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# Executive Orders

## EXECUTIVE ORDER EWE-77-13

WHEREAS, this administration has done more to increase the representation and participation of women than any previous administration and has set a precedent for appointing talented women in responsible positions, not only as Cabinet members, but also as members of numerous boards and commissions, the Constitutional Convention, and as Director of the Department of Corrections; and

WHEREAS, I support the strong belief that women do make invaluable contributions when they are entrusted with responsible positions, both in the public and private sector; and

WHEREAS, under the Edwards Administration, Louisiana should be foremost among the states in providing opportunities for women; and

WHEREAS, there is a need for a method to provide opportunities for increasing the number of women in responsible positions, and the establishment of a Louisiana Task Force for a Talent Bank of Women will fill that need; and

WHEREAS, the staff of the Bureau for Women is capable of maintaining and administering the files of the Talent Bank of Women; and

WHEREAS, coordination and leadership, combining both public and private interests on State and local levels, is essential to assist the Bureau for Women in planning an effective program for the benefit of the citizens of this State; and

WHEREAS, the responsibility for developing these advantages should be drawn from many areas; and

WHEREAS, it is required that these responsibilities be coordinated in a concentrated planning program to insure the formulation of a single policy including all interested agencies and groups, providing optimum benefit to the citizens of the State; and

WHEREAS, it is essential that cooperation and input to the planning program be secured from the private sector whose contributions are vital to the success of the resulting program; and

WHEREAS, Federal funds should be requested as deemed appropriate and desirable to assist this effort,

NOW, THEREFORE, in order to promote and assist in the development of a program to encourage more utilization of women in responsible positions and in the coordination of all levels of government and all private interests in this venture, I, Edwin Edwards, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The establishment of the Louisiana Task Force for the purpose of assisting in the development of a comprehensive policy for identifying qualified women for responsible positions.

2. The Task Force shall assist the Bureau for Women in the accumulation of a Talent Bank of Women.

3. The Task Force shall establish guidelines to follow in establishing a talent bank.

4. The Task Force shall consist of membership as shown in Document No. 1, attached hereto, which is made a part hereof.

5. The Task Force shall secure information concerning needs and opportunities and shall organize meetings for the purpose of informing interested groups and individuals of the purposes of this program. The information gathered will be submitted in report form, and shall form the basis of the Task Force's preliminary and final reports.

6. The Task Force shall be headed by a chairperson, a coordinator and ten members appointed by the Governor, and who will serve without pay or other compensation. The Coordinator shall select a working staff to assist the Task Force in the performance of these duties.

7. The Task Force shall establish bylaws and rules of procedure for its operation.

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 9th day of September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

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### DOCUMENT NO. 1

#### Task Force for Talent Bank of Women

##### Chairperson

Sandra S. Thompson, Secretary  
Department of Culture, Recreation and Tourism  
Box 44361  
Baton Rouge, Louisiana 70804

##### Coordinator

Pat Evans, Program Administrator  
Louisiana Bureau for Women  
Department of Health and Human Resources  
530 Lakeland Street  
Baton Rouge, Louisiana 70802

##### Members

Fran Bussie  
Box 3477  
Baton Rouge, Louisiana 70821

Susan Eddington  
Total Community Action  
1770 Tchoupitoulas Street  
New Orleans, Louisiana 70130

Lynne Hair  
State Planning Office  
4528 Bennington Avenue  
Baton Rouge, Louisiana 70808

Ellen Bryan Moore  
2222 Government Street  
Baton Rouge, Louisiana 70806

Shirley McNamara, Secretary  
Department of Revenue and Taxation  
State Capitol Annex  
Baton Rouge, Louisiana 70801

Ollie Osborne  
124 University Row  
Lafayette, Louisiana 70503

Mary Evelyn Parker  
Treasurer, State of Louisiana  
State Capitol  
Baton Rouge, Louisiana 70804

Evelyn Sisco  
American Association of University Women  
108 Hilltop Circle  
Pineville, Louisiana 71360

Margaret Surlis  
East Carroll Delta News  
Box 828  
Lake Providence, Louisiana 71254

Shirley Temple  
Kentwood, Louisiana 70444

#### **EXECUTIVE ORDER EWE-77-14**

This executive order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Sections 1 through 238 as amended by Act 91 of the 1964 Legislature, with reference to the subject matter covered herein. Effective as of the date of my signature below, this order revokes and supersedes all other executive orders with reference to the following, and particularly as required by Sections 184 and 189 of Title 39, R.S. 1950.

R.S. 39:184: Emergency, Out-of-Schedule, and Revolving Fund Purchasing: "The procedure for the purchase of commodities and services not scheduled in this Chapter and for emergency purchases, as well as purchases financed by revolving fund appropriations and definitions of the emergencies and conditions under which emergency purchases may be made, shall be provided by executive order of Governor."

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State statutes, it is hereby ordered that all State of Louisiana agencies shall observe and abide by the following rules and regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

**Emergency purchasing:** Extreme public emergency involving jeopardy to life and property shall be certified to the Commissioner of Administration, in writing, in duplicate, signed by the head of the State agency, stating the nature of the emergency, cause, amount of damage estimated, cost to replace or repair, availability of funds, with the recommendations of the governing authority. The Commissioner of Administration through the State Purchasing Officer may secure quotations and let contracts on an emergency basis; or, if time does not permit, authorize the head of the State agency to let a contract at the agency level. Every effort shall be made to secure maximum competitive bidding under the circumstances. The Commissioner may authorize an expenditure of funds in extreme emergency cases by telephone or telegram, to be confirmed by letter, with justification of the emergency where time does not permit an exchange of letters.

Out-of-schedule purchasing is defined to mean any purchase not certified as an emergency, not suitable for scheduled quantity buying or placing under a commodity contract, nonrecurring items, and is interpreted to mean, but is not limited to, specific items of capital outlay equipment, materials and supplies needed for repair and maintenance, and /or all items where the estimated cost is less than one thousand dollars, which by its nature is not suitable for quantity buying, and any others as may be designated by the Commissioner from time to time.

Therefore, pursuant to the authority vested in me by R.S. 39:184, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the State government, except the Louisiana Department of Highways, shall be required to observe and be guided by the following specific directives:

1. All capital outlay equipment of any kind, wherever the cost is estimated to be in excess of three hundred dollars, shall requisition their requirements through the State Purchasing Department of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration.

2. All agencies of the State government covered by Act 91 of the 1964 Legislature, wherever the cost is estimated to be above fifty dollars and less than one

thousand dollars, regardless of whether purchases are made by the State Purchasing Department or agencies to whom purchasing has been delegated, shall observe the following rules and regulations on out-of-schedule purchases; but maximum competitive bidding shall be obtained in all cases.

a. Purchases under fifty dollars—no competitive bidding is required.

b. Purchases over fifty dollars but under two hundred dollars shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received.

c. Purchases of over two hundred dollars and less than one thousand dollars shall be made by receiving written quotations from at least five bona fide prospective bidders, wherever possible, using "Requests for Prices, Form A-10 Revised 64."

d. Purchases of over one thousand dollars. No purchases where the estimated cost is over one thousand dollars shall be made except by advertising and/or sending out written invitations to bid to at least eight bona fide, qualified bidders. Written invitations to bid shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid.

e. Exceptions to the above minimum competitive requirements:

(1) Emergency purchases.

(2) Federal government surplus property.

(3) Registered breeding stock.

(4) Livestock for slaughter when purchased at public auction sale.

(5) Patented or proprietary articles after certification by the State Purchasing Department.

(6) Standard replacement equipment parts which must be obtained from the manufacturer of the equipment or his agent, and where prices are established and where no competition may exist.

(7) Purchasing or selling transactions between State budget units.

(8) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(9) Professional services such as a physician, dentist, lawyer, architect, veterinarian, engineering services, and such other as may be designated by the State Purchasing Department.

(10) Public utility services such as water, electric light and power service, telephone, telegraph, and proprietary equipment pertaining thereto.

(11) Textbooks, newspapers, subscriptions, or foreign publications.

(12) Repairs, when obtained from an authorized dealer wherever breakdowns occur, such as

to automobiles, machinery, equipment, office machines, electric motors, et al. In actual practice this means Ford automobiles will be taken to Ford dealers and Chevrolet automobiles to Chevrolet dealers, without exception.

(13) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(14) Food purchased and used in home economic college courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(15) Food purchases and other materials and supplies required by juvenile detention homes where the number of the inmates are unstable and unpredictable.

Revolving-fund purchasing is defined to mean the buying of all commodities and supplies of any kind used in the operation of prison industries, cafeterias, dining halls, State buildings, colleges and universities, dormitories, bookstores, refreshment booths, grocery and general merchandise stores such as are maintained at the penitentiary, and all other business enterprises in the State government not primarily operated for rendering public services but for State employees, students and inmates, where the funds to pay for such purchases are derived from receipts of these business enterprises, but where the original funds were authorized and set up by the use of State funds and operated as revolving-fund units.

1. Wherever time permits, revolving-fund purchasing shall be by advertising and sealed bids, if over one thousand dollars, provided that these items are expendable and regularly recurring, such as the major revolving fund account with the Louisiana State Penitentiary, college cafeterias, and such other industries as may lend themselves to such practice.

2. Revolving-fund purchasing shall be flexible enough to secure supplies and materials used in prison industries, on short notice, in order to meet production schedules as required by the agencies buying from the penitentiary.

3. Revolving-fund purchases for resale, such as groceries, canned goods, packing house products, drug sundries, candy, tobacco, and other similar items may be obtained by buying the exact items or brand names that are most suited for the purpose for which they are intended. Likewise, materials and supplies intended for further processing into a manufactured article, the exact chemical materials or supplies may be purchased. Every effort shall be made, however, to obtain maximum competitive bidding under the circumstances.

4. Revolving-fund purchases of foods for cafeterias, dining halls or dormitories, such as the State colleges and universities, shall be purchased by competitive bidding as outlined in these rules and regulations; however, the selection, fabrication, packaging, and standards of quality may be determined

by the head of the State agency. In the event of controversy between the State agency and the supplier, and after consideration of all the facts pertaining thereto, the Commissioner of Administration may issue a ruling, and this judgment shall be considered final. Perishable foods, including fresh vegetables, fresh fish and products subject to frequent changes in price, shall be purchased on daily, weekly, or bimonthly price quotations.

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 22nd day of September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

### **EXECUTIVE ORDER EWE-77-15**

Acting pursuant to the authority vested in me by the Constitution and the laws of the State of Louisiana, I, Edwin Edwards, Governor of Louisiana, do hereby issue the following proclamation and executive order repealing and superseding Executive Orders 8, 30, 55, 57, and EWE-76-3.

WHEREAS, Executive Orders 8, 30, 55, 57, and EWE-76-3 created the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the various law enforcement planning districts, and the various law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, the Legislature in R.S. 15:1201 through R.S. 15:1211 created by statute the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, and the law enforcement planning districts, and the law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, R.S. 15:1209 states that "The planning agencies for the planning districts shall be those heretofore or hereafter recognized as such by the Governor." Now, therefore, I, Edwin Edwards, Governor of the State of Louisiana, do hereby recognize the following law enforcement planning district agencies:

(1) The planning district agency for Orleans Law Enforcement Planning District shall be Orleans Parish Criminal Justice Coordinating Council.

(2) The planning district agency for Capital Law Enforcement Planning District shall be Capital District Law Enforcement Planning Council, Inc.

(3) The planning district agency for Metropolitan Law Enforcement Planning District shall be Metropolitan District Law Enforcement Planning and Action Commission, Inc.

(4) The planning district agency for Evangeline Law Enforcement Planning District shall be Evangeline Law Enforcement Council, Inc.

(5) The planning district agency for Southwest District Law Enforcement Planning District shall be Southwest District Law Enforcement Planning Council, Inc.

(6) The planning district agency for Red River Delta Law Enforcement Planning District shall be Red River Law Enforcement Planning Council, Inc.

(7) The planning district agency for Northwest Law Enforcement Planning District shall be Northwest Law Enforcement Planning Agency, Inc.

(8) The planning district agency for North Delta Law Enforcement Planning District shall be North Delta Law Enforcement District, Inc.

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 22nd day of September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

### **EXECUTIVE ORDER EWE-77-16**

#### **Provisions for the Necessary and Appropriate State Coordination and Participation with the National Flood Insurance Act of 1968, as Amended, and Rules and Regulations Promulgated Thereunder.**

WHEREAS, uneconomic uses of the state's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, State, and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Louisiana has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of programs for Federal loans and mortgage insurance, State financial assistance and land use planning are determining factors in the utilization of lands; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as

amended, is dependent upon State coordination of Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and floodrelated erosion area management activities in the state; and

WHEREAS, the Department of Urban and Community Affairs is the designated State agency responsible for coordinating local regulation necessary for flood insurance provided by the National Flood Insurance Act of 1968; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of states and local communities to participate in the National Flood Insurance Program, which participation depends on State coordination and the designation of an agency in the state to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and flood related erosion area management activities.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, hereby order that:

The Department of Urban and Community Affairs, by virtue of its designation as the agency responsible to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration, coordinate and encourage a broad and unified effort to prevent uneconomic uses and development of the state's flood plains and, in particular, to reduce the risk of flood losses in connection with State lands and installations and State financed or supported improvements.

All State agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction in the flood plains, the flood plain management criteria set forth in Section 1910.13, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply. Flood insurance measures shall be applied to existing facilities in order to reduce flood damage potential.

All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with respect to

uses of the said lands or properties. In carrying out this provision, each State agency may make appropriate allowances for any estimated loss in sale price resulting from the incorporation of use restrictions in the disposal documents.

All State agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

As permitted by law, the Secretary of each department shall issue appropriate rules and regulations to govern the implementation of this executive order, and shall coordinate rules and regulations with the Department of Urban and Community Affairs and the Office of the Governor, Division of Administration, State Property and Casualty Insurance Section.

The Department of Urban and Community Affairs is hereby designated as the agency in the State of Louisiana responsible for making recommendations under Section 1909.22 of the Rules and Regulations of the National Flood Insurance Act, for the determination of areas for hydrological rate-making studies.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 30th day of September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The following rules were adopted by the Board at its regular meeting on September 22, 1977.

#### Rule 3.01.51c

Revision to Bulletin 741, Standards for School Approval of Special Schools, page 112, paragraph 1 as follows:

“Special schools, as used in the context of these standards, shall refer specifically to any special education program which serves primarily those exceptionalities identified on page 122 of this document and whose organizational structure is approved by the State Board of Elementary and Secondary Education. Further, such organizational structure shall exist apart from the regular school environment.”

#### Rule 3.01.51d

Revision to Bulletin 741, Standards for School Approval of Alternative Schools, page 107, with the following addition: “Special education programs as defined on page 112 are not eligible for alternative school approval.”

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## DECLARATION OF EMERGENCY

### Board of Regents

At its meeting on September 22, 1977, the Board of Regents exercised the emergency provisions of the Administrative Procedures Act to revise policies 3.4 and 3.5B in order to coincide with Act 439 of the 1977 Regular Session of the Louisiana Legislature as follows:

#### Finance

#### 3.4 Capital Projects

All changes to any institution or system's physical facilities that add to, improve, change the utilization of, or that remove from use such facilities will first be submitted to this Board for review, comment, and approval prior to beginning any such project. Provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s)

taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by state statute.

#### Finance

#### 3.5B Dedicated Revenues

Revenues which were dedicated to higher education institutions prior to January 1, 1975, will comply with requirements set forth in the new Constitution concerning the dedication of funds and applicable state statutes.

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted effective October 1, 1977, the following maximum Fee Schedule of Authorized Services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program. This new fee schedule was developed in an attempt to have the EPSDT fees compare more favorably with those of the private sector.

This action was taken pursuant to the R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

#### EPSDT Dental Program

#### Maximum Fee Schedule of Authorized Services

#### Category A

Services contained in this category are the services generally allowable under the program and require no justification when listed in the claim for payment or treatment plan submitted for prior authorization.

Occlusal x-ray .....	\$ 5.00
Amalgam restoration—two surfaces ....	15.00
Amalgam restoration—three or more surfaces .....	20.00
Esthetic restoration—Class III or V (silicate, plastic composite) not to exceed three individual restorations on a single tooth	13.00
Acid etch restoration of fractured anterior restoring entire incisal edge (with report) .....	40.00
Stainless steel crown .....	30.00
Polycarbonate crown (limited to permanent anterior and deciduous cuspids) ....	30.00
Biopsy (including pathology report) ....	25.00
Routine extraction (permanent or deciduous) to include routine postoperative care .	12.00
Incision and drainage of abscess .....	10.00
Nitrous oxide analgesia, per visit .....	3.00



**Category B**

Services in this category require special and individual consideration before preauthorization can be granted. Requests for these services must be accompanied by a brief report of circumstances including appropriate x-rays and clinical findings that justify the requested treatment.

Apicoectomy .....	45.00
Puplectomy .....	40.00
Surgical removal of impacted tooth (soft tissue impaction) .....	30.00
Surgical excision of pericoronal gingiva .	20.00
Frenulectomy .....	25.00
Alveolectomy/Alveoplasty (surgical preparation of ridge for dentures)— per quadrant .....	40.00
Periodontal prophylaxis (full mouth, subgingival-scaling) .....	25.00
Subgingival curettage, root planing, complete periodontal scaling (per quadrant), incipient bone loss must be evident radiographically .....	30.00
Partial denture (acrylic base—rests—wire clasps) .....	165.00
Partial denture (cast framework— acrylic saddles) .....	300.00
Relining upper or lower denture (laboratory) .....	70.00
Crown buildups—pin retained (pins to be listed individually with appropriate fee) .....	18.00
Post and core .....	35.00
Cast gold crown .....	125.00
Porcelain jacket crown .....	125.00
Porcelain fused to gold crown (per unit)	185.00
Removable bilateral space maintainer (lingual arch) .....	70.00
Hospital Fee (total fee, pre and postoperative) Special request for hospitalization required .....	75.00

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

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries**

The Department of Wildlife and Fisheries has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, via resolution of the Wildlife and Fisheries Commission, the following rules. They became effective on the date of adoption, September 27, 1977.

**Noncommercial Use of Coastal  
Refuges and Management Areas**

WHEREAS, the Department of Wildlife and Fisheries owns large acreage of wildlife refuges and

game management areas along the Louisiana coast, and

WHEREAS, these areas produce annual crops of marine fishes and organisms, and

WHEREAS, sportfishing is permitted on the areas for recreational purposes, and

WHEREAS, a controlled harvest of marine organisms such as shrimp, oysters, crabs, crayfish and pinfish are permitted, and

WHEREAS, this harvest can be permitted without jeopardizing the resources or violating regulations by which the State obtained title to the areas,

NOW, THEREFORE BE IT RESOLVED, that the Department of Wildlife and Fisheries does hereby adopt the following regulations for the sport taking of shrimp, oysters, fish, crabs and crayfish on the Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Wildlife Refuge, Pointe au Chien Wildlife Management Area, and Salvador Wildlife Management Area.

1. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season one hundred pounds per boat shall be permitted. Size count to conform with open season requirements. During the inside closed season ten pounds per boat may be taken for bait.

2. Oysters may be taken from natural reefs and opened at the site. A maximum of one gallon per boat is permitted and all shell must be thrown back onto the reef. Possession of unshucked oysters is not permitted.

3. Fish may be taken by rod and reel or hand lines for recreational purposes only.

4. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight.

5. Crayfish may be harvested in unrestricted portion of the refuges and game management areas and shall be limited to one hundred pounds per boat or group. Fishing gear used to catch crayfish shall not remain set overnight.

6. The harvest of all fish, shrimp, oysters, crabs and crayfish are for recreational purposes only and any commercial use is prohibited.

NOW, THEREFORE BE IT FURTHER RESOLVED that this action is of an emergency nature in order to harvest the resources before they migrate off of the areas and that the Director is hereby authorized to sign all documents pertaining to this matter.

**Permit to Remove Hogs and Cattle From  
Wildlife Management Areas**

WHEREAS, the Game Division is in need of a universal method for owners to remove livestock from State-operated wildlife management areas, and

WHEREAS, the acquisition of Boeuf Wildlife Management Area needs special attention at this time, and

WHEREAS, it is recommended that the following rules and regulations for removal of livestock from wildlife management areas:

1. Individuals (owners) having hogs or cattle on wildlife management areas apply to district supervisors for permits. Only stock owners with stock on the wildlife management area will be issued a permit.
2. Permits will be issued for not more than one year's duration, and can be revoked on a thirty-day notice.
3. Stock dogs may be used for the taking of livestock only. Dogs will be collared with owner's name and address on collar. Permittee will be responsible to see that his stock dogs will not unduly harass wildlife animals. Any such harrassment will result in revoking permittee's permit.
4. No dogs will be used during open deer season.
5. Commission personnel will have the right to search the permittee's equipment and/or vehicle while using this permit.
6. Permit is valid only from official sunrise until official sunset.
7. Firearms are not permitted for removal of stock and will not be in permittee's possession while on the wildlife management area.
8. Permittee will abide by all rules and regulations in force on the specified wildlife management area, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting on September 27, 1977, adopted the above rules for the purpose of using stock dogs in the removal of livestock from Department-operated wildlife management areas.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Rules

## RULES

### Department of State Civil Service

#### 6.25 Compensation for Overtime Hours Worked.

(b) 1. While he is occupying a position for which the current minimum of the pay range is \$971 per month or more, unless this limitation has been removed through the application of the provisions of Rule 11.29(j).

\* \* \* \*

#### 8.26 Status of Unclassified Employees upon Reorganization of State Government.

When State departments and agencies are reorganized pursuant to the provisions of the Constitution of 1974, Legislative act and/or constitutional amendment:

(a) An employee occupying a position that either previously had or presently has, constitutional unclassified status and whose position is retained by the State may be continued in his position with probationary status without competitive examination provided:

1. His position falls within the classified service; and
2. He possesses the minimum qualification requirements established for the class to which his position has been allocated by the Director; and
3. He has at least one year of continuous service with the department or agency as of the effective date of the transfer; and
4. The method of transfer results in a bona fide reorganization of that function; and
5. He is otherwise eligible for employment in the classified service.

(b) The rate of pay of an employee entering the classified service pursuant to Sub-section (a) of this rule shall be fixed in accordance with the provisions of Rule 6.28.

(c) Unused annual, sick, and compensatory leave earned by and credited to an employee entering the classified service pursuant to Sub-section (a) of this rule shall be assumed by his acquiring department and shall be recredited to him. Thereafter, he shall earn and be credited with leave benefits as provided elsewhere in these rules.

(d) An employee who enters the classified service pursuant to the provisions of Sub-section (a) of this rule shall be amenable to the provisions of these rules with respect to all other aspects of his service as a classified employee of the State.

\* \* \* \*

#### 11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(c) may be granted leave without pay.

\* \* \* \*

#### 11.29 Compensatory Leave.

(a) Subject to the provisions of Sub-sections (d) and (i) of this rule and the requirements of Federal rules, statutes, regulations, and judicial decisions, an employee serving in a position for which the current minimum rate of the range is \$971 per month or more who is required to perform overtime duty may, in the discretion of his appointing authority, be credited

with compensatory leave equal to the number of extra hours he has been required to work.

(j) In unusual cases, and upon recommendation of the Director, the Commission may extend the application of the provisions of Sub-section (b) of this rule to one or more individual employees or to specific groups or classes of employees in specific departments who occupy positions for which the current minimum rate of the pay range is \$971 or more, and who are required to perform overtime duty; provided, that the Director's recommendation must be accompanied by the appropriate appointing authority's representation that the overtime duty involved will be required over an extended period of time; except that where the payment of overtime is required under the provisions of Federal rules, statutes, regulations, and judicial decisions, such payment is authorized to be made by the appointing authority.

12.3 Procedure in Adverse Actions for Cause, Except Suspensions.

(a) In every case of removal, demotion, or reduction in pay for cause of a permanent employee, the appointing authority or his authorized agent shall:

1. Furnish to the employee at the time such action is taken, or prior thereto, a statement in writing giving detailed reasons for such action.

2. In such cases, the appointing authority or his duly authorized agent shall, commencing January 1, 1978, include in the written notice the following provision: "You may appeal this action to the Civil Service Commission within thirty days. The appeal must conform to the provisions of Chapter 13 of the Civil Service Rules."

3. The appointing authority shall furnish the Director a copy of such statement within fifteen calendar days of the date the employee is notified.

13.14 Summary Disposition of Appeal.

(b) Any request for summary disposition when made prior to the date fixed for the hearing of the appeal may be supported by admissions of fact and written argument or brief; provided, that

2. The adverse party shall have fifteen calendar days after such service, or until the date of the hearing, whichever is sooner, to file with the Director an opposition to the request which opposition may be supported by written argument or brief.

13.17 Notice of Hearing of Appeals.

(a) Subject to the provisions of Sub-section (b) hereof, the Director or referee shall give the appellant and the authority or persons against whose action the appeal has been taken a notice of the time and place fixed for the hearing or the taking of testimony at least fifteen calendar days prior to the date of the hearing.

14.1 Prohibited Activities.

(e) No employee in the classified service and no member of the Commission shall

5. Participate in an effort to recall from office an elected public official.

George Hamner, Director  
Department of State Civil Service

**RULE**

**Department of Commerce  
Licensing Board for Contractors**

It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, subcontractor, or any other person to contract, or subcontract, all or any portion of work involved herein, to any other contractor, or subcontractor unless said contractor or subcontractor was duly licensed by this Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner, or awarding authority.

This rule shall not apply to jobs exempted by R. S. 37:2157B.

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

Emery L. Villar, Executive Director  
Licensing Board for Contractors

**RULES**

**Department of Commerce  
Real Estate Commission**

1. Initial Applications—All applications for licenses shall meet the following requirements before being processed by the Commission:

A. Applications shall be fully completed, notarized and accompanied by the appropriate license and examination fees.

B. Applications shall be received by the Commission not less than eleven days prior to the date of the next scheduled license examination.

C. Broker license applications shall include:

1. Current character/credit report obtained from a recognized credit reporting agency.

2. Escrow account affidavit properly executed and notarized.

3. Bond, as specified in R.S. 37:1447.

4. Broker application acknowledgment, if required, as specified in Rule 9.

2. Examinations—Examinations shall be held on the first Tuesday of each month, excluding January and December.

A. In order to be permitted to take a license examination, an applicant must obtain an admittance authorization by complying with the provisions of Rules 1 and 3.

B. Examinations shall be taken only on the date and time specified in the admittance authorization.

C. Admittance authorization and photographic evidence of applicant's identity (e.g. driver's license) shall be presented to examination monitor by the applicant before an examination will be administered.

D. Applicants who fail to appear for examination, as specified in their admittance authorization, shall forfeit all fees.

E. Applicants who are disqualified, for any reason, on an examination shall forfeit all fees.

F. Applicants who are disqualified on an examination and/or applicants who fail to appear to take the examination are permitted to reapply provided that they remit new license and examination fees and obtain an admittance authorization.

G. Applicants who fail to pass their initial license examination shall forfeit all fees. However, they are allowed to take a second examination, at the next scheduled examination period only, provided that they remit a new examination fee and obtain an admittance authorization.

H. Applicants who fail to pass their second license examination shall forfeit all fees and their applications shall be returned. Second time examination failures shall not be allowed to reapply for license for a period of not less than six months following the date of their last examination failure.

I. Applicants are permitted to use calculating devices during examinations. Applicants are not allowed to possess or utilize any reference material during examination.

J. Examinations will be administered only at designated examination centers, on the prescribed date and at the prescribed time as shown on admittance authorization, and only after all of the requirements of this section have been met.

3. Fees—All fees are forfeited to the Commission when received.

A. License fees shall cover a period of one calendar year beginning January 1 and shall not be prorated.

B. Any check remitted to the Commission as a fee which is returned unpaid by the issuer's bank shall be cause for:

1. Suspension or revocation of license.
2. Refusal to issue or renew license.

4. Renewal Applications—Renewal applications shall be received by the Commission not later than October 15 in order for licenses to be issued in proper statutory time.

A. The responsibility for timely submission of renewal applications rests solely with each individual licensee. Failure to timely submit applications for renewal shall be cause for suspension of license.

B. Salesmen's licenses shall be renewed subsequent to renewal of their sponsoring broker's license.

C. Salesmen's renewal applications shall be signed by the sponsoring broker and submitted to the Commission together with renewal fee.

D. Renewal applications of salesmen who intend to transfer from one broker to another at the beginning of the license year shall be signed by the new sponsoring broker, and no transfer fee is required. However, any request for change of sponsoring broker received subsequent to actual issuance of renewal license shall be assessed a transfer fee regardless of the date upon which the original renewal application was submitted.

5. Delinquent Renewal—Applications for renewal of delinquent licenses shall be accepted by the Commission only during the calendar year following the last date on which an applicant held a valid license. Delinquent applications shall be accompanied by an affidavit which explains the reason(s) for delinquency before renewal license will be issued.

A. Former licensees who are not eligible for renewal shall apply as initial applicants.

B. Examination requirements shall apply to all applicants who are not eligible for renewal.

C. Former licensees who have not been licensed during the three calendar years preceding their date of application are subject to all educational requirements of initial applicants.

D. Applicants who were previously licensed at least two consecutive years during three calendar years preceding the date of application may obtain a waiver of all or part of the educational requirements at the discretion of the Commission.

6. Broker Affiliation—Brokers are permitted to become affiliated provided that all requirements of individual broker licenses are maintained.

A. Presently licensed brokers or broker applicants who elect to become exclusively affiliated with another broker, whether that broker is an individual, corporation, or partnership, shall notify the Commission prior to beginning or terminating such relationship and indicate the effective date thereof. The notification required by this section shall be on a form provided by the Commission and shall be accompanied by delivery of the individual's broker's license to the Commission along with a transfer fee of twenty-five dollars. The Commission shall inscribe the identity of the sponsoring broker on the license and immediately return same to the sponsoring broker for display as described in R.S. 37:1444.

B. All brokers who are exclusively affiliated shall be exempt from the requirement of maintaining an escrow (trust) account as otherwise required in the law or the rules and regulations of the Commission. The waiver provided herein must be specifically claimed by the broker and approved by the Commission.

7. Salesman License Transfer—Except as provided in Rule 4 D, salesmen who elect to transfer their license from one sponsoring broker to another shall notify their present sponsoring broker of the intended action, in writing, along with the request that the broker forward the license to the Commission in ac-

cordance with the time requirement specified in R.S. 37:1442.

A. A copy of said notification along with the transfer fee and the acknowledgment of the new sponsoring broker, shall be immediately forwarded to the Commission by the transferring salesman.

B. No action is required by the present sponsoring broker other than the timely return of the license to the Commission.

8. Salesman License Cancellation—Sponsoring brokers who return a salesman's license to the Commission for cancellation shall immediately sign and forward to the Commission by registered mail, a copy of the letter by which the broker notified the salesman that his license has been returned to the Commission for cancellation.

9. Termination Responsibilities—Upon termination of the business relationship with a sponsoring broker, salesmen and exclusively affiliated brokers shall immediately turn over to the sponsoring broker all listing information, contracts, keys and other property obtained during said business relationship, whether such information was originally given by, or copied from the records of the sponsoring broker, or otherwise acquired by the salesman or exclusively affiliated broker during the business relationship with the said sponsoring broker.

A. Compliance with this section is required before a license will be transferred.

B. Sponsoring brokers who allege failure of compliance with this section shall furnish a documented report of the alleged violation to the Commission within ten days of termination of the business relationship. Failure to timely comply with the requirements of this section shall be deemed as a waiver thereof.

10. Broker Application Acknowledgment—Salesmen who apply for broker's licenses shall submit written acknowledgment of their application from their sponsoring broker. The acknowledgment shall be prepared by the applicant for execution by the sponsoring broker and may be submitted under separate cover or attached to the application when submitted to the Commission. No application will be processed until the acknowledgment is received by the Commission.

A. Execution of the acknowledgment shall be done by the sponsoring broker, without qualification, within ten days following the applicant's receipt of written request therefor.

B. Failure of the sponsoring broker to acknowledge in accordance with the provisions of this section, shall be cause for the suspension or revocation of license.

11. Trade Names—Not more than one broker's license shall be issued in the same, or substantially similar trade name.

A. No surname shall appear on an individual broker's license except that of the said broker.

B. No surname shall appear in the trade name of a corporation or partnership license to be issued after

October 20, 1977, unless such surname is that of an active broker who owns a substantial interest in the said corporation or partnership.

C. Brokers who use franchise, trade, service or professional names, symbols, or trademarks in connection with their broker activities, shall:

1. Register such name, symbol, or trademark with the Commission.

2. Disclose to the public in all advertising, with the exception of standard picket yard signs, that the said real estate brokerage office is independently owned and operated.

12. Concurrent Licenses—Broker and salesman licenses shall not be issued nor held concurrently.

13. Advertising—All advertising by real estate brokers shall be stated in the exact name as shown on their broker's license.

A. Brokers shall have the actual authority of the owner of any property before they represent or advertise the said property in any way.

B. All advertising by real estate brokers shall be a clear, concise, true and up-to-date representation of the property advertised.

C. All advertising, whether printed, by radio, television, display or, of any other nature, must contain the name and telephone number of the advertising broker. The name and telephone number of salesmen and/or broker affiliates may appear in advertising of the sponsoring broker, however, it must be displayed in a manner distinctively subordinate to that of the sponsoring broker.

D. No advertisement shall be made by telephone number alone.

E. A licensed broker or salesman offering property in which such licensee owns an interest shall state in any advertisement that the owner is a licensed real estate agent.

F. No real estate broker shall offer or advertise to the public the service of "free appraisal" unless said broker is fully qualified and/or certified in the field of real estate appraisal by competent authority. Any real estate broker who, nevertheless, advertises or offers the service of "free appraisal", shall furnish a complete written copy of each appraisal that is requested in response to such offer or advertisement.

14. Escrow Accounts—Immediately upon becoming licensed, each broker shall open and maintain an escrow (trust) account into which they shall deposit all monies, including rentals, or other things of value received in trust on behalf of clients.

A. The escrow (trust) account required by this section shall be established as a separate account in a bank in the parish in which the broker's main office is located except under circumstances where requirements of the principal parties dictate a different parish and mutual consent of said parties is obtained. Separate escrow (trust) accounts are permitted to be opened and maintained for the collection and management of rentals.

B. Monies received in trust on behalf of clients are not assets of the broker and shall not be commingled with personal or business funds of the broker; however, a broker may deposit and keep a sum not to exceed one hundred dollars in said account from his personal funds, which sum shall be specifically identified and deposited to cover bank service charges related to said escrow (trust) account. Failure to comply with the requirements of this subsection shall be construed as prima facie evidence of fraud.

C. Applicants for brokers' licenses shall execute an affidavit authorizing and empowering the Commission or its representative to examine, inspect and/or copy their escrow (trust) accounts.

D. Brokers shall execute a separate escrow (trust) account affidavit upon opening any new or additional escrow (trust) account. Affidavits required by this subsection shall be submitted to and received by the Commission within ten days following the opening of such account.

E. Monies received and deposited in escrow (trust) accounts shall be removed and/or disbursed therefrom only upon:

1. Mutual consent of buyer(s) and seller(s)—When any funds which are held in escrow (trust) are designated to be compensation to the broker or cooperating broker, such funds shall be disbursed from the escrow account and transferred to the personal account of the broker only upon said compensation being earned and with the consent of the owner of the funds.

2. Court order.

F. Brokers shall notify the Commission of their intention to close an escrow(trust) account at least ten days prior to the intended closing date.

G. Upon cancellation of license for any reason, a broker shall nevertheless continue and maintain the escrow (trust) account until such time as all deposits therein have been properly disbursed according to law.

15. Change of Address—Within ten days following the effective date:

A. Salesmen shall report any change in their residence address and/or telephone number to the Commission along with a ten dollar transfer fee.

B. Brokers shall report any change in their business address and/or telephone number to the Commission along with a ten dollar transfer fee.

C. Failure to comply with the provisions of this section shall be grounds for suspension of license.

16. Multiple Representation—Real estate licensees represent one or another party to a transaction and shall not accept compensation from more than one party without the full knowledge of all parties to the transaction.

17. Licensee Ownership Disclosure—A real estate licensee shall not acquire an interest in or buy for himself, his firm or any member thereof, or a corpora-

tion in which he has an interest, properties listed with him, or his company or firm, without making his true position known in writing to the owner.

18. Co-op Transactions—All written offers which are presented to a listing broker by a cooperating broker shall be presented to the owner of the listed property for his consideration and decision.

A. The listing broker shall present the offer immediately, without delay, and/or as soon as possible without regard to consideration of other possible or pending offers of which he may be aware.

B. Negotiations concerning property listed exclusively with one broker shall be carried on with the said listing broker, not the owner, except with the expressed consent of the said listing broker.

C. All written offers presented by a cooperating broker to a listing broker shall provide for insertion for time of day, date and acknowledgment of receipt by listing broker.

D. All written offers presented to the owner and not accepted shall be clearly marked as rejected and signed by the owner (seller). In the event that the owner (seller) is not available and grants authority to listing broker to reject, the listing broker shall sign in lieu of owner (seller) but the listing broker shall nevertheless forward to owner a copy of the written offer to be signed by owner (seller) and said signed copy returned for files of both listing broker and selling (cooperating) broker.

19. Contract Tampering—No broker or salesman shall induce any party to a contract to act in such a manner as to break such contract for the purpose of substituting in lieu thereof, a new contract with another real estate broker or salesman.

20. Payment to Nonlicensees—Real estate licensees, in accordance with the provisions of R.S. 37:1454, shall not offer or pay a fee or any other compensation of any kind to any unlicensed person for the purpose of obtaining any listings, sales, or other real estate or business chance transactions.

21. Report of Legal Action—Real estate licensees, in addition to the provisions of R.S. 37:1437.1 and in accordance with the provisions of R.S. 37:1454, shall report to the Commission:

A. Any conviction, except minor traffic offenses, of any violation of the criminal laws of the United States or the State of Louisiana, regardless of the method used to arrive at the conviction and/or whether the conviction is appealed.

B. Institution of any proceedings under the Federal Bankruptcy Act in which such licensee is named as debtor, whether classified as voluntary, involuntary, individual, corporate, partnership, or in any way connected with such licensee's real estate business activities.

C. The time and method for reporting required by this section shall be as specified in R.S. 37:1437.1.

22. **Broker Records**—Brokers shall retain, readily available and properly indexed, copies of all documents which in any way pertain to real estate transactions wherein they have appeared in licensed capacity for at least five years.

23. **Complaints**—Complaints involving violation of the Louisiana Real Estate Licensing Law and/or the Rules and Regulations of the Commission shall be signed by the complainant or his legal representative before any action thereon will be taken by the Commission.

24. **Investigations**—Licensees shall be prepared to answer all investigative questions propounded by authorized Commission investigative personnel. If an appointment is arranged, prior to an investigator's visit, the licensee shall be available at the appointed time and place. Failure to comply with the requirements of this section shall be construed as contempt of the Commission as provided in R.S. 37:1436(C) and R.S. 37:1453.

25. **Broker Responsibilities**—It shall be the duty of sponsoring brokers to inform their salesmen of any change of the Real Estate License Law and/or Rules and Regulations of the Commission.

26. **Interstate Land Sales**—Unless registered in Louisiana as hereinafter specified, no person, partnership, or corporation shall sell or offer for sale in Louisiana any out-of-state real estate in a subdivision which is subject to the Federal Interstate Land Sales Full Disclosure Act except through a licensed resident Louisiana real estate broker.

A. Prior to the time when subject real estate is offered for sale, such person, partnership, or corporation shall make application to the Commission for registration in this state. Applications for registration shall contain the following information and supporting documents:

1. Name, address, and whether the applicant is a person, partnership, or corporation;

a. Partnership: the names and addresses of the individual members thereof;

b. Corporation: names and addresses of officers and members of board of directors and place of incorporation.

2. Legal description of the real estate offered for sale, including area maps and recorded plats;

3. Name and address of legal owner of the subject real estate;

4. A certified, audited financial statement disclosing the current financial condition of the developer;

5. A statement of title to the property including all encumbrances with recording data on the day of application;

6. Copies of the instruments by which the property was acquired and documentary evidence stating whether mortgagee or trustee of a deed of trust will or will not subordinate his interest in the real estate to the interest of a purchaser;

7. Sales contracts intended to be used which shall contain a provision entitling the purchaser, if he has not seen the land, to an unconditional right of refund of all payments made under the contract after inspecting the land if inspection is made within thirty days from the date of the contract. Such contracts shall also contain a provision granting to the purchaser an unconditional right to rescind the contract for a period of fourteen days if he has not inspected the land;

8. A zoning or other governmental regulations statement disclosing whether or not such regulations have been satisfied;

9. A copy of an offering statement which sets forth the material facts with respect to the subject real estate.

B. After receiving the application, the Commission may require such additional information deemed necessary.

C. The Commission shall require a personal inspection of the property by a person(s) designated by it to determine whether, in general, the property can be utilized as indicated by the subdivider. All such inspection expenses incurred shall be borne by the applicant who shall deposit with the inspector in advance a sum sufficient to cover such expenses.

D. Applicants shall appoint the Louisiana Secretary of State to act as the applicant's agent for the service of all judicial process or legal notices directed to such applicant. Service upon the agent so designated shall be equivalent to personal service upon the applicant.

E. If the requirements set forth herein are met, the Commission shall register the subdivision for a period of one year. The subdivider shall renew each year by furnishing the Commission with all information as would modify or change the information previously submitted. Should the Commission deem that an additional inspection is necessary, the cost of making same shall be paid by the subdivider in the manner provided for initial registration.

F. Neither the subdivider or any representative of the subdivider shall in any manner refer to the Commission or any member or employee thereof in selling, offering for sale, advertising or otherwise promoting the sale, mortgage, or lease of such real estate, nor make any representation whatsoever that such real estate has been inspected, approved, endorsed or in any way recommended by the Commission or any Louisiana official, department, or employee.

G. The Commission shall have the power to withdraw any registration and/or issue a cease and desist order to any subdivider subject to these Rules and Regulations, upon determination that any Federal or State law or Commission rule has been or will be violated.

27. **Veteran Waiver**—Licensees who are inducted into military service or those licensees in the military

who are transferred out of state shall, upon furnishing appropriate evidence of their honorable discharge, be entitled to renewal of their licenses, without penalty, provided application is filed within six months following discharge. The provisions of this section shall extend to spouses of persons described hereinabove who were licensed at the time of such induction or transfer.

28. Deceased Broker—In accordance with R.S. 37:1460, the licensee who is selected to assume the position of a deceased broker for the purpose of completing the pending business of the broker, shall notify the Commission of said appointment within ten days.

A. In the exceptional case where one hundred eighty days is not sufficient to complete the pending business of the deceased broker, the Commission may grant an extension of time where justified.

B. In those cases where it is necessary to appoint a licensee that was not a salesman or broker-affiliate of the deceased broker, the appointee shall be a broker.

C. Transfer fees are waived in the event that the transfer is required due to the death of a sponsoring broker.

29. Corporations and Partnerships—A real estate broker's license shall not be granted to a corporation or partnership unless said corporation or partnership designates only one qualifying broker who shall own a substantial interest in and shall represent the said corporation or partnership. The qualifying broker shall sign the bond and/or continuation certificate and application for the corporation or partnership and all applications for the salesmen. All directors and officers of a broker corporation or partnership who actively participate in the real estate business of said corporation or partnership shall be licensed as an individual real estate broker. Upon termination of the qualifying broker's affiliation with the broker corporation or partnership, for any reason, the qualifying broker shall immediately notify the Commission, and the broker corporation or partnership shall name a new qualifying broker and notify the Commission within ten days thereof. Every person who acts as a salesman for such corporation or partnership shall be licensed as a real estate salesman.

A. Individuals who elect to become licensed as a real estate broker corporation or partnership are subject to all requirements of the Louisiana Real Estate License Law and/or Rules and Regulations of the Commission that are imposed upon individual broker licensees.

B. Upon dissolution of a corporation or partnership, the qualifying broker shall return the corporation or partnership broker's license to the Commission, accompanied by all exclusively affiliated broker and salesman licenses held by the broker corporation or partnership, within ten days following the date of corporation or partnership dissolution.

C. Exemption: The provisions of this section which require a qualifying broker to own a substantial interest in the broker corporation or partnership shall be waived in those cases where ownership of stock in such corporations or partnerships, licensed prior to September 1, 1974, is precluded. The waiver outlined by this subsection must be claimed by licensees and approved by the Commission in connection with renewal of licenses for 1975 and thereafter.

30. Bonds—Companies that issue bonds as required by R.S. 37:1447, shall issue same in the identical name as set forth in applicant's application. Additionally, said companies shall provide a notarized power of attorney giving specific authority for named individual(s) to execute such bonds on behalf of that company.

A. The power of attorney required by this section shall be furnished either directly to the Commission in "blanket" form or individually to the recipient of the bond. In the latter case it shall be the obligation of said recipient to attach the individual power of attorney and submit same with the appropriate application.

B. Applications which do not comply with the requirements of this section shall be returned to the sender.

C. Bonding companies shall not be permitted to cancel a broker's bond for:

1. Non-payment of premium.
2. Suspension of license.

D. Bonding companies shall obtain the approval of any bond cancellation from the Commission. Cancellation of broker's bond for any reason shall result in automatic indefinite suspension of the broker's license effective on the date of cancellation of the bond provided, however, that licenses subject to suspension pursuant to this section shall remain in full force and effect if a new bond is obtained and submitted by the broker and received by the Commission within ten days prior to the effective date of scheduled cancellation of bond. Notification by bonding company of approved cancellation of the bond shall be provided to the broker by certified mail not less than ten days prior to the date that said cancellation is to become effective.

1. Informational copies of the said notification and proof of receipt by the broker shall be furnished to the Commission by the bonding company before any cancellation will be processed.

2. Reinstatement of licenses suspended under this section shall require the approval of the Commission and shall be applied for by:

- a. A petition to the Commission setting forth justification for the reinstatement.
- b. New bond.
- c. Current character-credit report.

3. Licenses suspended under this section shall be automatically revoked if not reinstated during the license year in which the suspension became effective.



31. Nonresident License—A nonresident, whether licensed in his resident state or not, whose resident state permits Louisiana residents to obtain a broker's or salesman's license and engage in the real estate business in that state, may obtain a broker's or salesman's license and engage in the real estate business in this state under conditions prescribed by the Commission, provided, however, such conditions in any case shall be equal to or more onerous than the conditions applicable to residents of Louisiana, which are prescribed in the state of the nonresident.

32. Real Estate Schools—Real estate school includes any place or institution certified by the Louisiana Real Estate Commission which is open to the public for the instruction or training of individuals to engage in the practice of real estate. All real estate schools shall satisfy the requirements of R.S. 37:1438.3, R.S. 37:1438.4 and R.S. 37:1461 and the Rules and Regulations of the Commission.

33. School Certification and Renewal—An applicant for certification to operate a real estate school shall file an application in such form as the Commission may require.

A. No person shall operate a real estate school from which the Commission will accept credit for completion unless he complies with the requirements of the Commission and obtains certification by the Commission.

B. No certification shall be issued to any broker-applicant whose courses are designed and intended for instruction of that same broker-applicant's future salesman or broker affiliates. No person shall use school premises to discuss salesman or broker sponsorship with students in such a manner as to induce or recruit applicants for any brokerage firm.

C. Certification issued or renewed under this section shall be valid for a maximum of one year and shall expire on December 31 next following such issue or renewal.

D. Applications for issue or renewal of certification shall be submitted not later than October 30th of each year.

E. Failure to submit a timely application for renewal of certification shall automatically suspend such certification on January 1 and any continued activities by a real estate school subsequent to such suspension shall be deemed a violation of these rules and regulations, and penalties as provided in R.S. 37:1458 shall apply.

F. Any application for certification which is submitted subsequent to suspension under paragraph C herein, shall be treated as an initial application.

G. Real estate schools must conduct a minimum of two approved real estate courses per year in order to be eligible for renewal.

H. Real estate schools shall not schedule courses which will begin during the renewal period and which will terminate after December 31 unless

renewal of certification has been applied for and approved by the Commission prior to the date that such courses are scheduled to begin.

I. Real estate schools must maintain accurate files on enrolled students and school activities and make these reports available upon request of the Commission or its representative(s).

34. Fees and Exemptions—There shall be a certification fee of three hundred dollars to be paid by each private commercial real estate school. Said fee shall be made payable to the Louisiana Real Estate Commission and shall be remitted with each initial and/or renewal application.

A. All Louisiana State and private colleges and universities are exempt from the regulations imposed on privately owned real estate schools.

B. State vocational-technical schools or parish school boards utilizing real estate brokers to teach real estate courses shall be required to comply with the provisions of Rules 32 through 40.

35. School Instructors—No person shall act as an instructor at a real estate school, and no real estate school shall hire or permit any person to act as an instructor at a real estate school unless that person has obtained certification from the Commission. The provisions of this rule do not extend to guest lecturers, however, guest lecturer participation in any approved course shall be limited to a maximum of twenty percent.

36. Instructor Qualifications—The Commission may issue certification as instructor in a real estate school to a person who applies to the Commission in such form as the Commission may prescribe and who provides evidence of qualifications and/or experience in the area of requested certification. In lieu of formal training for a chosen subject, the Commission may on its own motion grant certification to a person by substituting experience in the brokerage profession or any special qualifications which in the opinion of the Commission constitutes the equivalent of a degree or other official designation. The provisions of Rule 33 C and D apply equally to approved instructors.

37. Course Reporting—Certified real estate schools, with the exception of Louisiana colleges and universities, shall designate their courses as Real Estate I (thirty hour statutory requirement for salesmen), Real Estate II and III (balance of ninety hour statutory requirement for brokers).

A. For each course it conducts, each school shall furnish:

1. The exact location, time and date schedule, including time of final examination.

2. A list of all instructors participating in course, number of hours allocated to each topic, and a detailed outline of those subjects to be covered. The information required by Section A shall be filed by the school to be received by the Commission at least ten days prior to the date of beginning of a course.

B. Within ten days following the completion of each course conducted, all schools shall furnish:

1. A notarized affidavit containing the names, addresses and test scores of those persons satisfactorily completing course(s) and also the signatures of all participating instructors attesting that the named students personally attended the minimum required statutory classroom instruction and passed a comprehensive final examination.

2. A copy of the final examination (questions and answers).

Violation of the provisions of this Section by any school (its owners or instructors), or any false certification or other misrepresentation of actual attendance records shall be construed as contempt of the Commission and shall be grounds for immediate revocation of school and/or instructor certification.

38. Certificates of Completion—In accordance with the provisions of R.S. 37:1438.3 and 1438.4, all certified schools shall provide an individual certificate of completion to all students upon successful completion of statutory course and attendance requirements.

A. All certificates of completion shall bear the original signature of the course coordinator of the school and said certificates shall indicate number of hours completed and course designation (Real Estate I, II, or III).

B. Certificates required by this section shall be attached by applicants to their initial or renewal application and submitted to the Commission. Individuals who have undertaken course(s) approved by the Commission for university or college credit and desire to apply for a real estate license shall obtain a certified extract of their transcript from their university or college registrar indicating the title and number of the course(s), date of completion, and final grade and submit this transcript to the Commission in lieu of the required certificate of completion.

C. No certificate of completion will be accepted from any real estate school that is not in good standing with the Commission on the date that such certificate of completion is issued.

39. School Advertising—Advertising by certified real estate schools shall be clear, concise, and accurately represent the facilities and charges which are offered.

A. Prior to registration for a course, real estate schools shall state the tuition fee and any additional cost to be incurred by students enrolling in the course.

B. A real estate broker also owning a real estate school shall not combine advertisement of his school with any advertisement for his brokerage business and vice versa.

40. School Investigations—All private real estate schools shall be subject to periodic visits by an official representative(s) of the Commission who will observe classroom activities, evaluate course content and instructor proficiency to insure that courses are being

taught in accordance with the provisions set forth in R.S. 37:1461. In accordance with the provisions of R.S. 37:1453, the Commission may upon its own motion and shall upon receipt of a verified complaint in writing of any person, investigate the actions and records of any certified real estate school.

Stanley Passman, Executive Director  
Real Estate Commission

## **RULES**

### **Board of Trustees for State Colleges and Universities**

#### **Part VI—Financial and Leave Policies and Procedures**

Section 6.6 A, Application Fee, is amended to read as follows:

A. Application Fee.

1. An application fee of five dollars for United States students and fifteen dollars for foreign students (nonrefundable) shall be assessed each person making application for admission or readmission to a college or university under the jurisdiction of the Board.

2. Each institution shall be allowed to charge a ten dollar additional out-of-state application fee for each out-of-state application for the following allied health programs: Dental Hygiene, Occupational Therapy, Nursing, Pharmacy and Radiologic Technology.

\* \* \* \*

#### **Part IX—Athletic Policies**

Section 9.5 B 2.b. shall read:

b. The athlete must not have received a bachelor's degree or as a graduate student must conform to the National Collegiate Athletic Association (NCAA) Constitution 3-3-(c).

Section 9.5B 3 shall read:

3. A high school graduate upon his initial matriculation into college who is ineligible according to NCAA or National Junior College Athletic Association (NJCAA) academic standards to participate in athletics or in any organized athletic practice sessions during the first year in residence becomes eligible after the completion of two semesters or three quarters, and twenty-four hours.

A student-athlete beyond his first year in any Board institution must have earned twenty-four semester hours or its equivalent in between his seasons of competition in that respective sport to be eligible to compete.

a. All eligibility requirements must be satisfied during the semester or quarter, or summer session preceding the semester or quarter, if a student

intends to participate (incomplete work within his own institution excepted).

b. Only those credit hours granted after regular class attendance will satisfy the above requirement.

9.5B 5. shall read:

5. A student whose eligibility changes at the end of a quarter or semester shall become eligible or ineligible to compete at the time the eligibility is officially certified by the athlete's institution which shall not be later than the first day of classes of the following semester or quarter except that if the athlete is eligible to compete at the time of the institution's first participation in an NCCA championship, the athlete shall remain eligible for the remainder of the meet or tournament.

Section 9.5B 9. shall read:

9. Universities may abide by the NCAA Hardship Rule. The Coordinator of College Athletics must be presented the particular situation in writing and act as an agent for NCAA.

Section 9.6 A. (Recruiting) shall be amended to read as follows:

A. 1. It is not permissible to utilize the services of another institutional employee as a talent scout (one who travels for a college checking high school material, grades, and ability during the season and does not actively take part in coaching), except on a voluntary basis. He cannot receive compensation or travel expenses in any form from any source.

2. The final date for contact in the sports football and basketball shall be June 15 in the prospective student-athlete's senior year in high school.

Section 9.11 B. 1. shall read:

1. Each player—up to four tickets to comply with NCAA Constitution 3-1(9) (4); Each manager—two tickets;

Section 9.11 B. 27. shall read:

27. Marching Band Director—two tickets, home band director at home games.

Section 9.12 J. Spectator Control shall read:

J. Spectator Control.

The responsibility of spectator control is vested with the Director of Athletics and/or any other university official designated by the President of the home institution where the game or contest is being played. The Director of Athletics and/or any other university official designated by the President shall be responsible for adequate policing, adequate announcements over public address systems, and other measures necessary for the prevention of any exhibition of unsportsmanlike conduct.

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

## RULE

### Board of Elementary and Secondary Education

Revision to Policy and Procedure Manual, Rule 3.03.10a. The present policy should be deleted and the following inserted:

“Vocational-technical directors may begin a new class or evening extension class if the initial enrollment is below fifteen persons but this must be brought to the attention of the Board at the next regular session of the Board.”

#### Rule 4.03.30

The Board adopted a Vocational-Technical Education Policy and Procedure Manual as prepared by the State Advisory Council for Vocational-Technical Education with proposed amendments.

#### Rule 3.01.52d

This policy was adopted by the Board on July 28, 1977, and appeared in the Louisiana Register as an Emergency Rule on August 20, 1977. The following was approved for final adoption by the Board:

“Teachers certified at the secondary level who are teaching in a departmentalized situation shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the present and/or proposed policy relative to teaching two hours per day out of the field of certification by virtue of completion of twelve hours in a field.”

#### Rule 3.05.01

On September 22, 1977, the Board adopted the 1978 State Plan for Migrant Education.

The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the Vocational-Technical Education Policy and Procedure Manual and the 1978 State Plan for Migrant Education. The public may inspect both documents at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## RULES

### Board of Regents

#### State Plan for Community Service and Continuing Education Programs Under Title I of the Higher Education Act of 1965 as Amended

##### I. Submission of State Plan (Section 173.13).

The State of Louisiana through the Louisiana Board of Regents hereby submits to the U. S. Commissioner of Education for approval its State Plan for participation in the grant program authorized by Title I of the Higher Education Act of 1965, Community Service and Continuing Education Programs, (P. L. 89-329, as amended).

##### II. Administrative Information.

The name and address of the State Agency or institution for the administration or for the supervision of the administration of the State Plan is Louisiana Board of Regents, 1530 One American Place, Baton Rouge, Louisiana 70825. This agency will be the sole agency responsible for the administration of the plan or for supervision of the administration of the plan. This agency has consulted with the State Advisory Committee with respect to policy matters arising in the development of this State Plan and will consult with the Advisory Committee on policy matters arising in the administration of the plan and the development and administration of any amendments thereto. The State Agency has also consulted with the deans and directors of continuing education from all public and private institutions of higher education eligible and willing to participate in Title I programs.

##### III. Program Development.

A. Policies and procedures for development of the State program:

##### 1. Selecting community problems:

The policies and procedures to be followed by the State Agency in selected those community problems or specific aspects thereof for the solution of which Federal funds allotted will be used are:

The State Agency shall periodically consult with leadership of such groups as the Louisiana Municipal Association, the Louisiana Police Jury Association, The Council for a Better Louisiana, the Louisiana Association of Business and Industry, the Louisiana AFL-CIO, and the Public Affairs Research Council of Louisiana to obtain their views as to the problem areas which should be funded through the community service and continuing education program. Additionally, the State Agency will also consult periodically with major television stations in the state to determine the results of their assessment of community problems as required by the Federal Communications Commission. Deans and directors of continuing education of all public and private colleges and universities eligible and willing to undertake programs of community service will be asked for priority recommendations as to those community problems in which their institutions have experience or expertise which would be applied to provide solutions.

The general methods and/or criteria to be used in making selections of problem areas are:

a. That the problem is consistent with the purposes of Title I of the Higher Education Act of 1965 as amended.

b. That the problem lends itself to an action program aimed at solutions through continuing education or extension activities (in accordance with the intent of the Act).

c. That the state's overall and specialized educational and community resources present reasonable prospects for the solution of the general community problem being attacked.

d. That the problem is one affecting a significant segment of the state's citizenry and that the nature of the problem can be readily discerned by the general public

2. Determining the need for the expansion of continuing education opportunities:

The State Agency in consultation with deans and directors of continuing education and the Advisory Committee shall attempt to arrive at a consensus of priorities for expanding continuing education opportunities. Where a consensus appears to be unattainable, the State Agency will enlist the cooperation of participating institutions of higher education in conducting a needs assessment for their respective communities as well as any sections of the state which appear to be remote from continuing education opportunities. The State Agency will encourage projects which propose to make continuing education available to any groups or geographic regions previously underserved.

3. Planning for resource materials sharing:

The Louisiana Association for Continuing Higher Education, comprised of the deans and directors of continuing education of most public and private colleges and universities in the state, will assist the Advisory Committee on Extension and Continuing Education and the Board of Regents in assessing the applicability of such resources as existing educational materials, communications technology, local facilities and human resources for the expansion of continuing education activities through resource materials sharing.

4. Using the results of periodic objective and systematic evaluations of the programs, services, and activities:

The State Agency will use the results of proposal evaluation, progress reports, on-site visitations and the final project report to identify achievement or nonachievement of anticipated results and to enhance the future development of community service and continuing education.

##### IV. Project Selection.

The State Agency will allocate funds only to such "institutions of higher education" as come within the definition of that term in Section 1201 (a) of the Act and Regulation 173.1 (f).

The State Agency will not make payments for any community service or continuing education program

which is provided by a school or department of divinity. However, any institution of higher education which has a school, branch, department, or other administrative unit which comes within the definition of "school" or "department of divinity" as set out in Regulation 173.1 (i) will not be precluded from participation if the community service program is not related to sectarian instruction or religious worship.

Prior to October 1, the State Agency shall send to each eligible institution a copy of the Annual Program Amendment, an invitation to submit proposals for Title I funding and notice of intent forms on which an institution may indicate its desire to participate in the program by including a digest of its specific proposals. Completed notice of intent forms are due in the State Agency's office not later than each November 15. Each notice of intent form shall have been reviewed and signed by the institution's dean or director of continuing education or the individual serving in that capacity. The State Agency staff will review each notice of intent and provide copies of each to all members of the Advisory Committee. The Advisory Committee will review each notice of intent, giving priority attention the following in descending order of importance:

A. The evidence offered by the institution that the credit courses to be offered are of college level.

B. The relevance of the proposal to the priorities established annually for community service, continuing education, and resource materials sharing.

C. The relative capacities and willingness of the applicant institutions to provide effective programs.

D. The design of the project.

E. The utilization of special resources of the institutions and their faculties.

F. The consistency of the proposed programs, services or activities with the overall educational programs of the institutions.

G. The availability of and need for community service and continuing education as well as resource materials sharing programs.

Based on the above considerations, the State Agency shall then request full proposals for those projects deemed meritorious by the Advisory Committee.

In cases where the Advisory Committee and/or the State Agency determine that a modification in the design of the project could enhance its effectiveness, the State Agency may require that the design be so modified. Additionally, the State Agency may solicit additional full proposals by subject matter if it appears to the Advisory Committee or the State Agency that additional funds for community service and continuing education programs may be forthcoming or that the number of meritorious proposals is not sufficient; provided, however, that any additional requests for full proposals will be judged by the same criteria as set forth in A-G above.

#### V. Fiscal Assurances.

The State Agency shall certify annually that Federal funds allotted to this program will be used to

supplement or increase the amount of funds otherwise available for community service, continuing education and resource materials sharing. The State Agency provides assurance that the applicant institutions' proposed projects would not be otherwise available but that no project will be disapproved solely on the basis that it would be eligible to receive financial assistance under another Federal program.

The State Agency will provide the Commissioner of Education with an annual certification that all institutions participating in the plan have funds available for expenditure for community service and continuing education programs, and that the total amount available is not less than the actual amount expended from nonfederal sources by those institutions for community service and continuing education programs for fiscal 1976, plus an amount that is not less than the nonfederal share of the costs of Community Service and Continuing Education Programs for which Federal financial assistance is requested. The State Agency will obtain the necessary documented records of expenditures and income from each participating institution to substantiate the above certification, and these records will be maintained in the office of the agency and made available to the U.S. Commissioner of Education upon request.

All participating higher education institutions have signed Health, Education and Welfare Form 441 required under the Civil Rights Act of 1964 and the Regulations of the Department of Health, Education and Welfare.

#### VI. Fiscal Procedures.

The fiscal control and fund accounting procedures to be followed to assure proper disbursement of and accounting for Federal funds paid to the State including those funds paid by the State to participating institutions of higher education are:

A. The legal State officer who will receive and provide custody of Federal funds in a specially designated restricted fund is the State Treasurer, State of Louisiana, State Capitol Building, Baton Rouge, Louisiana 70804.

B. The officer in the State who will requisition and approve the expenditure of any Federal funds is Dr. William Arceneaux, Commissioner of Higher Education, Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

C. The State Agency, through the Division of Administration will maintain a ledger, accounting for funds received and expenditures made, which will meet the requirements of the Legislative Auditor and the Commissioner of Administration. Each entry will be subject to verification by means of deposit records, vouchers, invoices and statements, payroll, and similar documents.

D. The above described accounts and documents supporting expenditures will be maintained by the State Agency until notification of completion of Federal audits for the Federal fiscal year concerned.

E. The extent and frequency of State audits of expenditures, including expenditures of Federal funds, and the responsibility for corrective action regarding exceptions by State auditors, are as follows:

All expenditures are subject to review by the Commissioner of Administration and the Legislative Auditor. Annual post audits are to be conducted by the Legislative Auditor (Louisiana Revised Statutes of 1950, Title 39, Section 91).

F. In the case of private institutions receiving community service and continuing education funds, audits will be conducted either by the Legislative Auditor or a certified public accounting firm as determined by the State Agency.

#### VII. Institutional Assurances.

Prior to the approval of any community service or continuing education program, each institution of higher education proposing such a program shall submit to the State Agency a certification that the proposed program does not duplicate existing State or local programs and that the proposed program is not otherwise available at this time.

#### VIII. Policies and Procedures for State Agency Monitoring and Evaluation.

Upon receipt of the interim progress report (mid-way of the project) a State Agency staff member will pay an on-site visit to the project and discuss with the project director or his/her representative the original objectives of the project as well as the progress to date. The State Agency staff member shall notify the project director in advance of the visit and will make every effort to observe a working session related to the project. Any suggested adjustments in the project emanating either from the institution or the State agency shall be discussed during the on-site visit. Within thirty days of the visit the State Agency shall inform the project director in writing of any adjustments deemed necessary. At the conclusion of the project each project director will be asked to submit on a standard form a final project report stating whether objectives of the project were achieved or not and identifying the reasons for achievement or nonachievement.

#### IX. Transfer of Funds to Participating Institutions.

The State Agency has determined that payment of Federal funds to participating institutions will generally be made as a reimbursement for actual expenditures. If, however, the participating institution is unable to support the Federal share of the program cost until reimbursement can be made, an advance payment of Federal funds may be made.

The policies and procedures to be followed in determining for each participating institution whether payment will be made as a reimbursement for actual expenditures or as an advance prior to actual expenditures are:

A. Advances prior to actual expenditures shall be made only upon receipt of a certification from the participating institution that:

1. Merchandise has been received, or services have been rendered; and

2. The institution, because of limited finances, is unable to pay for such merchandise or services.

3. Eligible costs of the program will be determined in accordance with applicable regulations.

#### X. Accounting Bases for Expenditures.

A. The accounting basis used by the State Agency is an obligation basis.

B. The State Agency will ascertain the accounting practice of each institution at the time of its selection for participation under the State Plan and will retain such information in the offices of the State Agency.

#### XI. Reports and Records.

A. The State Agency will submit to the U. S. Commissioner of Education the reports enumerated in Regulation 173.20, and any other reports as the Commissioner may require to carry out his functions under the Act; and will maintain such records, afford access thereto, and comply with such other provisions as the Commissioner may find necessary to substantiate and/or verify the information contained in the reports.

B. The State Agency will keep accessible and intact all records supporting claims for Federal grants, or relating to the accountability of the State Agency and participating institutions of higher education for expenditure of matching funds, as required by the regulations.

#### XII. Details of the Annual Program Plan.

The State Agency shall submit an Annual Program Plan as an Amendment to the State Plan.

#### XIII. Amendments to the State Plan.

The State Agency agrees that, in addition to the annual amendment required under 173.14 of the regulations, the State Plan will be appropriately amended whenever there is any material change in the designation of the State Agency, the content or administration of the State Plan, or when there has been a change in pertinent State law. Such amendment will clearly indicate the changes and will be signed and certified in the same manner as the original plan submitted and will become effective upon approval by the Commissioner.

#### XIV. Eligibility of Programs.

The State Agency agrees that a proposed program will not be excluded from participation on the basis that it would also be eligible to receive financial assistance under another Federal program.

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**Annual Program Plan Amendment  
Fiscal Year 1978  
State Plan for Community Service  
and Continuing Education Programs**

**I. Objectives.**

The primary objective of the Fiscal 1978 Annual Program Plan Amendment to the State Plan for Community Service and Continuing Education is to enhance colleges and universities' abilities to be of service to their communities, provide a framework for the expansion and improvement of continuing education, and initiate planning for resource materials sharing. Consistent with these objectives, the following program areas have been selected as priorities for fiscal 1978 funding:

**A. Community service activities.**

1. Improving the managerial ability and expertise of public officials and employees.

Programs will be planned for in-service education of State and local elected officials, policy makers, and employees. Louisiana, because of its declining tax revenues from oil and gas, is rapidly approaching a limit of resources available to government for solving State and local problems. One answer to the declining tax base is to provide public officials and employees at the state and local level better management skills to deal with the problems governments must face in promoting greater efficiency and determining priorities for State and local expenditures.

2. Improving the quality of public education.

The State Agency's primary effort with respect to improving the quality of public education will be to strengthen teacher education programs at all levels. To this end, the Board of Regents has recently assisted in the establishment of a Center for Advanced Studies in Education. As degree offerings have mushroomed over the years, it seems obvious that higher education's financial resources have not kept pace with added programs and curricula. A recent scientifically conducted statewide opinion poll indicated that a large percentage of Louisiana's citizenry is not satisfied with the present quality of public education. Since the teacher is the primary determinant of the quality of instruction in the classroom, the State Agency deems it imperative that every effort be made to produce teachers with the skills essential to perform competently in the classroom. The State Agency also realizes that the attitude of parents and the environment in the home can play an important part in enhancing or diminishing the effectiveness of the teacher. Projects aimed at improving the quality of teacher education, improving the teacher's relationship with parents and improving the teacher's ability to deal with disciplinary problems, as well as projects to improve and expand in-service programs for teachers will be encouraged.

3. Improving labor-management relations.

Realizing that labor-management tensions can retard Louisiana's economic growth, the State Agency will encourage projects whose primary emphasis will be to resolve conflicts that impede effective negotiations and result in work stoppages.

4. Improving essential urban and rural services.

The State Agency's effort to assist in the improvement of essential urban and rural services will emphasize community development projects. Louisiana in the past two decades has become essentially an urban state. According to the U. S. Census of 1970, 66.1 percent of Louisiana's population lived in urban areas. Approximately fifty percent of the state's population resides in thirty-seven cities with ten thousand or more inhabitants. Yet the state retains a strong rural tradition, and as rural areas decline in population, their problems, as well as urban problems, frequently are aggravated. Urban and rural community leadership programs focusing on ways to alleviate the various problems of urban and rural life will be encouraged. Projects aimed at alleviating problems caused by the energy crisis also will be given special consideration.

**B. Expansion of Continuing Education Programs.**

In accordance with the new authorization for use of Title I funds, it is now possible for institutions individually and in cooperation with one another to develop continuing education programs which in the past were not possible due to other funding commitments. Projects will be designed to expand or improve offerings in continuing education to groups which have been unserved or underserved in the past; for example, the aged, the underprivileged, displaced housewives, Vietnamese, and military personnel statewide; Latin Americans in the metropolitan New Orleans area and offshore petroleum industry employees in South Louisiana.

**C. Planning for Resource Materials Sharing.**

Institutions eligible to participate in the State program will consider jointly the steps necessary to provide for statewide and regional sharing. The State Agency shall encourage planning efforts designed to assist educational institutions and their communities in making available to the largest extent possible those learning resources unique to institutions or geographical regions of the state. Such planning efforts shall be fostered either on a statewide basis or on a regional basis, with priority given to the former.

**II. Findings.**

In accordance with the new legislation, the State Agency is now required to detail the findings derived from its consultations with community leaders, associations and organizations, and with representatives of all institutions of higher learning in the state.

The following represents a concise statement of those findings:

A. The Louisiana Association of Business and Industry has urged a restructuring of mass transit route centers in urban areas as well as a survey of what would be required to induce urban residents to use public transportation. The Association also has suggested that a research project be undertaken to determine the availability of modular programs of instruction in the skilled trades for inmates of the State prison system.

The Louisiana Municipal Association has expressed its appreciation to the State Agency for the Community Service and Continuing Education programs that have "elevated the level of government provided by our members."

The Council for a Better Louisiana (CABL) has suggested that the State Agency evaluate all teacher education programs offered at and by institutions of higher education. CABL has asked that particular attention be given to the adequacy of offerings for in-service education of teachers on and off campus and through educational television. In this regard, it should be noted that in reviewing results of Louisiana television stations' ascertainment of community problems, the quality of public education is cited repeatedly. A recent statewide poll conducted for WAFB television in Baton Rouge posed the question, "Is the quality of public education (a) making progress, (b) standing still, or (c) losing ground?"

The answers were as follows:

(a) making progress	29%
(b) standing still	26%
(c) losing ground	33%
(d) undecided	12%

The top three reasons cited by the public for the decline in the quality of public education were given as follows:

- (1) need better qualified teachers
- (2) need better discipline
- (3) need a pay raise for teachers

Aside from the quality of public education, community problems most often cited by Louisiana citizens and their community leaders include crime, unemployment, transportation, economic stagnation, housing, health care, problems affecting the elderly, poor streets, inadequate drainage, lack of confidence in local and state governments and citizen apathy.

At a conference of deans and directors of continuing education on June 9, 1977, the following suggestions were proposed to the staff of the State Agency for submission to the Advisory Committee and the Board of Regents:

1. Consider adding to the objectives and programs to be supported sections projects to "upgrade the family."
2. Rethink the logical basis for the State Agency's Guidelines for the Conduct of Off-Campus Activities.
3. Define college level in terms of the participation of community colleges in the Title I prog-

rams, i.e., will programs be funded for the teaching of English as a foreign language to Vietnamese refugees and Latin Americans?

4. Improve communication between the Board of Regents and the Advisory Committee and the institutions of higher education.

5. Clarify to what extent, if any, Federal funds available under Title I may be used in lieu of charging fees to students in credit and noncredit courses under the heading of Expanding and Improving Continuing Education.

B. The State Agency has consulted with representatives of various Federal programs having some relation to or interest in the State program of community service and continuing education. The Governor's Office of Federal Affairs and Special Projects has recommended that a continuing education course in personal finance be offered. The State Coordinator of the Intergovernmental Personnel Act has noted that many communities could benefit from the assistance of colleges and universities in the area of test development and test validation in employee selection. The Department of Urban and Community Affairs, the state clearinghouse for Federal grants, has encouraged the State Agency to continue supporting training programs provided local governments. The Department has expressed a willingness to assist the State Agency in coordinating its activities with those of the Louisiana Municipal Association, the Louisiana Police Jury Association, and the Department of Urban and Community Affairs. It would also be appropriate that institutions of higher education work with the Louisiana School Boards Association. The coordinator of the Title IV Program (Elementary and Secondary Education Act) has assured the State Agency that there would be no conflict between the Board of Regents and the State Department of Education in efforts to improve the quality of public education through the Community Service and Continuing Education Program. The State Bureau of Aging Services has expressed a desire for more Title I funding for projects such as the Centenary College program for the aged.

C. The State Agency has an ongoing academic program review which has been assessing the academic resources of institutions of higher education on all levels. The present study undertaken by this review involves an assessment of programs offered at the doctoral level and future efforts will include programs at the master's, baccalaureate, and associate degree levels. Consultants have been engaged to advise the State Agency on the most effective role, scope, and mission of Louisiana's higher education institutions and to recommend changes which would result in greater diversity, increased educational opportunity and more effective use of higher education resources. The results of these efforts will be embodied in the master plan for higher education in Louisiana which will be the subject of public hearings in fiscal 1978. All institutions of higher education in Louisiana are involved in community service and con-



tinuing education programs and each of these institutions is responsible for periodically assessing their resources and informing the State Agency of any which are especially relevant to meeting the State's program development plan for Community Service and Continuing Education.

D. The State Agency has appointed an Advisory Committee on Off-Campus Activity which consists of representatives from each of the three systems of higher education, from the private sector, and from consumers of off-campus instruction. Among its responsibilities are those (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, and (b) to assess the needs of the citizens of Louisiana for off-campus educational opportunities. The Board of Regents' policy on these off-campus activities represents an effort to meet identifiable needs in an efficient manner.

With respect to expanding or improving continuing education, all courses offered for credit or noncredit shall comply with the Regents' Guidelines for the Conduct of Off-Campus Activities. The amount of student fees levied for such courses shall be determined by the respective institution and its management board, provided that the State Agency's Guidelines are adhered to, and with the proviso that self-supporting courses may include, subject to the approval of the Advisory Committee and the State Agency, those courses for which the institution is permitted to use Title I funds in lieu of requiring the payment of student fees. Independent institutions shall be asked to comply with the spirit of the Guidelines on a voluntary basis.

E. The State Agency will fund in fiscal 1978 a project to assess existing educational materials, communication technology, local facilities, and human resources to promote resource materials sharing for the expansion of learning activities in the various regions of the state and statewide where practical.

F. The State Agency, because of limited administrative funding for the Community Service and Continuing Education Program, has not in the past conducted adequate on-site evaluations of the various programs. Neither has it provided for adequate third-party evaluation of these programs. Institutional evaluations have been provided and it is noteworthy that some of the programs undertaken by Louisiana institutions of higher education have been recognized nationally. With the assistance of increased administrative funding, the State Agency, either through its staff or through third-party evaluations, shall carefully evaluate all projects funded under the Community Service and Continuing Education Program.

### III. Programs to be Supported.

#### A. Community service activities.

1. Improving the managerial ability and expertise of public officials and employees.

Programs will be designed to reach a minimum of two thousand through programs of orientation, executive development, governmental accounting, and zero-based budgeting as well as other training needs of State and local governmental agencies which may arise from time to time. Programs will be designed to improve governmental effectiveness and decision making to meet the objectives stated in I.A.1. All areas of the state will be eligible to participate, and the coordination of all such programs with the Governmental Services Institute at Louisiana State University, Baton Rouge will be encouraged. The target group of State and local government officials and employees totals approximately 365,000.

2. Improving the quality of public education.

Programs will be designed to meet the objectives listed in I. A. 2. Additionally, innovative projects will be encouraged to assist teachers in ameliorating disciplinary problems, in dealing with students who perform at lower than grade level and in working with parents of such students. Projects will also be encouraged that establish associations with ongoing programs in promoting parent involvement, such as those that have been funded by other governmental grants. Projects to make greater use of educational television in in-service education of teachers will be funded, and such projects will be undertaken in cooperation with Louisiana's public television network. The target group of teachers numbers 43,090. Projects will be designed to teach a minimum of two hundred directly and five thousand by television. Where practical, consortia efforts will be encouraged.

3. Improving labor-management relations.

Programs to improve private sector labor-management relations will be implemented to achieve the objectives stated in I. A. 3. In labor-management relations, projects will expand upon the conflict resolution seminars conducted by the Menninger Foundation of Topeka, Kansas, through the Governmental Services Institute at Louisiana State University, Baton Rouge. The target population is some two hundred business, industry, and labor leaders. Projects will be designed to reach a minimum of twenty.

4. Improving essential urban and rural services.

Programs to improve essential urban and rural services will be implemented to achieve the objectives in I. A. 4. Projects will expand upon local efforts to sustain essential services in the face of energy shortages and will be designed at least in part to ensure that adequate attention is given to ways to reduce the impact of the energy crisis on those groups living on relatively fixed incomes—the elderly and disadvantaged. Projects will also be designed to reduce the adverse impact of the energy crisis on communities, especially with regard to those municipalities which have seen formerly profitable power plants rapidly become unprofitable drains on their communities'

budgets. Other projects will be designed to assist urban communities, all of which have unprofitable transit systems, in making mass transit more attractive to urban dwellers. Programs of community leadership training will focus on selected traditional problems surrounding urban and rural life such as those listed in II. A., as well as those impacted by the energy crisis. The target population is tantamount to that of the entire state, 3,643,180 in the U. S. Census of 1970. Projects will be designed to reach directly a minimum of two hundred.

**B. Expanding and improving continuing education.**

In accordance with the objectives stated in I. B., projects to expand and improve continuing education programs will be initiated on an outreach basis, supplementing institutional efforts to teach new clientele desiring continuing education. Additionally, programs may be designed to utilize public media and other innovative methods so that the effectiveness and number of people served will be at a maximum, i.e., public television stations, public service time on commercial stations, and cable television. Consideration also will be given to institutional techniques of establishing contacts with new client groups in their communities, for example, education and counseling centers in client neighborhoods. The target population is estimated to be approximately fifty thousand. Projects will be designed to reach a minimum of one thousand.

**C Planning for resource materials sharing.**

In accordance with I. C. and II. E., the State Agency shall fund project(s) to initiate planning for resource materials sharing. The target population is equal to the state's population. Projects will be designed to include all communities which could benefit from this effort.

**IV. Funding Requirements.**

**A. Programs.**

1. Community Service Activities: 67%  
Federal: \$200,000  
Matching: \$100,000  
Total: \$300,000
2. Expanding and Improving Continuing Education: 30%  
Federal: \$90,000  
Matching: \$45,000  
Total: \$135,000
3. Planning for Resource Materials Sharing; 3%  
Federal: \$10,000  
Matching: \$5,000  
Total: \$15,000

TOTAL FEDERAL: \$300,000  
TOTAL MATCHING: \$150,000  
TOTAL: \$450,000

**B. Administration.**

	Federal	State	Total
Personal Services:			
Salaries	16,909	14,000	30,909
Related Benefits	2,391		2,391
Other Compensation	6,204		6,204
Total Personal Services	<u>25,504</u>	<u>14,000</u>	<u>39,504</u>
Operating Expenses:			
Travel	2,000		2,000
Operating Services	2,706	2,000	4,706
Supplies	139		139
Total Operating Expenses	<u>4,845</u>	<u>2,000</u>	<u>6,845</u>
Professional Services	<u>9,651</u>	<u>4,000</u>	<u>13,651</u>
Totals	40,000	20,000	60,000

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

**RULES**

**Office of the Governor  
Louisiana Federal Property Assistance Agency**

**Part I—Legal Authority**

**A. 1. Executive Order.**

Executive Order EWE-77-11, dated August 1, 1977, authorizes the name of the State Agency to be the Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor, Division of Administration. This executive order authorizes the Director of the State Agency to have all the powers, duties, and responsibilities enumerated in the Plan of Operations as approved by the General Services Administrator.

**2. Attorney General's Ruling.**

The Attorney General's Opinion No. 77-1003, dated August 5, 1977, establishes the legality under the State law of the State of Louisiana that the Executive Order EWE-77-11 has the effect of law.

**3. Appropriations Bill.**

The Ancillary Enterprise Act 293 dated July 10, 1977, establishes the legal authority for the Revolving Fund of the State Agency to be used as the means of financing for the State Agency's operations.

**Part II—Designation of State Agency**

**A. 1. The Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor, Division of Administration, is designated as the agency responsible for administering the Federal surplus property program in the State of Louisiana.**

**2. Organization of the Agency.**

The State Agency has agency status in the Executive Branch of the Office of the Governor, Di-

vision of Administration, under the supervision of the Director of the State Agency as chief executive officer reporting to the Commissioner of Administration. The main segments of the organization are:

- a. Director (chief executive officer).
  - b. Administration.
  - c. Procurement, compliance, and utilization.
  - d. Operations and property distribution.
  - e. North Louisiana distribution center.
3. Facilities.

The main headquarters and offices of the State Agency are located at 1635 Foss Drive, Baton Rouge, Louisiana. The central facilities for the State Agency are at this location, which includes approximately twenty-nine thousand square feet of covered space, two hundred thousand square feet of outside storage space, and nine hundred square feet of parking space. This facility is owned by the State of Louisiana and is rent-free. New headquarters which would provide more covered space for display and offices, and an improved refurbishing compound are being sought in the Greater Baton Rouge area, for the benefit of the donees. To establish equitable distribution throughout the state, a new distribution center will be located in North Louisiana and will include an office, warehouse(s), and an outside storage area.

### Part III—Inventory Control and Accounting System

#### A. Inventory Control.

##### 1. Scope of Accountability System.

The State Agency shall maintain accurate accountability records of all donable property approved for transfer to the State Agency and donable property received, warehoused, distributed, and disposed of by the State Agency. Accountability records of all passenger motor vehicles and single items have an acquisition cost of three thousand dollars or more on which restrictions are imposed shall be maintained so as to be able to identify the items.

##### 2. Checking Property into State Agency Custody.

a. All property received shall be checked in promptly as soon as full identification can be completed.

b. The approved copy of the Standard Form 123 (SF-123) is used as the basis of checking property into the State Agency. The Inventory Adjustment Voucher shall be used for property received without SF-123. To supplement these, available shipping documents, invoices, trucking bills of lading, donees reports, etc. will be used.

c. Exceptions or differences in a line item on the SF-123 are noted when the item(s) are received to reflect any increase or decrease as it affects the line item. This action will be documented to report any change in the amount initially allocated on a report of overages/shortages. This action is subsequently posted to the Property Receipts Register.

d. The SF-123 is considered as an order, therefore any differences, over or short, are recorded on the Shortage/Overage Report form. Copies of this form in every case are forwarded to the General

Services Administration (GSA) Regional Office involved. A copy is also mailed or delivered to the disposal activity when the record of receipt shows a variance from the quantities and items shown on shipping documents, when available for verification.

e. In accordance with the requirements of Federal Property Management Regulations (FPMR) 101-44.115, concerning overages, when the estimated fair value or acquisition cost of a line item of property is over five hundred dollars it will be listed on SF-123 and sent to the GSA Regional Office for approval.

3. All issues of property to eligible donees are recorded on a Distribution Document (invoice), with provisions made for recording name of item, State application number, quantity, government acquisition cost, and service charge.

##### 4. Periodic Verification of Property on Hand.

a. A financial verification of the property on hand at the end of each month at the State Agency is made and reconciled with the books in accordance with accepted accounting practices.

b. A physical inventory will be completed each fiscal year and will be taken on a rotating basis each quarter. This physical inventory will be compared with stock card records as each segment is completed. All differences will be properly noted, recorded, and will become part of the regular accounting system. Any adjustments on items shall be reported to the Director for approval and any necessary followup and corrective action.

##### 5. Tracing Property from Receiving Document to Issue Document.

a. Each line item on the Receiving Report requires a stock record card including noun nomenclature, State serial number, government acquisition value, and quantity received and issued. All issue sheets shall record the same information when an item has a unit acquisition cost of seventy-five dollars or more and is nonconsumable. This is in accordance with the State Property Control Regulations and Louisiana Revised Statutes, Title 39. This provides an audit trail from property receipt to property issue.

b. Items with an acquisition cost of less than seventy-five dollars or which are consumable (less than one year of life in use) shall be recorded on a stock record card with like items. The stock record card shall include noun nomenclature, State serial number, government acquisition value, and quantity received and issued. A lot number is assigned to those like items and the lot is shown with a weighted acquisition cost. The quantity is adjusted with each issue and receipt. The acquisition cost is adjusted with each shipment receipt and each time the issues are greater than the oldest State serial number shipment received. The service charge is adjusted for all the items in the lot at the time the weighted acquisition cost is adjusted. This first in, first out inventory system balances the lot of the same items against the stock card.

c. Stock record card postings reflect the same information on receipts and issues and this record alone will allow tracing from receipt to issue.

6. Means of Determining Quantity of Various Types of Property Donated to Individual Donees.

a. A file folder is maintained in the State Agency for each eligible donee. This folder will hold a copy of each Distribution Document, monthly status of account, correspondence, reports, and other items involving relations with the donee.

b. All issues are posted to a Master Control Card maintained for each eligible donee, which allows for an accumulative total of the acquisition value of items received by the donee.

c. A separate compliance record card is maintained by donee on items with a unit acquisition cost of three thousand dollars or more and on all passenger motor vehicles on which restrictions are imposed. A tabulation of the distribution made to each unit is made monthly.

d. A summary of distribution to record the acquisition cost of property transferred to each eligible unit is prepared monthly.

7. Disposal of Property of No Value to Program.

a. Property will be reported to GSA for transfer to another state or disposed of by public sale, dumping, or abandonment as authorized. Appropriate records are maintained to cover such disposals, in accordance with the procedures and requirements of FPMR 101-44.205.

B. Financial Accounting.

1. Scope.

A double entry financial accounting system provides a full accounting of all property requested, screened, received, issued, and disposed of, plus income, expenses, and status of the Revolving Fund. The system includes:

- a. Distribution Documents (invoices).
- b. Accounts Payable.
- c. Accounts Receivable.
- d. Sale Register (issues).
- e. Property Receipts Register.
- f. Deposit Slips and Vouchers.
- g. Master Control Card.
- h. Cost Center Responsibility Report (budget control).
- i. General Ledger.
- j. Payment of Bills and Expenses.
- k. Monthly Financial Report.
- l. In-use Inventory.
- m. State Property Inventory Control Report.
- n. Record of Disposals.
- o. Statistical Analysis Reports.

Part IV—Return of Donated Property.

A. 1. Return of Property by Donee.

When a determination has been made that property has not been put in use by a donee within one year from the date of receipt of the property, or when the donee has not used the property for one year, thereafter, under the terms and conditions of the Application, Certification, and Agreement form signed by the chief executive officer or other authorized representative of the donee as a condition of eligibility (and repeated on the reverse side of each

Distribution Document), the donee, if property is still usable as determined by the State Agency, must either:

a. Return the property at its own expense to the State Agency warehouse.

b. Transfer the property to another eligible donee within the state or to a Federal agency as directed by the State Agency.

c. Make such other disposal of the property as the State Agency may direct.

2. The State Agency will periodically emphasize this requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities.

Part V—Financing and Service Charges

A. Financing.

1. The State Legislature approves the budget for the State Agency and an appropriations bill is signed into law by the Governor each fiscal year which allows the State Agency to operate a Revolving Fund. This allows the State Agency to receive service charges from donees in order to defray the costs of the State Agency within the approved budget.

2. Funds expended, advanced, or commitments made or incurred shall be paid or provided for from the receipts of the State Agency's Revolving Fund prior to the close of the fiscal year.

3. The Revolving Fund is established with the State Treasurer to maintain the revenues from service charges to cover the costs of the State Agency as may be necessary to administer and operate the program and must be used only for such purposes and for the short and long-term benefit of the donees.

4. All income from service charges and other monies received by the State Agency are deposited to the Revolving Fund. Payments covering all expenses are made by State check. All remittances must be in the form of checks drawn on the account of the donee and made payable to the State Agency. All expenditures made from the Revolving Fund will be in accordance with Federal regulations involved, FPMR 101-44.202(C)(5).

5. Any surplus in the Revolving Fund which is evident shall be passed directly to the donees' benefit through reduction in the service charges for the current inventory during the fiscal year. Surpluses, during the fiscal year may be utilized by the Director to acquire additional distribution facilities, improve existing facilities, or other capital expenditures deemed by the Director to be in the best overall interests of the donees. In the event the program is to be terminated, service charges will be reduced to the extent that any surplus will be passed on to the donees on the usable inventory.

B. Service Charges.

1. Service charges are established for items on the time of receipt of the property and are designed to effect full recovery of the cost of operations of the State Agency.

2. The charges assessed each item shall be fair and equitable in relation to the costs incurred by the

State Agency incident to the transfer, and the services performed by the State Agency.

3. The service charge shall be a percentage of the acquisition cost of the item. The percentage shall be based on the last quarter's actual expenses and those expenses allocated to service functional areas of the operations. The percentage of the function in relation to percentage of the acquisition cost of the property donated during the period from July 1, 1976 through December 31, 1976 is noted as example:

Service Functional Areas	Percentage
Administration	1.1%
Document Processing	.9%
Accounting/Inventory Control	.6%
Warehousing	2.3%
Refurbishing/Rehabilitation	.5%
Screening	.7%
Compliance/Utilization	.2%
Transportation	4.8%
Total	11.1%

4. The service charges for each item shall be marked clearly on each item or lot. The handling charges shall consist of the sum of the functions of administration, document processing, accounting/inventory control, warehousing, screening, compliance/utilization percent of function total times the acquisition cost. Those percentages shall be based on the last quarter's financial statement. (Example: The handling charge percent of acquisition cost based on the period shown in Part V, Section 3, would be 5.8%). Refurbishing charges shall be noted on the item and shall be based on the actual material cost and labor involved in refurbishing/rehabilitating the item. Transportation costs shall be noted on the item and shall be based on the actual miles traveled and the loading/unloading time. Those costs for the period noted in Part V, Section 3, were \$.72 per mile and \$8.50 per man-hour for loading/unloading, packing, and crating. Each shipment would have the cost allocated among the items. This system provides for a fair and equitable service charge based on the costs of the services rendered. The Director has the authority to reduce the service charges due to property condition. The Director may request the GSA Regional Office for a reduction on high acquisition cost items when in poor condition, or when the item is to be used for secondary purposes.

5. State law provides that capital expenditures must be paid in full when purchased. Those items considered as capital expenditures will be depreciated over the four quarters of the fiscal year in which they are purchased (or budgeted) for the purpose of calculating service costs. If not purchased during that fiscal year, those accumulated funds will be returned to the donees in the form of reduced service charges on inventory during the fiscal year.

#### C. Minimal Charges.

1. Service charges for items requested by a donee and which are shipped directly from the Federal holding agency to the donee shall be based on a percentage of the acquisition cost of the item which is

derived from the percentage of the costs for each of the functions performed by the State Agency. The percentages in Part V, Section 3, are used here as an example of the minimal charge on direct shipments by service functional area:

Service Functional Area	Percentages
Administration	1.1%
Document Processing	.9%
Screening	.7%
Compliance/Utilization	.2%
Total	2.9%

2. Transportation costs, if transportation is provided by the State Agency, shall be charged on the last quarter's cost per mile and the cost of loading, unloading, crating, and packing. Transportation arranged by the donee shall be paid direct by the donee and must be provided in a timely manner in order not to lose the priority for the item.

#### D. Special Donations.

1. In cases involving major items of property or otherwise where unusual expenses may be incurred, the State Agency may negotiate the service charge with the donee.

E. The State Agency Monthly Donation Report of Surplus Personal Property will be used to measure performance.

F. The Director has the authority to reduce the service charge when he believes that an element of the charge is not applicable, or when he deems it to be in the best interests of the program.

#### Part VI—Terms and Conditions on Donable Property

A. 1. The State Agency will require each eligible donee, as a condition of eligibility, to file with the Agency an Application, Certification, and Agreement form outlining the certifications and agreements, and the terms, conditions, reservations, and restrictions under which all Federal surplus personal property will be donated. Each form must be signed by the chief executive officer of the donee agreeing to these requirements prior to the donation of any surplus property. The donee shall be defined as the unit which is authorized to pay for the item(s) and which otherwise meets the qualification requirements. The certifications and agreements, and the terms, conditions, and reservations and restrictions will be printed on the reverse side of each State Agency Distribution Document, which shall be signed by the chief executive officer of the donee or his certified designee, whose name must be provided the State Agency in writing over the signature of the chief executive officer of the donee.

2. The following periods of restriction are established by the State Agency on all items of property with a unit acquisition cost of three thousand dollars or more, and, on all passenger motor vehicles:

a. Passenger motor vehicles—eighteen months from the date the property is placed in use.

b. Items with a unit acquisition cost of three thousand dollars to ten thousand dollars—eighteen months from the date the property is placed in use.

c. Items with a unit acquisition cost over ten thousand dollars—thirty months from the date the property is placed in use.

d. Aircraft (except combat type) and vessels (fifty feet or more in length) with a unit acquisition cost of three thousand dollars or more—sixty months from the date the property is placed in use. Such donations shall be subject to the requirements of a conditional transfer document.

e. Aircraft (combat type)—restricted in perpetuity. Donation of combat type aircraft shall be subject to the requirements of a conditional transfer document.

3. For good and sufficient reasons, such as the condition of the property, or the proposed use (secondary utilization, cannibalization, etc.), the State Agency may reduce the period of restriction on items of property falling within the provisions of Part VI, 2.c. and d., at the time of donation, but not less than for a period of eighteen months from the date the property is placed in use.

4. The State Agency, at its discretion, may impose such terms, conditions, reservations, and restrictions as it deems reasonable, on the use of donable property other than items with a unit acquisition cost of three thousand dollars or more, and passenger motor vehicles.

5. The State Agency has imposed the following terms and conditions which shall be applicable during the period of compliance:

a. Each passenger motor vehicle and any motorized heavy equipment (such as bulldozers, tractors, etc.) shall bear the official decal of the donee or the name of the donee in letters not less than three inches in height on each side of the item during the period of compliance.

b. Donees which are defined as State agencies shall maintain those items which are movable, non-consumable and have a fair market value of seventy-five dollars or more and have been obtained from the Federal surplus property program on the inventory control system defined in the State Property Control Regulations of August 20, 1976.

c. Donees which are not defined as State agencies shall maintain those items which are movable, nonconsumable and have a fair market value of seventy-five dollars or more and have been obtained from the Federal surplus property program on an inventory control system during the period of compliance. That inventory control system shall show the location of the items.

6. Failure to comply with the provision of Part VI, Section 5, will cause the State Agency to impose the following penalties on the donee:

a. Return of the item to the State Agency at the donee's expense.

b. A fine of one percent-per-day of the acquisition cost of the item shall be imposed on the donee for each day the restriction is not met.

c. The donee shall be declared ineligible as a participant in the program for a period of ninety days.

d. The Director may set aside the condition and penalties in Part VI, Section 5 and Part VI, Section 6.a, b., and c., in writing, for good and sufficient reasons.

7. Whenever information is obtained by the Director of the State Agency from utilization reports, or periodic surveys, or from other sources, which indicates that a donee has failed to place property into use for the public benefit acquired for within the prescribed period of time, or that there has been a loss, or theft, or related acquisition, use, or disposal of property during the compliance period, the Director shall immediately initiate the appropriate investigative and compliance action as prescribed in Part X, Section 4. When an investigation proves failure on the part of the donee to comply with this Part, the Director shall impose the penalties listed in Part VI, Section 6.a., b., and c.

B. 1. The State Agency may amend, modify, or grant release of any term, condition, reservation, or restriction, it has imposed on donated items of personal property in accordance with the standards prescribed in this plan, provided that the conditions pertinent to each situation have been affirmatively demonstrated to the satisfaction of the State Agency and made a matter of public record.

2. The State Agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the GSA may determine necessary because of the characteristics of the property.

3. The State Agency will impose on all donees the statutory requirement that all items donated must be placed into use within one year of donation and be used for one year after being placed in use or otherwise returned to the State Agency, while the property is still usable.

#### Part VII—Nonutilized Donable Property

A. 1. All property in the possession of the State Agency for twelve months, which cannot be utilized by eligible donees shall be reported to the GSA for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the State Agency shall either:

a. Transfer the property to the State Agency of another state or to a Federal agency.

b. Sell the property by public sale.

c. Abandon or destroy the property.

2. In the event of disposal by transfer to another State Agency in another state or by public sale, the State Agency may seek such reimbursement as is authorized in accordance with FPMR 101-44.205.

#### Part VIII—Fair and Equitable Distribution

##### A. 1. General Policy.

The State Agency shall arrange for a fair and equitable offering of available surplus property to the eligible units in the state, based upon their relative need and resources and their ability to utilize the property in their program.

2. Determinations.

The following criteria shall be used by the Director of the State Agency in determining the relative needs and resources of donees and their ability to utilize the property:

a. The population of the parish of the donee based on the 1976 Preliminary Population Estimates for Louisiana by Parish. Source: Louisiana Tech University, official depository of U. S. Bureau of Census Materials.

b. The per capita income of the parish of the donee. Source: 1974, Bureau of Economic Analysis, Department of Commerce.

c. The percent of the average-employed-persons-to-the-population of the parish of the donee. Source: Research and Statistics Unit, Department of Employment Security, 1974, and Louisiana Tech University, 1976 Preliminary Population Estimates By Parish.

d. The daily average school attendance of the parish of the donee. Source: Louisiana Department of Education, 1974-1975.

e. The number of hospital beds (short-term general hospitals) of the parish of the donee. Source: 1975 Louisiana Hospital Statistics of the State Office of Comprehensive Health Planning.

f. Details on the scope of the donees program, financial information, and specific items of property needed.

Other factors to be taken into consideration will include:

a. Critical need on the part of the applicant due to a state of emergency or emergency such as fire, flood, hurricane, etc.

b. Quantity and/or value of surplus property received by donee to date, and specific major items of equipment previously received.

c. Interest and expressions of need on the part of the donee in the property available.

d. Ability and willingness demonstrated by donee to inspect and select property, timeliness in removing property from warehouse, or a request for direct shipment from a Federal holding agency.

e. Financial ability of donee to acquire property, repair or renovate property (if necessary), and to be able to maintain the property.

3. Applications for Surplus Property Not in Inventory.

a. A request for a specific item of property may be submitted by the chief executive officer, or his designee, of the donee to the director of the State Agency on a Request for Property form when the specific item is not in the inventory of the State Agency.

b. The Request for Property form shall be the only means of requesting property by the donee in order that the Director may use the same information in determining priority on competing requests for items. Priority ratings by the Director shall be made utilizing the formula based on the criteria shown in Part VIII, Section A.4, and shall be based on the

information submitted by the donee on the Request for Property form.

c. Falsification of any information on the Request for Property form submitted by the donee shall cause the donee's eligibility to participate in the program to be revoked for a period of twelve months.

4. Formula for Determining the Property Request Priorities.

The State Agency shall use this formula for determining which donee shall receive an item for which there are competing requests. The information submitted by the donee on the Request for Property form shall be the main basis for the rating. The Director of the State Agency shall have the authority to modify the rating formula on a quarterly basis and to delete and/or add categories as are necessary to maintain fair and equitable distribution among the donees. The higher the donee rating, the higher the priority the donee will have for the item utilizing the formula.

a. Population by parish of the donee:

Under 10,000	10	50,001—100,000	5
10,001—20,000	9	100,001—150,000	4
20,001—30,000	8	150,001—200,000	3
30,001—40,000	7	Over 200,001	2
40,001—50,000	6		

b. Per Capita Income by Parish of the donee:

Under \$3,000	10	\$3,901—\$4,100	5
\$3,001—\$3,300	9	\$4,101—\$4,300	4
\$3,301—\$3,500	8	\$4,301—\$4,500	3
\$3,501—\$3,700	7	Over \$4,501	2
\$3,701—\$3,900	6		

c. Percent of average-employed-persons-to-the-population by parish of the donee:

Less than 10%	10	30%—35%	5
10%—15%	9	35%—40%	4
15%—20%	8	40%—45%	3
20%—25%	7	Over 45%	2
25%—30%	6		

d. Daily school attendance by parish of the donee:

Under 5,000	10	40,001—60,000	5
5,001—10,000	9	60,001—80,000	4
10,001—20,000	8	80,001—100,000	3
20,001—30,000	7	Over 100,001	2
30,001—40,000	6		

e. Number of hospital beds by parish of the donee:

0— 25	5
26— 50	4
51—200	3
201—500	2
Over 501	1

f. State of Emergency: 10

g. Emergency: 20

h. Unencumbered funds available to acquire property: Yes—10; No—0.

i. Unencumbered funds available to repair, renovate (if necessary), and maintain property: Yes—10; No—0.

j. Ability and willingness demonstrated by donee to inspect and select property, and timeliness in removing property from warehouse: 0 to 10.

k. Scope of donees program and utilization of the item for the benefit of the residents: 0—10.

l. Interest and expressions of need on the part of the donee in the item: 0—10.

m. Direct pickup request from the Federal holding agency by the donee: 5.

n. Value of surplus property received by donee to date:

<b>Acquisition Cost (Federal)</b>	<b>Rating</b>
0—\$ 10,000	10
\$10,001—\$ 25,000	8
\$25,001—\$ 50,000	6
\$50,001—\$100,000	4
Above \$100,001	2

o. Specific major items of equipment previously received: 0—10.

#### 5. Selection and Shipment of Donable Property.

a. The Director of the State Agency shall recommend to GSA the certification of donee screeners, as are qualified and needed, in accordance with FPMR 101-44.116.

b. The State Agency shall, insofar as practical, on items requested on the Request for Property form arrange for inspection and release of property directly from the holding agencies by the donee at minimal service charges to cover legitimate costs as detailed in Part V of this plan, when requested by the donee.

#### Part IX—Eligibility

A. 1. The State Agency will contact and instruct all known potential donees in the State on the procedures to follow to establish their eligibility to participate in the surplus property program. A listing of the potential donees in the State shall be established by using the standards and guidelines in FPMR 101-44.207, as well as the following guides:

##### a. Public Agencies.

1. The Louisiana Secretary of State's Roster of Officials which lists cities, towns, parishes, the judiciary, State departments, divisions, councils, boards, commissions, institutions, Indian tribes, etc.

2. The executive officers of the above units will be contacted for a listing of local departments, divisions, commissions, councils, indicating their different activities and functions.

3. The Economic Development and Planning Commissions will be contacted for lists of their recipients who might be qualified.

##### b. Nonprofit, tax-exempt units.

1. State Departments of Education, Higher Education, Public Health, Mental Health, Community Affairs, Youth Services, and others will be asked for listings of all local units approved or licensed by their departments.

2. Existing listings of units now eligible to participate in the surplus property program.

3. National, regional, and State organizations and associations.

4. Inquiries, letters, telephone calls, etc., received relative eligibility.

2. Contacts will be made by letter, telephone calls, general meetings, and conferences with the above groups, supplemented when necessary by news releases, informational bulletins, attendance at conferences and meetings to discuss the surplus property program.

B. 1. Each unit will be required to file with the State Agency as a condition of eligibility:

a. An Application, Certification, and Agreement form signed by the chief executive officer, of the donee accepting the terms and conditions under which property will be transferred.

b. A written authorization signed by the chief executive officer, or executive head of the donee activity, or a resolution by the governing board or body of the donee activity designating one or more representatives to act for the applicant, obligate any necessary funds, and execute distribution documents.

c. Assurance of compliance indicating acceptance of civil rights and nondiscrimination on the basis of sex or handicapped in accordance with GSA regulations and requirements.

d. Directory information, including the applicant's legal name, address, and telephone number and status as a public agency or nonprofit, tax-exempt educational or public health unit.

e. Program details and scope, including different activities and functions.

f. A listing of specific equipment, material, vehicles, machines, or other items in which the donee would be interested in the future.

g. Financial information, if necessary, for the evaluation of relative needs and resources.

h. Proof of tax-exemption under Section 501 of the Internal Revenue Code of 1954 (for non-profit units only).

i. Proof that the applicant is approved, accredited, or licensed in accordance with FPMR 101-44.207.

2. All approvals of eligibility will be updated every three years.

#### Part X—Compliance and Utilization

##### A. Scope.

The State Agency shall conduct utilization reviews to insure compliance by donees with the terms, conditions, reservations, and restrictions imposed on:

1. Any property not placed in use within one year from the date of acquisition, and not used for a period of one year.

2. Any passenger motor vehicle.

3. Any item of property valued at three thousand dollars or more.

4. Any item having characteristics that require special handling or use limitations imposed by GSA.



B. 1. The State Agency will arrange to visit each donee receiving major items of property, i.e. items with a unit acquisition cost of three thousand dollars or more, and passenger motor vehicles, with Federal and/or State restrictions on the use of property at least once during the period of restriction. All such visits will be made by the compliance/utilization audit staff or administration of the State Agency.

2. Written reports on utilization from the chief executive officer of the donee will be requested during periods of restricted activity or in the event of unusually heavy work loads at the State Agency.

3. Each visit on compliance utilization will encompass:

a. General utilization of property, including items with an acquisition cost of under three thousand dollars and items under Part X, Section A.4.

b. Compliance with all terms, conditions, reservations, and restrictions imposed on the use of the property.

c. Any evidence of over supply or stockpiling.

d. Application advise for property needed.

e. Effectiveness of the surplus property program.

f. Recommendations for better service.

4. A report will be prepared on each compliance visit and submitted to the Director for approval. Follow-up action on noncompliance or nonuse will be taken as necessary. Instances of suspected fraud or misuse will be reported to local law enforcement agencies or the State Police, and to the Federal Bureau of Investigation and GSA. State Agency personnel will assist in any subsequent investigations.

#### Part XI—Consultation with Advisory Bodies, Public and Private Groups

A. 1. The State Agency will arrange for and participate in local, regional, or statewide meetings of public and private organizations and associations which represent potential donees to disseminate information on the program, discuss procedures and problems, and obtain recommendations on determining relative needs, resources and the utilization of property and how the State Agency can provide more effective service. The State Agency will regularly provide information on the donation program to State and local officials, and to heads of nonprofit institutions and organizations, and will actively participate in, and upon request, provide speakers for conferences and meetings held by public and private organizations.

2. The State Agency, in consultation with advisory bodies and public and private groups, will invite eligible donees to submit expressions of interest and need for property items so that the State Agency may advise GSA of such requirements, including requests for specific items of property.

3. A Louisiana Federal Property Assistance Agency Advisory Board shall be established by the

Director of the State Agency. It shall be composed of one representative from each of the eight areas listed in the State Agency Monthly Donation Report of Surplus Personal Property. The Director shall select the representative who is felt to best represent that segment of the donees. Advisory Board members shall advise the Director on means to improve the program in the areas which they represent. The representatives shall serve without pay or compensation.

#### Part XII—Audits

A. 1. At the close of each month the State Agency will conduct an internal audit which will:

a. Reconcile the warehouse and office records on inventory value, disposals, property received, and property issued.

b. Reconcile financial records in the office with the daily statements received from the State Accounting Office.

2. Annually, the audit staff of the State Agency will conduct an audit of the State Agency which shall include, in addition to fiscal affairs, a review of the conformance of the State Agency with the provisions of this Plan of Operations and the requirements of 41 CFR 101-44.

3. An external audit will be performed at least once each two years by the Legislative Auditor. It shall include an audit of all fiscal affairs and a review of the conformance of the State Agency with the provisions of this Plan of Operations and the requirements of 41 CFR 101-44. A copy of the audit will be furnished by the State Agency, immediately upon completion, to the GSA Regional Office. The Director will advise the GSA Regional Office of all corrective actions taken with respect to any exceptions or violations indicated by the audit. It is agreed that GSA may, for appropriate reasons, conduct its own audit of the State Agency following due notice to the Governor of the reasons for such audit, and may visit the State Agency for purposes of reviewing the Agency's operation when it deems it appropriate.

4. Financial records and all other books and records of the State Agency shall be available for inspection by representatives of GSA, the General Accounting Office or other authorized Federal activities.

#### Part XIII—Cooperative Agreements

A. 1. The State Agency has the authority to enter into such cooperative agreements with Federal agencies and other State agencies as may be necessary, in accordance with FPMR 101-44.206. Such agreements may involve, but not be limited to:

a. Use of property by State Agency.

b. Overseas property

c. Use of Federal Telecommunication System.

d. Interstate transfers.

e. Others, as may be necessary.

#### Part XIV—Liquidation

A. 1. In the event of, or at the time of determination has been made by State officials to liquidate the State Agency, a liquidation plan will be prepared in accordance with FPMR 101-44.201.c.14.

2. The liquidation plan shall include:

a. Reasons for liquidation.

b. Schedule and estimated date of termination.

c. Method of disposal of surplus property on hand, consistent with the provisions of FPMR 101-44.205.

d. Method of disposal of the agency's physical and financial assets.

e. Retention of books and records for a six-year period following liquidation.

3. Such plan will be submitted to the GSA and its approval secured prior to the beginning of liquidation.

#### Part XV—Forms

A. The Distribution Document shall be used as the standard issue document and the invoice for all issues of surplus property to eligible donees or other states. The terms and conditions shall be printed on the back of each pre-numbered Distribution Document.

B. 1. Certain specific items require Conditional Transfer Documents in addition to the standard forms.

a. Noncombat type aircraft with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document.

b. Combat type aircraft with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document.

c. Vessels over fifty feet in length with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document.

#### Part XVI—Records

A. 1. All official records of the State Agency will be retained for not less than six years, except records involving property in compliance status for six years or longer will be kept for at least one year after the case is closed.

Don C. Marrero, Director  
Louisiana Federal Property  
Assistance Agency

### RULE

#### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted the following revisions in the policy on power driven conveyances for recipients of Aid to Families with Dependent Children's Assistance and General Assistance:

#### A. Definition of power driven conveyance.

A power driven conveyance is a motorized vehicle used for transportation. Included in this definition are automobiles, trucks, motorboats, motorcycles, and motorbikes.

#### B. Statement of policy.

A power driven conveyance is allowable, and shall not be considered an available resource, under the following circumstances.

(1) When required in the operation of a business (business asset).

(2) When required for transportation to work, but only when a conveyance excluded under (1), (3), or (4) cannot be used for this purpose.

(3) When the conveyance is not being used for the purposes outlined in (1) or (2) above because of the client's illness or incapacity but he expects to secure work within one year and use the vehicle in his work.

(4) When required in performing functions normally considered necessary in daily life—such as shopping for essential goods, transportation to a medical facility, transportation to a church, or transportation to social events—provided it is determined that a conveyance excluded under (1), (2), or (3) cannot be used for this purpose.

(5) When used exclusively for sport; however, this provision applies only to motorboats, motorcycles, and motorbikes.

(6) When the conveyance is inoperable and can be sold only for junk.

(7) When the client has purchased a conveyance in his name for a minor child who is not included in the budget unit because of the inability of the minor child to purchase the conveyance in his own name, and the minor child is actually using his own funds to make payments on the conveyance. Part of this condition is the client's written agreement that he will transfer the title to the child as soon as the child attains majority or is emancipated by marriage.

A power driven conveyance that is not excluded under the above noted circumstances shall be valued at its current market value less encumbrances; that is, the actual amount of money the client would receive if the conveyance was sold at market value and all indebtedness was paid off.

When placing a value on an automobile or truck, a current issue of the National Automobile Dealers Used Car Guide may be used. To secure the value add the "average wholesale" quotation and the "average retail" quotation and divide by two. Current newspaper advertisements may also be used to estimate the value of an automobile or truck, particularly when the value obviously exceeds the allowable resource limit. A client estimate of the value of a conveyance is acceptable when backed up by either of the above. When the client's estimate of value cannot be substantiated by the above or other valid data, or if he disagrees with the value placed on the conveyance by

the worker, an appraisal from a licensed automobile dealer shall be secured by the client or by someone acting in his behalf.

C. Statement of policy intent.

This policy is intended to allow a recipient group to own at least one power driven conveyance, without restriction, on the grounds that such ownership is recognized as a need for employment, for securing essential medical care and other life necessities, and for other reasons that permit maximum possible participation in normal activities of a complex society.

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

## RULE

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted a policy which lowers the age for mandatory work registration of Aid to Families with Dependent Children (AFDC) recipients to sixteen years.

The policy is as follows:

15-781 Who Shall be Required to Register for Work at Employment Security.

A. All applicants and recipients, age sixteen and over, must register for employment as a condition of eligibility for an AFDC payment unless exempt for one of the following reasons:

(1) The person, age sixteen through twenty, is enrolled as a full-time student or has been accepted for enrollment as a full-time student for the next school term. School attendance is defined in 15-704.1A. and verification is as stated in 15-704.1B. and C.

(2) The person is incapacitated, either permanently or temporarily, and for that reason is prevented from entry into employment. When the incapacity is temporary, local office controls shall be set up to register the person when he is no longer incapacitated.

Incapacity shall be verified and the verification recorded in the case record by the assistance payments worker. The verification of incapacity may be by worker observation, medical reports, or Form 90. If Form 90 must be obtained to verify incapacity and the local office needs state office assistance in making a decision, submit Form 90 to the Medical Review Team as stated in policy 15-766. For authorization of a medical examination and completion of Form 90, issue Form 146 using Code OI. If the Medical Section cannot make a decision unless special tests are made, such tests will be approved by the Medical Section. Complete Form 146 using Code O2 for special tests.

A doctor's statement that the client is incapacitated, shall not be accepted when the local office has evidence which is not in agreement with the statement. In those instances, all pertinent medical and social information shall be sent to state office for a Medical Review Team decision. Specify on Form 90-X or a cover memorandum the reason for the submittal.

If a person claims an incapacity which has to be verified, the person can be included or retained in the certification while incapacity is being verified.

(3) The person is age sixty-five or older.

(4) The person is providing caretaker services on a substantially continuous basis to another member of the household who has special medical problems. The need for this person to be a caretaker must be established as well as the condition of the person with the special medical problem.

The presence of the person as a caretaker is required when the medical condition of the ill household member does not permit self-care and there is no exempt person in the household to give the required care. It is the responsibility of the client or the ill person to provide verification of care needed. This verification shall be recorded in the case record. Persons exempted as "needed in the home" shall register for employment when no longer needed in the caretaker role.

(5) The person is a mother or other caretaker relative of a child under age six or a woman for whom a term of at least four months of pregnancy has expired. The length of pregnancy shall be verified in writing by a licensed physician or medical agency. Persons eligible for exemptions under this paragraph shall be informed that they can volunteer to register. If the decision is made to register, child care plans shall be discussed, when applicable, and if employed, child care services offered through the social services unit explained.

When there are two or more mothers or caretaker relatives of children under age six in the home, only one such mother or caretaker can be exempt for that reason. The mothers or caretaker relatives shall decide which one will be exempt.

(6) The person has what is considered full-time employment for his occupation with earnings in excess of work expenses. A thirty-hour work week is considered full-time.

School employes who work nine months and who meet the criteria specified in the above paragraph are exempt from registration. Full-time seasonal workers are exempt from registration if their employment will last at least sixty days after the certification or re-determination and earnings exceed work expenses. When the seasonal work is over, the client no longer meets our exemption criteria.

When a person works less than thirty hours weekly, and less than thirty hours is what is usually worked in the community, and he receives wages usually paid in

the community, such person is exempt from registration under this reason.

Work expenses in this exemption refers to the standard deduction, transportation and child care as specified in policy 15-836, B.

(7) The person lives more than thirty miles (too remote) from the nearest Employment Security office or one itinerant point used by Employment Security or has no transportation available to enable him to register.

All persons sixteen and over who do not meet any of the above exemption requirements must register for work at Employment Security. Since work registration is a condition of eligibility, it is essential that the Assistance Payments worker determine if any health problems of potential registrants would result in an illness or incapacitation. If the client is over twenty and is enrolled in any type of training at the time of his required registration, the fact of such enrollment does not make the person exempt from work registration, unless he has two years or less of school attendance or training (including college) to complete his curriculum. Work registration is not an eligibility requirement when two years or less of school attendance or training remains. See 15-790 — When Preparation for Suitable Occupation by AFDC Parent(s) Is Considered Equivalent to Employment.

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

## **RULE**

### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human resources, Office of Family Services, has adopted revisions to the Standards for payment so that recipients of medical assistance for Skilled Nursing Facilities and intermediate Care Facilities I and II services shall no longer be charged for personal laundry services, a small facility (under sixty beds) may permit the cook to function as the dietary supervisor, physicians may now initial (rather than use his entire signature) certification and recertification of persons to such facilities as well as plan of care, and nursing home records shall now be retained for inspection for six years from date of service.

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

## **RULES**

### **Department of Health and Human Resources Board of Nursing**

#### **Policies For Practice of Nursing by Registered Nurse Applicant**

The terminology registered nurse applicant identifies those individuals who have been issued a temporary working permit, as provided for in the Law Governing the Practice of Nursing, Section 920 C, which states:

“The board may issue a working permit to graduates of approved schools pending results of the first licensing examination scheduled by the board following graduation”.

It is the opinion of the Board of Nursing that the temporary work permit is a privilege and carries with it certain restrictions relative to the practice of nursing by the holders of said permit. Therefore, the registered nurse applicant is not to function in the same capacity as these individuals who have already received registered nurse licensure. To fulfill its responsibility to protect the public from those not qualified to practice as registered nurses and to provide a means to insure safe and effective nursing care, the Board has adopted the following policies for the practice of nursing by the registered nurse applicant:

1. The registered nurse applicant shall practice only in nursing situations where direct registered nurses supervision is available.
2. The registered nurse applicant shall serve in a staff nurse position.
3. The registered nurse applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

\* \* \* \*

#### **Policies for Legal Employment of Students in Nursing and Unsuccessful Candidates on the State Board Test Pool Examination as Unlicensed Nursing Personnel**

The Louisiana State Board of Nursing recognizes that the student in nursing and the unsuccessful candidate on the State Board licensing examination may have the need to earn money. However, they are unlicensed persons and cannot legally perform, nor be assigned nursing duties other than those allowable to other unlicensed nursing personnel.

To assist these individuals to be employed in an acceptable nursing position whereby they contribute to patient care and yet do not jeopardize the welfare of the patient nor legally implicate themselves or their employing institution, the Board has adopted the following policies.

The employer shall:

1. provide documentation of the unlicensed status of these individuals.
2. review the written job description with the employee.
3. provide proper orientation to and training for the position.
4. make no distinction between the student of nursing, the unsuccessful candidate for registered nurse licensure, and any other unlicensed nursing personnel, especially in regard to the delegated responsibilities, functions, mode of dress, and identification.
5. inform all nursing personnel that the student of nursing and the unsuccessful candidate have no legal right to function in any nursing capacity reserved for the licensed nurse.

Employers are urged not to jeopardize the potential for licensure of the student in nursing or the unsuccessful candidate for licensure in order to augment their staffing. The future professional careers of these individuals are at stake.

The Board of Nursing further believes that the faculty of a program in nursing shares with the employer the responsibility for assisting the student in understanding his or her role in this type of employment.

The faculty also shares the responsibility for interpreting to the student that failure on the licensing examination limits their nursing practice to that of unlicensed nursing personnel.

The faculty should assist the student in recognizing the need for:

1. functioning within the legal limits of unlicensed nursing personnel.
2. wearing the identification and uniform of the unlicensed personnel. (The school uniform, cap and pin shall not be worn in an employment situation of this nature.)

Ms. Merlyn M. Maillian, R.N.,  
Executive Director  
Board of Nursing

## RULES

### Department of Public Safety Office of State Police

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*(Editor's Note: The Department of Public Safety, Office of State Police, has adopted the following amendments and additions to the Louisiana Explosive Code. The amendments and additions are promulgated here in a style which keys them to the citation system developed for the Explosive*

*Code by the Department of Public Safety. However, the Explosive Code will soon be reprinted in its entirety, as amended. At this time, the Explosive Code will be renumbered to conform to the citation system which will be used for the Louisiana Administrative Code.)*

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### Amendments to the Explosive Code

1. On page 18, add A002 (22): "Local Office," as applies to a user, a structure, place of rental such as apartment or motel, or a removable such as a barge, ship, or vehicle, in the vicinity of the storage container.

2. On page 19, change A-003 (5) to read: Invoices of sales shall be forwarded to the Department of Public Safety on a weekly basis. These sales slips or invoices must be legible, correct and complete.

3. On page 19, add A-003 (6): Persons having explosives in their possession that were purchased prior to the serialization requirements set forth in this Chapter must notify the Secretary of the Department of Public Safety through Explosive Control, Baton Rouge, Louisiana.

4. On page 30, change A-007 (8) to read: Class Three magazines shall be constructed of two-inch hardwood covered with fourteen gauge sheet metal. When Class Three magazines are kept in a building they must be equipped with handles or wheels so they can be removed quickly from the building in case of fire. Class Three magazines utilized for inside storage shall be painted red and marked with the word "explosives" legibly printed and displayed in white letters not less than three inches high.

5. On page 30, change A-007 (9a) to read: Padlocks shall consist of a steel case of at least one and one-eighth inch thickness, with case-hardened steel shackles of 11/32-inch diameter and two-inch maximum length when in the locked position. Either one twelve-pin or two five-pin locks may be used. Key numbers shall be removed from the lock. Padlocks to be enclosed by a hooded metal type enclosure one-fourth inch-thick steel. Hooded enclosure must be constructed to restrict forceable entry from pry bars, hacksaws, and bolt cutters.

6. On page 31, add A-007 (9e): When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by king-pin locking devices or other methods approved by the Secretary of the Department of Public Safety. (Note: See letter dated August 18, 1976.)

7. On page 31, change A-008 (1) to read: Packages of explosives stored in Class One magazines shall be laid flat with the top side up. Exception—when turning dynamite to minimize exudation, the case may be laid flat with top side down. Black powder, when stored in magazines with other explosives

shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first. Electric blasting caps and/or electric detonators will be shunted (shorted by twisting bare lead together) except when tying to firing lines. When electric caps and/or electric detonator have broken lead wires of insufficient length to shunt, the cap or detonator will be wrapped in at least a double thickness of metal foil to prevent accidental discharge from stray extraneous current.

8. On page 32, change A-008 (9) to read: The keys to a user's magazine doors and covers must be available only to the user and one of his blasters. It is the user's responsibility to keep his magazine locked from all unauthorized persons.

9. On page 35, change A-011 (2) to read: An accurate inventory of the stock of explosives and caps in magazines must be maintained at each user's local office. The inventory must reflect the date, date-shift-code, pounds on hand, pounds received, pounds issued, pounds returned, and balance on hand at all times of each brand and grade. Persons using smokeless propellants for the handloading of ammunition shall keep record of the pounds purchased, the date of purchase, and the source from which they were obtained, but are exempt from the further requirements of this paragraph. Underground storage inventory in salt mines will maintain records of date, units or weight of explosives or caps in their revolving inventory, but are exempt from further requirements of this paragraph.

10. On page 35, change A-012 to read: Storage; shortages or thefts; reports required. In case a magazine is broken into, the owner must immediately notify the police or the sheriff, and the Office of the Secretary of the Department of Public Safety through the Explosive Control, Baton Rouge, Louisiana. Unexplained shortages or thefts must be reported immediately to the aforementioned authorities.

11. On page 36, change A-013 (9) to read: All vehicles transporting explosives in or into the State of Louisiana, upon entry into the state, shall stop at the nearest public telephone and request permission to proceed by direction to the nearest troop for inspection. The vehicle will be inspected at the troop headquarters and a copy of the inspection permit given to the driver. This copy of inspection will act as a temporary permit until an Explosive Carrier Special Hauling Permit is issued by the Secretary of the Department of Public Safety. The inspection will be conducted as outlined in Section A-014 (the succeed-

ing section). This part does not apply to excepted vehicles under R.S. 40:1471.8.

12. On page 37, change A-014 (2) to read: Ever conveyance used for transporting explosives shall be marked or placarded on both sides, front and rear with the word "explosives" in letters not less than four inches in height in contrasting colors, red on white backgrounds. Vehicles in compliance with placarding requirements for interstate shipment under Department of Transportation (DOT) regulation are exempt. Those vehicles regulated by A-013 (preceding page) are exempt.

13. On page 39, change A-016 (2) to read: No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packaging, to the U.S. Department of Transportation Regulations for the Transportation of Explosives.

14. On page 46, change A-024 to read: All investigative reports must be filed. Any person investigating the theft, illegal use, and/or possession of explosives, must immediately file a report to that effect with the Explosive Control Unit, Office of the Secretary of the Department of Public Safety in Baton Rouge, Louisiana.

Malcolm R. Millet, Secretary  
Department of Public Safety

## RULES

### Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following rules:

#### **Pearl River Wildlife Management Area Deer Season**

WHEREAS, hunting regulations previously established and announced for the 1977-78 deer season on the Pearl River Wildlife Management Area in St. Tammany Parish inadvertently omitted several days of deer hunting, and

WHEREAS, the Pearl River Area has a good herd suitable in size to afford a substantial amount of public deer hunting opportunity, now

THEREFORE BE IT RESOLVED that an additional sixteen days of deer hunting of legal bucks only is hereby established to begin on December 18, 1977, and extend through January 2, 1978, and

THEREFORE BE IT FURTHER RESOLVED that appropriate news release be published to announce this season.

\* \* \* \*

### **Menhaden Season**

WHEREAS, the Menhaden Advisory Council of Louisiana, which serves as a vehicle for coordinating industry-wide projects, has requested that consideration be given to a limited season on the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden, and

WHEREAS, the Gulf-wide State-Federal Board, upon the request and action of the Menhaden Advisory and Implementation Committees, has unanimously recommended that the menhaden season be adjusted from a present closing date of the second Tuesday in October to the following Friday, and

WHEREAS, by having a uniform opening and closing date, it will eliminate unnecessary early plant startups, it will increase the chances of the industry maintaining a healthy and continuing source of fish, and

WHEREAS, an examination of several preceding years' catch records indicates that the best quality fish will be available, and

WHEREAS, there is total agreement among the menhaden operators that the starting date should be the third Monday in April and the closing date shall be changed to the Friday immediately following the second Tuesday in October.

THEREFORE BE IT RESOLVED THAT the Louisiana Wildlife and Fisheries Commission directs, by executive order, that there shall be a limited season on the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden.

BE IT FURTHER RESOLVED that the starting date for the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden, shall be the third Monday in April and the closing date shall be the Friday immediately following the second Tuesday in October.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

### **RULE**

#### **Department of Wildlife and Fisheries Stream Control Commission**

##### **Rule Relative to Dischargers, Stationary or Mobile Sources, to the Mississippi River Downstream of the Old River Control Structure, and Users of Bayou Lafourche**

1. Any owner or person in responsible charge of a vessel, wharf, or an onshore facility shall, as soon as he has knowledge of any discharge from the vessel or facility of any substance of sufficient quantity which could interfere with downstream potable and/or industrial water usage, immediately execute by telephone, radio telecommunication, or a similar means

of rapid communication, the alert procedures of the latest edition of the Waterworks Warning Network Plan, Lower Mississippi River, by the Bureau of Environmental Services, Office of Health Services and Environmental Quality.

2. A significant abnormality detected through self-monitoring of a permitted discharge shall cause the immediate notification to the Louisiana Stream Control Commission. The reporter may then be directed to initiate the warning system on a precautionary basis because there is reason to suspect that sufficient quantities of substance(s) of a known or unknown but possibly noxious nature may have been released which could interfere with downstream potable and/or industrial water usage. The cause of the abnormality shall be determined by the operator as expeditiously as possible and the determination duly communicated to those previously notified.

This rule shall be effective December 1, 1977.

J. Burton Angelle, Chairman  
Stream Control Commission

## **Notices of Intent**

### **NOTICE OF INTENT**

#### **Department of Agriculture Office of Agricultural and Environmental Sciences Horticulture Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Horticulture Commission, proposes to adopt a policy pursuant to R.S. 37:1969, which would require that each place of business, as defined in R.S. 37:1963, have present during the hours that business is being conducted a person or persons licensed in each phase of horticulture being offered to the public.

The purpose of this policy is to assure the public that the professional services offered at the place of business are being performed by a qualified and licensed individual.

The Commission also proposes to adopt an Application Manual which will provide a guide to the requirements for eligibility to take the examination for licensure as a landscape architect, the steps and materials necessary for application, and the procedures and schedules prior to and following the examination. The manual can be reviewed at the office of the Executive Secretary, Room 622, Commerce Building, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing on or before November 10, 1977, to the following address: Richard Carlton, Secretary,

Louisiana Horticulture Commission, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, Secretary  
Horticulture Commission

### NOTICE OF INTENT

#### Department of Agriculture Office of Agricultural and Environmental Services Pesticide Commission

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, intends to amend the Rules and Regulations to the Louisiana Pesticide Control Act, under authority of Part 1 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

The purpose of the amendment is to define the terms "label" and "labeling" as they appear in the Louisiana Pesticide Control Act and Regulations. A copy of the proposed amendment is available at Room 223, H. D. Wilson Building, South Stadium and Highland Road, L.S.U. Campus, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before November 10, 1977, to the following address: Mr. E. A. Cancienne, Director, Pesticide Commission, Office of Agricultural and Environmental Sciences, Department of Agriculture, Box 16390-A, Baton Rouge, Louisiana 70893.

E. A. Cancienne, Director  
Pesticide Commission

### NOTICE OF INTENT

#### Department of State Civil Service

The State Civil Service Commission will hold a public hearing on November 8, 1977, for the purpose of considering a change in Rule 11.29 relative to compensatory leave.

The hearing will begin at 9:00 a.m. and will be held in the Commission Hearing Room on the Seventh Floor of the State Land and Natural Resources Building located at 625 North Fourth Street, Baton Rouge, Louisiana. The proposed rule reads as follows:

#### 11.29 Compensatory Leave.

(b) Subject to the provisions of Rules 6.25(b)(3), 11.28(b), 11.29(d), 11.29(i), and 11.29(j), an employee serving in a position for which the current minimum of the pay range is less than \$971 per month who is required to perform overtime duty shall, at the option of his appointing authority,

but in conformity with the provisions of the Federal rules, statutes, regulations, and judicial decisions

1. Be credited by his appointing authority with compensatory leave equal to the number of extra hours he has been required to work, or

2. Be compensated for the extra hours of work as authorized by Rule 6.25.

Explanation: The purpose of this amendment is to recognize the \$75 per month increase for all positions in the new pay plan adopted by the Commission on September 7, 1977.

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

George Hamner, Director  
Department of State Civil Service

### NOTICE OF INTENT

#### Department of Culture, Recreation, and Tourism

Notice is hereby given that the Louisiana Department of Culture, Recreation and Tourism intends to adopt revised rules, regulations, and standards to direct the conservation, salvage, and study of the State's cultural resources. Promulgation of such rules and regulations is in accordance with the provisions of R.S. 41:1607 (1) as amended by Act 378 (1974) and R.S. 36:201-209. The Secretary will accept written comments and requests for a draft of the rules and regulations until 10:00 a.m., November 22, 1977, at the following address: Sandra S. Thompson, Secretary, Department of Culture, Recreation and Tourism, Box 44361, Capitol Station, Baton Rouge, Louisiana 70804.

A public hearing for the presentation of verbal comments will be held at 10:00 a.m. on November 22, 1977, at the Secretary's Office, 6th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana 70802.

The substance of the intended rule-making action and a description of the subjects and issues involved are as follows:

a. Antiquities Code. An Antiquities Code of Louisiana is established to preserve and manage the State's cultural resources. The purpose and administration of the Code are set forth, and due process provisions are provided for parties that might be aggrieved by any provision of the Code.

b. Antiquities Commission. The delegated powers, functions, duties, and composition of the Louisiana Archaeological Survey and Antiquities Commission are set forth, and the Commission's advisory role in administration of the Code is defined and ratified.



c. Landmarks. A Registry of State Archaeological Landmarks is established to provide maximum protection to Louisiana's outstanding historic and prehistoric archaeological sites.

d. Standards for Landmark Investigations. Regulations identify the requirement for a permit to investigate State archaeological landmarks or any archaeological sites on State land or under State waters. The regulations define the purpose of permits, a minimum standard of investigation, types of permits, qualifications of permit holders, and application procedures.

e. Standards for Cultural Resources Surveys. Regulations provide a systematic framework for gathering field data on projects requiring cultural resource surveys for clearance. The standards assure collection of data necessary to evaluate sites for the National Register of Historic Places, to satisfy planning needs, and to develop management programs to conserve the State's cultural resources.

f. Files and Custodianship. Additional regulations establish the Central State Archaeological Survey files and define the contents of such files, custodianship, access to files, and the use of State antiquities.

g. Indian Burial Sites. Special regulations restrict excavation, through permitting procedures, so that Indian burial sites are not wantonly desecrated.

h. Underwater Investigations. Supplementary regulations pertain to the location and recovery of sunken treasure in Louisiana waters. Additional permit requirements and title to recovered remains are defined and established.

All interested persons will be afforded a reasonable opportunity to submit data, views, and arguments.

Sandra S. Thompson, Secretary  
Department of Culture,  
Recreation, and Tourism

#### NOTICE OF INTENT

##### Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its November 14, 1977, meeting, the following policies:

1. Working relationship between the Superintendent of Education and the State Board of Elementary and Secondary Education.

2. Rules and regulations establishing a program or programs of continuing education as required by Act 20 (1977 Extraordinary Session).

3. Amendment to Bulletin 741, Standards for School Approval of Special Schools, page 112, paragraph 1, relative to the definition of special schools.

4. Amendment to Bulletin 741, Standards for School Approval of Alternative Schools, page 107, by adding that "special education programs as defined

on page 112 are not eligible for alternative school approval."

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., November 7, 1977, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

The public is made aware of the consideration of the above rule change in compliance with R.S. 49:951, et seq.

All interested parties will be afforded reasonable opportunity to submit data, views, or comments at the regular October Board meeting.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

#### NOTICE OF INTENT

##### Board of Regents

Notice is hereby given that the Louisiana Board of Regents has postponed final action on the Master Plan for Higher Education in Louisiana originally scheduled for October 27, 1977. The Board will consider adoption of the Master Plan at its next regular meeting following October 27. New time, date, and place may be secured by writing the Commissioner of Higher Education, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

The proposed Master Plan will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after October 20, 1977, at the offices of the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views through November 4, 1977, at the above address.

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

#### NOTICE OF INTENT

##### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt revised Minimum Standards for Licensure of Child Caring Agencies.

The licensing authority of the Office of Family Services is established by R.S. 46:1401-1411 and charges the Office of Family Services with the responsibility for developing and publishing standards for the licensing of child caring agencies.

Copies of the proposed standards may be obtained without cost at the following address: Office of Family Services, Planning and Policy Formulation Sec-

tion, 755 Riverside North, Baton Rouge, Louisiana 70802.

Interested persons may submit written comments on the proposed standards through November 9, 1977, to the following address: Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

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

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services proposes to adopt the following Maximum Fee Schedule of Authorized Services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program. This new fee schedule was developed in an attempt to have the EPSDT fees compare more favorably with those of the private sector.

Comments on the proposed policy may be submitted in writing until 4:30 p.m., November 4, 1977, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

#### EPSDT Dental Program

##### Maximum Fee Schedule of Authorized Services

#### Category A

Services contained in this category are the services generally allowable under the program and require no justification when listed in the claim for payment or treatment plan submitted for prior authorization.

Occlusal x-ray .....	\$ 5.00
Amalgam restoration—two surfaces ....	15.00
Amalgam restoration—three or more surfaces .....	20.00
Esthetic restoration—Class III or V (silicate, plastic composite) not to exceed three individual restorations on a single tooth	13.00
Acid etch restoration of fractured anterior restoring entire incisal edge (with report) .....	40.00
Stainless steel crown .....	30.00
Polycarbonate crown (limited to permanent anteriors and deciduous cuspids) .....	30.00
Biopsy (including pathology report) ....	25.00
Routine extraction (permanent or deciduous) to include routine postoperative care .	12.00
Incision and drainage of abscess .....	10.00
Nitrous oxide analgesia, per visit .....	3.00

#### Category B

Services in this category require special and individual consideration before preauthorization can be granted. Requests for these services must be accompanied by a brief report of circumstances including appropriate x-rays and clinical findings that justify the requested treatment.

Apicoectomy .....	45.00
Puplectomy .....	40.00
Surgical removal of impacted tooth (soft tissue impaction) .....	30.00
Surgical excision of pericoronal gingiva .	20.00
Frenulectomy .....	25.00
Alveolectomy/Alveoplasty (surgical preparation of ridge for dentures)—per quadrant .....	40.00
Periodontal prophylaxis (full mouth, subgingival-scaling) .....	25.00
Subgingival curettage, root planing, complete periodontal scaling (per quadrant), incipient bone loss must be evident radiographically .....	30.00
Partial denture (acrylic base—rests—wire clasps) .....	165.00
Partial denture (cast framework—acrylic saddles) .....	300.00
Relining upper or lower denture (laboratory) .....	70.00
Crown buildups—pin retained (pins to be listed individually with appropriate fee) .....	18.00
Post and core .....	35.00
Cast gold crown .....	125.00
Porcelain jacket crown .....	125.00
Porcelain fused to gold crown (per unit)	185.00
Removable bilateral space maintainer (lingual arch) .....	70.00
Hospital Fee (total fee, pre and postoperative) Special request for hospitalization required .....	75.00

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

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt as a permanent regulation the following new rates of payment to Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I), and Intermediate Care Facilities II (ICF II).

New Rates	SNF	ICF I	ICF II
Monthly	\$672.82	\$542.63	\$441.65
Daily	\$ 22.12	\$ 17.84	\$ 14.52

These rates have been implemented on an emergency basis and made retroactive to July 1, 1977. Interested persons may submit comments regarding their proposed permanent status orally or in writing until 4:30 p.m., November 4, 1977, to Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

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

### NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, through its Sanitarian Services Section, proposes to amend the State Sanitary Code as it relates to mass gatherings. This action is being taken in accordance with new statutory requirements regarding mass gatherings. Interested persons may contact Raymond L. Smart, Office of the General Counsel, Department of Health and Human Resources, Box 3836, Baton Rouge 70821. Written comments will be accepted through 4:30 p.m., November 3, 1977.

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

### NOTICE OF INTENT

#### Department Of Health and Human Resources Office Of Mental Retardation

The Louisiana Department of Health and Human Resources, Office of Mental Retardation, authorized by R.S. 46:1757, proposes to adopt the following requirements and classifications regarding Group Homes (Mental Retardation) as they relate to the Life Safety Code and the Fire Safety Code.

The standards are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana, as amended.

Interested persons may submit written comments until 4:30 p.m., November 7, 1977, to Otto P. Estes, Assistant Secretary, Office of Mental Retardation, Box 44215 (721 Government Street), Baton Rouge, Louisiana 70804.

Copies of these proposed guidelines may be obtained by writing the Office of Mental Retardation, Box 44215, Baton Rouge, Louisiana 70804.

### Group Homes (Mental Retardation)

#### as they Relate to the

#### Life Safety Code and Fire Safety Code

##### Basic Requirements For All Homes:

1. The main exit doors and at stairwells must be solid core, 1¾ inches thick, and swing out.
2. There must be at least two means of exit from the facility and the exits cannot be blocked.
3. Gas and electric inspections must be obtained initially and every five years thereafter.
4. Exit lights shall be wired in ahead of the main switch and shall be located at all required exits and stairwells. The main entrance does not require an exit light.

5. Hand fire extinguishers (ABC All-Purpose) shall be located at least in the hallway and kitchen. There shall be one extinguisher for every 2,500 square feet.

6. Smoke detectors shall be located outside bedrooms in the corridors. A heat sensor shall be located in the kitchen and in any hazardous areas such as storage rooms.

7. All bedroom doors must have a twenty minute fire rating.

8. Open flame heaters will not be allowed, and any heating system must be vented to outside air.

9. Bedrooms must be outside rooms on or above ground level. Each must have a window that can be opened and closed.

10. Windows and doors used for ventilation shall be screened, and the screens shall be hinged.

11. There shall be written plans and procedures for meeting potential disasters and emergencies such as fires and severe weather. Practice situations and drills shall be developed and executed at least monthly to include both day and night situations.

12. A simple public address system is recommended.

13. Smoking shall not be permitted in bedrooms.

14. The fire inspection shall meet or exceed regulations set by the local fire marshal as governed by the local ordinances where applicable but may never be less than those regulations set by the State Fire Marshal. These inspections shall be arranged for and held no less often than yearly.

##### Classification Of Homes

Class I—This type of home relates to higher functioning individuals engaged in competitive employment or capable of employment or participation in vocational rehabilitation or similar training programs which will ultimately result in job placement. The type person being referred to will have the capability of utilizing public transportation and moving about the community independently or with other group home resident. These individuals must possess all of their self-help skills (dressing, eating, hazard awareness, personal hygiene, and toileting). They must be ambulatory, and, with practice, be capable of independently following established evacuation proce-

dures during emergency situations. The intent of the program is to provide supervision, training, and a sheltered living arrangement leading to independence and semi-independence.

Appropriate code: lodging and rooming house with two-story structures and upstairs bedrooms permissible.

Class II—Relates to higher functioning children and lower functioning adults. These individuals must possess all or most of their self-help skills. They must be ambulatory, and, with practice, be capable of following directions pertaining to evacuation during emergency situations. They must be capable physically and mentally of participating in programs outside the residence. This class also refers to any individual under sixteen years of age regardless of handicapping condition.

Appropriate code: lodging and rooming house with two-story structures allowed. Bedrooms shall be on the first floor, with an exception granted only for higher functioning adult clients who more clearly fit into the Class I category.

Class III—Relates to nonambulatory clients, regardless of age or functional ability, and profoundly mentally retarded individuals under sixteen years of age. These persons will most likely always require assistance and/or direct supervision with evacuation during emergency situations. Persons with severely impaired vision and wheelchair residents shall also be included in this class.

Appropriate code: Institutional Life Safety complete with sprinkler system. The residence should be limited to a single story structure.

The requirements and classifications were approved by the State Fire Marshal, Raymond B. Oliver, on August 1, 1977.

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

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Optometry Examiners

Notice is hereby given that the Louisiana State Board of Optometry Examiners will hold a public hearing at 3:00 p.m. on Friday, November 11, 1977, at the Oak Manor Motel, Airline Highway, Baton Rouge, Louisiana, to consider, approve and adopt a rule or rules implementing the mandate of Honorable Lansing L. Mitchell, United States District Judge, United States District Court, Eastern District of Louisiana, in proceedings styled, Louisiana Consumers League, Inc., et al vs. Louisiana State Board of Optometry Examiners, et al, U.S.D.C. Number 76-2921 "F", said order being dated September 20,

1977. Copy of this order may be obtained from the Secretary of the Board; Dr. Irby Dupont, O.D., 3487 Government Street, Baton Rouge, Louisiana 70806. The proposed rule will establish minimum standards for an optometric examination performed by licensed optometrists in the State of Louisiana.

A. In the initial examination of the patient, the optometrist shall make and record the following findings of the condition of the patient:

1. complete case history (ocular, physical, occupational, medical, and other pertinent information);
2. chief ocular complaint;
3. aided and unaided visual acuity, at both near and far;
4. internal ophthalmoscopic examination (media, fundus, etc.);
5. ocular motility;
6. neurological integrity;
7. far point subjective examination, static retinoscopy and subjective refraction;
8. near point subjective examination, dynamic retinoscopy and subjective refraction;
9. test of accommodation and convergence and binocular coordination at far and near, test preferably made with Phoropter;
10. confrontation fields.

B. The minimum standards for examination and fitting of contact lenses shall include the following activities by the prescribing optometrist:

1. all items contained in the minimum standards for an optometric examination;
2. slit lamp evaluation;
3. fluorescein examination;
4. diagnostic evaluation (for soft lenses);
5. reexamination and reevaluation within the following periods of time:  
firm lenses—three months,  
flexible lenses—six months.

C. The Board will consider such other rules and regulations as may be necessary to protect the health, safety and welfare of the citizens of Louisiana, including a detailed listing of those services which it considers to be nonroutine within the meaning of Bates.

D. The term "Bates" as used herein has reference to the United States Supreme Court decision, styled Bates v. The State Bar of Arizona, U.S.—1977 (i.e. those services which are so inherently misleading as to be incapable of truthful advertising).

E. Interested persons may submit and are invited and urged to submit written comments prior to November 10, 1977, at the following address: Dr. Irby Dupont, O.D., 3487 Government Street, Baton Rouge, Louisiana 70806.

F. All interested persons shall be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing at the time of the hearing on November 11, 1977.

Gerald A. Lemoine, O.D., President  
Board of Optometry Examiners

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of Title 30 of Louisiana Revised Statutes of 1950, a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m., Tuesday, November 22, 1977.

At such hearing the Commissioner of Conservation will consider evidence from the oil and gas industry of the State of Louisiana relative to the termination of Department of Conservation Order No. 151 and Supplemental Order No. 151-A, which orders concern the per well allowable for wells completed in the offshore reservoirs and intermediate reservoirs.

Beginning with the issuance of the allowable schedule for the period of January and February, 1978, the allowable statewide, which includes onshore, intermediate and offshore, shall be computed on the basis of the intermediate allowable figures. Such figures will be fixed on a depth bracket formula of one hundred percent of the 1971 intermediate depth bracket schedule for wells capable of producing at rates of one hundred percent or less, and the one hundred percent plus (mean efficient rate) for wells which have qualified for producing at rates in excess of the one hundred percent of the 1971 intermediate depth bracket schedule.

Any other such matters as may be pertinent in determination of statewide allowables shall be considered at this time.

All interested persons may take reasonable opportunity to make their views known at the public hearing.

R. T. Sutton  
Commissioner of Conservation

## NOTICE OF INTENT

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

The Louisiana State Board of Registration for Professional Engineers and Land Surveyors, at its meeting on November 30, 1977, proposes to take action on revisions to the Rules and Regulations, Sections 4.1.2.3, 6.7, and 8. It also proposes to take action on revisions to the Bylaws, Sections 2.3.1, 4., and 11.2. The meeting will be held in the Board's offices, 1055 St. Charles Avenue, Suite 415, New Orleans,

Louisiana 70130, and will begin at 10:00 a.m. Interested persons may submit written comments to the above address through November 15, 1977.

Daniel H. Vliet, Executive Secretary  
Board of Registration for  
Professional Engineers and  
Land Surveyors

# Potpourri

### Department of Natural Resources Office of Conservation

#### Order No. SDS-2

(Order approving the adoption of rules and regulations pertaining to the use of salt dome cavities or caverns for the storage of liquid and/or gaseous hydrocarbons in the West Hackberry salt dome, Cameron Parish, Louisiana.)

Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of Louisiana Revised Statutes of 1950, as amended by Section 23 adopted by the Legislature as Act 641 of 1976; and after hearing held under Docket No. SDS 77-3 in Baton Rouge, Louisiana on August 9, 1977, following publication of notice, as required by the Louisiana Administrative Procedures Act, Title 49, Sections 951 through 968 of the Louisiana Revised Statutes of 1950 as amended, the following order is issued and promulgated by the Commissioner of Conservation as being reasonably necessary to carry out the provisions of the laws of this State.

#### Findings

The Commissioner of Conservation finds as follows:

1. that the storage of liquid and/or gaseous hydrocarbons in salt dome cavities or caverns is in the public interest;
2. that the area of West Hackberry salt dome sought to be used for injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use;
3. that the use of the salt dome cavities for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt;
4. that the proposed storage, including all surface pits and surface facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome;

5. that the liquid and/or gaseous hydrocarbons to be injected or stored in West Hackberry salt dome are deemed to be the sole property of the injector, subject to the provisions of any contracts with the affected land or mineral owners;

6. that in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which the salt dome cavity may lie, or any other person, be entitled to any right of claim in or to such liquid and/or gaseous hydrocarbons stored unless permitted by the injector;

7. that the testimony presented revealed that caverns 6, 7, 8, 9, and 11 conform to the above findings and the provisions of findings 3 and 4 of Order No. 29-M relative to structural design and cavity integrity with the following exceptions:

a. Cavities 8 and 9 are less than two hundred feet apart,

b. Cavity 6 is less than two hundred feet from a property line.

#### **Order**

Now, therefore, it is ordered that:

1. In view of the above findings, the application to store liquid and/or gaseous hydrocarbons in the West Hackberry salt dome is hereby approved.

2. Cavities 6, 8, and 9 are exempted from the spacing provisions of Finding No. 4, Section IIB of Statewide Order No. 29-M.

This order shall be effective on and after October 20, 1977.

R. T. Sutton  
Commissioner of Conservation

#### **Board of Veterinary Medicine**

The examination for licensure for the State of Louisiana for veterinary medicine will be given on November 19 and 20, 1977, at Louisiana State University School of Veterinary Medicine, L.S.U. Campus, Baton Rouge, Louisiana. Exams will begin promptly at 8:00 a.m. Any applicant failing to appear timely will not be examined.

Gary B. Beard, D.V.M., Secretary Treasurer  
Board of Veterinary Medicine

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