended and reenacted by Act No. 776 of 1979.

III. Delayed Death Certificates:

In instances where there exists no death certificate of record, of a death or still birth occurring in the state, the coroner or medical examiner, the funeral director, or the hospital or institution wherein the death occurred shall complete a certificate of death based on their records. Said certificate shall be accompanied by a letter attesting to the facts contained therein.

IV. Delayed Marriage Certificates - Orleans Parish Only:*

Marriage certificates of persons married in Louisiana are filed with the Clerk of Court in the parish where the marriage license was purchase, except in Orleans Parish, where the marriage certificates are filed with the section of Vital Records of the Office of Health Services and Environmental Quality of the State of Louisiana.

The State Registrar shall not furnish applications or instructions unless he is satisfied that the applicant is the person who has no marriage certificate or record, or is a member of the immediate or surviving family of said person, or is named in a court proceeding as a member of the immediate or surviving family of said person. The credentials of an attorney at law authorized to practice in this state, together with a written declaration of the record in which he is interested, that he is a legal representative of one of the named parties at interest, shall constitute proof of a direct interest in the matter to warrant being furnished applications or further instructions.

In instances where there exists no marriage certificate of record the applicant shall be instructed to contact the officiant of the marriage ceremony.

1.) If the officiant is in possession of the original certificate, the Section of Vital Records may accept the certificate for delayed filing.

2.) If the officiant is in possession of a duplicate of the original marriage certificate and he/she attests in writing to the facts of the marriage as contained therein, the Section of Vital Records shall issue another marriage license requiring only the medical certification of the parties in compliance with R.S. 9:241.

*For parishes other than Orleans, contact the Clerk of Court for information or assistance.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, implements the following Rules governing the issuance of certified copies of incomplete or incorrect original birth certificates. These Rules are promulgated pursuant to R.S. 40:33 B and C, and R.S. 40:34 A(1) generally, and R.S. 40:38 in particular.

General Rule

No certified copy of an original birth record that has been submitted for "Registration" in the vital records registry as defined in R.S. 40:32 (1) shall be issued unless and until the said original birth record contains the information required by R.S. 40:34 A(1)(a) through (q), and as required by duly promulgated regulations relative thereto, including the following provisions.

A. If an original birth record is incomplete, incorrect or irregular, the State Registrar shall attempt to have the problem resolved through the assistance of the Local Registrar in parishes other than Orleans, and in the interim period no certified copies of the document will be issued.

B. The provisions of R.S. 40:34 A(1)(a) relative to the child's surname appear to conflict with similar provisions in R.S. 40:42 A. To resolve this apparent conflict, the provisions of R.S. 40:34 A(1)(h), which specifically address the "full name of the father" shall only mean the legal husband of the mother of the child at the time of either conception or birth. It shall also include the name of the husband of the mother of the child, who, although divorced from her at the time of the birth, was not legally divorced from the mother of the child for more than 300 days prior to the birth of the child. This interpretation conforms fully with Louisiana substantive law, La. C.C. Arts. 179, 184 and 185.

It likewise follows that the "legal husband of the mother of the child's" age, race, residence and birthplace shall be entered on the birth certificate pursuant to R.S. 40:34 A(1)(j), (k), (l) and (m); and also that his surname shall be entered as the child's surname pursuant to R.S. 40:34 A(1)(a).

C. In addition to the minimum required information set forth in R.S. 40:34 A(1)(a) through (q), the birth certificate form also requires the signature of a legal parent of the child, or the signature of some "other informant," certifying that the stated information is true and correct to the best of his or her knowledge. Should the document not be signed, no certified copy shall be issued as provided hereinabove.

Roger P. Guissinger
Secretary

RULE

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

Effective February 20, 1983, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:608 (12) as amended by Act No. 608 of 1982, is adopting general Rules and Regulations pertaining to foods by creating the following regulations pertaining to labeling of bottled water, and by codifying the regulations in accordance with the codification system in the "State of Louisiana, Food, Drug and Cosmetic Laws and Regulations", dated September, 1968 (the 'Red Book'); as follows:

2.110 Definitions

1. The term "package" means any container in which any bottled water is enclosed for use in the delivery or display of such commodity to retail purchasers, but does not include:

(a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors or wholesalers or retail distributors.

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity.

(c) Five gallon containers of water intended for use in water vending machines, water coolers or dispensers.

2. The term "principal display panel" as it applies to water in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale.

2.111 Labeling outer container or wrapper

A requirement contained in this part that any word, statement or other information which appears on the label shall not be considered to be complied with unless such word, statement or information also appears on the outer container or wrapper of the retail package.

2.112 Identity labeling of water in packaged form

1. The principal display panel of a water in packaged form shall bear as one of its principal features a statement of the identity of the commodity.

2. Such statement of identity shall be in terms of:

(a) The common or usual name of the water, indicating the source of the water; or in the absence thereof,

(b) An appropriately descriptive name indicating the source of the water.

3. This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

2.113 Water; designation of additives

1. The chemical name and concentrations of any preservatives or additives added to a bottled water shall be declared on the principal display panel immediately below the identity statement in type size not less than 6.0 points. Preservatives or additives added to bottled water shall be listed by common or usual name in descending order of predominance by weight.

2. The name of a preservative or additive shall be a specific name and not a collective (generic) name.

2.114 Water; designation or treatment methods

The principal display panel of water in packaged form shall bear as one of its principal features a statement of the method of treatment to which it has been subjected. The treatment shall be identified by its common or usual name, e.g. activated carbon filtration, etc.

2.115 Water; labeling of five gallon containers

The labeling requirements for water packaged in five gallon containers or larger, intended for use in water coolers, water vending machines or dispensers, will be deemed complied with if all mandatory labeling information required by this part appears on the cap or crown.

Roger P. Guissinger
Secretary

RULE

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

Effective March 20, 1983, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, is adopting the following regulations pursuant to R.S. 40:33 and pertaining to vital record services provided to public bodies in accordance with R.S. 40:40(13) and R.S. 40:41(C) as amended and reenacted by Act No. 776 of 1979.

VITAL RECORDS SERVICES TO PUBLIC BODIES

As used in R.S. 40:40(13) public bodies include the State of Louisiana, agencies of the State of Louisiana, the United States government, agencies of the United States government, the individual states of the United States, agencies of the individual states of the United States and law enforcement bodies.

To protect the integrity of vital records and insure their proper use the State Registrar of Vital Records may disclose information in accordance with the following:

1. Components of the Office of Health Services and Environmental Quality of the Department of Health and Human Resources may have access to vital records information without charge. Vital records information shall be provided, without charge and without a signed release, to the State Health officer or his designee, in accordance with the provisions of R.S. 40:5.

2. Other Offices of the Department of Health and Human Resources may be provided certified copies of vital records without charge upon presentation of proof of custody or a release signed by the interested party as described in R.S. 40:41(C).

3. Federal, state and local bodies of government may be provided vital records information without charge, when requested in the conduct of their official duties for purposes of law enforcement and criminal investigation, as deemed appropriate by the State Registrar of Vital Records.

4. Federal, state and local bodies, not specifically addressed in this Rule, shall be required to submit the fee prescribed by R.S. 40:40 and a release form signed by the party at interest as described in R.S. 40:41(C).

5. Nothing in this Rule shall be construed to permit disclosure of information contained in the "Confidential Information for Medical and Health Use Only" section of the certificate, unless specifically authorized by the State Registrar.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources
Office of Human Development

As provided for in the Appropriations Act of the 1982 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, hereby adopts the following Rule changes which increase (as shown) the fees or rates paid for the following Title XX Vendor Payment Day Care services:

	Licensed Day Care Centers		Approved Day Care Homes	
	Old Rate	New Rate	Old Rate	New Rate
Monthly	133.98	138.60	89.32	92.40
Daily	6.09	6.30	4.06	4.20
Hourly	.87	.90	.58	.60

This Rule finalizes the proposed day care vendor payments changes as published in Vol. 8 No. 11, November 20, 1982 *Louisiana Register*.

Roger P. Guissinger
Secretary

RULE

Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7) and 1084 B (1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted revisions to the Louisiana Air Quality Regulations at the January 27, 1983 hearing. Preceding final adoption of the revisions by the Commission, the revisions were forwarded and found acceptable by the Joint Committee on Natural Resources.

The revision to Section 17.14 limits the stack height which can be used in determining an emission limitation.

Persons requesting copies and/or further information concerning the revisions listed below may contact Ms. Terrie Lotton, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

LOUISIANA AIR QUALITY REGULATIONS REVISIONS

17.14.1 Definitions - For the purpose of this section, the terms below will have the meaning herein given.

(a) Emission limitation and emission standard - a requirement established by a State, or the Administrator which limits the quality, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) Stack - any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

(c) A stack in existence - the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

(d) Dispersion technique - any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant or by addition of a fan or reheater to obtain a less stringent emission limitation. The preceding sentence does not include: (1) the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; (2) the use of smoke management in agricultural or silvacultural programs; or (3) combining the exhaust gases from several stacks into one stack.

(e) Good engineering practice (GEP) stack height - the greater of:

(1) 65 meters;

(2) (i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under these regulations $H_g = 2.5H$

(ii) For all other stacks,
$H_g = H + 1.5L$, where
H_g = good engineering practice stack height, measured from the ground-level, elevation of the base of the stack,
H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,
L = lesser dimension (height or projected width) of nearby structure(s);

(3) The height demonstrated by a fluid model or a field study approved by the Assistant Secretary, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

(f) Nearby - as used in 17.14 (e) (2) is that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile). The height of the structure is measured from the ground-level elevation at the base of the stack.

(g) Excessive concentrations - for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash, wakes, or eddy effects.

(h) Plume impaction - concentrations measured or predicted to occur when the plume interacts with elevated terrain.

(i) Elevated terrain - terrain which exceeds the elevation of the good engineering practice stack as calculated under paragraph (e) of this section.

17.14.2 The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 17.14.2 (a) and (b). The Division will notify the public of the availability of any stack height demonstration study and will provide opportunity for public hearing on it. This Section does not restrict, in any manner, the actual stack height of any source.

(a) The provisions of 17.12.2 and 17.14.3 shall not apply to (1) stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, or (2) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1975 and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(b) The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentration in violation of national ambient air quality standards or applicable prevention of significant deterioration increments can be adjusted by determining the stack-height necessary to predict the same maximum air pollutant concentration associated with the emission limit which results from modeling the source using the GEP stack height as determined in 17.14.2 (e) and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than the stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

17.14.3 Review of new sources and modifications - The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 17.14.3 (a) and (b). When the Division issues a permit to a source based on a good engineering practice stack height that exceeds the height allowed by 17.14.1 (e) (1) or (2), the Division will notify the public of the availability of the demonstration study and will provide opportunity for public hearing on it. This section does not restrict, in any manner, the actual stack height of any source.

B. Jim Porter
Assistant Secretary

RULE

Department of Revenue and Taxation
Tax Commission

The Louisiana Tax Commission has adopted amendments to their Rules, Regulations and guidelines relating to the assessment of real/personal property and use value.

The following pages were amended:

PAGE	TITLE
DE-1	Definitions Pertaining to Real and Personal Property
RP-1	Real Property Rules and Regulations
LF-1	Guidelines for Ascertaining the Fair Market Value of Loan and Finance Company Personal Property
LF-2	Table 1.1 - Office Equipment
LF-3	Table 1.2 - Office Furniture and Fixtures
WC-2	Table 2.1 - Floating Equipment - Motor Vessels
WC-3	Table 2.2 - Floating Equipment - Barges
OG-1 - OG-4	Assessment of Oil and Gas Properties
OG-10	Table 3.1 - Subsurface Equipment of Oil, Gas and Associated Wells
OG-11 - OG-21	Table 3.2 - Surface Equipment
OG-22 & 23	Table 3.3 - Service Stations, Marketing Personal Property
DR-2 - DR-3	Table 4.1 - Drilling Rigs and Related Equipment
PL-1	Guidelines for Ascertaining the Fair Market Value of Pipelines
PL-4	Table 5.1 - Pipeline Transportation
PL-5	Table 5.2 - Current Costs for Other Pipelines
AC-1	Guidelines for Ascertaining the Fair Market Value of Aircraft
AC-2	Table 6.1 - Aircraft (Including Helicopters)
GB-6	Table 11.1 - Continued - Suggested Guidelines for Ascertaining Economic Lives of Business and Industrial Personal Property
GB-7	Table 11.2 - Cost Indexes
GB-9	Table 11.4 - Composite Multipliers
UV-3, UV-5 thru UV-9, UV-11 and UV-12	Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value Section.

A complete copy of the Rules and Regulations, as adopted by the Commission, is on file in the office of the *Louisiana Register*.

J. Reginald Coco, Jr.
Chairman

RULE

Department of Urban and Community Affairs
Community Development Block Grant Program

AMENDMENT TO
FY 1982 RULE

PREAMBLE

This publication effort is to meet not only the spirit of the State's administrative responsibility for the LCDBG Program but the letter of that responsibility as well.

Unforeseen circumstances necessitated an extension of the deadline for economic development applications. During the extended time period a workshop was held on economic development in order to improve the competitive quality of the LCDBG economic development applications. Certified letters were sent to all eligible applicants.

The insertion of the following amendment in the *Louisiana Register* concerning the 1982 Rule will provide the authority to validate that decision. It is to be placed before the final paragraph on the last page.

VI. ADMINISTRATION

A. Rule for Policy Determination. In administering the program, while the State is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The State reserves the right to exercise this discretion in either interpreting or establishing new policies.

Gayle Joseph
Assistant Secretary

RULE

Department of Urban and Community Affairs
Community Development Block Grant Program

Preamble to the FY 1983 Rule

In the Department of Urban and Community Affairs' (DUCA) "Notice of Intent," which was published in the *Louisiana Register* on December 20, 1982, it was stated that DUCA intended to refine the Rules published in the April 20, 1982, issue of the *Register*. Also, expectations were that the refinements would be restricted to mechanical and technical aspects of the program.

Outlined below are the most significant changes, in the opinion of the Department. The Final Statement will be effective on February 20, 1983.

Major Changes
in the
LCDBG Statement for FY 1983

I. GENERAL PROGRAM GUIDELINES

A. Fund distribution was changed from 65/35 to 60/40 Multi-Purpose/Single Purpose.

B. Definition of "Low-Moderate Income" (L-M) - two choices are now given:

1) 80 percent of statewide family median income;

2) a sliding scale which takes household size into consideration.

C. Data on selecting grantees-

1) A statistical random sample is now permitted to determine L/M benefit;

2) Survey cannot be over one year old, that is, it must have been prepared within 12 months prior to application submittal;

3) Survey must conform to current program requirements, such as median family income (possibly the 1980 Census and the household survey form.)

II. HOUSING

A. Program Impact Formula changed -

The calculation of the 10 percent of the units which can be treated outside of the target area was deleted and the inclusion of the number of occupied units suitable for demolition and replacement was added.

III. PUBLIC FACILITIES

A. Clarification for supporting documentation - letters from cognizant agencies must have been prepared within 12 months prior to application submittal date.

IV. ECONOMIC DEVELOPMENT

A. Criteria were reduced from four to three:

1. Number of permanent jobs created or retained;

2. Private/Public ratio;

3. Percent of funds recaptured by units of local government.

B. Thresholds were added:

1. Must have firm financial commitments;

2. A two to one ratio - Private to LCDBG dollars;

3. Must create more than 10 jobs;

4. The cost per job cannot exceed $20,000.

V. IMMINENT THREAT

A. The situation for which funds are being requested must be recent in origin, i.e., occurred within 12 months prior to request for funding.

COMMUNITY DEVELOPMENT BLOCK GRANT
(LCDBG) PROGRAM

I. PROGRAM OBJECTIVES. The Small Cities Program provides grants to units of general local government in nonentitlement areas to undertake community development activities. The Small Cities Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, unemployment and taxing capacity, and whose applications most adequately address locally-determined needs of low- and moderate-income persons, consistent with one or more of the following objectives, and consistent with the primary objectives of the Housing and Community Development Act of 1974 as amended:

(1) Strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization.

(2) Elimination of slums and blight and the prevention of blighting influences.

(3) Elimination of conditions which are detrimental to health, safety, and public welfare.

(4) Benefit low to moderate income persons.

II. GENERAL

A. DEFINITIONS. For the purpose of the LCDBG program or as used in the regulations, the term:

(a) "Unit of general local government" means any municipality or parish government of the State of Louisiana.

(b) "Low-Moderate Income" is defined as either 1) 80 percent of the statewide median income or 2) a sliding scale based on household size as follows:

# of persons in HH	% of Statewide median income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100%

(c) "General Distress" means a combination of indices which reflect the overall fiscal and physical status of a locality. Factors included are: per capita taxes divided by per capita income; percentage and number of poverty persons. (Data compiled from state and federal sources.)

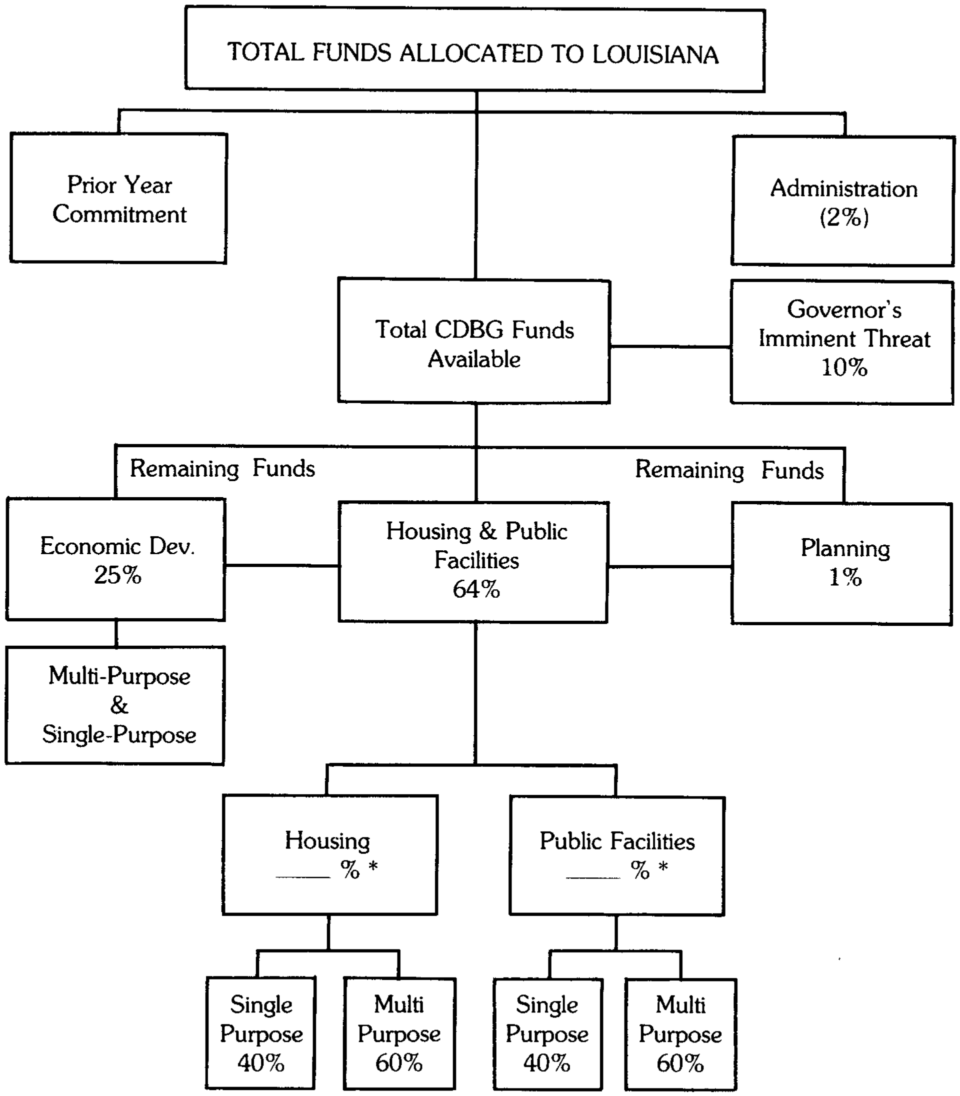
(d) "Auxiliary Activities" means a minor activity which directly supports a major activity in one program area (Housing, Public Facilities or Economic Development). Note: The State will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.

(e) "Slums and Blight" is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section P-8.

(f) "Neighborhood Facility" is defined as a structure which will house two or more public services which will serve a specified geographic area. The city/parish must have firm commitments from the proposed service providers that includes rent which will cover the ongoing maintenance cost of the facility.

B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport. Each unit of general local government, be it a municipality or a parish, must submit an application on its own behalf. Applications submitted on the behalf of one unit of local government, by another unit of local government, will not be considered for funding. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who the correct applicant would be. Although the applications involving joint projects can be submitted by only one applicant, all local governing bodies involved must be eligible according to the threshold criteria.

FIGURE 1



*The percentage distribution between Housing and Public Facilities will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category, and half on the basis of amount of funds requested in each category.

C. ELIGIBLE ACTIVITIES. Eligible activities will be those as defined in Section 105 of Title I of the Housing and Community Development Act of 1974, as amended. Activities which are not specifically identified as eligible shall be ineligible. (See Appendix I and II.)

D. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the Small Cities Program has two types of grants — Multi-Purpose and Single Purpose. These grants will be used for three program areas: Housing, Public Facilities, and Economic Development. When more than one of the three areas has major expenditures in an application, it is classified as a Multi-Purpose application. It is then classified as a Multi-Purpose Housing, Public Facilities or Economic Development application depending on which area (Housing, Public Facilities or Economic

Development) has the largest expenditure. Final determination of the classification will be made by the State. If more money is spent for housing, for example, it is a Multi-Purpose housing application, etc.

E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana up to two percent will be used to administer the program. Commitments of $6,579,549 have been made previously by HUD to cities for multi-year projects. The State will honor these commitments upon State determination that they have performed adequately. Of the remaining uncommitted funds, one percent will be reserved to assist local communities to develop plans for community development, and 10 percent reserved for Imminent Threat grants. Since creation and retention of permanent jobs is so critical to the economy of the State of Lousiana, 25 percent of the total LCDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. Single Purpose and Multi-Purpose economic development applications will be rated together on the Specific Program Criteria for economic development. All activities in the multi-purpose economic development applications should directly support the basic economic development projects of the application. If at the end of the Economic Development funding cycles, monies remain in the Economic Development fund, those monies will be transferred to the Housing and Public Facilities fund.

The remaining 64 percent of available LCDBG funds will be used to fund Public Facilities and Housing applications. This general fund will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. These funds will be allocated in a 60/40 percent split between multi-purpose/single purpose projects. This 60/40 split may be altered by the State depending on the number and quality of applications for the funds. If there is insufficient demand for the multi-purpose funds, then more can be put into the single purpose category. In considering demand for single and multi-purpose grants, the State will consider the quality of the projects applied for, based on the selection criteria contained herein.

F. SIZE OF GRANTS.

(1) Ceilings. The State has established funding ceilings of $500,000 for Single Purpose, and $750,000 for Multi-Purpose Grants.

(2) Individual grant amounts. Both Single Purpose and Multi-Purpose Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible unit of general local government may apply for one Single Purpose or one Multi-Purpose Housing or Public Facilities Grant in each fiscal year. Those applicants not funded during the primary funding cycle, may apply for Planning Grants during subsequent funding cycle to be announced by the State, during the same fiscal year. Any eligible applicant may apply for an Economic Development grant, even those funded under the Housing and Public Facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the deadline date the application is due to the State, and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the State will examine the applicant's performance in the following areas:

(a) The rate of progress achieved in moving activities into execution and the rate of expenditure and obligation of community development funds.

(i) All FY '81 grants must be 95-100 percent obligated and 75 percent expended. If the FY '81 grant was 100 percent drawn-down as of October 15, 1982, all close-out documents including final audit must have been received by HUD as of the deadline for receipt of LCDBG applications by the State.

(b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by HUD prior to 1981 have not been closed-out as of the deadline for receipt of LCDBG applications by the State.

(c) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the State have not been closed-out as of deadline for receipt of LCDBG applications by the State.

(d) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant Program, and the resolution of findings made as a result of the State's and/or HUD's monitoring.

(e) The State shall not accept an application from an applicant that has an outstanding audit and/or monitoring finding for any HUD program or has an outstanding monetary obligation to HUD or the State.

The State may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the State unless a satisfactory arrangement for repayment of the debt has been made.

III. METHOD OF SELECTING GRANTEES. The State has established selection and rating systems for both Multi-Purpose and Single Purpose Grants which identify the criteria used in selecting applicants. Applications are required for both types of grants. An applicant must include sufficient information in its application to permit the State to rate the application against the various selection criteria and must document to the State the source of information and the method used to compile the information for the application. The State will provide the information necessary to rate applicants on the general indicators of distress. Existing sources of information, such as areawide analyses, State plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Documentation of the State's selection process and copies of applicant ratings will be available upon request for public review.

The State shall establish deadlines for submission of applications, and notify all eligible units of local government through a direct mailing.

A. DATA. Data used in general indicators of distress is from the United States Bureau of the Census and the Department of Treasury. In order to determine the benefit to low/moderate income persons, the applicant must utilize either census data or conduct a local survey. If 1980 Census data is available on income by enumeration district, then the corresponding tables for 1980 as identified by the State must be utilized. If the applicant chooses to conduct a local survey, the survey sheet in the application package must be used. The following percentages must be used as a guideline in meeting the required number of responses for a statistically balanced random sample:

Number of Occupied Households	% of Responses Required
25	96.0%
50	88.7%
100	80.0%
250	60.8%
500	43.4%
1,000	27.8%
5,000	7.1%

The annual income limits for low/moderate income persons will be provided by the State.

Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, providing the survey conforms to current program requirements.

B. PROGRAM DESIGN. The program as a whole must principally benefit low- and moderate-income persons and directly address and have an impact on the applicant's needs. Each activity contained within such programs must 1) benefit low-to-moderate income persons, or 2) aid in the prevention or elimination of slums or blight, or 3) meet other community development needs having a particular urgency.

C. SINGLE PURPOSE GRANTS.

(1) Definition. A Single Purpose Housing and Public Facilities Grant provides funds for one need, consisting of an activity which may be supported by auxiliary activities. Single Purpose Economic Development grants are one project, consisting of one or more activities. Funds are available to address serious problems with housing and economic conditions or public facilities which affect both the public health and safety, all of which principally affect persons of low and moderate-income or aid in the prevention or elimination of slums and blight.

(2) Selection System for Single Purpose Grants. All single purpose applications will be rated and scored in two major categories: General Indicators of Distress (maximum 50 possible points) and the Specific Program Category (maximum of 150 possible points). The total possible points for a single purpose grant is 200 points.

(a) General Indicators of Distress. (50 Points) Each applicant will be rated against all other applicants in each of the following categories:

	Maximum Possible Points
1. Fiscal Distress Indicator per capita taxes	
per capita income	20
2. Percentage of Poverty Persons	15
3. Number of Poverty Persons	15
TOTAL POSSIBLE POINTS	50

(1) Fiscal Distress Indicator - per capita taxes/per capita income - 20 points. All applicants are compared in terms of ratio of per capita taxes to per capita income. Individual scores are obtained by dividing each applicant's ratio, by the highest ratio obtained by any applicant and multiplying by 20.

(2) Percentage of Poverty Persons - 15 points. All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 15.

(3) Number of Poverty Persons - 15 points. All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 15.

(b) Specific Program Criteria. (150 Points) There will be three specific program categories: 1) Economic Development: 2) Public Facilities; and 3) Housing. Each applicant will be rated against all other applicants proposing projects in the same Specific Program Category. The criteria for rating each of the specific programs are as follows:

1) ECONOMIC DEVELOPMENT

i. PROGRAM IMPACT (Maximum Possible Points - 75)

1) Number of permanent jobs created or retained	30 pts.
2) Private/Public ratio: Firm Private sector financial commitments/LCDBG funds	25 pts.
3) Percent of funds recaptured by unit of local government	20 pts.

A firm financial commitment from the private sector investor will be required upon submission of the application. Any application lacking a firm financial commitment will not be considered for funding. Each application will be given preliminary points for each of the above items, relative to other applicants' performance for that specific item. Once the preliminary points for all four categories are determined and summed for all applicants, the applicants will again be ranked from highest to lowest number of total preliminary points. The top ranked application will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75 \text{ (total possible points)}$$

If a project creates or retains fewer than 10 permanent jobs, or has a private funds/public funds ratio of less than 2:1, the application will not be considered for funding.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

This will be calculated by dividing total LCDBG funds used by the number of permanent jobs created or retained to determine LCDBG cost per permanent job created or retained. Raw scores will be arrayed and the top ranked application will receive 25 points. All other applicants will receive points based on how they score relative to the lowest cost per job created:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per job}}{\text{applicant's cost per job}} \times 25$$

If cost per job created or retained exceeds $20,000, applications will not be considered for funding.

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS
(Maximum Possible Points - 50)

This will be calculated by determining the number of permanent jobs created or retained that are or will be held by low-moderate income persons (as defined by the State) and dividing that number by the total number of permanent jobs created or retained. The resulting raw scores will be arrayed and the top ranked applicant will receive 50 ponts. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

2) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact 100 points