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Executive Orders

Executive Order EWE-80-1

WHEREAS, Julian and Abe Saenger, whose chain of more than three hundred theatres once spread throughout the South, were eminent and distinguished citizens and residents of Shreveport and nationally recognized leaders in the entertainment industry; and

WHEREAS, these philanthropic and civic-minded citizens, in concert with Simon and Harry Ehrlich, constructed in the year 1925 the Strand Theatre which became the Flagship of their widespread amusement empire; and

WHEREAS, the Strand, for more than half a century, has been a revered and treasured entertainment facility now specially honored by its listing in the National Register of Historic Places; and

WHEREAS, in addition, it has been fittingly designated by a Louisiana Historical Marker thereby commemorating its place in history as well as its architectural grace, style and beauty; and

WHEREAS, community-minded citizens and civic leaders of this area have formed the Strand Theatre of Shreveport Corporation, with the concurrent commitment to restore and operate the Strand as a cultural center for the performing arts, thus making entertainment of superior quality available to all Louisianians as well as to citizens of adjacent states and at the same time affording limitless opportunities for performing artists of Louisiana; and

WHEREAS, this historic and unique structure will contribute to and enhance the cultural identity of Louisiana, preserve the charm and grace of days gone by and provide for future entertainment programs of excellence for the entire area and state;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by virtue of the authority vested in me, hereby enthusiastically order, designate and proclaim the Strand Theatre of Shreveport to be **The State Theatre of Louisiana**, and, as such, to be used, conducted and operated by the Strand Theatre of Shreveport Corporation for the cultural benefit of the people of Louisiana.

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 26th day of February, 1980, A.D.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-80-2

Request to the Louisiana Public Facilities Authority to Proceed With the Development and Implementation of a Program in Louisiana for the Financing of Student Loans Insured or Guaranteed Pursuant to the Higher Education Act of 1965, as Amended.

WHEREAS, it is in the public interest and in furtherance of the general welfare of the citizens of Louisiana to promote the higher education of Louisiana students; and

WHEREAS, there continues to exist in Louisiana an underdevelopment of the State's human talent and resources because of the inability of many able but needy students to finance a higher educational program; and

WHEREAS, financial assistance is often necessary if Louisiana students are to achieve their education goals and be able to finance a higher educational program; and

WHEREAS, such financial assistance will better enable the State to achieve its full economic and social potential by assisting each individual to contribute to the full extent of his capabilities by removing financial barriers to his educational goals that may exist after an individual has utilized all resources and work opportunities available to him; and

WHEREAS, the Congress of the United States has provided in the Higher Education Act of 1965, as amended, for the guarantee of certain student loans; and

WHEREAS, Louisiana lending institutions must have access to secondary markets for such loans in order to meet the student needs for financial assistance for higher education programs; and

WHEREAS, it is my request that the State of Louisiana should obtain the full benefit of the Higher Education Act of 1965, as amended, for the benefit of Louisiana students;

THEREFORE, I do hereby request that the Louisiana Public Facilities Authority, a public trust created pursuant to the Louisiana Public Trust Act, R.S. 9:2341-9:2347, as amended, proceed immediately with the development and implementation of a program to make, purchase and/or otherwise finance student loan notes insured or guaranteed under the Higher Education Act of 1965, as amended, in sufficient volume to provide adequate loan availability for Louisiana students.

The Louisiana Public Facilities Authority is hereby requested and authorized to establish the necessary relationships with the federal government, the Governor's Special Commission on Educational Services, Louisiana financial institutions and institutions of education to fulfill the intent of the Higher Education Act of 1965, as amended, in the best interest of the students of Louisiana.

This request is made with the understanding that the Louisiana Public Facilities Authority must meet the requirements of federal law and applicable regulations as well as state statutes and regulations. It may be revoked upon a thirty-day written notice except that such revocation must be made in good faith, and adequate financial arrangements must be made to insure the proper continuation of coverage for outstanding loans and compliance with all obligations of the Louisiana Public Facilities Authority to its bondholders.

The State of Louisiana will assume no liability as a result of this request. All debts and liabilities resulting from this program shall be the sole responsibility of the Louisiana Public Facilities Authority. All reserve funds of the Louisiana Public Facilities Authority will be maintained in Louisiana financial institutions subject to audit and inspection according to federal standards. All funds of the Louisiana Public Facilities Authority shall be used only in furtherance of its authorized public purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Louisiana at Baton Rouge, the Capital, the 26th day of February, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred third.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 80-3

WHEREAS, the cypress trees growing in the state-controlled waterways of Louisiana symbolize the natural beauty of our state and serve as a reminder of our state's heritage; and

WHEREAS, such cypress trees are the result of a natural process of growth which cannot be duplicated by man, and once cut, such trees are forever lost; and

WHEREAS, evidence exists of wanton and deliberate destruction of these cypress trees in the distant and recent past, and expectations are that more destruction can be anticipated unless action is taken to preserve these native trees; and

WHEREAS, it is in the best interests of the people of the state and the future generations of Louisianians to preserve the natural beauty of our state by protecting the cypress trees growing in our state's waterways.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, and not withstanding any claims of the federal government, individuals, or any corporate entity, do hereby claim the cypress trees growing in the state-controlled waterways of Louisiana for the people of the state of Louisiana and for their heirs forever.

FURTHERMORE, in order to protect such cypress trees from further destruction or harm, I hereby order the Department of Natural Resources, the Department of Wildlife and Fisheries, and all the officers and agents thereof to use all the resources available to them to protect and preserve the cypress trees growing in the state-controlled waterways of Louisiana; to strictly prohibit the cutting or other intentional destruction of such trees except when such action is necessary to remove real or potential threats to human life or health or when such action must be taken to otherwise protect the public's interest; and to draft and approve rules and regulations necessary to ensure the protection of such cypress trees.

FURTHERMORE, for purposes of this order, state-controlled waterways are defined as lakes, streams, rivers, bayous, and all other navigable waterways, both natural and man-made, on which public domain has been established historically, by law, or by the courts, and especially, those waterways contained in all fish and game preserves established in and by the state of Louisiana for its residents.

FURTHERMORE, that I hereby urge the people of Louisiana to aid in the protection and preservation of the cypress trees on our state's waterways.

FURTHERMORE, I hereby urge the Legislature of Louisiana to carefully consider what the loss of these cypress trees would mean to the state and to enact legislation designed to protect this natural resource of the state.

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 5th day of March, A.D., 1980.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on February 22, 1980, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

The Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Part VII, Section 7.7 is changed to read as follows:

Section 7.7 Patent Policy.

A. The Board of Trustees for State Colleges and Universities System of the State of Louisiana, hereinafter referred to as the Board of Trustees System, expects and encourages creative productivity on the part of employees of the Board of Trustees System. The Board of Trustees System recognizes its responsibility to assist and protect the developer, to assist the universities under its jurisdiction in matters pertaining to patents, to protect the interests of the public, and to protect the interests of financial sponsors of the project other than the Board of Trustees System.

B. Inventions resulting from work carried on by, or under the direction of, University System personnel, supported, in whole or in part, by funds under control of the System, or involving University System facilities should be used and controlled to produce the greatest benefit to the Board of Trustees System and the public. The Board of Trustees System reserves the right to acquire and retain legal title to any such inventions, and any employee responsible for such invention shall, upon the request of the Board of Trustees System assign all rights, title and interest to the Board of Trustees System. The Board of Trustees System may apply for a patent in its own name or the evaluation of invention and application for patents may be made by contractual arrangement or assignment, as approved by the Board of Trustees System. If the Board of Trustees System declines to pursue a patent application, it may release its rights to the inventor. The Board of Trustees System respects and recognizes the right of sponsors of research and development to the title of such invention as may arise from projects sponsored by them in conformance with the policy, explicitly stated contractual agreements covering such sponsorship, and applicable law.

C. In the event royalties are generated by any patent assigned to the Board of Trustees System, an appropriate share of such royalties shall be paid to the inventor. The inventor's share shall be determined by the following:

1. In cases where the Board of Trustees System assigns such patent rights to the Research Corporation, the share of royalties to be paid to the inventor shall be governed by the terms of the contract between the Board of Trustees System and the Research Corporation.

2. In cases where the invention is covered by a contractual agreement with a sponsoring agency, the financial arrangements shall be in accordance with that contractual agreement. In cases of sponsorship by federal agencies, compliance with the appropriate federal regulations shall be effected in ultimate agreement.

3. In cases where the Board of Trustees System obtains ownership of a patent directly and expends funds to develop and market the invention, any royalties generated will be first used to cover the expenses of obtaining and exploiting the patent. After this outlay, the inventor's share shall be 33 1/3% of the net royalties with the remaining share going to the Board of Trustees System.

4. Net royalties on patents available to the Board of Trustees System shall be used for research, development and other scholarly activities and allocated 100% to the university campus where the patent originated.

D. The Board of Trustees System authorizes each university to establish a university patent committee appointed by the President and assigned tasks relating to patent matters as determined by the university administration.

E. As an alternative to licensing, an outright assignment of a patent in return for a specified consideration, lump sum or deferred, may be considered.

This was taken as emergency action because there are persons in the employ of some of the Universities under the Board of Trustees who are in a position to apply for patents in the near future, and the Board wished to allow them the benefit of this revised policy. This action was taken in accordance with the

emergency provisions of the Administrative Procedures Act and under the authority of Article VII, Section 6 of the 1974 Constitution.

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953 B) to adopt effective April 1, 1980, the following revision in the definition of a resident of the state as it relates to the Aid to Families with Dependent Children (AFDC) Program and the Title XIX, Medical Assistance Program. These revisions are mandated by federal regulations as specified in the Federal Register, Volume 44, Number 138, Tuesday, July 17, 1979, pages 41434 and 41459. Adoption of these revisions on an emergency basis is necessary in order to comply with the federal regulations.

**Residence Requirements
for AFDC Eligibility**

1. A person who is living in the state voluntarily with the intention of making his home there and not for a temporary purpose, or with respect to a child, the state in which he is living other than on a temporary basis; or, alternatively,

2. A person who is living in the state, is not receiving assistance from another state, and entered the state with a job commitment or seeking employment in the state (whether or not he or she is currently employed). A child living with a caretaker who qualifies under this definition is a resident of the state in which the caretaker is a resident.

Residence is retained until abandoned, and temporary absence, with subsequent returns to the state or intent to return when the purposes of the absence have been accomplished, does not interrupt continuity of residence.

**Residence Requirements for Title XIX,
Medicaid Eligibility**

Residence requirements as outlined below shall be applied in determining the state of residence for an applicant or recipient of Title XIX (Medicaid) benefits:

A. State Residence of Individuals Under Age 21.

1. For a recipient of state supplementation, the state of residence is the state making the payment

2. Non-institutionalized Individuals.

a. For an individual receiving SSI benefits, the state of residence is the state in which the recipient is physically present.

b. For any other non-institutionalized individual, the state of residence is subject to categorical eligibility requirements.

3. Institutionalized Individuals.

a. For an individual placed by a state, the state of residence is the state which makes the placement. For Louisiana, this includes children placed by the Division of Evaluation and Services under the Foster Care Program and the former ECA Program. (Former ECA children must be SSI recipients to be eligible for Medicaid.) Institutionalized applies to individuals in Title XIX, Long Term Care facilities.

b. For an individual placed privately, the state of residence is the state of the parent(s) or legal guardian. (If only one parent

applies on behalf of the child, the state of residence is the state of the parent who applies; if there is no parent or legal guardian, the state of residence is the state where the child is institutionalized.)

B. State Residence of Individuals Age 21 or Older.

1. For a recipient of State Supplementation, the state of residence is the state making the payment.

2. For non-institutionalized individuals, the state of residence is the state in which the individual is physically present (unless he indicates otherwise).

3. Institutionalized Individuals

a. For an individual capable of stating intent, the state of residence is the state in which the individual is physically present with intent to remain.

b. For an individual who became incapable of stating intent before age 21 and there is no curator or legal guardian, the state of residence is determined as in A. 3. above.

c. For an individual who became incapable of stating intent at or after age 21, the state of residence is the state where he was living when he became incapable of stating intent. If this cannot be determined, the state of residence is the state where the individual was living when he was first determined incapable of indicating intent. When it is not possible to determine where an individual was living when he became incapable of stating intent, he shall be considered a resident of Louisiana.

C. Criteria for Individuals Incapable of Stating Intent.

An individual is considered incapable of stating intent if:

1. His I.Q. is 49 or less; or

2. He is judged mentally incompetent; or

3. Medical Reports or other information available support the fact that he is incapable of stating intent.

D. Currently Certified Recipients.

Until October 15, 1981, Louisiana will remain responsible for providing Title XIX, Medicaid coverage to any currently institutionalized recipient unless an interstate agreement is arranged with the new state of residence to assume Title XIX responsibility for the needed service at an earlier date. This "grandfather provision" is to protect the individual who would lose needed services as a result of his residency being changed and the new state of Title XIX responsibility will not make out-of-state payments for the service.

The Medical Assistance and Assistance Payments Programs in the state office will co-ordinate on the referred cases and correspond with other states to work out an agreement of their acceptance of Title XIX responsibility.

E. New and Pending Applications.

Applications opened on or after April 1, 1980, shall be rejected if the applicant does not meet residence requirements for Louisiana. A letter shall be sent to the state agency in the state of current Title XIX residence.

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

DECLARATION OF EMERGENCY

**Department of Natural Resources
Office of Conservation**

Effective February 29, 1980, the Department of Natural Resources, Office of Conservation, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt the following amendment to its Pipeline Division Regulation 14. Article IX, Section 2(B) of the Louisiana Constitution of 1974 and Louisiana Act No. 732 of

1979 are presently being challenged by several parties in the Federal District Court in Baton Rouge and motions for a preliminary injunction enjoining the administration, enforcement, and implementation of the constitution and the statute have been filed in that suit. On the advice of the Attorney General of the State of Louisiana that the proposed amendment would avert the threatened injunction against enforcement of all provisions of R.S. 30:607 and Regulation 14 for 120 days, including the provisions of R.S. 30:607C(3), the Commissioner of Conservation finds that this proposed amendment is necessary to protect the health, safety and welfare of the citizens of the State of Louisiana. This regulation is authorized by R. S. 30:607D:

I.

4. In recognition of a temporary emergency, the requirements of R.S. 30:607C (1) and (2) and paragraph D. of this regulation and all other requirements related thereto are suspended for a maximum period of 120 days beginning February 29, 1980. All other provisions of R.S. 30:607 and this regulation shall remain in full force and effect. This suspension shall not affect rollover contracts for intrastate natural gas which terminate during this period of suspension.

5. The suspension of paragraph D of this regulation may be lifted by the Commissioner before the end of the suspension period in the event such action is deemed necessary, with a proper showing of necessity by the Commissioner, to protect the health, safety and welfare of the citizens of the State of Louisiana.

R. T. Sutton, Commissioner of Conservation
Office of Conservation

Rules

RULE

Department of Agriculture Dairy Stabilization Board

11.1 The volume discounts herein established shall remain in effect unless modified, amended, or repealed by the Board.

11.2 Licensed processors and licensed distributors are hereby authorized to give volume discounts to qualified licensed nonprocessing retailers in accordance with the following discount schedules.

Fluid Milk Products Average Monthly Purchases From All Suppliers	Volume Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Frozen Dessert Products Annual Purchases From All Suppliers	Volume Discount Rate
\$ 4,000.00 - \$ 6,000.00	3%
\$ 6,000.01 - \$ 8,000.00	4%
\$ 8,000.01 - \$11,000.00	5%
\$11,000.01 - \$15,000.00	6%
\$15,000.01 - and over	7%

11.3 Any nonprocessing retailer desiring to be declared eligible by the Board for a volume discount shall submit an application on a form to be supplied by the Board which application shall contain among other things the average monthly purchases of fluid milk products and/or the annual purchases of frozen dessert products which application shall be subject to verification by the Board.

The Board shall publish a list of qualified nonprocessing retailers showing the rate of volume discount for which each nonprocessing retailer is qualified under this regulation.

11.4 Average monthly purchases for fluid milk products shall be determined in the following manner:

A. Average monthly purchases shall be computed by totaling the value of fluid milk products purchased by the nonprocessing retailer from each supplier during the months of August, September, and October, and dividing the total by three.

If the nonprocessing retailer has not operated during the months of August, September, and October, then said applicant shall select any one single month and the total value of fluid milk products purchased by the nonprocessing retailer from all suppliers during that month shall be deemed as the nonprocessing retailer's average monthly purchases until such time as the nonprocessing retailer's business has operated during the months of August, September, and October, at which time the nonprocessing retailer's average monthly purchases shall be computed in the same manner as prescribed in the preceding sentence.

The effective date of the nonprocessing retailer's eligibility to receive a volume discount of fluid milk products shall be the first day of the month in which the application is submitted unless another date is specifically authorized by the Director.

B. Annual purchases of frozen dessert products shall be computed by totaling the value of all frozen dessert products purchased by the nonprocessing retailer from each supplier during the twelve month period of October 1 through September 30.

If the applicant has not operated during the entire twelve month period of October 1 through September 30 then said nonprocessing retailer shall use the first twelve months of operation as the annual purchases of frozen dessert products.

The effective date of the nonprocessing retailer's eligibility to receive a volume discount on frozen dessert products shall be the first day of the first month of the twelve month period comprising the annual purchases.

11.5 If any nonprocessing retailer desires the Board to authorize a change in the volume discount rate for fluid milk products or frozen dessert products said retailer should submit an application in the same manner as that described in 11.4.

The effective date of all changes in volume discount eligibility shall be the first day of the month in which the application for change is submitted unless another day is specifically authorized by the Director.

11.6 Any discounts granted by licensed processors or licensed distributors or any discount received by any nonprocessing retailer other than those allowed herein shall be presumed as discriminatory in nature, and as such each shall constitute an unfair trade practice.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

Department of Agriculture Livestock Sanitary Board

The Department of Agriculture, the Livestock Sanitary Board, has amended Regulation 2, Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks, Section 5, paragraph 2, and Regulation 28, Governing Equine Infectious Anemia, Section 1, Subsection 2, Paragraph 3, removing those parts which state that horses reacting positively to the Coggins test may be identified by picture and requiring instead identification by hot brand, cold brand, freeze brand or tattoo "72A." The texts of the amended portions of Regulations 2 and 28 follow:

Regulation 2—Horses reacting to the Coggins Test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request by state-employed veterinarians and samples submitted to the laboratory for reconfirmation.

Regulation 28—Horses reacting to the Coggins Test within the state will be identified by regulatory personnel by hot brand or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for re-confirmation, as required in Regulation 2, Section 5, Paragraphs 4 and 5.

Forrest E. Henderson, D.V.M.
State Veterinarian

RULES

Department of Culture, Recreation and Tourism Office of Program Development Division of Archaeology and Historic Preservation

The following rules governing the State Capitol Historic District, pursuant to Act No. 650 of the 1979 Louisiana Legislature, are hereby adopted:

I. Interpretation of Provisions of Act No. 650 of the 1979 Louisiana Legislature.

A. Existing structures within the State Capitol Historic District: All alterations, additions or renovations, both interior and exterior, shall be determined in the professional judgment of the Division of Archaeology and Historic Preservation to be in conformance with the recommendations published in The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards before a certificate of appropriateness can be issued.

B. New structures or new construction within the State Capitol Historic District: All plans for the exterior of new structures or for the exterior of new construction of any type must be determined, in the professional judgment of the Division of Archaeology and Historic Preservation, to be compatible with and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

C. Landscaping within the district: All and any alteration to the existing grounds of the district must be found, in the professional judgment of the Division of Archaeology and Historic Preservation, to be compatible with, and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

D. Furnishings, furniture and art objects of historic significance located within the district: All interior furnishings, furniture and art objects of historic significance must be found, in the professional judgment of the Division of Archaeology and Historic Preservation,

to be used, repaired, restored, or altered in sympathy to each item's artistic, historic, or cultural integrity and value. Standard and current professional reference works will be used by the Division of Archaeology and Historic Preservation to make recommendations and decisions before a certificate of appropriateness can be issued.

E. Archaeology within the district: All or any excavation or moving of earth, rock or subsoil or rearrangement of the grounds within the district shall be done in a manner which, in the professional judgment of the Division of Archaeology and Historic Preservation, is compatible with and sympathetic to a policy of preservation of historical and archaeological cultural resources before a certificate of appropriateness can be issued.

II. Procedure.

A. All applications for certificates of appropriateness shall be due in the Division of Archaeology and Historic Preservation, Box 44247, Baton Rouge, Louisiana 70804, 504/342-6682, on or before the tenth day of each month, or the preceding working day if the tenth falls on a weekend or a holiday.

B. Notices of public hearings as required by R.S. 25:785 (C) shall appear in the official journal of the State of Louisiana on the last Wednesday of every month.

C. The public hearings required by R.S. 25:785 (C) shall be held on the first Wednesday of every month.

D. The decisions on the applications submitted to the Division of Archaeology and Historic Preservation shall be rendered within fourteen days of the date of the hearing at which the application has been reviewed, as required by R.S. 25:785(D).

III. Applications and Requirements.

The following items shall be provided to the Division of Archaeology and Historic Preservation as part of the application:

A. Building exteriors and landscaping.

1. Blue-line drawings.
2. Elevations.
3. Plans and specifications.
4. Complete, written description of the project.
5. Current photographs of affected features and sites.
6. Location within the district.

This provision applies to existing historic structures and sites within the district and in addition to any new construction in the district.

B. Building interiors of historic structures and furnishings, furniture and art objects of historic significance within the district.

1. Blue-line drawings of alterations if available.
2. Complete, written description of project to be undertaken with the area or the furnishings, furniture or art objects to be redesigned, renovated or altered clearly stated.
3. Current photographs of affected features.

J. Larry Crain, Ph.D., Secretary
Department of Culture, Recreation and Tourism

RULES

Department of Culture, Recreation, and Tourism Office of the State Library

Rules & Regulations for Disbursement of State Aid Grants

I. Definitions—The following terms have the respective meanings ascribed to them, except in those instances where the context clearly indicates a different meaning:

A. "Parish library" means a library, established by a parish governing authority, as provided by law to serve all residents of the parish.

B. "Municipal library" means a library, established by one or more municipal governing authorities as provided by law to serve all residents of the municipality or municipalities and which may or may not serve additional persons.

C. "Consolidated library system" means a library system, established by the governing bodies or authorities of two or more parishes as provided in R.S. 25:211, which crosses parish lines and is governed by a single board of trustees, administered by a single head librarian, and within which all of the service outlets are branches of a single institution.

D. "Nonconsolidated library system" means a library system which is composed of two or more autonomous member libraries, each having its own board of trustees, controlled by representatives of member libraries, and operated from a designated library center under the supervision of a system director, and which receives special financial support from local, regional or state appropriations to provide more comprehensive library service in the geographical area served by the system.

E. "Audiovisual materials" means educational materials directed at both the senses of hearing and sight, and includes motion pictures, videocassettes, sound and silent filmstrips, slide sets, recordings, microprint, and art works used in library collections.

II. Submission of applications.

A. The State Librarian shall establish a program of supplemental grants to libraries for the purchase of books, audiovisual materials, newspapers, and periodicals in accordance with the provisions of this Part. The State Librarian may establish rules and regulations for implementation of this program in accordance with the Administrative Procedures Act. Grants shall be made from funds appropriated to the State Library for allocation to libraries as provided herein.

B. Any parish library which serves all residents of the parish, any municipal library which serves all residents of a parish which does not have a parish library, and any consolidated library system shall be entitled to apply annually to the State Librarian to receive supplemental grants in accordance with the provisions of this Part.

C. Applications to receive supplemental grants shall be submitted with the written approval of the Library Board of Control.

D. Grants shall be made by the State Librarian on the basis of annual applications for grants submitted to him. Applications for state Fiscal Year 1979 only, must be made by October 1, 1978. For each succeeding fiscal year applications must be made by October 1 of the preceding state fiscal year.

E. Applications shall contain such information as may be requested by the State Librarian to establish the eligibility of the library under the provisions of this Part and rules and regulations promulgated by the State Librarian. Applications shall also contain a proposal for expenditure of funds for which application is made.

F. Funds granted under the provisions of this Part shall be expended only for the purchase of books, audiovisual materials, newspapers and periodicals.

III. Eligibility

A. Each library or consolidated library system represented by the applicant must be legally established according to Louisiana Revised Statutes Title 25, Section 211, except for the New Orleans Public Library which was established prior to the enactment of Title 25.

B. Each library or consolidated library system must agree to serve all patrons with no denial of service by reason of sex, race, or political or religious persuasion.

C. Each library or consolidated library system shall show evidence of working toward the standards for public library service in Louisiana as adopted by the Louisiana Library Association.

D. Each library or consolidated library system participating in the program of supplemental grants shall endorse and comply with the interlibrary loan code adopted by the Louisiana Library Association to assure the interlibrary availability of materials purchased from funds granted herein.

E. A parish library which serves all residents of the parish, a municipal library which serves all residents of a parish which does not have a parish library, and a consolidated library system shall be eligible to apply to receive supplemental grants if other conditions of eligibility are met.

F. If eligibility to receive state grants under the rules is lost for any reason, the following conditions must be met to re-establish eligibility:

1. The State Librarian will be notified that the library or consolidated library system will be ineligible to participate in the program of supplemental grants by submission of the semiannual report dated July-December which when filed by February 1 will indicate the inability to "maintain effort". Said library or consolidated library system shall not be declared ineligible until after the receipt of their semiannual report. Grant payments will continue to the end of the state's current fiscal year (June 30).

2. The library or consolidated library system which has been declared ineligible in writing by the State Library shall not receive state aid funds for the succeeding state fiscal year (July 1-June 30).

3. The ineligible library or consolidated library system shall continue to make annual application to the State Library to be filed by October 1 for the next succeeding year so when circumstances permit participation in the supplemental grants program the library or consolidated system will have an application on file and will be eligible.

4. When an ineligible library or consolidated library system submits evidence in the form of the semiannual report dated July-December of a return to the required level of maintenance of effort for the expenditure on library materials and total income received from local sources for the stipulated period of time, that library or consolidated library system will be declared eligible for participation in this program. Payments will begin with the first quarterly payment (August) of the state's fiscal year.

IV. Maintenance of local effort.

A. Beginning with the current fiscal year of the receiving library or consolidated library system as the base year, the total income from local sources of the library or consolidated library system in any fiscal year must not fall below that received in the preceding year; neither may the amount expended from local sources for library materials in the same period fall below the level spent for this purpose in the preceding year.

B. In determining the level of the maintenance of local effort the ordinary and usual sources of funding for the individual library will be included, and extraordinary and unusual sources shall be excluded. (Example of those sources of funding which may be excluded are gifts, "special" appropriations from governing authorities, special purpose grants, funds for the purpose of construction and/or renovation, and other nonrecurring, unanticipated receipts.) However, if funds are identified as being extraordinary and unusual, but continue for three consecutive years, the average amount of the funds over the three-year period shall be, for the purpose of this Part, considered as part of the maintenance of effort.

C. When there is doubt as to what shall be considered ordinary and usual sources of funding and extraordinary and unusual sources of funding, the State Librarian shall have final authority in deciding this on an individual basis according to prevailing circumstances.

D. For each item of library material purchased with state aid grant funds and added to the library's shelf-list, up to one dollar in local funds is allowable to use in covering processing costs of shelf-listed items. Local funds, for the purpose of this paragraph, are those which are used to "maintain local effort" through the purchase of library materials. This change is retroactive to January 1, 1980.

E. Nothing in these rules and regulations shall be construed to effect a substitution of state funds for library service.

V. Distribution of supplemental grants.

A. The State Librarian shall grant funds under the provisions of this Part to any library or consolidated library system which makes application therefor and which is eligible for such funds as provided herein. Grants shall be made on an annual basis and distributed quarterly, the first no later than August 31 of each year, except that for Fiscal Year 1979 when the first and second quarterly payment shall be made simultaneously no later than October 31, 1978. In succeeding fiscal years, quarterly payments shall be issued in the months of August, October, January and April. No funds shall be granted to any library which is not eligible for such funds under the provisions of this Part, as determined by the State Librarian.

B. Supplemental grants, made as provided in this Part, shall be distributed to each eligible recipient by the State Librarian in an amount equal to the proportion of the total appropriation for the program for the fiscal year which the population of the area served by the recipient library represents of the total population served by all recipients for said fiscal year.

C. Recipient libraries or consolidated library systems failing to spend the grant funds in accordance with the purpose of this Part shall have that amount withheld from subsequent annual grants. Failing to provide timely and adequate documentation on the semiannual report will also delay the issuance of the August payment until the report is received and/or fully documented.

D. Any undistributed grant funds shall be redistributed at the discretion of the State Librarian at the time of the fourth quarterly payment.

VI. Semiannual reports to the State Library—Each library or consolidated library system applying annually to the State Librarian for and receiving supplemental funding grants shall furnish to the State Librarian a semiannual report of such information concerning library materials purchased as the State Librarian may require, specifically including a description and financial accounting of all library materials purchased from funds received under the provisions of this Part. The Legislative Auditor for the State of Louisiana shall have the option of auditing all accounts pertaining to state aid grants made to public libraries or consolidated library systems.

VII. Appeal process—If a public library or consolidated library system is denied the state aid grant for library materials, the avenue to appeal this decision will be first to the State Librarian, next, to the Secretary of the Department of Culture, Recreation and Tourism, and, finally, to the Governor of the State of Louisiana.

Thomas F. Jaques, State Librarian
Office of the State Library

RULES

Board of Elementary and Secondary Education

Rule 3.01.70u(12)

The Board approved for final adoption certification of elementary teachers of French as follows:

Elementary Foreign Language Option (1-8). This option is to provide for the teaching of a foreign (second) language in the elementary grades and is open to undergraduate students majoring or minoring in foreign language education and/or elementary education. To be eligible for this option, students must also complete a minimum of eighteen semester hours above the freshman level in the target foreign language. Required courses are as follows:

A. Second language methods and materials (applied linguistics), three semester hours.

B. Multicultural Education — A review of the linguistic, cultural and sociolinguistic aspects of the various areas where the target language is spoken, three semester hours.

C. Children's Literature — A study of stories, songs, rhymes and games of interest to students who are native speakers of the target language, three semester hours.

D. Theories and techniques of second language acquisition (psycholinguistics), three semester hours.

E. Advanced Conversation — Contemporary usage of the target language in one of the various countries where that language is spoken, three semester hours.

F. Culture and Civilization — Extensive contact with the culture and the civilization of one of the countries where the target language is spoken, three semester hours.

Twelve of the eighteen hours of this optional program are to be taught on campus. Six hours, preferably advanced conversation and culture and civilization, must be taken in one of the foreign countries where the language is spoken.

This elementary foreign language option will certify a teacher to teach only the target language in the elementary grades (1-8).

Rule 3.01.70u(13)

The Board approved for final adoption a policy to grandfather in certification for those people with Competent Authority numbers who are actively employed as education consultants, and that those people have until October 1, 1980, to make application for certification.

Rule 4.03.01

The Board approved for final adoption an addition to present policy:

The State Plan for Vocational Education for the 1980-81 Fiscal Year will be submitted to the Board at the last meeting prior to May 1, 1980, for approval and at the same time for succeeding fiscal years. The Plan will be submitted to U.S. Department of Education officials for approval, no later than fifteen days after Board approval.

Rule 3.01.51w

Special education students will be allowed to achieve Carnegie Units where possible, subject to the following conditions: (1) that the integrity of the Carnegie Unit should not be diminished in any way to accommodate the performance of students in special education programs; and (2) that the Carnegie Units should be granted by regular classroom teachers or special education teachers certified in the subject matter areas.

Local school systems will be authorized to issue a state certificate of achievement to students of exceptionality based upon the competencies achieved and based upon the conditions that:

(1) Each student shall have been properly evaluated and placed in a special education program.

(2) An individual education plan has been prepared for each student to specifically outline the curriculum choices which will best allow for successful academic performance.

However, this will not preclude a special education student from earning a regular diploma if the minimum requirements for graduation have been successfully completed.

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

RULE

Board of Regents

4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities

Part A. Narrative Statement.

The Board of Regents, in accordance with its constitutional mandate to coordinate, plan, and have budgetary responsibility for all public higher education in Louisiana, sets forth the attached guidelines for the conduct of off-campus instructional activity. For purposes of these guidelines, off-campus instructional activity is defined as any instruction, credit or noncredit, conducted outside the parish of domicile of the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

Conversely, on-campus instruction is defined as instruction offered for credit or noncredit by those institutions named above in the parish or domicile of the main campus of that institution.

These guidelines are issued following extensive public hearings and consideration of recommendations offered by the Ad Hoc Advisory Committee on Off-Campus Activity. The sole purpose of the guidelines is to achieve greater efficiency and quality in the off-campus educational opportunities offered to the citizens of Louisiana, while, at the same time, assuring that the citizens' educational needs are met.

Continuing education, both credit and noncredit, is a most important facet of higher education today. The importance of this activity will undoubtedly increase in the future as the role of institutions of higher education changes to meet changing societal needs. The Board of Regents recognizes that it would be remiss to leave to chance the quality and efficiency of so extensive and important an aspect of public higher education in Louisiana.

Part B. Advisory Committee on Off-Campus Activity.

There shall be established an Advisory Committee on Off-Campus Activity to be charged initially with the following responsibilities: (a) to aid and advise the Board of Regents in matters pertaining to the coordination of off-campus noncredit instructional activity and off-campus credit-producing instructional activity; (b) to advise the Board of Regents in the implementation and necessary timely revision of guidelines for the conduct of all off-campus activities; (c) to develop and maintain an adequate data-gathering format to assure the availability of timely, comparable information pertinent to the coordination of all off-campus instructional activities; (d) to assess the needs of the citizens of Louisiana for off-campus educational opportunities; (e) to perform the functions assigned to the Advisory Council in the following guidelines; (f) to perform other duties as assigned by the Board of Regents.

The Advisory Committee on Off-Campus Activity will be appointed by the Board of Regents no later than October 1, 1976, and will consist of a representative(s) from each of the three systems of higher education under the jurisdiction of the Board, from the private sector, and from consumers of off-campus instruction. These representatives will be nominated by the Commissioner of Higher Education and approved by the Board of Regents.

Part C. Noncredit Off-Campus Activity.

Self-supporting noncredit off-campus activities may be conducted by any institution in any location in the state. The term self-supporting in this instance is meant to require that faculty salary, travel expenses, and supplies for each activity be supported entirely by fees charged to participants in the activity.

I. Noncredit off-campus activity is defined as instructional activity which does not result in the awarding of student credit hours.

II. Noncredit off-campus activity must be self-supporting. State appropriated funds may not be used in direct support of noncredit off-campus activity, except where provided by law prior to the date of adoption of this policy.

Part D. Credit-Producing Off-Campus Activity.

Credit-producing off-campus activity, defined as instructional activity for which student credit hours are awarded and/or formula funding is provided, may be conducted by public institutions of higher education in accordance with the guidelines below. The guidelines apply to all credit-producing off-campus activity except for student teaching and other clinical, practicum, or internship experiences.

I. Guidelines for the Conduct of Credit-Producing Off-Campus Activities by Level of Instruction.

A. Lower level undergraduate, i.e., freshman and sophomore level, courses may be offered in accordance with the guidelines contained herein by the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

B. Upper level undergraduate, i.e., junior and senior level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Louisiana State University-Shreveport, Southern University at Baton Rouge, Southern University-New Orleans, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

C. Graduate level, i.e., masters, specialist, and doctoral level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Southern University-Baton Rouge, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

II. General Prerequisites for Offering Off-Campus Credit-Producing Instruction.

A. The sponsoring institution shall assure that any off-campus offering is related to the educational goals and objectives in effect on the main campus.

B. Only those courses offered on-campus on a regular basis may be offered off-campus.

C. Admission and state residence requirements for off-campus offerings shall be the same as those for on-campus offerings. This regulation applies to all off-campus offerings including those conducted outside the state of Louisiana and outside the continental

limits of the United States. Prior approval from the Board of Regents must be obtained to change rules applying to offerings conducted outside the state of Louisiana and outside the continental limits of the United States.

D. A minimum of fifteen students must be enrolled in any undergraduate course offered off-campus, and a minimum of ten students must be enrolled in any graduate course offered off-campus. However, when a new off-campus location (population center) is established within the institution's geographic area as defined by the Guidelines, the offering institution may, for one calendar year, offer courses with less than the minimum required enrollment. The new location will be certified as such by the institution to the Board of Regents. No site may be certified as a new location more than one time.

E. Institutions may enter into contracts to provide instruction for local business, industry, or governmental units within the institution's defined area. The nature of the contract or the clientele may require enrollments below the minimum levels as outlined in II.D. above. A contract between an institution and an agency is exempt from the minimum enrollment stipulations (II.D. above) if: (1) the contractor reimburses the institution for all direct costs incurred pursuant to the contract, (2) the instruction is provided within the institution's defined area, and (3) a copy of the contract is on file in the Board of Regents' office prior to the initiation of the instruction.

III. Guidelines for Choosing Faculty in Off-Campus Instruction.

A. Faculty assigned off-campus instruction must be fully competent to undertake the level of instruction offered, and must be selected and evaluated in the same manner as that used for selection and evaluation of faculty who teach in the same discipline on-campus.

B. Faculty members regularly assigned off-campus instruction must teach from time to time on the main campus.

C. When necessary, qualified faculty members regularly employed by other public and private institutions of higher education may be employed by an institution to offer a course off-campus. Individuals in this category are exempted from III.B. above.

IV. Guidelines for Supporting Services for Off-Campus Instruction.

A. The sponsoring institution must demonstrate that ongoing provision has been made for guidance and counseling service for students and for continual monitoring of the progress of students toward their educational goals.

B. Satisfactory support in the form of library resources, laboratory and clinical experiences, instructional supplies, and classroom facilities must be conveniently available to sustain the off-campus instruction program.

V. Accreditation Requirements for Off-Campus Offerings.

A. Only those public institutions which are regionally accredited or have been accepted to candidacy status for regional accreditation may offer courses off-campus.

B. Where professional accreditation is available through a member agency of the Council on Postsecondary Accreditation (COPA), such accreditation or candidacy to accreditation where applicable, must have been granted to a program prior to its being offered off-campus. (A list of professional accrediting agencies which are members of COPA is published in *Accredited Institutions of Postsecondary Education, 1975-76*, Sherry S. Harris, editor. The publication is available from the American Council on Education, One Dupont Circle, Washington, D.C. 20036.) If there is demand for a program in the defined area of an institution not professionally accredited for that program, the Board of Regents will assist in ensuring that the needed program is provided to the citizens of the region.

VI. Guidelines for the Administration of Off-Campus Activity.

A. These guidelines recognize and require institutional adherence to Standard IX of the Southern Association of Colleges and Schools' Standards of the College Delegate Assembly.

B. In regard to graduate offerings off-campus, these guidelines recognize and require institutional adherence to Standard X, specifically section 5, of the Southern Association of Colleges and Schools' Standards of the College Delegate Assembly.

VII. Guidelines for Offering Off-Campus Instruction in Programs of Limited Competition.

A. Courses in the major field of a program offered at no more than three public institutions of higher education may be offered anywhere in the state by the institutions offering the program, except in the defined area of other institutions offering that program. The Board of Regents' Inventory of Curricula and Terminal Programs will be the guide for determining the number of institutions offering a particular program.

B. The professional accreditation requirement cited in V.B. above applies to programs of limited competitiveness as well as all other programs.

VIII. Guidelines for the Conduct of Off-Campus Activities by Land Grant Institutions. (The Commissioner of Higher Education was instructed to request the opinion of the Attorney General regarding the bearing of the Morrill Acts on action of the Board of Regents.)

A. The land grant institutions in Louisiana, Southern University-Baton Rouge and Louisiana State University-Baton Rouge, are subject to the defined areas outlined below in all fields except agriculture and home economics, in which land grant institutions have a legal mandate for statewide service.

B. All other guidelines presented herein apply to all programs at landgrant institutions including agriculture and home economics.

IX. Defined Areas for the Conduct of Off-Campus Activities.

A. Courses may be offered at multi-purpose resident centers approved by the appropriate management board in accordance with the following definitions and guidelines. Multi-purpose resident centers are defined as campuses owned by a management board for higher education.

1. Multi-purpose resident centers of Louisiana State University-Baton Rouge may be established by the LSU Board of Supervisors on the following campuses: the University of New Orleans, Louisiana State University-Eunice, Louisiana State University-Alexandria, and Louisiana State University-Shreveport.

2. Multi-purpose resident centers of Southern University-Baton Rouge may be established by the Southern University Board of Supervisors on the following campuses: Southern University in New Orleans, and Southern University in Shreveport.

3. One course may be offered by a parent institution on a multi-purpose resident center campus as identified above, provided that the course is not offered by the resident center in its own right or by another public institution of higher education located in the same parish as the multi-purpose resident center.

B. Courses may be offered at single-purpose resident centers in accordance with the following definitions and guidelines.

1. Existing single-purpose resident centers are limited to the Southeastern Louisiana University School of Nursing, located in Baton Rouge, the Northwestern State University School of Nursing, located in Shreveport, and the Southern University-Baton Rouge Resident Center in Ville Platte. The Southeastern Louisiana University School of Nursing and the Northwestern State University School of Nursing are limited to offering authorized curricula in nursing and allied health. The Southern University-Baton Rouge Resident Center is limited to offering authorized curricula in undergraduate teacher education.

2. At a single-purpose resident center located outside the assigned area of the parent institution, only courses necessary to the curriculum offered at that center may be scheduled. If the single-purpose resident center is within the assigned area of the parent institution, the above restriction does not apply.

C. No resident center, either multi-purpose or single-purpose in nature, not specifically named herein may be established without prior approval of the appropriate management board and the Board of Regents.

D. The attached lists define the geographic regions in which each public institution of higher education may operate for purposes of lower level undergraduate, upper level undergraduate, and graduate off-campus instruction unless otherwise specified herein.

E. When it is deemed necessary for an institution to offer a course outside of an area assigned to it by these guidelines, a written request to do so shall be made to the Board of Regents. When limited response time is a factor, the request may be submitted by telephone, with a written request to follow immediately. Each management board shall supply the Board of Regents with a list of appropriate personnel at the system and/or institution level to be contacted to effect a mutual agreeable solution to each request. Records will be kept on all requests and the disposition of the requests.

X. Guidelines for the Funding of Off-Campus Credit Courses.

A. The state appropriation formula shall continue to recommend funding student credit hours produced off-campus at the same level as student credit hours produced on-campus.

B. Tuition charges and appropriate fees for courses offered off-campus shall be the same as tuition charges and appropriate fees for courses offered on-campus.

C. Student credit hours produced in courses offered off-campus shall be reported in accordance with the instructions contained in the State Appropriation Formula.

XI. Guideline for Sharing of Faculty and Facilities in the Conduct of Off-Campus Activity.

Sharing of faculty and facilities between institutions of post-secondary education shall occur whenever practicable.

XII. Guidelines for the Conduct of Off-Campus Instruction Via Correspondence.

A. Louisiana State University-Baton Rouge is the only public institution in Louisiana authorized to offer correspondence study and shall make every effort to satisfy the needs of the citizens of the state.

B. Other public institutions of higher education in Louisiana may offer study by correspondence with prior approval of the appropriate management board and the Board of Regents.

Part E. Guidelines for Contracts and Memoranda of Agreement with the Armed Services.

The terms of existing contracts and/or memoranda of agreement shall not be affected by these guidelines.

I. Future negotiations of contracts and/or memoranda of agreement shall be for the mutual benefit of all parties to the agreements, but need not be subject to guidelines contained herein. However, adherence to the spirit of these guidelines in the provision of quality and economy in off-campus instruction should be a primary objective in the negotiation of subsequent contracts and activities.

II. Guidelines anticipated to be forthcoming from the Task Force on State, Institutional, and Federal Responsibilities in Providing Postsecondary Educational Opportunity to Service Personnel shall be given careful consideration and will be implemented wherever feasible.

Part F. Implementation of Guidelines for the Conduct of Off-Campus Activities.

I. Guidelines prescribed herein for the conduct of noncredit off-campus activities shall become effective upon final publication in the *Louisiana Register*.

II. Guidelines prescribed herein for the conduct of student credit-

hour producing off-campus activities shall become effective as follows.

A. The professional accreditation requirement set forth in Part D, Section V.B. will become effective September 1, 1978.

B. All other guidelines set forth herein shall be applied to the conduct of lower level undergraduate instruction conducted off-campus no later than September 1, 1976.

C. All other guidelines set forth herein shall be applied to upper level undergraduate instruction conducted off-campus no later than January 1, 1977.

D. All other guidelines set forth herein shall be applied to graduate level instruction conducted off-campus no later than September 1, 1977.

E. The dates in B. and C. above shall not apply to the off-campus activities of Southern University-Baton Rouge in Opelousas, which shall be phased out no later than June 1, 1977.

Assigned Parishes For the Conduct of Off-Campus Activity at the Lower Undergraduate Level

Delgado Junior College: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

Grambling State University: Bienville, Claiborne, Jackson, Lincoln, Union, Webster.

Louisiana State University at Alexandria: Avoyelles, Evangeline, Rapides.

Louisiana State University at Baton Rouge: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana

Louisiana State University at Eunice: Acadia, Evangeline, St. Landry.

Louisiana State University at Shreveport: Bossier, Caddo.

Louisiana Tech University: Bienville, Claiborne, Jackson, Lincoln, Union, Webster.

McNeese State University: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis.

Nicholls State University: Assumption, Iberville, Jefferson (West Jefferson only), Lafourche, St. Charles, St. James, St. John, St. Mary, Terrebonne.

Northeast Louisiana State University: Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll.

Northwestern State University: Catahoula, DeSoto, Grant, LaSalle, Natchitoches, Red River, Sabine, Vernon, Winn, St. Charles (East Bank Only).

Southeastern Louisiana University: Jefferson (East Jefferson Only), Livingston, St. Helena, St. John, St. Tammany, Tangipahoa, Washington.

Southern University at Baton Rouge: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana.

Southern University at New Orleans: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

Southern University at Shreveport-Bossier City: Bossier, Caddo.

University of New Orleans: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

University of Southwestern Louisiana: Acadia, Iberia, Lafayette, St. Martin, St. Mary, Vermilion.

Assigned Parishes for the Conduct of Off-Campus Activity at the Upper Undergraduate Level

Grambling State University: Bienville, Claiborne, Jackson, Lincoln, Union, Webster.

Louisiana State University at Baton Rouge: Ascension, Avoyelles, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana.

Louisiana State University at Shreveport: Bossier, Caddo.

Louisiana Tech University: Bienville, Claiborne, Jackson, Lincoln, Union, Webster.

McNeese State University: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis.

Nicholls State University: Ascension, Assumption, Iberville, Jefferson (West Jefferson only), Lafourche, St. Charles, St. James, St. John, St. Mary, Terrebonne.

Northeast Louisiana University: Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll.

Northwestern State University: Avoyelles, Catahoula, Concordia, DeSoto, Grant, LaSalle, Natchitoches, Rapides, Red River, Sabine, Vernon, Winn.

Southeastern Louisiana University: Jefferson (East Jefferson Only), Livingston, St. Helena, St. John, St. Tammany, Tangipahoa, Washington, St. Charles (East Bank Only).

Southern University at Baton Rouge: Ascension, Avoyelles, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana.

Southern University at New Orleans: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

University of New Orleans: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

University of Southwestern Louisiana: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion.

Assigned Parishes for the Conduct of Off-Campus Activity at the Graduate Level

Grambling State University: Bienville, Bossier, Caddo, Claiborne, Jackson, Lincoln, Union, Webster.

Louisiana State University at Baton Rouge: Ascension, Avoyelles, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana.

Louisiana Tech University: Bienville, Bossier, Caddo, Claiborne, Jackson, Lincoln, Union, Webster.

McNeese State University: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis.

Nicholls State University: Ascension, Assumption, Iberville, Jefferson (West Jefferson Only), Lafourche, St. Charles, St. James, St. John, St. Mary, Terrebonne.

Northeast Louisiana State University: Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, LaSalle, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll.

Northwestern State University: Avoyelles, Bossier, Caddo, Catahoula, Concordia, DeSoto, Grant, LaSalle, Natchitoches, Rapides, Red River, Sabine, Vernon, Winn.

Southeastern Louisiana University: Jefferson (East Jefferson Only), Livingston, St. Helena, St. John, St. Tammany, Tangipahoa, Washington, St. Charles (East Bank Only).

Southern University at Baton Rouge: Ascension, Avoyelles, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, West Feliciana.

University of New Orleans: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany.

University of Southwestern Louisiana: Acadia, Avoyelles, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion.

William Arceneaux
Commissioner of Higher Education

RULE

Board of Trustees for State Colleges & Universities

The Board of Trustees for State Colleges & Universities has amended Section 7.5E of the Policies and Procedures Manual as follows: Paragraphs 1, 2, and 5 are replaced by the paragraphs so numbered below; all other paragraphs remain unchanged:

1. Every faculty member or administrator may be eligible for leave for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, for the two semesters immediately following any six or more consecutive fiscal years of active service in the institution where such teacher is employed or for one semester following three or more consecutive years of such service, provided that absence on sick leave shall not be deemed to interrupt the active service herein provided for. The work is normally to consist of advanced courses in the instructor's teaching field or in a program leading to an advanced degree in that field. A sabbatical leave taken during a summer session shall be considered a semester for leave purposes.

2. Faculty members and administrators may be granted leave for the purpose of study or research. In those cases where the faculty member or administrator receives outside compensation for such study or research such payment is to be approved in writing, in advance, by the President as supportive of the purposes of the leave.

5. The compensation for the period of leave approved shall be at the rate of seventy-five percent of the salary the individual will receive during the current fiscal year for the period of time leave is applied for and granted. Individuals shall contribute to the retirement system on the basis of annual salary rate. Compensation payable to persons on leave shall be paid at the times at which salaries of the other members of the teaching staff are paid, and in the same manner. Prior approval must be secured from the Board of Trustees before any replacement is secured for the person granted leave. Institutions should utilize faculties to the fullest extent before requesting such replacements.

Bill Junkin, Executive Director
Board of Trustees for State
Colleges and Universities

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy regarding Impatient Hospital Benefits for Diagnostic Procedures:

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

(1) The test is specifically ordered by a physician responsible for the patient's care.

(2) The test is medically necessary for the diagnosis and treatment of the individual patient's condition.

(3) The test does not unnecessarily duplicate the same test done on an outpatient basis before admission or done in connection with a recent admission.

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

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy regarding nonemergency medical transportation:

(1) Providers who are generally known as ambulance services by the community, are not eligible to provide nonemergency, nonambulance transportation using the same personnel and vehicles they utilize in their ambulance operations.

(2) Providers must be certified by the Bureau of Emergency Medical Services in order to participate in the nonemergency ambulance transportation program.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy regarding administrative sanctioning of recipients who, after review by the Medical Assistance Program, are found to be fraudulently or abusively utilizing Title XIX (Medicaid) services:

I. Definition. Administrative sanction means any administrative action applied by the single state agency against a recipient of Title XIX services which is designed to remedy inefficient and/or illegal use of medical benefits which are in non-compliance with the Louisiana medical policies and procedures, statutes and regulations.

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

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

Recipient education programs will include:

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

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

B. Recovery of funds if recipient was ineligible.

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

1. Perform a full-scale investigation.

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

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

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

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

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

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

1. Seriousness of the offense(s).

2. Extent of violations.

3. History of prior violations.

4. Prior imposition of sanctions.

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

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

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

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

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

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

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

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

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted a policy to insure against misuse of Medical Assistance Program benefits. Title XIX (Medicaid) recipients, whose records show a pattern of misuse, will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such service. The lock-in system is described below.

Lock-In

A. The term "lock-in" refers to the mechanism whereby Title XIX recipients are placed in a system in which they are able to receive physician and pharmacy services from a specified provider(s) of such services. The lock-in mechanism ensures against misutilization of Title XIX benefits by recipients and/or providers and serves as an educational device in instructing recipients in the most efficient method to use Title XIX services to ensure maximum benefit to their health.

B. Any recipient who is currently eligible for Title XIX benefits and who has shown a consistent pattern of misutilization of program benefits may be placed into the lock-in mechanism. Misutilization may take the form of overutilizing program benefits or unwise utilization of program benefits.

C. Steps for Placing the recipient on lock-in are as follows:

1. State Office Responsibilities.

a. Potential lock-in recipients will be identified through review of various reports generated by the Medicaid Management System, by referral from a provider of services, or by referral from other interested parties, (i.e., general public or local OFS offices). Medicaid Management Information System (MMIS) generated Exception Reports will be reviewed by Peer and Utilization Review Committees if cases referred involve suspected misutilization of pharmacy benefits. Office of Family Security Surveillance Utilization Review (SUR's) staff shall review referred cases in which there appears to be misutilization of medical benefits other than pharmacy services. The decision as to the appropriateness of lock-in for a particular recipient shall rest with the Office of Family Security's Utilization and Review Committee.

b. If, after reviewing Medicaid Management System Reports, in the opinion of the Peer and Utilization Review Committee or the Office of Family Security (SUR's) staff there appears to be a pattern of misutilization of benefits, the appropriate committee or staff shall contact the involved providers of services by letter to inquire as to the necessity for the treatments or medications believed to be misutilized. A copy of the recipient's Medicaid Management System profile will be forwarded with the letter. If, in the opinion of the appropriate staff or committee, the involved provider offers valid justification for treatments and/or medications provided, no further action toward placing the recipient on lock-in status will be taken. If in the opinion of the appropriate committee or staff the involved provider does not offer adequate justification for services provided or if it appears that the recipient is needlessly receiving like services from more than one provider, the recipient's profile shall be reviewed by the appropriate committee or staff approximately 120 days after the date of the initial clarification letter to involved providers, to determine if the pattern of misutilization has continued.

c. Upon review of the recipient's profile, after approximately 120 days from the date of the initial letter to involved providers, a determination shall be made as to whether the pattern of misutilization has continued. If there continues to be a pattern of misutilization, designated State Office Medical Assistance Program staff shall forward a notification to the local office of the decision to lock-in the recipient. The local office shall initiate a letter giving the recipient timely notice of the decision to lock-in. The letter shall clearly state the Office of Family Security's intention to allow the recipient to choose one provider in the pharmacy area and one provider in the physician area and that the Medical Assistance Program will not make payments to physician or pharmacy providers other than those the recipient chooses. The recipient will also be informed that he will not be receiving his buff-colored medical identification card by mail, but rather must obtain it through the local Office of Family Security office. The letter to the recipient will advise the client to contact his local Office of Family Security as soon as possible so that arrangements may be made for him to receive a medical identification card.

d. After receiving from the local office, a list-of-the-providers letter which the recipient has chosen to provide services, State Office Medical Assistance Program staff will notify the Fiscal Intermediary and Office of Family Security Data Processing that the recipient has been locked-in. The fiscal intermediary or State Office staff will ensure that no buff-colored medical eligibility card will be mailed to the recipient and State Office Medical Assistance Staff will verify to the parish that the client has been locked-in by the fiscal intermediary and notify the parish of the effective month of the lock-in.

e. On a quarterly basis, either the Peer and Utilization Review Committee or Office of Family Security SUR's staff

shall review the lock-in recipient's Medical Assistance Benefits management profile to determine if progress has been made in alleviating problems the recipient has in misutilizing program benefits. If in the opinion of the appropriate reviewing authority, progress has been made, the committee may choose to recommend the discontinuance of lock-in status. If the Utilization and Review Committee concurs that discontinuance of lock-in is appropriate, State Office staff shall forward written notification to the local office, the fiscal intermediary, and the recipient. Written notification will indicate the month of eligibility in which a regularly issued buff-colored medical eligibility card will be forwarded to the recipient. The appropriate reviewing authority shall examine the recipient's profile one quarter after lock-in has been discontinued to assure that misutilization of program benefits has not resumed. If in the opinion of the appropriate reviewing authority or the Utilization and Review Committee little or no progress has been made, the recipient shall be continued on lock-in status and the appropriate authority may request the local office to follow-up on the lock-in situation.

2. Parish Office Responsibilities.

a. In the letter which State Office Medical Assistance Program staff forwards to the recipient notifying him of lock-in, will be a statement requesting the client to contact his local office for an appointment so that providers may be chosen. If the recipient fails to contact the local office within ten working days of the date of the letter, it shall be the local office's responsibility to initiate such contact. Upon contact with the recipient, local office staff shall explain that the recipient is being placed in lock-in status because the Office of Family Security is concerned about his ability to use medical benefits in a way most beneficial to his well being. The local office worker shall explain that the recipient will be free to choose one participating provider of physician services and one participating provider of pharmacy service, and Medical Assistance payments will not be made to physicians or pharmacies other than the ones he chooses. When the recipient requires a specialist or the recipient's dependents require another physician, more than one provider of physician services may be chosen. The recipient may choose to appeal the lock-in decision.

b. Upon initial local office contact with the lock-in recipient and after the final date to appeal has passed, the parish office will initiate a form on the recipient listing his choice of providers. If the recipient appeals the decision the form will be initiated after the appeal decision has been made. The form will be forwarded to State Office, Attention Lock-In Program. The initial form will inform State Office that the recipient has chosen his providers of services and shall cause State Office staff to initiate procedures to lock the recipient in with the fiscal intermediary. For the purposes of the lock-in program a state hospital may be listed as a provider of physician services. The form will be completed at initial contact and at each subsequent contact when a form is issued with a change or addition in the client's choice of either physician or pharmacy provider.

c. Upon receiving verification from State Office staff that the recipient has been locked into the fiscal intermediary, the local office shall issue to the client a Medicaid eligibility card. The month of eligibility for the initial Medicaid eligibility card shall be taken from the letter of verification forwarded by State Office. The Medicaid eligibility card shall continue to be issued to the recipient monthly until such time as the local office receives notification that the recipient has been removed from lock-in status. The local office shall ensure that the recipient has been issued a Medicaid eligibility card between the tenth and fifteenth day of the month preceding the month of eligibility covered by the card. The form listing providers shall be forwarded to State Office on the date of the issuance of the initial card to the recipient and in instances of

changes or addition in physician or pharmacy providers listed on the monthly card issued to the lock-in recipients. The Medicaid eligibility card may be mailed to the recipient.

d. State Office may request that the local office follow-up cases in which the recipient does not seem to respond to lock-in status by ceasing misutilization of program benefits. In cases of such requests by State Office, the local office staff shall emphasize the importance of proper use of benefits and shall be aware that possible referral to other agencies (i.e., substance abuse clinics) may be in order. The local office worker shall not have the responsibility to investigate for fraud or possible criminal activity.

The lock-in mechanism does not prohibit the recipient from receiving the services of any enrolled provider who offers services other than physician and pharmacy. In the area of physician and pharmacy services the following categories are specifically excluded from the lock-in mechanism.

1. No recipient on lock-in status shall be denied the service of a physician or pharmacist on an emergency basis within program regulations. The Medicaid eligibility card states that an enrolled provider will be reimbursed for such services.

2. In instances in which a recipient is referred by his lock-in physician to another physician provider, reimbursement shall be made to the physician provider to whom the recipient was referred within program regulations.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has adopted as policy the clarification by the Social Security Administration of additional exclusions to be used when determining countable income for Medicaid eligibility. The clarification excludes from the definition of income any assistance provided, in cash or in-kind, under any governmental program where the purpose of the program is to make medical care or medical services available to the recipient. Cash payments from the Veterans Administration for Aide and Attendant Services would be excluded from income when determining eligibility for Medicaid. However, the Aide and Attendant payments shall be considered third party resource and available to be applied to the cost of institutional care and for the in-home service for which it is intended. This clarification was transmitted to the state via Dallas Regional Medical Services Letter Number 79-21.

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

RULES

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

Regulations Controlling Sewage Disposal For Individual Rural Homes

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

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

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

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

Introduction

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

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

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

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

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

This manual has been prepared to describe all acceptable alternative systems for individual sewage disposal. Although the theory of sewage treatment as covered in this pamphlet is, in general,

applicable to sewage treatment for commercial establishments, the design data presented is not intended as a standard for such facilities.

I. Septic Tanks

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

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

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

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

TABLE I
Septic Tank Capacities

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

For each additional bedroom, add 250 gallons capacity.

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

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

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

1.8 A single tank may be divided into two or more compartments by means of internal partitions. Each compartment shall conform to the dimensional limitations for complete tanks and

shall have a liquid capacity of at least two hundred fifty gallons. The total liquid capacity shall conform to the requirements for single chamber tanks presented in Table 1. No tank shall have more than three compartments.

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

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

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

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

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

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

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

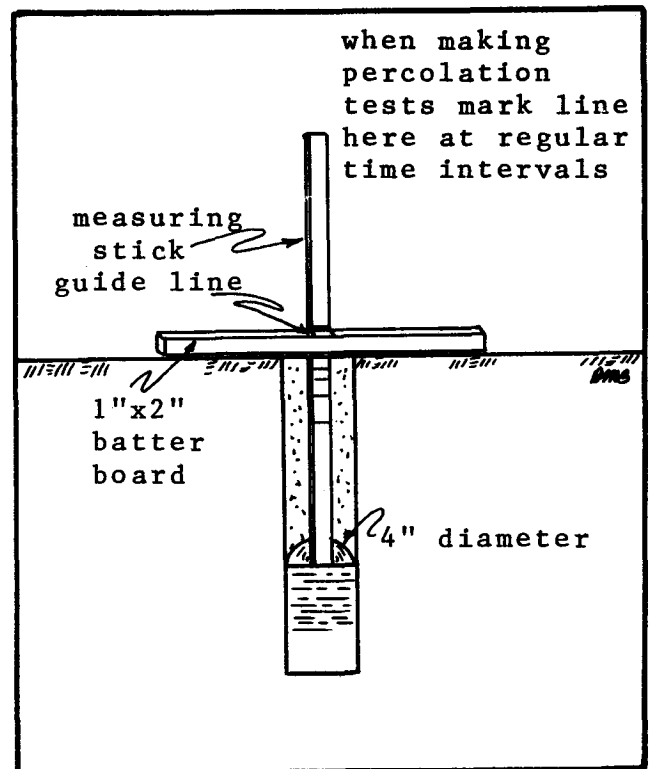
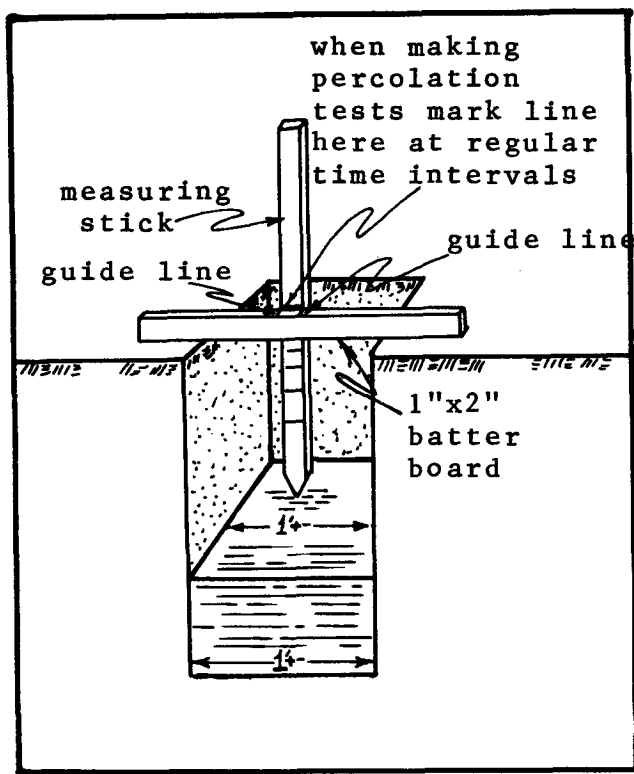
1.16 The location of a septic tank shall be at least fifty feet and downgrade from a well or suction line supplying potable water.

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

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

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

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



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

FIGURE 1

METHODS OF MAKING PERCOLATION TESTS

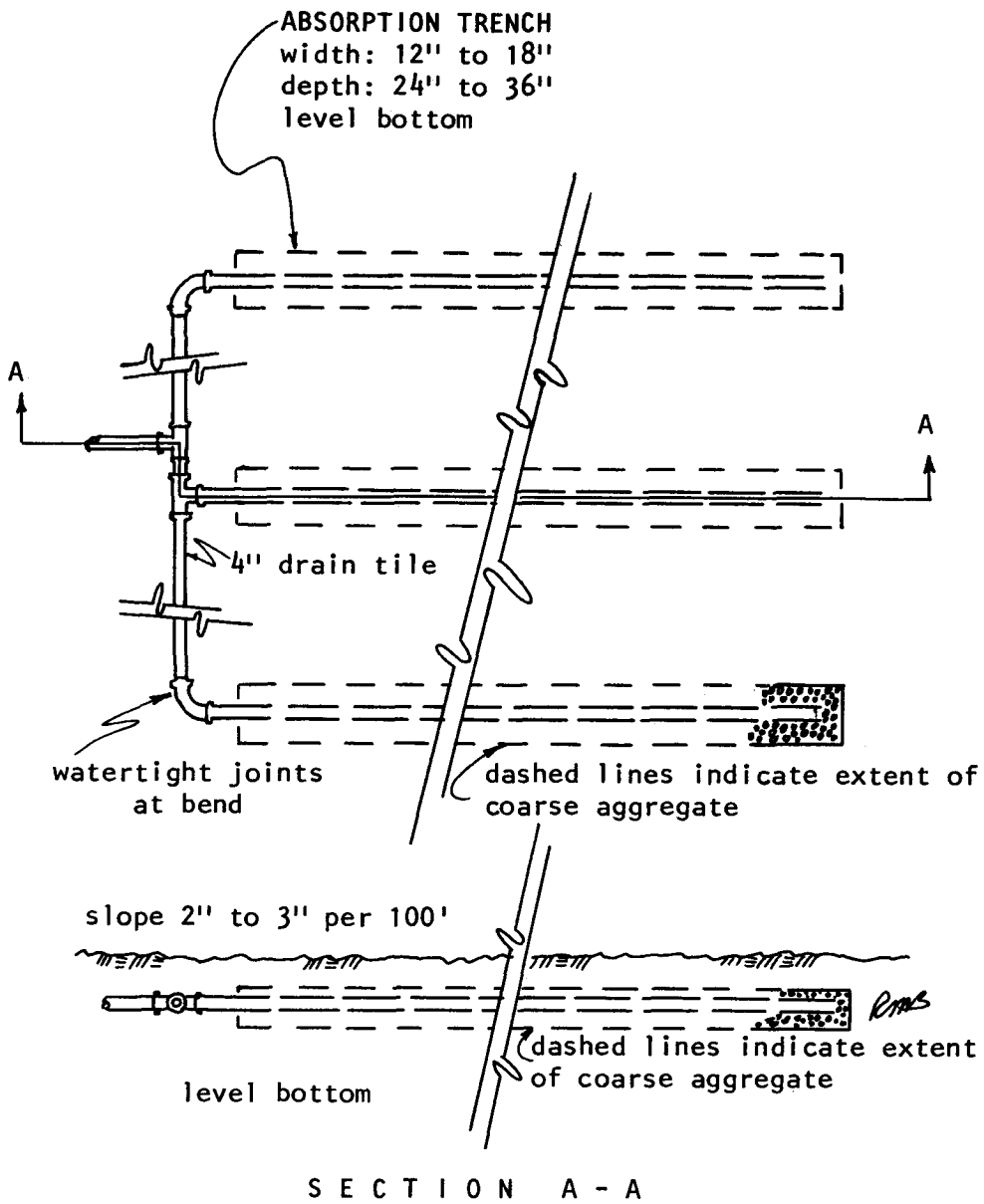


FIGURE 2
 TYPICAL LAYOUT OF ABSORPTION TRENCH

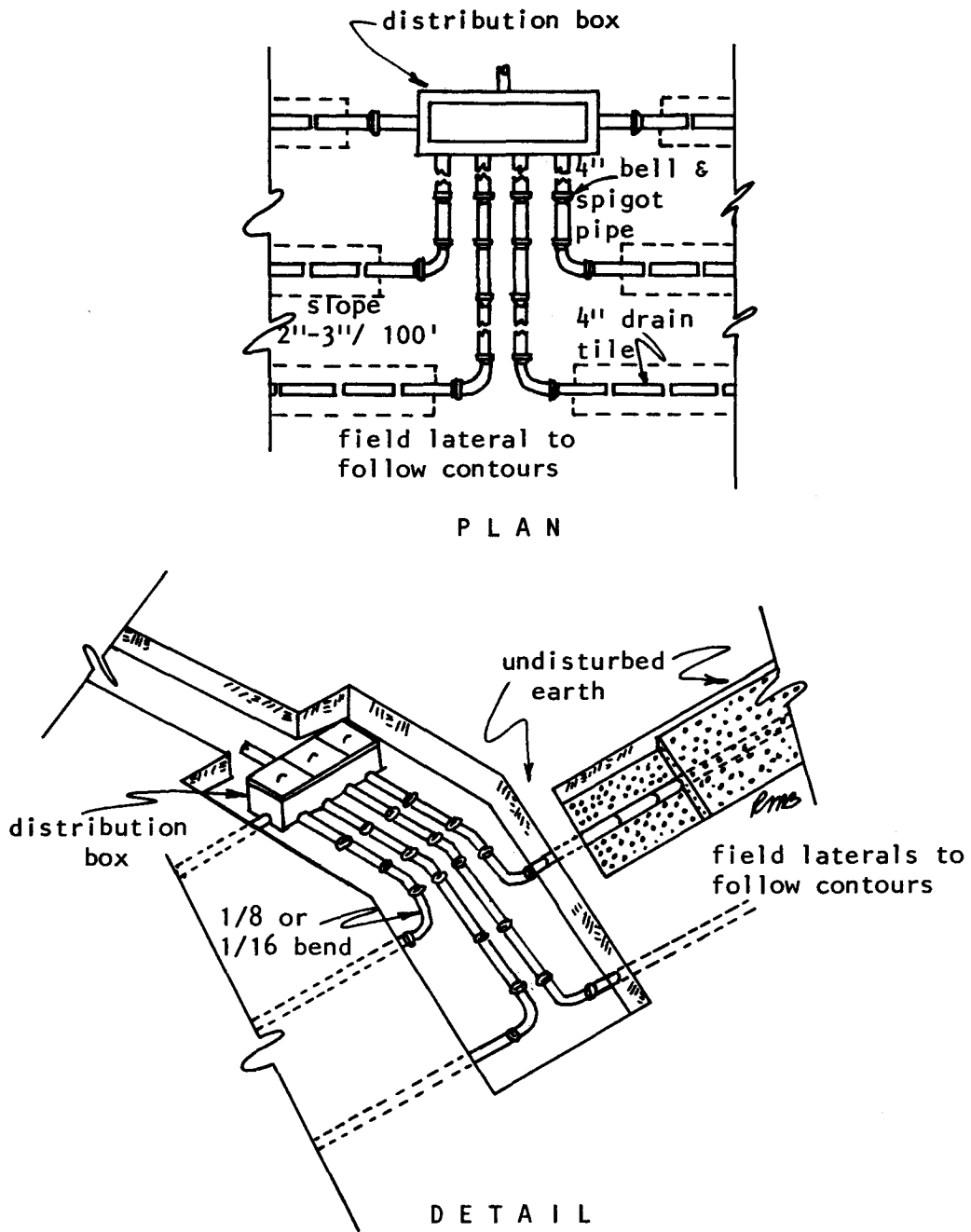
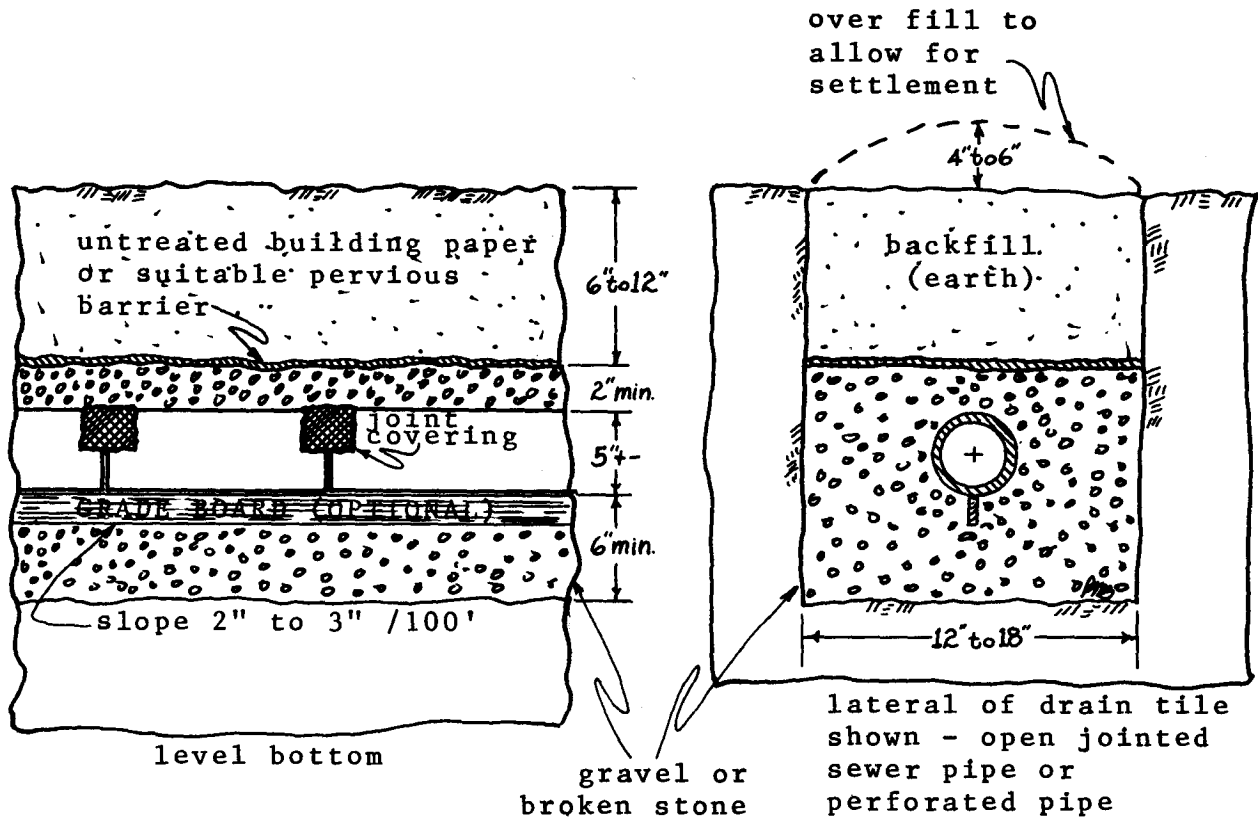


FIGURE 3
 ABSORPTION-FIELD SYSTEM FOR SLOPING GROUND

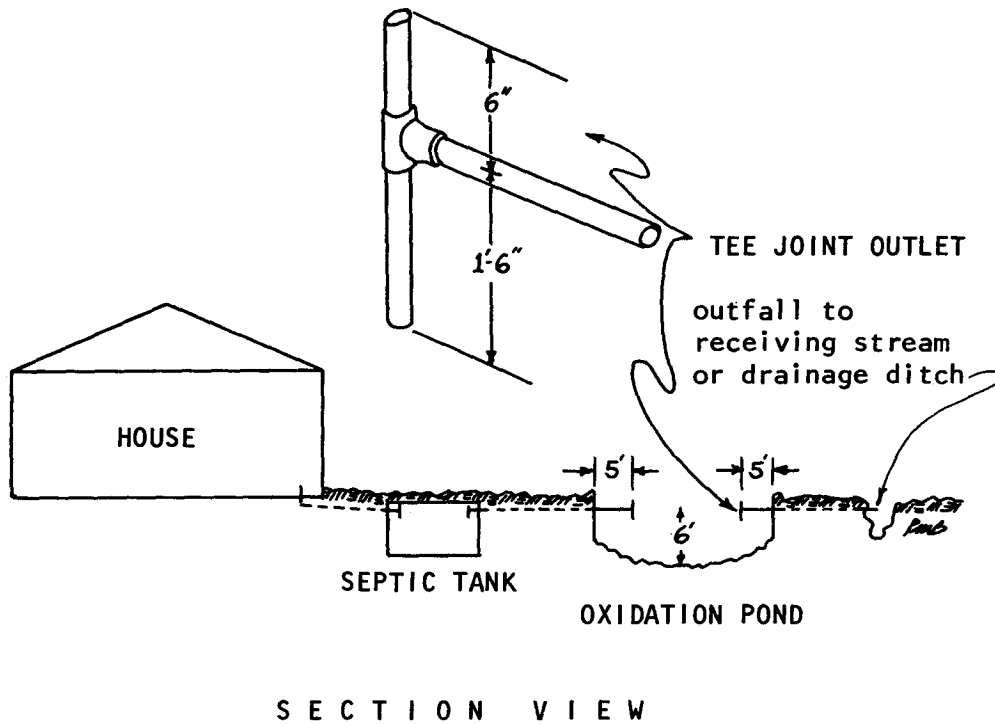
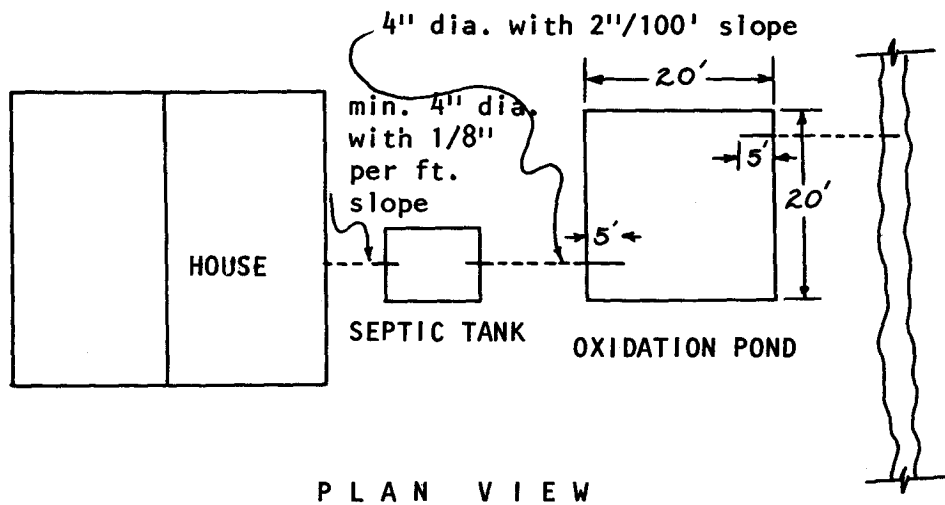


L O N G I T U D I N A L
S E C T I O N

C R O S S
S E C T I O N

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

FIGURE 4
ABSORPTION TRENCH AND LATERAL



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

FIGURE 5

TYPICAL LAYOUT : SEPTIC TANK OXIDATION POND SYSTEM

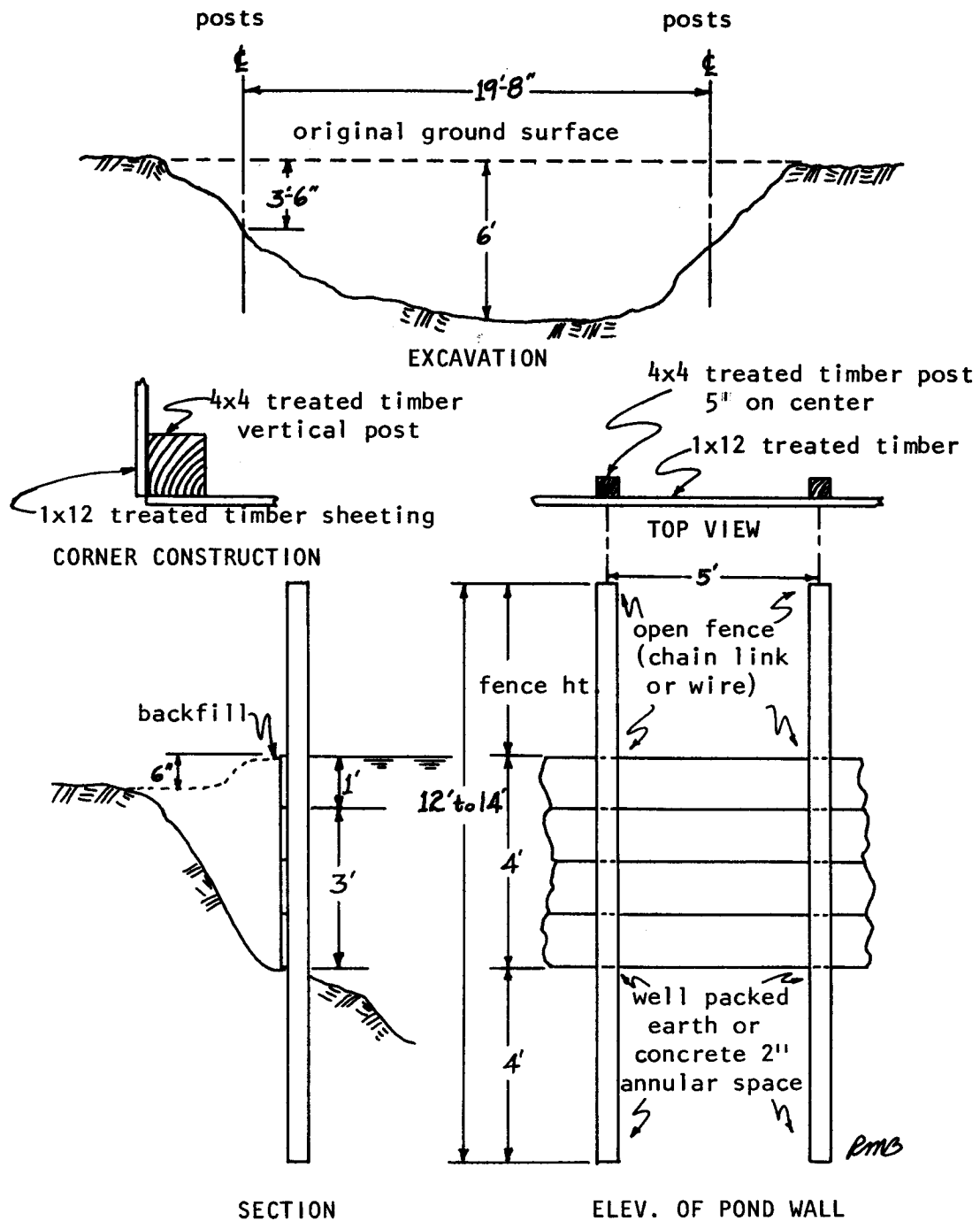


FIGURE 6
OXIDATION POND TIMBER RETAINING WALL

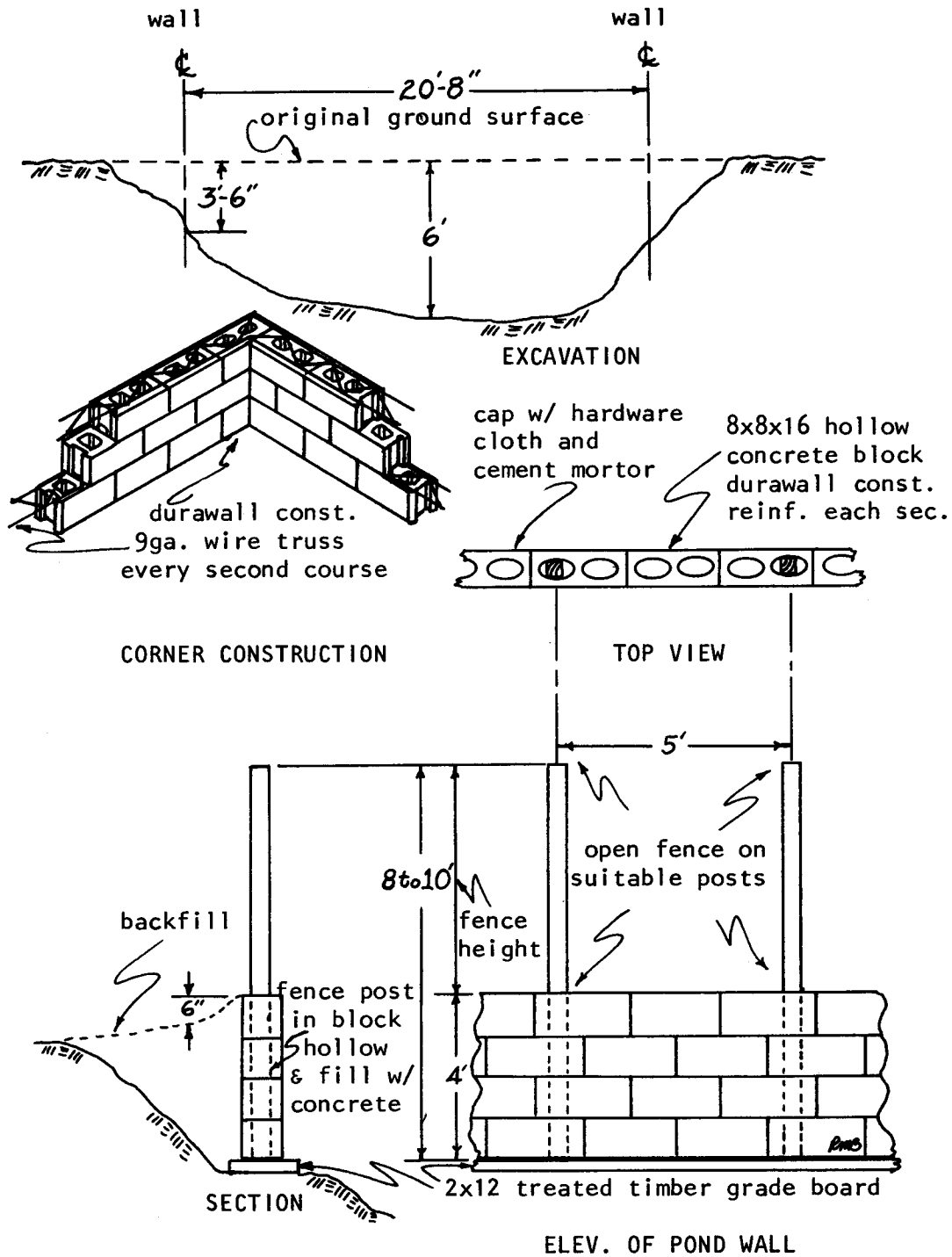


FIGURE 7
OXIDATION POND CONCRETE BLOCK RETAINING WALL

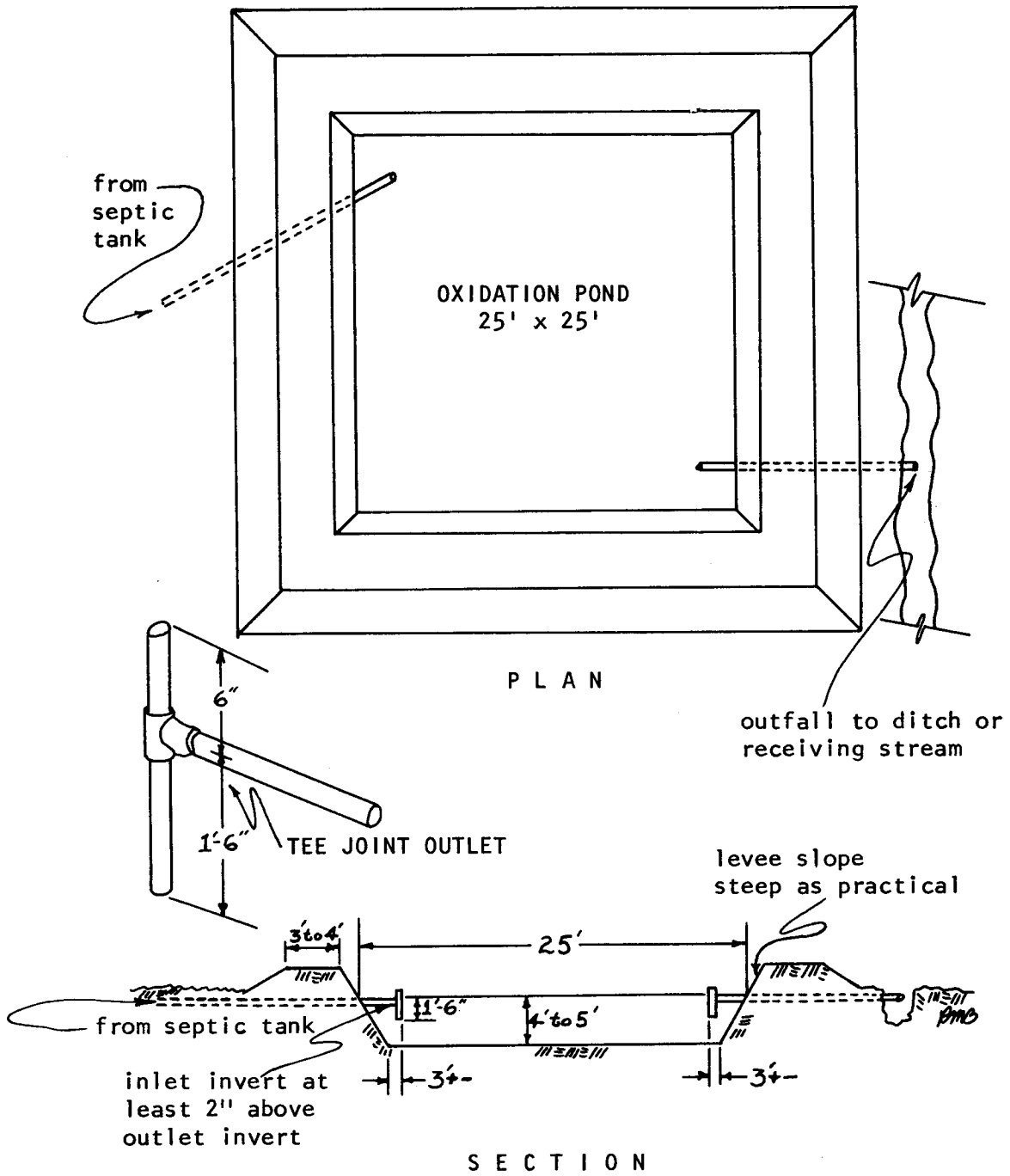
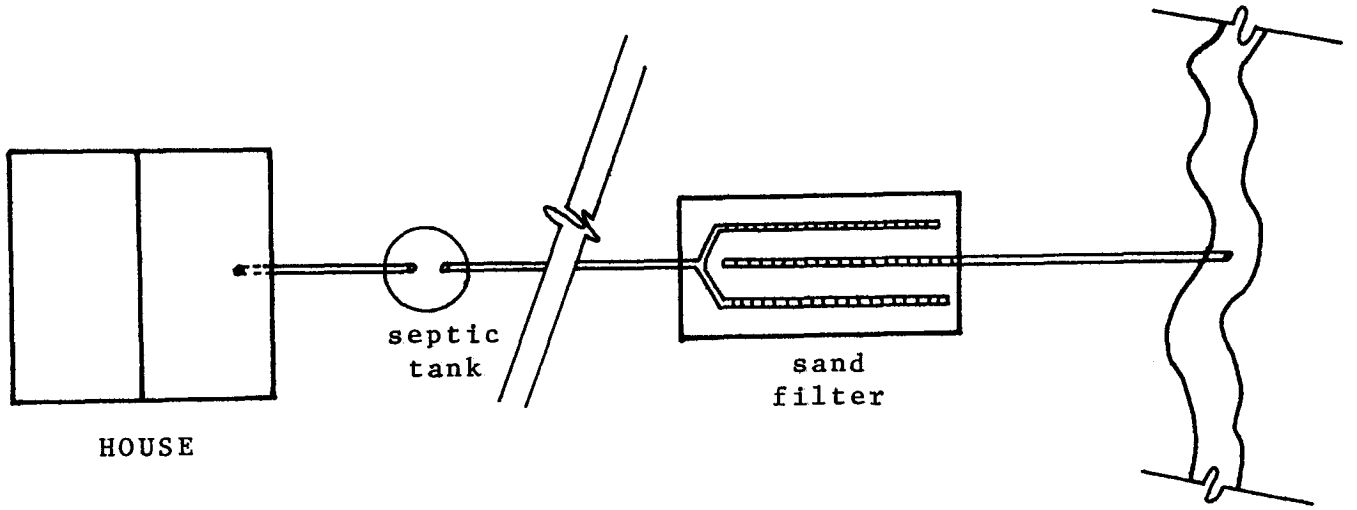
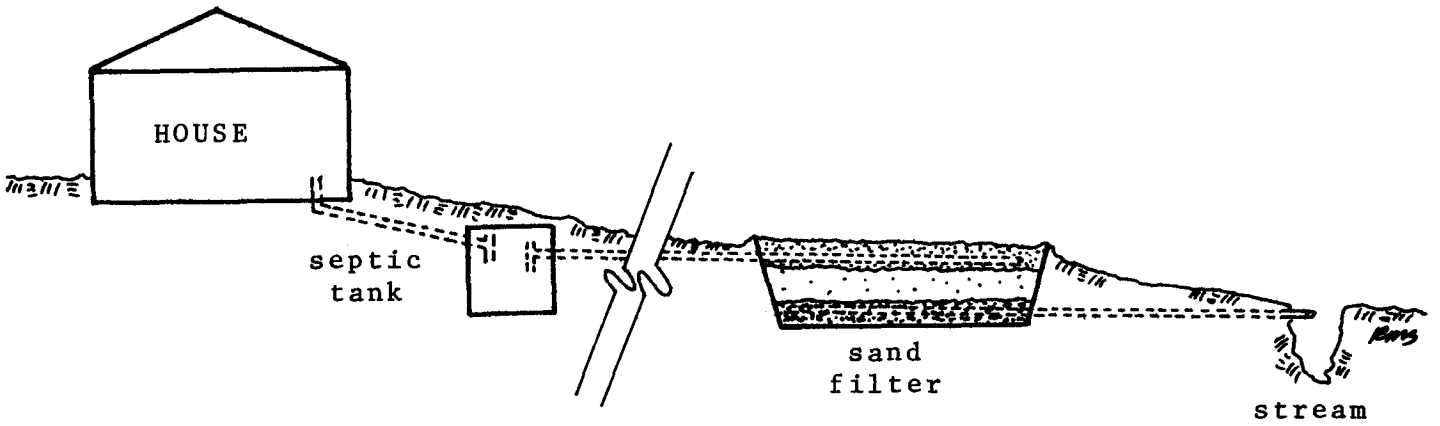


FIGURE 8
LEVEED OXIDATION POND



P L A N



P R O F I L E

FIGURE 9
FILTER BED SYSTEM

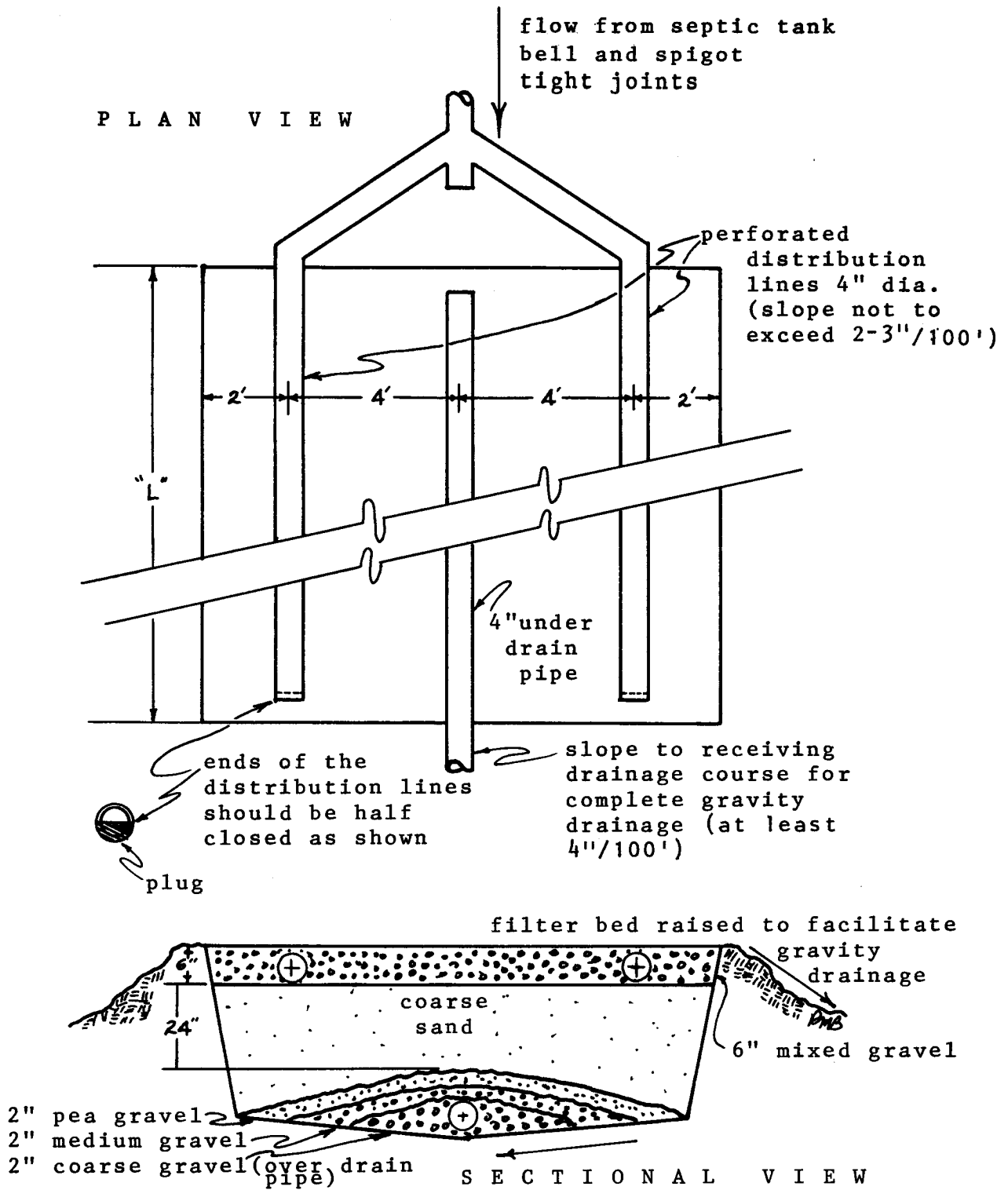


FIGURE 10

SAND FILTER BED

is usually eight to ten years.)

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

II. Septic Tank Effluent

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

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

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

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

III. Absorption Trenches

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

3.2 A number of variables determine whether an absorption trench is feasible, including soil porosity (permeability), ground water table, available space, and the rate at which septic tank effluent enters the soil (percolation rate). In general, three conditions must be met. (Note: Absorption trenches must not be used in filled ground.)

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

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

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

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

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

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

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

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

D. In conducting the test, fill the hole with clear water. This pre-wetting procedure should normally be accomplished on the day prior to the percolation rate measurement. This procedure is

to insure that the soil is given ample opportunity to swell and to approach the operating condition of the wet season of the year. Thus, the test should give comparable results in the same soil, whether made in a dry or in a wet season. (Note: The percolation test described is not applicable on filled or frozen ground.)

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

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

TABLE 2
Absorption Trench Length Requirements
For Individual Residences

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

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

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

3.6 Absorption trenches must not be used in filled ground.

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

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

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

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

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

3.12 Subsurface absorption trenches must be located at least 50 feet from any well or suction line providing potable water.

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

3.14 Trench bottoms must be level to promote even distribution, thereby minimizing premature failure of a portion of the trench. During excavation, attention must be given to the protection of the soil. Care must be taken to prevent sealing of the surface on the bottom and sides of the trench. Trenches should not be excavated when the soil is wet enough to smear or compact easily. All smeared or compacted surfaces must be raked to a depth of one inch and loose material removed before the gravel is placed in the trench.

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

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

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

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

IV. Oxidation Ponds

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

4.2 The size of an oxidation pond for a home with three bedrooms or less should be 400 square feet (twenty feet x twenty feet)

with a four-to-five foot average liquid depth and vertical side walls. For each additional bedroom, 140 square feet of surface area should be added.

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

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

4.5 As mentioned, the use of a surface area of 400 square feet requires that an oxidation pond be furnished with vertical side walls so that an adequate volume for treatment is provided. Figure 6 shows a type of construction utilizing treated timber which, under normal soil conditions, is acceptable for the vertical side walls of a twenty foot by twenty foot oxidation pond with a five-foot average water depth. Figure 7 shows a similar type of construction utilizing concrete blocks. Either of these designs requires very little maintenance.

4.6 Although not encouraged, a pond can be constructed with sloping sides and earthen levees. Such a design is shown in Figure 8. The design requires a surface area of 625 square feet (dimensions of twenty-five feet x twenty-five feet). The cost of this design is less than the vertical wall ponds referred to above, but more space is needed and routine maintenance requirements such as levee mowing, are greater.

4.7 A septic tank must precede the oxidation pond and must comply with the septic tank requirements presented in these regulations.

4.8 For a home with three bedrooms or less, a surface area of 400 square feet (twenty feet x twenty feet) with a vertical sides and an average liquid depth of four to five feet should be provided. (See Figure 6 and Figure 7.)

4.9 To achieve the volume required for treatment where vertical side walls are not provided with a retaining wall, the pond must be enlarged to at least twenty-five feet x twenty-five feet (625 square feet), with a four-to-five foot average liquid depth. Greater than 625 square feet is required if the slope of the natural earth side walls is shallower than one on one (forty-five degree angle). (See Figure 8.)

4.10 Vertical side walls must be of cypress, treated timbers, or concrete blocks and so constructed as to provide a permanent structure.

4.11 The pipe from the septic tank to the pond as well as the outfall pipe from the pond must be four inches in diameter and placed at a minimum slope of two inches per 100 feet. The inlet must extend five feet horizontally into the pond and be directed downward at least 1.5-to-2-feet. The outlet must extend five feet horizontally into the pond and consist of a tee with the invert set at the operating water level of the pond. One leg of the tee must be open and extend above the water level, while the down leg is extended 1.5-to-2-feet below the water level. The invert of the pond outlet must be lower than the pond inlet invert. (See Figure 8.) Additionally, the invert of the pond inlet must be at least two inches lower than the invert of the septic tank outlet.

4.12 The pond shall be enclosed by a suitable nonclimbable fence to keep out children, pets, and livestock. An open type fence (woven wire) is preferable because it will not restrict sunlight and air which are necessary for treatment. The fence shall be at least five feet in height.

V. Sand Filter Bed

5.1 Another alternative for the secondary treatment of septic tank effluent is a deep-type sand filter bed. Treatment in a sand filter bed is accomplished by the action of microorganisms in a sand bed in which the suspended solids of the septic tank effluent have been trapped by filtration. It is important that the sand bed remain aerobic throughout the treatment process. This is accomplished by exposing the sand surface to the air as much as possible on a continuous basis. Of course, the best way this can be done is to place no cover whatsoever over the sand bed. Since this is not aesthetically desirable for homes, a coarse gravel cover not to exceed six inches in depth over the bed is permitted. No other cover is acceptable. A filter bed system is shown in Figure 9.

5.2 The sand filter bed is constructed by placing perforated pipe near the bottom of a rectangular area of the required size in a layer of graded gravel, covered by a layer of coarse sand twenty-four inches deep. On top of this are placed distribution lines (perforated pipe), likewise encased in a layer of gravel. (See Figure 10.) The septic tank effluent is distributed speedily in the gravel cover spreading over the top of the sand, seeping slowly and vertically through the sand to the bottom layer of gravel to be carried away in the under drain line.

5.3 A home having three or less bedrooms requires a filter bed twenty-five feet x twelve feet. For each additional bedroom, the length must be increased by eight feet.

5.4 The bed must drain completely. This may require the bed to be raised above natural ground level.

5.5 Gravel used in the cover must be of the coarse size and must be clean, washed gravel.

5.6 To prevent sand infiltration into the underdrain, layers of decreasingly smaller gravel must be placed over the underdrain line and the entire bottom of the filter bed, starting with two inches of medium gravel over the coarse, and two inches of pea gravel over the medium. All gravel must be clean, washed gravel.

5.7 A minimum of a twenty-four inch depth of filter sand is required. The sand must have an effective size of 0.35 mm to 1.5 mm and a uniformity coefficient of 1.5 to 5.0.

5.8 At least two distribution lines must be provided and they must be sloped two inches to three inches per 100 feet. The lines must be four-inch-diameter, twenty-inch long farm tile, two-feet to three-feet lengths of vitrified clay bell-and-spigot sewer pipe laid with open joints, or perforated nonmetallic pipe. The ends of the distribution lines must be half-closed. (See Figure 10.)

5.9 Underdrain pipe materials are the same as those for the distribution pipe; however, the slope must be no less than four inches per 100 feet.

5.10 The filter bed must be appropriately protected from surface runoff water.

5.11 The filter bed must be located no less than ten feet from the property line.

5.12 The sand filter bed must be at least fifty feet from any well or suction line supplying potable water.

VI. Mechanical Waste Water Treatment Plants

6.1 Mechanical wastewater treatment plants are small plants capable of providing primary and secondary treatment of sewage. They do not require septic tanks ahead of them. All are considered to be aerobic treatment units.

6.2 A mechanical sewage treatment plant will be permitted only where individual sewage disposal facilities would currently be permitted under prevailing rules as set forth in Chapter 10 of the State Sanitary Code.

6.3 A mechanical sewage treatment plant will be permitted in lieu of a conventional septic tank system (septic tank-absorption field) only where the septic tank system could not be expected to

function properly as determined by soil percolation tests run and/or observed by an authorized representative of the Department of Health and Human Resources, Office of Health Services and Environmental Quality.

6.4 Permitted mechanical plants shall comply with "Standard Number 40 Relating to Individual Aerobic Plants" adopted by the Board of Trustees of the National Sanitation Foundation (NSF), Ann Arbor, Michigan, on November 13, 1970, revised November, 1978. Copies of this standard may be acquired from the National Sanitation Foundation, Box 1468, Ann Arbor, Michigan 48106. Copies of the standard are also available for review in the Office of Health Services and Environmental Quality, Central Office and Regional Offices.

6.5 Whereas NSF Standard Number 40 includes two classes of plants designated as Class I and Class II, only Class I plants will be permitted in Louisiana.

6.6 Manufacturers of individual sewage treatment plants intending to sell plants in Louisiana shall submit for approval evaluation reports, and obtain such approval from the Office of Health Services and Environmental Quality, Division of Environmental Services, Box 60630, New Orleans, Louisiana 70160, indicating compliance with applicable provisions of NSF Standard Number 40 prior to selling plants in the state. The compliance evaluation report shall be prepared by an appropriate independent testing laboratory or other unbiased institution, e.g., a college. The Office of Health Services and Environmental Quality will maintain a list of acceptable plants which may be amended periodically.

6.7 Through November 17, 1981, plants shall be required to meet the requirements for Class I plants as per NSF Standard Number 40 as adopted on November 13, 1970. After November 17, 1981, all plants installed shall be required to meet NSF Standard Number 40 for Class I plants as revised November, 1978.

6.8 Mechanical wastewater treatment plants must be located at least ten feet from the property line.

VII. Pumping Stations

7.1 The installation of septic tank systems utilizing either an oxidation pond or sand filter bed as a means of secondary treatment often requires pumping due to the lay of the land. This is especially true in flat terrain.

7.2 Many manufacturers build pumps, and in some cases complete pump stations, for the special purpose of handling septic tank effluents. Such specially built pumps must be used. Septic tank effluents are very corrosive and can cause early failure of ordinary pumps.

7.3 Pump stations must be built with eighteen-inch or twenty-four inch concrete culvert pipe approximately four feet long. The culvert pipe must be placed into the ground spigot end down. A three-inch concrete bottom must be poured in place after the pipe length has been placed. The bell end is used as a plate support for a suspended pump. A free standing or submersible pump may also be used. Pump manufacturer's recommendations must be followed in installing the pump and its electrical system.

7.4 The pump station must not be subject to flooding.

7.5 The pump housing and strainer must be of heavy duty construction. An impeller made of heavy duty nylon is preferred.

7.6 The on/off operating control must keep the liquid level well below the invert of the septic tank outlet. The pump must drain the station's wet well thoroughly.

7.7 A suitable cover must be placed on top of the pump station, with provisions made to facilitate removing the motor/pump for any required maintenance.

7.8 Suction and discharge piping must conform to the pump manufacturer's recommendation. However, piping should not be less than 1.25 inches in diameter and be capable of withstanding a pressure of seventy-five pounds per square inch.

VIII. Sanitary Pit Privy

8.1 Where a dwelling is not served with water under pressure, water carriage waste systems as covered herein can not be used. In these cases, a pit privy is required for excreta disposal.

8.2 Pit privies, when used, must be located so that they will not pollute domestic, private, or public water supplies. To accomplish this, they must be located on the downgrade from water wells and water supply lines and at least fifty feet away. Pit privies must be located at least four feet from any fence, ditch, or building to give room for a proper earth mound. They must be housed as separate units and must be located at least ten feet from the property line.

8.3 Details of the construction and maintenance of approved pit privies may be obtained by referring to a pamphlet entitled "Louisiana Type Sanitary Pit Privy" which is available through the Division of Environmental Services of OHSEQ.

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

RULE

Department of Health and Human Resources Office of Mental Health and Substance Abuse

The Department of Health and Human Resources, Office of Mental Health and Substance Abuse, Division of Substance Abuse, has adopted a rule that states that substance abuse programs, either public or private, may receive state or federal funds through any office within the Department of Health and Human Resources only when such facilities have been duly licensed by the State of Louisiana, Office of Licensing and Regulations, or, in the case of new programs, when a provisional license has been issued.

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

RULE

Department of Natural Resources Office of the Secretary

Application for Approval of Transfer of Solid Mineral Lease or Sublease

The rules contained herein shall govern every application for approval by the State Mineral Board of a proposed transfer of any lease or sublease entered into by or under the authority of or subject to the jurisdiction of the State Mineral Board which includes the development and production of solid minerals, under the circumstances described in Act 296 of 1979.

Rule 1 Definitions

1.1—As used in these Regulations, the following terms have the meanings assigned below, unless the context otherwise requires:

(a) Applicant - The person seeking approval by the Board of a proposed transfer (as described in Act 296 of 1979) of a lease.

(b) Board - The State Mineral Board of the State of Louisiana.

(c) Control - The term "control" (including the terms "controlling," "controlled by" and "under common control with") means possession (direct or indirect) of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(d) Director - Any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

(e) Lease - Any lease or sublease entered into by or under the authority of or subject to the jurisdiction of the Board which includes the development and production of solid minerals.

(f) Lessee - A person or entity which at the time of a proposed transfer (as described in Act 296 of 1979) has the right to develop and produce solid minerals under a lease.

(g) Officer - The chairman, the president, each vice-president in charge of a principal business function, the secretary, the treasurer, and the comptroller, and any other person performing similar functions with respect to any organizations whether incorporated or unincorporated.

(h) Person - A natural person, partnership, syndicate, corporation or any other group or entity.

(i) Secretary - The Secretary of the Department of Natural Resources.

1.2—Other terms used in these Regulations have the same meanings as are set forth in Act 296 of 1979 unless the context otherwise requires.

Rule 2. Procedure for Preparing and Filing Applications

2.1—Date of Filing. At least twenty days (Saturdays, Sundays, and holidays excluded) prior to the date on which the transfer is to be effected, or in the case of a transfer by means of purchase of ten percent or more of equity securities of the lessee, twenty days prior to such purchase, an application shall be filed with the Secretary and delivered by hand to the lessee.

2.2—Number of Copies and Accompanying Material.

(a) Two signed copies of the application (including exhibits and all other accompanying papers and documents) shall be filed with the Secretary at the Department of Natural Resources, Baton Rouge, Louisiana 70804. One signed copy of such application shall be delivered to the lessee.

(b) Each application shall be accompanied by a signed consent of the applicant to the appointment of the Secretary as his or its agent for service of any and all pleadings, discovery requests, orders and investigations relating to the application, and, if the applicant is a corporation, by a consent signed by each director and each officer of the applicant (and by each director and each officer of any corporation controlling the applicant) and by any other person identified under §3.4(b) hereof, agreeing to make himself available for prehearing investigatory or discovery proceedings either in the State of Louisiana or in the state in which the lessee maintains its or his principal executive offices.

(c) Each application shall be accompanied by a certified or bank cashier's check in the amount of \$100, payable to "Secretary, Department of Natural Resources," as an examination fee and, except as provided in Rule 6, by a surety bond issued by a bonding company licensed to do business in the State of Louisiana in the principal amount of \$5,000 (or such lesser amount as the Secretary may permit upon request) conditioned to provide for payment of the costs of any investigation or hearing with respect to the application.

(d) If the applicant is a corporation, the application shall also be accompanied by a certified copy of a resolution or resolutions of the board of directors of such applicant (and of any corporation controlling such applicant) specifically authorizing the person or persons signing the application and any consent on behalf of the applicant to sign and file the same.

2.3—Requirements as to Paper, Printing, and Language

(a) The application shall be filed on good quality, unglazed, white paper, 8½ by 14 inches in size, insofar as practicable.

(b) The application and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, or typewritten. All copies of applications and

associated material shall be easily readable and suitable for repeated photocopying.

(c) The application shall be in the English language. Any associated material filed with the application in a foreign language shall be accompanied by a translation into the English language.

2.4—Presentation of Information

(a) Except as otherwise provided, (i) the application requires information only as to the applicant, (ii) whenever words relate to the future, they have reference solely to present intention, and (iii) any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(b) Unless clearly indicated otherwise, information set forth in any part of the application need not be duplicated elsewhere in the application. Where it is deemed necessary or desirable to call attention to such information in more than one part of the application, appropriate cross-references are permitted.

(c) Material contained in any exhibit to the application may be incorporated by reference in the application. Such material shall be clearly identified in the reference, and an express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Material shall not be incorporated by reference in any case where such incorporation would render the application incomplete, unclear or confusing.

(d) Information need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either because the obtaining thereof would involve unreasonable effort or expense or because it rests within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

(1) The applicant shall give such information on the subject as he/it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

(2) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(e) The application shall set forth such additional material facts, if any, as may be necessary to make the required information, in the light of the circumstances under which it is provided, not misleading. The Secretary may at any time request an applicant to submit additional relevant information.

Rule 3. Content of Application

Each application shall contain the information required by Act 296 of 1979 and by this Rule 3.

3.1—Information as to the Lessee. Set forth the name of the lessee and the address of its principal executive offices and describe, insofar as practicable, the lease or leases of the lessee which it is proposed to transfer and the operations or other activities currently being conducted in relation to such lease or leases.

3.2—Information as to the Applicant. If the applicant is a corporation, partnership, limited partnership, syndicate or other group of persons, the application shall set forth its name, the state or other place of its organization, its principal business, the address of its principal executive offices and the information required by (e) and (f) below. If the applicant is a natural person, the application shall set forth the information specified in (a) through (g) below with respect to such person(s). If the applicant is a corporation not subject to the reporting requirements of the federal securities laws, there shall be filed as exhibits audited financial statements for its three most recent fiscal years and interim financial statements for

any subsequent period through the end of the last preceding calendar quarter for which such statements are available.

(a) Name.

(b) Residence or business address.

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment or occupation is conducted.

(d) Material occupations, positions, offices or employments during the last five years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which occupation, position, office or employment was carried on.

(e) Whether or not, during the last five years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, giving the dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

(f) Whether or not the applicant has, during the last five years, been a party to, or materially adversely affected by, any judicial or administrative proceeding under any law or regulation regulating exploration, development, production or other operations involving any solid minerals or other extractive industry or activity, or under any law or regulation regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, and if so, describing fully any such proceeding, including the disposition thereof. Copies of all material pleadings and of all orders and judgments therein shall be filed as exhibits.

(g) Citizenship(s).

Instruction: If the application is filed by a partnership, limited partnership, syndicate or other group, the information called for by §3.2 shall be given with respect to: (i) each partner of such partnership, (ii) each partner who is denominated as a general partner or who functions as a general partner of such limited partnership, (iii) each member of such syndicate or group, and (iv) each person controlling such partner or member. If the statement is filed by a corporation, or if a person referred to in (i), (ii), (iii), or (iv) of §3.2 is a corporation, the information called for by the above mentioned items shall be given with respect to (a) each officer and director of such corporation, (b) each person controlling such corporation, and (c) each officer and director of any corporation ultimately in control of such corporation.

3.3—Manner of Transfer. The application shall set forth the manner in which the applicant proposes to effect the transfer of the lease or leases (including, without limitation, the manner in which the transfer is to be financed and the terms of any agreement or understanding with respect to the transfer) and the applicant shall file as exhibits all relevant contracts and agreements, together with any documents required to be filed under any other law or regulation in consequence of such proposed transfer. The application shall also set forth a description of the background of the proposed transfer.

3.4—Information about the Applicant's Relevant Experience. The applicant shall fully describe his or its experience and capabilities to assume responsibility for operations under the lease or leases, including (without limitation) the following information:

(a) Applicant's experience in the solid minerals and other extractive industries during the five years next preceding the application.

(b) If the applicant is other than a natural person, the names, titles and addresses of the officers or other persons who would have primary responsibility for the conduct of operations under the lease or leases and, as to each such person, his educational background, his professional background, including his present job responsibilities, and the information called for under §3.2 of Rule 3.

(c) The names and addresses of any expert in the field of expertise relevant to the lease or leases or operations thereunder who has been retained by the applicant at any time during the

past five years and a statement of the nature of such retention. Copies of any report(s) rendered to the applicant by any such expert(s) shall be filed as exhibits.

Instruction: It is not sufficient compliance to recite the applicant's intention to rely upon the lessee's experience unless the applicant and lessee have entered into a formal written agreement for a term ending with or after the unexpired portion of the lease, under which the lessee will manage the property or properties subject to the lease. Any such agreement shall be filed as an exhibit to the application.

3.5—Plans of the Applicant with Respect to the Lease. The application shall describe any plans or proposals of the applicant which relate to exploration, development, production or other operations under the lease or leases, including, without limitation, any plan or proposal to do the following:

- (a) to increase, reduce or abandon such operations.
- (b) to retain any person to conduct such operations.
- (c) to transfer the lease or leases.
- (d) to seek modification of its or their terms.

Rule 4. Exhibits

4.1—Additional Exhibits. The applicant may file such exhibits as he/it may desire in addition to those required under Rule 3. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

4.2—Omission of Substantially Identical Documents. In any case where two or more contracts, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the applicant need file a copy of only one of such documents, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Secretary may at any time, in his discretion, require the filing of copies of any documents so omitted.

Rule 5. Amendments

5.1—Formal Requirements for Amendments. One copy of each amendment to an application shall be filed with the Secretary, and delivered by hand to the lessee, promptly upon the occurrence of the event necessitating such amendment.

5.2—Withdrawal of Application or Amendment. Any application or any amendment or exhibit thereto may be withdrawn upon written request to the Secretary. The request shall be signed and shall state the grounds upon which made. The request shall be deemed granted five days after receipt by the Secretary, unless he shall order conditions to the grant thereof, in which event withdrawal will be effective upon written notice to him of compliance therewith. If an application is withdrawn, the examination fee paid upon the filing of the application will not be returned. The papers comprising any withdrawn application or amendment or exhibit thereto shall not be removed from the files of the Secretary but shall be retained therein.

5.3—Powers to Amend or Withdraw Application. All persons signing an application shall be deemed, in the absence of a statement to the contrary, to possess the following powers:

- (a) To amend the application; or
- (b) To request the withdrawal of an application, an amendment or an exhibit.

Rule 6. Application for Determination Without Investigation or Hearing

6.1—An application filed in compliance with these Rules may be accompanied by a request that the Secretary transmit a recommended decision on the application to the Board without first

conducting an investigation or holding a hearing. Any such request shall be signed by or on behalf of the applicant and be accompanied by affidavits from each of (a) the applicant (or an officer of the applicant) and (b) the lessee (or an officer of the lessee) stating that in their opinion there are no substantial issues requiring an investigation or hearing. In the event such request is denied, the applicant shall promptly thereafter file the surety bond required by §2.2(c) of Rule 2.

William C. Huls, Secretary
Department of Natural Resources

RULES

Department of Natural Resources Office of the Secretary

The Department of Natural Resources, Office of the Secretary, has adopted the following Royal Crude Oil Regulations, to be effective April 1, 1980.

Royalty Crude Oil Regulations

1. Purpose

It is the purpose of these regulations, and in the best interest of the state, to establish a program to provide a mechanism for taking state royalty oil volumes in kind and for the disposition by sales or processing contracts, in a fair and equitable manner, of available supplies of such state royalty oil to eligible refiners within the state, with the intent thereby to increase the supplies of gasoline, diesel or other fuel products available to Louisiana citizens.

2. Definitions

A. "Royalty Oil" shall mean the state's royalty portion of crude oil or condensate produced from or allocated to state leases.

B. "Lessee" shall mean the owner or owners of the working interest under a state lease.

C. "Louisiana Refiner" shall mean an applicant who is certified by the Mineral Board.

D. "Lessor" shall mean the State of Louisiana acting through the State Mineral Board.

E. "Refiner" shall mean a qualified applicant who contracts for state royalty oil pursuant to the policies and procedures established by the State Mineral Board and these regulations.

F. "Seller" shall mean the State Mineral Board acting on behalf of the State of Louisiana in a contract to sell royalty oil.

G. "Contract" shall mean a contract for the disposition of state royalty oil.

H. "Affiliates" shall mean any business concerns affiliated with each other where either directly or indirectly one concern controls or has the power to control the other or a third party controls or has the power to control both.

3. Policies and Procedures of The State Mineral Board

A. Royalty oil available through exercise of the state's right to take in kind shall be disposed of pursuant to policies and procedures approved by the State Mineral Board, which shall be consistent with the intent and purpose of R.S. 30:143 and these regulations.

B. Prior to the execution of any contracts by the State Mineral Board, and pending a determination of available supplies, the Office of Mineral Resources, under the direction of the Secretary of the Department of Natural Resources, shall prepare for Board consideration recommendations for the disposition of available state royalty oil. Such recommendations shall address the sale and

accounting of price-controlled royalty oil; processing and accounting for price-controlled royalty oil; and, public bidding and accounting for decontrolled royalty oil.

C. With the advice and cooperation of the Office of Conservation, Division of Fuel Allocation, the Office of Mineral Resources shall prepare for Board consideration recommended procedures for exercising the state's right of first refusal to any products refined from state royalty oil and for making such products available to in-state purchasers thereby, as well as in the usual course of sale of such products.

D. The Office of Mineral Resources shall prepare a projection of the costs of administering the program as well as a recommendation to the Board of the amount of administrative fee, not to exceed twenty cents per barrel, necessary to cover such costs, and, if applicable, the minimum volume of royalty oil which must be included in each type of transaction to be cost efficient.

E. In accomplishing the purposes of the Section, the Office of Mineral Resources shall be authorized to consult with such industry, government and professional persons as may be necessary. Within the limitations of its budget, or utilizing funds made available for that purpose, the Office may contact for any professional services necessary, subject to the approval of the Secretary of the Department of Natural Resources.

4. Inventory, Delivery Points, Objections

A. For each lease, division order or other legal instrument pursuant to the terms of which the state has a royalty oil interest susceptible of taking in kind, the Office of Mineral Resources shall determine the volumes and regulated prices applicable to such royalty. Royalty volumes not subject to price controls shall be identified separately.

B. The Office of Mineral Resources shall notify each of the state's lessees of the state's interest in taking in kind the volume of state royalty oil attributable to the production of each such lessee, requesting the designation, within thirty days, of proposed delivery points therefore, and notice of any perceived impediments, objections or hardships with regard to such taking under a particular lease or other legal instrument.

C. Impediments or objections which cannot be resolved within sixty days of notice, by informal conference with the State Mineral Board, shall be referred to the Secretary of the Department of Natural Resources for his review and disposition by such procedures as he may deem appropriate and in the best interest of the state.

D. The lease volumes, prices and proposed delivery points for all state royalty oil for which there is no unresolved impediment or objection to taking in kind, shall be compiled by the Office of Mineral Resources for submission to the State Mineral Board. Lease volumes not subject to price controls shall be separately identified

5. Louisiana Refiner Criteria

A. To be eligible to purchase or process state royalty crude oil an applicant therefore must be certified by the State Mineral Board as a Louisiana refiner.

B. To qualify as a Louisiana refiner, an applicant to purchase or process state royalty crude shall meet all of the following criteria:

1. Applicant shall be a Louisiana business entity having its principal place of business in the State of Louisiana. In applying this criterion, "principal place of business" shall mean:

a. Fifty-one percent of the applicant's and all affiliates' total refining capacity is located in Louisiana; or

b. Louisiana is the applicant's state of incorporation; or

c. Applicant's headquarters or corporate offices and at least fifty-one percent of its officers and employees are located in Louisiana.

2. Applicant shall have facilities in the state with available

capacity for refining or processing crude oil or condensate into fuel products and/or the capability for the distillation of methanol or ethanol suitable for blending with gasoline to produce a motor fuel.

3. Applicant must have adequate facilities to receive crude oil and own or have contractual rights to use facilities for the storage of royalty crude oil and for storage or products refined therefrom.

4. Applicant must be able to (a) legally condition the sale of products refined from the state royalty oil upon the right of the state to exercise a right of first refusal to any such products, and (b) to give first priority to Louisiana customers in the usual course of sale of such products.

6. Application Requirements

A refiner desiring to purchase or process State Royalty oil shall file an application with the Office of Mineral Resources with an original and ten copies containing the following information:

1. The full name and address of the Applicant.

2. A detailed statement showing the Applicant's qualifications to be certified a Louisiana refiner pursuant to Section 5 of these regulations, attested to by affidavit.

3. The capacity of the refinery to be supplied.

4. A tabulation for each of the last twelve months of operation, or since start-up date if less than twelve months, or projection for the next twelve months, of refining capability, of the amount of the thru-put capacity, the source and grades of crude oil refined or refinable, and the kind, amount and percentage of the principle fuel products produced.

5. If applicable, the amount and source of methanol and ethanol production available to applicant including identification of the sources of agricultural products used to produce such methanol and ethanol.

6. A plan of procedure setting forth in detail the mechanisms proposed to be employed to dispose of refined products in the state and to accommodate the state in the event that it exercises its rights of first refusal, together with any approvals from the federal government which may be necessary to carry out such disposition.

7. A complete disclosure of applicant's affiliation, and the nature thereof, with any other producer and refiner.

8. The minimum amount of royalty oil requested and the state lease or leases applicant believes offer a potential source of royalty oil, if known.

9. A list of all customers to whom products were sold in 1979 and all customers required to be supplied pursuant to federal law or regulations, including such customers' address and type of products purchased.

10. A contingency plan for handling of the state's royalty crude in the event that a force majeure event occurs disrupting normal operations.

11. Such other information as the State Mineral Board may by appropriate notice require for such applications.

7. Disposition; Approval; Priority

A. Royalty crude shall normally be made available to qualified applicants based upon each qualified applicant receiving an equal proportionate share of the total royalty crude oil available. The State Mineral Board may establish policies and procedures for alternate methods of disposition of royalty crude not otherwise subject to public bid, and for public bidding for royalty crude not subject to price controls when the Board deems such alternate methods are appropriate. In either case the Board may establish such conditions as it deems necessary, in addition to the conditions set forth in these regulations, to protect the interests of the state and to provide, to the extent practicable, for fair and equitable allocation.

B. Prior to implementing procedures for public bidding, and

prior to disposing of royalty crude by a contract, for the sale or processing thereof, the Board shall present such procedures, and each such contract, to the House and Senate Committees on Natural Resources, meeting jointly, for approval thereof.

C. The Board shall incorporate in its policies and procedures mechanisms which give first priority to eligible refiners with capability to refine typical south Louisiana, light sweet type crude and refiners with operable facilities for the distillation of methanol or ethanol suitable for blending with gasoline to produce a motor fuel. The Board shall develop procedures for ranking refiners with facilities for the distillation of methanol or ethanol according to the percentage of Louisiana agricultural products used in such refiners' distillation process, with those refiners deriving ethanol or methanol by using fifty percent or more of Louisiana agricultural products ranked first. Refiners using less than ten percent Louisiana agricultural products shall not be entitled to ranking in this first priority.

D. No refiner shall be entitled to receive more than 7500 barrels per day of state royalty crude.

8. Contract Term; Renewal; Minimum Requirements

A. The term of any contract entered into by the Board with a qualified refiner for the purchase or processing of state royalty crude oil shall have a maximum primary term of no more than three years. Such contract shall be renewable upon timely application on the same conditions, or such additional conditions as may be deemed necessary to serve the best interest of the state, at the sole discretion of the Board.

B. Intention of the refiner to seek renewal of a contract shall be evidenced by written application filed no later than sixty days prior to the expiration date of the contract then in effect.

C. If the Board does not receive written application for renewal within the time set forth in Subsection B of this Section, the Board may readvertise the availability of the volume of royalty crude oil committed under such contract and enter into a new contract with a qualified refiner effective upon the expiration date of the unrenewed contract, or make such other disposition of the royalty oil as it determines to be in the best interest of the state.

9. Transportation; Delivery; Storage; Transportation Costs; Minimum Requirements

A. In any contract, the refiner shall be responsible to arrange with the state's Lessee for the delivery and receipt of all royalty oil.

B. The point of delivery for royalty oil under any contract shall be the field where produced or a site as near as possible to the point of delivery normally utilized by state's Lessee for delivery of crude oil when state's royalty share is not taken in kind.

C. The refiner shall promptly reimburse state's Lessee for the cost of transporting crude oil to the point of delivery at the rate set by the applicable state lease for deductions from royalties for the costs of transportation. If no such rate for deductions is set by the applicable state lease, the refiner shall reimburse the Lessee at a rate to be approved by the State Mineral Board.

10. Price; Deductions; Method of Payment; Reports; Taxes; Administration Fee

A. The price to be paid by a refiner pursuant to any contract for the purchase of royalty crude oil shall be the maximum price allowed pursuant to the applicable and controlling Federal or State law on the effective date of the contract. In the event that such price controls are terminated during the term of a contract, the price to be paid by a refiner shall be the fair market value of the state's royalty oil, which condition shall be effective at any time while the contract is in effect.

B. In calculating the payments for royalty crude oil purchased, the refiner may deduct from the price that portion of the transportation costs reimbursed to the state's Lessee which represents the actual cost of transportation to the agreed upon point of delivery utilized. Any additional cost of transportation for delivery to a more distant point shall be borne solely by the refiner.

C. Payments due under any contract shall be made monthly, such payments to be consistent with the volume of royalty oil received by the refiner during such preceding month.

D. The refiner shall be required to file monthly reports with the Office of Mineral Resources setting forth by lease and delivery point all volumes of crude oil received.

E. The state shall assume responsibility for all severance taxes due on its royalty production in effect on the contract date. The refiner shall be liable for all other taxes and any additional or increased taxes which become effective following the date of the contract. The Board may require the refiner to advance or remit to the appropriate state Lessee all severance taxes paid by such Lessee which are attributable to the volume of royalty oil acquired by the refiner. In such event the refiner shall be entitled to deduct such taxes on a monthly basis from payments due the state and remit same to the appropriate state Lessee.

F. In addition to all other prices, fees, and charges otherwise authorized in these regulations, the Board may assess a fee not in excess of twenty-cents per barrel of royalty oil delivered to cover the cost of administration.

11. Utilization; Right of First Refusal; Assignment; Resale

A. Refiner shall not resell any royalty crude oil without the prior written consent of the Mineral Board.

B. All royalty crude oil sold or processed under any contract, or other crude oil received in lieu of royalty crude oil under an exchange agreement, shall be utilized at refiner's facilities in the state and shall not be used for resale in kind except as authorized by the provisions of this Section. To the extent permitted by controlling federal law or regulations no gasoline or diesel end product refined from state royalty crude under any contract shall be sold for the ultimate purpose of retail sale outside of the State of Louisiana.

C. The resale or exchange of royalty crude oil in violation of the provisions of this section shall be punishable by a fine of not less than \$10,000.00 per day for each day of violation.

D. Any contract for the sale or processing of State royalty oil shall be conditioned upon the right of the state to exercise a right of first refusal to any product refined from the royalty crude.

E. Any contract for the sale or processing of state royalty oil shall also require that first priority be given to Louisiana customers in the usual course of sale of end products.

F. Refiner shall be required to furnish the Board copies of all contracts entered into between refiner and third parties reflecting delivery, receipt, handling, transporting, sale and use of crude oil covered by a contract with the Board, or refined products derived therefrom.

G. No contract shall be assignable without the prior written consent of the Board.

H. Refiner shall not enter into any exchange agreement whereby other crude oil in lieu of the state's royalty crude oil is delivered to refiner without the prior written consent of the Mineral Board.

12. Penalties; Liability; Bond

A. The Board shall provide for the assessment of a late charge at the rate of seven per cent per annum on any payments received from the refiner after the date such payments are due as otherwise provided in these regulations.

B. In any contract for the disposition of royalty crude oil the

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*E—Errata EO—Executive Order ER—Emergency Rule
 L—Legislation N—Notice of Intent P—Potpourri
 PPM—Policy and Procedure Memorandum R—Rule*