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Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Licensing Board for Contractors

Effective September 30, 1981, the Louisiana State Licensing Board for Contractors, has exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953, to adopt the following rules and regulations. This action has been taken to protect the safety and welfare of the citizens of the State of Louisiana from eminent danger and to permit the State Licensing Board for Contractors to fulfill its obligation and function under Louisiana Revised Statutes 37:2950, et seq., to protect the health, safety and general welfare of all of those persons dealing with persons engaged in the contracting vocation, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful and fraudulent acts of contractors with whom they contract. Because of previous court challenges there exists a serious legal question as to whether any of the rules and regulations of the State Licensing Board for Contractors now in existence are valid and enforceable. In connection with this situation, therefore, it has become necessary to promulgate the following emergency rules.

I. A. 1. Under R.S. 37:2157 A, it is the Board's interpretation that a contractor is defined as any person, firm, partnership, co-partnership, association, corporation or other organizations, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor, material or equipment and installing same for any building, highway, road, railroad, sewer, grading, excavation, pipeline or public utility structure, project, development, housing or housing development, improvement, or any other construction undertaking. Additionally, it is the Board's interpretation that, under R.S. 37:2162 (b), a contractor is a person who contracts directly with the owner, a primary contractor, or a subcontractor as a subcontractor; also any Architect or Engineer who receives an additional fee for the employment or direction of labor, or any other work beyond the normal Architectural or Engineering services, shall be considered as a contractor.

2. It is the Board's interpretation that the provisions of R.S. 37:2157 shall apply but are not limited to any project, development, housing or housing development which exceeds \$50,000 in cost. The terms "development" and/or "housing development" are hereby defined to include multi-unit developments comprised of a number of units, no matter how many families each said unit is designed to house.

B. In addition to those specialty classifications listed as subclassifications in Section 2156.2, the definition also includes specialty work as follows, but is not limited thereto: oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; boat building; furnishing and installing permanent building fixtures; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems; communication lines and systems; sound systems; alarm systems; control systems;

instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

C. 1. A license shall not be required to bid on any projects funded in any amount by the Federal government designated for a particular project by an agency of the Federal government where a Federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a Federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder shall submit an application for a license completed in its entirety, pay the fee, and take and pass the required examination prior to commencement of work on Federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 D. Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued with an "F" classification.

2. A license is not required by a public utility subject to regulation by the Louisiana Public Service Commission or the Council of the city of New Orleans or a contractor bidding on projects for said utility companies. However, contractors doing business for public utilities prior to commencement of actual work shall file an application for a license and pay the fee and take and pass the required examination. Thereafter, at the next regular meeting, the application shall be presented to the Board and a restricted license with an "R" classification shall be issued immediately restricted to public utility projects only.

II. Application for contractor's licenses shall contain all information required on the form which is available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA. 70808. Application shall be time dated when received and considered at the next regular meeting of the Board, provided the application is complete with financial statement, references, fee, Federal Employer I.D. Number, properly notarized and examination requirements have been met.

No license will be issued until:

A. 60 days have elapsed from time of receipt in the Baton Rouge office;

B. All requirements of the statute and rules and regulations have been met and the application approved by the Board.

III. All licenses and renewals shall expire December 31 of the year they are issued and the license becomes invalid unless renewed; provided, however, that after a license has expired the person or firm to whom such license was issued shall have until the second Tuesday of January next, following the expiration date to renew the license without penalty and without further examination. Any person or firm applying for renewal after the second Tuesday of January next following the expiration date will be required to pay a penalty of \$50. Any license not renewed within a period of one year from the date of expiration will be considered as a new application.

IV. The annual fee for renewal of licenses shall be \$100 for any one major classification or subdivision thereof and \$50 will be charged for each specialty, additional major classification or subdivision thereof. The maximum fee shall not exceed \$300. In addition there will be a \$25 charge for each examination and a \$25 charge for a structural change.

V. The license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belong to the individual regardless of the status of the qualifying party of the entity.

VI. A. All applicants shall be required to register a qualifying

party or parties who shall successfully pass a written examination for the classification requested, unless otherwise provided by the Board.

B. The qualifying party or parties authorized to take the examination are:

1. Any individual contractor, co-partner or any corporate officer who was an organizer in the articles of incorporation, provided no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the Board for each two additional subsidiary companies.

2. Any employee of said applicant who has been in fulltime employment for 120 consecutive days immediately preceding. He shall be prepared to execute an affidavit furnished by the Board at the time he takes the examination giving his length of employment and Social Security number. If requested, he shall be prepared to show evidence of his eligibility by furnishing four cancelled payroll-checks representing four preceding months.

c. Additional classification(s) may be obtained at any time by licensed contractors provided:

1. The request for additional classification(s) be in writing.

2. The required additional license fee of \$50 and a \$25 examination fee is paid; and the qualifying party as provided under Sub-section (B) successfully passes a written examination.

3. The classification(s) will not become effective for 30 days following a request for same or until approved by the Board at a regular meeting, whichever is the lesser.

D. All initial applicants shall be required to take and successfully pass Part I of our examination and Part II where we have a written examination for same.

E. 1. A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor, shall not be required to take an examination on the subject for which said subsidiary contractor is seeking a license, with the approval of the board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority stock in the currently licensed company, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of application for license by the subsidiary contractor.

2. A licensed firm, making application for a subsidiary license for the same classifications as those in which the licensed firm has qualified, may be exempt from the taking of an examination, provided that the qualifying party on record with the State Licensing Board of Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

F. A qualifying party making application for a license as an individual or stockholder of a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed subject to approval by the Board.

G. 1. Initial applicant requesting a specialty class where there is no written examination shall be examined by the Board on the experience shown on his application.

2. Licensed contractors requesting additional classification(s) of a specialty where there is no written examination shall submit no less than three jobs they have performed in the requested specialty field and be examined by the Board on experience.

VII. When the qualifying party terminates employment with the licensee, the State Licensing Board for Contractors must be notified in writing, by the qualifying party and the licensee, within 30 days of the disassociation and another party must qualify within 60 days or licensee will be subject to citation for suspension or revocation of license.

VIII. In the event an unlicensed contractor or licensed contractor without proper classification bids in violation of R.S. 37:2150-2163, regardless of whether he is awarded the contract, action may be brought before the Board and/or court in accordance with the statutes, rules and regulations, and laws of this State.

IX. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing same.

X. In the event of the dissolution of a partnership, the license may be retained by one of the partners provided that all partners agree by whom it shall be retained and further provided that all this agreement be made by affidavit.

XI. The Board, pursuant to R.S. 37:2161 may bring suit to enjoin violations of this Act and the Executive Director and/or his designated agent and/or legal council for the Board is hereby authorized to institute such suit on behalf of the Board and to sign the verification of the petition for injunction and to do all things necessary in connection with the institution of such legal proceedings when so directed by the Board.

XII. Hearings may be conducted by the Board at regular or special meetings whenever deemed necessary. Written notice by certified mail shall be given to all parties at least five days prior to such hearings and special meetings. The Board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the State unless conducted at a special meeting and may be held in Baton Rouge, Louisiana. Hearings shall be governed by R.S. 49:951 et seq.

XIII. Special meetings of the Board may be held at any place provided that the time, place and purpose of the meeting is specified in the notice to the members of the Board and to any parties involved in that particular special meeting.

XIV. It shall be the responsibility of licensed contractors to secure the current valid license number of any subcontractor who submits a bid to them or performs work in the amount of \$50,000 or more. If any licensed contractor accepts a bid and/or awards a contract in the amount of \$50,000 or more to any unlicensed subcontractor, the license of the contractor may be suspended, revoked or rescinded after a hearing is conducted by the Board.

XV. Any change in officers, or address of a company, partnership, or corporation as reflected on the application shall be reported to the Board by written notification within 15 days after such change. Any change in the name of a contractor as it appears on the license certificate or any change from an individual to a partnership or corporation; or a partnership to an individual or corporation; or a corporation to an individual or partnership, shall be reported in writing to the Board within 15 days after such change. No change in the name or status of licensed firm shall be made until all documents and information as required by the Board has been satisfactorily furnished.

XVI. A. All licensed contractors bidding in the amount of \$50,000 or more shall be required to have qualified for the classification in which they bid.

b. When two or more contractors bid as a joint venture on

any project in the amount of \$50,000 or more, not in conflict with R.S. 37:2150 et seq., all parties are required to be licensed at the time the bid is submitted, within the applicable classification of the work of which each party is to perform.

XVII. All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board for contractors for the current license. If a licensed contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another contractor, the person or firm to which it is assigned, and who performs the work, must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

XVIII. Under R.S. 37:2163 A. providing for certification and license number to be shown on the bid, and when the awarding authority requires bids to be submitted in sealed envelopes, the license number shall be required to appear only on the outside of the envelope. It shall not be a violation for the license number to appear on both the bid document and the outside of the envelope.

XIX. Any division of a contract into parts less than \$50,000 when combined is \$50,000 or more, will be treated as one contract totalling the amount of these parts when combined.

XX. Whenever a licensed contractor bids a project within the scope of this Act, and is awarded the contract, is unable or refuses to provide bonding and insurance coverage as required by the proposal bid for the execution of the project, the awarding authority or owner may file a complaint with the Board. The Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractors' license, in accordance with R.S. 37:2150-2163 inclusive.

XXI. The classification under which a person must be licensed in order to bid a job or perform work on a job in accordance with R.S. 37:2159 shall be made by determining in which major classification or subclassification in R.S. 37:2156.2 the majority of the work falls.

A. On all jobs involving mechanical or electrical work the Board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

B. The Board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

XXII. If a possible violation is known to the Board, the Board may correct it or take appropriate action without formal complaint.

XXIII. As provided by R.S. 37:2150 after granting said license, the licensee shall at all times show his ability to serve the public economically, expediently and properly; possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

If any licensed contractor refuses to sign a contract at his bid price and a complaint is filed with the Board, the Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license in accordance with R.S. 37:2150-2163 inclusive.

XXIV. It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.

A. Any contractor who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this Board immediately and make available to this Board any and all information pertinent thereto.

B. Whenever an order issued by a competent court and/or referee in bankruptcy forces cessation of a contractor's business operations, a hearing shall be scheduled at the earliest feasible date, in accordance with the applicable laws and the rules and regulations of this Board, for the purpose of determining whether said contractor's license shall be suspended or revoked, and such an order by a competent court or referee shall create a presumption in favor of suspension or revocation.

C. If any contractor is ordered by a competent court to pay a final and executory judgment awarded against him in the operation of his business, for charges for labor, material, breach of contract, etc., and fails to pay said judgment immediately upon its becoming final and executory, a hearing may be scheduled by the Board for the purpose of determining whether said contractor's license shall be suspended or revoked.

XXV. All initial applicants are required to submit a financial statement, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the person, firm, partnership, co-partnership or corporation; such assets shall include a net worth of at least \$10,000.

XXVI. It shall be unlawful and illegal for any primary contractor, contractor owner, awarding authority, subcontractor, or any other person to contract or subcontract all or any portion of work involved herein, to any other contractor or subcontractor unless said contractor or subcontractor was duly licensed by the Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This rule shall be subject to the provisions and limitations established by R.S. 37:2157 B and D.

If work is subcontracted as per this Rule, and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

XXVII. Any person, firm or corporation duly licensed under the provisions of R.S. 37:2150, et seq. who violates any provisions of the said Louisiana contractors' licensing law or any rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedure Act.

XXVIII. In any instance where approval of an application has been withheld under the terms of R.S. 37:2157 D., a contractor shall have the right to apply to the Board for a hearing following which the Board may continue to withhold approval or grant its approval at its own discretion.

XXIX. Proper notification under R.S. 37:2160 E., shall be five days' notice. Notification shall constitute placing of said notice in the U. S. mail certified. The five days' notice shall commence to run on the date of the issuance of notification.

Robert A. Riley
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting on September 24, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

Act 754 Regulations, Section 486.

486. Procedures for Application for State or Federal Funds for Special Education from Non-formula Distributed Revenue.

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development adopts the following increases in the rates for Foster Care board payments effective September 1, 1981.

1. Daily board rate for a foster child in Foster Family Care under age six - from \$5.24 per day (\$160 per month) to \$6.03 per day (\$180 per month).

2. Daily board rate for a foster child in Foster Family Care between the ages of six years and twelve years - from \$6.11 per day (\$185 per month) to \$7.03 per day (\$210 per month).

3. Daily board rate for a foster child in Foster Family Care ages 13 and above - from \$6.98 per day (\$212 per month) to \$8.03 per day (\$240 per month).

4. Monthly subsidy for specialized foster care \$700 per month to \$800 per month.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to adopt a Vocational Rehabilitation Operations Manual Parts I and II for the administration of its Rehabilitation Services Program which assists physically/mentally handicapped individuals to prepare for and enter into gainful employment.

This previously unadopted Operations Manual contains the rules, policies, and procedures under which this program has been operating but includes the following changes:

1. Section 304 - Page 13.

Occupational tools will be limited to \$150.

2. Section 306.3 - Page 16.

Maximum transportation - \$77 per month.

3. Section 404.1.

Eligibility criteria will now include an order of selection for services by priority groups as follows:

a. Severely disabled - severely handicapped individuals.

b. Individuals referred under Third Party Agreements (signed agreements between Division of Rehabilitation Services and other agencies/organizations).

c. Public safety officers who become disabled in the line of duty (police officers, probation/parole agents, etc.).

d. Individuals who receive public assistance such as Aid to Families with Dependent Children (AFDC), General Assistance (GA), Unemployment Compensation, Food Stamps, etc.

e. Individuals with dependents other than themselves.

f. Non-severely disabled, but unemployed or underemployed individuals.

g. All other individuals not fitting categories "a" through "f".

4. Section 405.7 - Page 17.

Economic need criteria is now applicable to recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

A. State and federal funds for special education and/or related services available for awarding of subgrants projects shall be recommended to the State Board for approval only after the following activities have been completed:

1. Issuance of a Notice of Availability of Funds by the Department to specify:

a. The priority in the Department budget which the Notice of Availability of funds addresses.

b. The types of agencies eligible for the funds to be used.

c. The anticipated amount to be available for the subgrant period.

d. The dates for response to the Notice of Availability of Funds and

e. The criteria for review of Notice of Availability of Funds.

2. The receipt and review of the Notice of Availability of Funds according to predetermined criteria by the Department.

3. The receipt, review and rankings of proposals by an external review council appointed by the State Board.

B. The State Superintendent may submit to the State Board requests for subgrants/contracts without completion of activities in A(1-3) only after the individual situations have been established according to procedures prepared by the Department and approved by the State Board, which may also include a review by the council referred to in A-3 above.

Revised regulations administering Act 754 of 1977 were approved at the Board's meeting of June 25, 1981 and became effective July 1, 1981. Two Sections were not included when the regulations were advertised as a Rule in the *Louisiana Register* of August, 1981. Therefore, the Board adopted Section 486 relative to an External Review Council's recommendations on discretionary funding. This emergency action was necessary to complete the document already in effect. Additionally, the Section provides procedures for the expenditure of funds which are currently being spent for special Education projects.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Effective October 1, 1981 the Department of Health and Human Resources, Office of Human Development, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act (R.S. 49.953 B) to adopt an Operations Manual for the administration of its Blind Services Program.

This previously unadopted Operations Manual contains the rules, policies and procedures under which this program has been operating, but includes the following changes:

(1) Section 305.5 - Economic Need.

Resources of parents of clients under age 21, instead of age 18, are to be considered in determining economic need.

Recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) are now subject to the economic need criteria.

Income level exemptions will change from (a) \$50,000 to \$40,000 annual gross income from a business or farming operation and (b) from \$12,000 to \$10,000 annual earned gross income.

George A. Fischer
Secretary

5. Section 405.7 - Page 18.

Full maintenance, maximum allowance - \$110 (also applicable to New Orleans area).

6. Section 405.7 - Page 19.

If **maximum** maintenance of \$110 is given, no transportation cost will be allowed.

7. Section 405.7 - Page 28.

Definite interpretation of length of college training. All college credits obtained before entering program will count towards maximum allowed.

8. Section 407 - Page 1-31.

Is deleted. (Vocational Rehabilitation Trust Fund for services to SSI and SSDI recipients was abolished by federal legislation.)

9. Section 512.

Out-of-state training will be limited to those training institutions listed in this section.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

Louisiana Department of Health and Human Resources (DHHR) is applying for Block Grant federal funding in accordance with Public Law 97-35, the Omnibus Reconciliation Act of 1981. Effective October 1, 1981, this Public Law consolidates many categorically funded health and social services programs administered by DHHR into five Block Grants for federal funding purposes. After certification for Louisiana's allotment of the federal funds, DHHR will continue to administer these programs under Block Grant federal funding in accordance with guidelines set forth in Public Law 97-35. Until such time that Congress effects an Appropriations Bill, DHHR will administer these programs under existing federal guidelines for program funding. DHHR will abide by requirements of state law in the adoption of any rule with regard to these Block Grants.

The five Block Grants and the DHHR Offices responsible for program administration are as follows:

(1) **Alcoholism, Drug Abuse and Mental Health** - Office of Mental Health and Substance Abuse. Inquires may be addressed to Thomas H. Brittain, Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA. 70821. The State Plan for OMHSA will be available for public review at any OMHSA facility after November 1, 1981.

(2) **Maternal and Child Health** - Office of Health Services and Environmental Quality. Programs included in this Block Grant are Maternal and Child Health, Handicapped Children, Supplemental Security Income for Disabled Children, and Lead Poison Prevention. Copy of the application/proposal for block grant funding may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, 325 Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(3) **Preventive Health and Health Services** - Office of Health Services and Environmental Quality. Programs included are Fluoridation, Rodent Control, Health Education/Risk Reduction, Emergency Medical Services, Hypertension, Retail Food Sanitation, Food and Drug Control, Venereal Disease Control, Epidemiology, Tuberculosis Control, and Milk and Dairy products. Additionally, the application requests Louisiana's share of funds

for services to rape victims and for rape prevention. A copy of the application/proposal may be obtained by submitting a written request to the Office of Health Services and Environmental Quality, Program Planning and Evaluation Section, Box 60630, New Orleans, LA. 70160 or by inquiring in person at the State Office Building, Room 515, Loyola Avenue, New Orleans, LA. Comments on the application/proposal are solicited and may be submitted to the above Office.

(4) **Low-Income Energy Assistance** - Office of Family Security. This program will assist AFDC, SSI, Food Stamps, VA, and other low income households with the rising cost of home energy. Interested persons may secure a copy of the proposed application from Michael S. Haddad, Assistant Secretary, Box 44063, Baton Rouge, LA. 70804. Written comments on the application may be submitted to the same address.

(5) **Title XX Social Services** - Office of Human Development. Louisiana's share of allotted funds under this Block Grant will be used in accordance with the Comprehensive Annual Services Program Plan (CASPP) for 1981-82. Copies of the CASPP are available without charge upon written or telephone request to Governor's TIE LINE, Box 44004, Capital Station, Baton Rouge, Louisiana 70804. Phone: 1-800-272-9868. Written comments on this Block Grant may be submitted to Arthur J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA. 70802.

George A. Fischer,
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting on September 29, 1981 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule.

WHEREAS, the Department biologists and the Chief of the Seafood Division have recommended the fishing of oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou; and

WHEREAS, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met;

NOW THEREFORE BE IT RESOLVED by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1981-82 be set in accordance with the following rules and regulations.

(1) That the oyster season in Calcasieu Lake be one half hour before sunrise on Sunday, November 1, 1981, that the Secretary has the authority to close the season whenever biologically justifiable.

(2) That oyster fishing be limited to only the use of tongs and to daylight hours.

(3) The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

(4) The three-inch culling law shall be observed by all fishermen fishing the area reefs to provide for future harvesting.

(5) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.

(6) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.

(7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day), which need not be tagged.

(8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged.

This done by emergency action.

Jesse J. Guidry
Secretary

Rules

RULE

Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following rules for the purpose of providing a means by which State-chartered banks may have authority consistent, in part, with that granted National banks by the Comptroller of the Currency Rules and Regulations 12:CFR, Section 7.7376; Section 225.4, and Section 225.122.

RULE

Notwithstanding any limitations imposed by R.S. 6:237 and 322, State-chartered banks are hereby authorized to operate subsidiary mortgage corporations subject to the following rules:

1. With the prior approval of the Commissioner of Financial Institutions a State bank may operate a subsidiary mortgage corporation. In order to qualify as an operating subsidiary mortgage corporation hereunder, at least 80 percent of the voting stock of the subsidiary must be owned by the parent bank.

2. A State bank subsidiary mortgage corporation may act as agent in the warehousing and servicing of mortgage loans, and may utilize the services of and compensate persons not employed by the parent bank for originating said loans, and, in general, may engage in activities permitted mortgage company subsidiaries of National banks pursuant to 12:CFR, Section 7.7376 and mortgage company subsidiaries of bank holding companies pursuant to 12:CFR, Section 225.4 and Section 225.122. All branch operations must receive prior approval of the Commissioner and be located within the Parish where the bank is domiciled.

3. Except as otherwise provided by statute or regulation, all provisions of Title 6 of the Louisiana Revised Statutes of 1950 applicable to the operation of the parent bank shall be equally applicable to the operations of its mortgage company subsidiary.

4. Each mortgage company subsidiary shall be subject to examination and supervision by the Commissioner of Financial Institutions in the same manner and the same extent as the parent bank. If, upon examination, the Commissioner shall ascertain the subsidiary is created or operated in violation of law or regulation and that the manner of operation is detrimental to the business of the parent bank and its depositors, he may, pursuant to the provisions of the Louisiana Revised Statutes 6:168, order the subsidiary to cease and desist from such violation or practice.

5. For the purposes of these regulations and any applicable provisions of the Louisiana Revised Statutes of 1950, the operation of a mortgage company subsidiary by a State bank shall be deemed to be incidental to the exercise of the powers specifically

enumerated in Subsection A of Section 237 of Title 6 of the Louisiana Revised Statutes of 1950, and a directly related banking activity for purposes of Subsection 8 of Section 1003 of Title 6 of the Louisiana Revised Statutes of 1950.

6. In that there is no legal recourse between the parent bank and the down-stream, wholly-owned subsidiary functioning as a mortgage company, this subsidiary should be subject to the same legal lending limits as any other borrowing customer of the bank.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULES

Board of Elementary and Secondary Education

Rule 7.02.00(a)

The Board adopted Bulletin 1508, *Pupil Appraisal Handbook*, Revised, 1981.

Rule 5.01.3.d

Guidelines for the Required Services Act (Act 205, 1980 R.S.) - Regulations of Louisiana State Board of Elementary and Secondary Education pursuant to Louisiana Revised Statutes 17:361 and 17:365.

Instructions for Completing the Required Services Form

General Information

1. Complete the form based on appropriate school year data.

2. The school administrator's signature denotes that the information contained on the form is complete and accurate.

3. Computation of salaries is based on the following guidelines:

a. Use actual salaries, exclusive of contributed services.

b. Administrators: Compute hourly rate paid according to a 50 week per year schedule, 40 hours per week.

c. Teachers, Guidance Counselors, Librarians: Compute hourly rate paid on the basis of 180 days, six and one-half hours daily.

d. Nonprofessional Support (Secretarial, Maintenance, etc.): Compute hourly rate paid on the basis of the actual number of hours worked in a normal week.

4. Parameters (maximums) for reporting by function and personnel type are included on the form. The number of hours actually recorded may vary from school to school. If the parameters are exceeded, additional auditing may be required.

5. The original form, signed by the school administrator (e.g. principal, headmaster, etc.), shall be submitted to the Superintendent of Education by September 30 of each year.

Rule 6.02.61.c

The Board adopted the following policy relative to a pay schedule for day-to-day substitute teachers in Special School District No. 1: \$50 - certified teacher; \$45 - college graduate, \$40 - some college/high school.

Rule 6.01.13(1)

The Board adopted the 1981 Revised Edition of Bulletin 1525, *Personnel Evaluation*.

Rule 3.01.51.cc

The Board adopted as an addition to Bulletin 741, a policy statement on School Calendar and Pupil Activity Days as follows:

A. A pupil activity day is defined as the period of time during which a pupil is under the direction or supervision of a teacher or school official for school related purposes; this day must equal one half of the normal school day designed to meet the instructional objectives of the school.

B. School systems must notify the Board of Elementary and Secondary Education immediately when the minimum num-

ber of student activity days as specified in their original school calendar cannot be met and an alternative proposal for meeting the required days must be offered.

C. Each case of a school system not meeting the minimum number of student activity days shall be examined individually by the Board of Elementary and Secondary Education.

1. In cases of crisis circumstances such as fire, natural disaster, desegregation orders, teacher strikes, construction delays, etc., the minimum pupil activity days requirement may be waived and no penalty assessed.

If a local school board does not adequately justify failure to meet the minimum 175 student activity days, the Board of Elementary and Secondary Education shall:

a. Require the local system to adjust its calendar to meet the minimum pupil activity days requirement by such means as Saturday classes, reduced holidays, expanded calendar length, etc. or

b. Require the local school board to reimburse 1/180 of its minimum foundation funding to the state for each pupil activity day missed.

James V. Soileau
Executive Director

RULE

Office of The Governor Department of Veterans Affairs

The following are rules of eligibility requirements and rules pertaining to the collecting and handling of fees from veterans regarding lodging in the Louisiana Veterans Center, Jackson, Louisiana, administered by the Department of Veterans Affairs:

Eligibility

1. The veteran must be a legal resident of the State of Louisiana.

2. The veteran's military service must be such as to meet the requirements for admission into any Veterans Administration medical center.

3. The veteran must be ambulatory and able to care for his needs.

4. The veteran must undergo a medical examination and, as a result, it must be shown that no violent or dangerous traits exist which would prevent him from functioning in an open dormitory without danger to the physical well-being of other residents or himself.

5. The veteran must consent and agree to abide by all rules and regulations governing the Home, and to follow the course of treatment prescribed by his personal physician, under the guidance and direction of the Home nursing and medical staff.

Residents' Maintenance Fees

6. All residents who have an income from any source will be allowed to retain the first \$60 per month. After this amount, all income up to \$300 will be collected on a \$1 for each \$2 basis.

7. All income above \$300 will be collected on a \$1 for \$1 basis until the full amount of each resident's average monthly maintenance and upkeep cost has been collected.

8. This formula (50 percent of the first \$300, 100 percent above the \$300 level until the full amount of each resident's average monthly maintenance is reached) will be applied on the basis of the preceding quarter's actual cost of each resident's monthly care, and in no case will such care exceed the actual cost of any given month.

9. Residents who contribute regularly to the support and maintenance of dependent/dependents shall have the amount contributed, not to exceed \$300 for the first dependent and \$150 for each additional dependent, subtracted from their total income before the maintenance formula is applied.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The following rules are used to administer the State Aid Program, educational assistance to eligible students, within the Department of Veterans Affairs:

Eligibility

1. The applicant should first apply to his/her Parish Veterans Service Office to verify eligibility.

2. The veteran, World War I, World War II, Korean Conflict or the Viet Nam Era, must have died in service in line of duty or from a wartime service-connected disability condition after discharge, or

3. The veteran must be rated 100 percent service-connected, permanently disabled by schedule or evaluation of the Rating Schedule. (Total rating on basis of individual unemployment does not meet requirements.)

4. The deceased veteran must have been a Louisiana resident for at least one year immediately preceding his entry into service.

5. The 100 percent service-connected veteran must have been a resident of Louisiana for at least two years preceding admission of the child into a training institution.

6. The child applicant must be between the age of 16 and 25, and marriage is not a bar to the program.

7. The widow applicant has no age limitation, but she must avail herself of the benefit within ten years after eligibility is established, or within ten years from the date the law was signed - September, 1977.

8. The eligible student must attend school on a full-time basis.

9. The eligible student may attend only a state-supported college, university, trade or vocational technical school, all entrance requirements for such institution must be met.

10. A fee exemption certificate must be issued to each eligible applicant upon completion of his/her processed claim in the Administrative Office, Department of Veterans Affairs, reflecting exemption from payment of all tuition and school-imposed fees for the forthcoming Fall or Spring semester, or any other type of school term below college level.

11. The registration certificate must be signed by school official indicating date of enrollment, and returned by the student or his/her designee, to the Administrative Office, Department of Veterans Affairs, within 45 days after the beginning of the semester, in order to receive a possible payment of cash subsistence allowance for the semester.

12. If the student transfers from one school to another, the original fee exemption certificate may be taken or the student may request from the Administrative Office the issuance of another fee exemption to be used at his/her next school.

13. Tuition and possible payment of cash subsistence allowance are given for a maximum of four years, to be completed in not more than five years from the date of original entry.

14. No money will be issued for the summer semester, or winter quarter in the case of vocational schools: fee exemption only is given.

15. Fees assessed by the student body on themselves, such as yearbook, weekly paper, are not exempt. Free registration does not cover books, supplies, room and board, etc.

John L. McGovern
Director

RULE

Office of the Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission adopts the following policies, rules and regulations governing the operation of the Veterans Affairs Commission:

Election of Officers

1. The Veterans Affairs Commission shall be composed of nine members who are honorable discharge veterans, citizens of the United States of America and of this state, and who are qualified voters.

2. The chairman and vice-chairman of the Commission shall be elected at the first meeting following the Governor's appointment of the total Commission or at the first meeting held following July 1, in even-numbered years.

3. The elected chairman of the Commission shall appoint committee chairman at the first meeting following his election.

4. Standing committees shall be as follows: a) War Veterans Home, b) Committee on Rules and Regulations, c) Committee on Administration Policy, d) Committee on Service Officers and conduct pertaining to Department Operation and, e) Committee on Veterans Welfare and Benefits.

5. These committees can be partial or of the entire Commission.

6. The Commission shall determine the overall general and the administrative policies of the Department of Veterans Affairs.

7. The director and his staff shall review semi-annually all proposed new rules, regulations and procedures and the Commission shall approve all proposed rules, regulations and procedures.

8. Each member shall be paid \$50 each day devoted to the work of the Commission, but not more than \$1,250 in any one fiscal year.

9. Commissions members shall also be entitled to reimbursement for necessary travel and other expenses in accordance with current state travel regulations.

10. Travel will only be authorized on days that per diem is paid.

11. Commission members may not be authorized more than two out-of-state trips, these to be used only for conducting business of the Commission, in any fiscal year.

12. All travel vouchers for the Commission members shall be authorized by the chairman or his designated representative, the director of the Department of Veterans Affairs, with ultimate responsibility held by the chairman, in accordance with adopted rules relating to travel.

13. The director, as secretary of the Commission, shall keep the chairman and all members of the Commission apprised of the availability or non-availability of travel monies.

14. The Commission shall submit a budgetary request for their sub-program to the Department not later than November 15 each year for required out-of-state travel monies for the following fiscal year.

15. This budgetary request must be accompanied by justification in writing.

Meetings and Location

16. The Commission shall hold its regular meeting in the administrative office in Baton Rouge, unless, at the discretion of the Chairman, it is necessary or convenient in the performance of its duties, to meet in some other city or location.

17. The Commission shall hold at least one regular meeting in each quarter, annual period, at the administrative office in Baton Rouge.

18. The Commission can hold special meetings at times and places specified by call of the chairman, or a majority of the Commission, upon written notice of time and place by the director.

19. A majority of Commission members (five) constitutes a quorum for the transaction of business.

20. No action will be taken by the Commission without the concurrence of at least five members physically present and voting.

21. No Commission member shall vote by proxy, by representation or by mail.

22. The director of Veterans Affairs shall act as secretary and keep adequate records and minutes of official actions and distribute copies to each member as soon as practical.

23. The Commission shall meet semi-annually with the director and his staff for the purpose of reviewing the overall operation and upgrading of the Department.

24. The Commission as a body shall meet at least once per year with the Joint Legislative Committee on Veterans Affairs to assist the Committee in forming legislative goals for the Department of Veterans Affairs.

25. The meeting with the Joint Legislative Committee on Veterans Affairs shall be arranged at the call of the chairman and the director.

26. No meeting of the Veterans Affairs Commission shall exceed a maximum of two days.

27. Two-day meetings or week-end meetings of the Commission are not to be scheduled unless there is valid justification and/or unusual circumstances.

28. Minutes of the Commission meetings are to be submitted to the Legislative Committee on Veterans Affairs.

John L. McGovern
Director

RULE

Office of The Governor Department of Veterans Affairs

The Office of the Governor, Department of Veterans Affairs, War Veterans Home adopts the following policies, rules and regulations governing the administration of the Home:

Eligibility

1. All veterans who have served honorably in the Armed Forces of the United States, and who meet the physical requirements, (veterans must be able to take care of his own personal needs, be ambulatory and have no communicable disease), and who are bona fide residents of the state of Louisiana may be admitted provided space is available.

2. The Commandant of the Veterans Home, subject to review by the Director or Commission, may refuse admittance based on this judgment after reviewing veterans application as to ability to fit into the Home's routine.

3. Applications for requesting admittance to the Home shall originate in the Department of Veterans Affairs Service Offices located in 63 parishes of the State.

4. The use of profane or vulgar language will not be tolerated; courtesy and consideration will be expected from all residents.

5. Personal cleanliness will be practiced at all times; residents will be expected to bathe and shave daily and have clean clothes.

6. Residents are expected to keep their bed areas clean at all times; neatness will be expected throughout buildings and grounds.

7. No resident will tamper with Home equipment or furnishings unless Commandant so authorizes.

8. Destruction of Home property will not be tolerated. Financial responsibility for such destruction is to held by the resident, and reimbursement shall be made.

9. There will be no lending or borrowing of money between residents, or residents and employees, in excess of one dollar.

10. Bartering, trading or exchanging goods or personal belongings will not be tolerated.

11. Gambling for stakes will not be permitted.

12. Possession or use of intoxicants anywhere on the premises will not be tolerated.

13. Residents will not leave main building before receiving prescribed medication or therapy.

14. Residents will not have private medication in their possession unless prescription is registered with nurse.

15. Residents are required to keep lockers and personal possessions in neat and orderly manner. Locker inspection will be held once a week.

16. No sugar, coffee, or perishable foods will be kept in lockers.

17. No resident will leave the Home grounds without official pass or permission of Commandant. Resident will not violate provisions of pass privilege.

18. Residents have use of telephone in recreation area. Use of any phone other than this recreation area telephone requires permission of the staff members.

19. All residents will be required to participate in Home recreation activities within physical limitations.

20. Residents are not permitted to have in their possession any implements, concealed or otherwise, such as knives, screwdrivers or other tools or weapons which may be used to inflict harm.

21. Residents will bring any complaints to the attention of the Commandant or staff member for consideration or correction.

22. All residents may be assigned certain duties in Home or on grounds.

23. Any violations of Home rules will require action of the Administrator.

24. Any violations of rules is subject to disciplinary action, according to state or parish law.

John L. McGovern
Director

RULES

Office of the Governor Division of Administration Office of Data Processing

Notice is hereby given that the Office of Data Processing, under the authority granted by R.S. 39:1901 through 39:1903 and R.S. 39:196 through 39:200, and in accordance with applicable provision of the Administrative Procedure Act, has adopted a set of 14 rules.

The following rules are adopted:

LAC 1-9:1 Planning and Budgeting for Data Processing Resources

LAC 1-9:2 Justification for Data Processing Consulting Services

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

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

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

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

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

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

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

LAC 1-9:10 Maintenance of Equipment and Software Inventories

LAC 1-9:11 Contingency Planning for Data Processing Operations

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

LAC 1-9:13 Computer Utilization Reporting

LAC 1-9:14 Equipment Utilization Monitoring

LAC 1-9:1 Planning and Budgeting For Data Processing Resources

1.1 GENERAL PROVISIONS.

1.1.1 **PURPOSE.** Strategic long-range planning for data processing and the budgeting process are closely related in that the budget request represents an operational or short-term plan to implement long-range objectives. This rule outlines the duties and responsibilities of State agencies regarding the preparation of long-range plans for data processing and the preparation of documentation to support budget requests for data processing resources.

1.1.2 **AUTHORITY.** This rule is adopted pursuant to authority granted to the Office of Data Processing by Title 39 Chapter 19 of the Louisiana Revised Statutes of 1950 as provided in Act 723 of the 1981 Regular Session of the Legislature.

1.1.3 **DEFINITIONS.** Within the context of this rule these terms shall be defined as follows:

A. **Agency.** Any State Executive Branch department, commission, board, political subdivision, institution of higher education or school, except parishes and municipalities.

B. **EDP.** Electronic Data Processing, including word processing.

C. **Office of Data Processing (ODP).** The governing authority for State data processing, located within the Office of the Governor, Division of Administration.

1.2 LONG-RANGE PLANNING AND BUDGETING OVERVIEW.

1.2.1 Each agency of State government shall adopt procedures to insure that proper planning is done for satisfying in a cost-effective manner the future data processing needs and requirements of that agency.

1.2.2 The data processing planning methodology or process implemented at an agency is the responsibility of that agency, but it must produce a planning document which contains, at a minimum, the information outlined in Section 1.3 of this rule. The agency is encouraged to include any additional information in its planning document that it feels better describes the plans of that agency. A general, hypothetical planning/budgeting process is outlined in Figure 1-1. This process shows the development of a long-range plan, which then becomes the basis for requesting and justifying new EDP resources for the coming fiscal year. The justification, and the plan, later become inputs to the agency's budget request package.

1.2.3. Each agency shall submit a long-range plan to the Office of Data Processing by September 1 of each year. The plan shall cover a three fiscal year period, at a minimum, the first year of which shall be the year currently being budgeted.

1.2.4 The actual format of the plan shall be determined by the agency. However, forms on which to present the plan have been developed by ODP and are referenced in Section 1.3 of this rule. These forms may be used as is or modified as appropriate to meet an agency's exact needs. Copies of these forms are available from ODP.

1.2.5 Each agency shall submit a detailed justification for new or expanded EDP resources by September 1 of each year to the Executive Budget Office, the Legislative Fiscal Office and ODP.

1.2.6 Each agency shall include in its budget request a summary of EDP expenditures being requested.

1.3 LONG-RANGE PLAN REQUIREMENTS.

The information described in subsections 1.3.1 through 1.3.6 shall be included, at a minimum, in the plan submitted to ODP.

1.3.1 State the mission and objectives of the agency. Also state the mission and objectives of data processing within the agency, and how these objectives are related to the agency's overall objectives, policies and business plans. These objectives shall be specific statements of results to be achieved within a specific period of time.

1.3.2 Each agency, except institutions of higher education and schools, shall include in its plan a description of all systems which will be in production status during the three-year period. This is to include all such systems operating on state EDP equipment and systems currently operating on nonstate equipment (do not include these systems in paragraph C below) which will be brought in-house within the three fiscal years covered in the plan. Provide the following information:

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

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

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

D. Indicate the current and anticipated level of staffing and other cost, on a monthly basis, associated with maintenance of the system.

E. Indicate any hardware or software changes necessitated by growth of the system, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

This information may be provided on Form ODP-5 entitled "Production System Summary."

For each production system listed in the plan, the agency will maintain, and make available upon request of the ODP, a system profile which will include growth projections for the planning period. At a minimum, this information is required:

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

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

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

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

E. The total monthly print volume for the system.

F. The file organizations used by the system, i.e. sequential, indexed sequential, random, virtual storage access method

(VSAM), relative or direct access.

G. Number of personnel or level of effort required for basic maintenance.

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

Form ODP-6 entitled "Production System Detail Sheet" may be used to record the above information.

1.3.3 Describe all new systems currently under development or planned for development during the three-year planning period. Also describe any major enhancements or redesign efforts, either in progress or proposed, for each production system. Institutions of higher education and schools are required to report such plans only for administrative systems. However, it is recommended, but not mandatory, for these institutions to include major efforts in academic, research and instruction systems in order to present a more complete plan.

A. Indicate whether the effort planned is a new development or an enhancement.

B. Indicate the planned start and completion dates.

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

D. Indicate the level of state personnel and consultant staffing in manmonths by level of expertise required for this effort.

E. Indicate any hardware or software changes necessitated by the implementation of this effort, and the dates such changes are planned to occur. Include these in the Hardware/Software Plan.

F. State the dollar amount requested for the enhancement or redesign. This amount will normally equal the total shown on budget forms BR-4 and BR-4A "Expansion of Current Services and/or Proposed New Services."

Form ODP-7 entitled "System Development or Enhancement Plan" may be used to present this information.

1.3.4 Based on systems currently in production, projected growth in these systems, system development/enhancement plans and other available information, describe the current and planned hardware and software configurations. This shall include, at a minimum, the following:

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

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

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

D. Software changes or upgrades planned during the three-year period. Indicate the month of installation, plus the annual cost. Indicate whether the software change is due to technological advances, requirement for new systems, changes in existing systems, etc.

The above information may be documented on Form ODP-8 entitled "Hardware/Software Plan."

1.3.5 Provide a listing of classifications, and the number of each, planned for each of three years of the plan, as well as the number budgeted in the current year. Include those personnel