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Executive Orders

EXECUTIVE ORDER EWE-76-7

WHEREAS, the State of Louisiana has recently acquired the United Gas Building in Shreveport, Louisiana; and

WHEREAS, it is a well established tradition to name buildings in honor of outstanding citizens who have made worthwhile accomplishments for their community; and

WHEREAS, Mrs. Mary Miller Allen resided in Shreveport for twenty-seven years, during which time she was very active in religious, civic, and philanthropical groups; and

WHEREAS, Mrs. Mary Miller Allen set an example to be followed with her life by selflessly working to improve the health and well-being of her community and serving the public interest of the City of Shreveport and the State of Louisiana; and

WHEREAS, the contributions that Mrs. Mary Miller Allen made to the City of Shreveport and the State of Louisiana will be of lasting benefit to all the citizens of Louisiana; and

WHEREAS, Mrs. Mary Miller Allen died on October 26, 1975;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution, the applicable statutes, and the inherent power of my office, do hereby order and direct, that the state office building now named the United Gas Building in Shreveport, Louisiana, shall, from this day forward, be named the Mary Miller Allen Memorial State Office Building.

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 21st day of May, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-76-8

WHEREAS, it is important that those of us who are responsible for the affairs of government set examples by implementing economy measures whenever and wherever possible; and

WHEREAS, austerity demands that costs in state government be reduced whenever and wherever possible;

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State, do hereby direct that:

1. All State automobiles purchased from the date of this order, with those exceptions indicated in Paragraph 2 of this Order, cost no more than the average bid purchase price of a Ford, Chevrolet, or Plymouth;
2. This order includes automobiles purchased for department heads and the Governor, but excludes those automobiles purchased for the use of statewide elected officials and excludes automobiles for state police personnel requiring special equipment to protect the public welfare.
3. All State automobiles must be American-made and in addition to standard equipment may include only air-conditioning, power brakes, power steering, and standard radios.

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State, do hereby direct that this order be effective immediately and that it apply to all future purchases of automobiles by the State of Louisiana.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 11th day of June, 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-76-9

WHEREAS, there has been a long standing recognition of the fact that there are numerous subjects upon

which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; and

WHEREAS, the chairman of the first committee on uniformity for state legislation of the American Bar Association in 1889, was an illustrious New Orleans attorney; and the state commission for the promotion of uniformity of legislation was created in Louisiana in 1902; and the State of Louisiana since that time has continuously been represented in the National Conference of Commissioners of Uniform State Laws and each year has contributed to the support of that conference under its interstate compact programs; and

WHEREAS, it is of continuing importance to the citizens of this state that Louisiana participate in the National Conference of Commissioners on Uniform State Laws and actively examine the subjects upon which uniformity of legislation is desirable.

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of authority vested in me as Governor of the State of Louisiana, do hereby establish the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, which board shall be composed and shall exercise the functions hereinafter set forth:

I. The Board shall examine the subjects upon which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States.

II. The Board shall consider and draft uniform laws to be submitted for the approval and adoption by the several states.

III. The Board generally shall devise and recommend such other and further courses of action as shall accomplish uniformity of legislation.

IV. The Board shall confer upon these matters with the Commissioners appointed by other states and territories for the same purpose.

V. The Board shall keep a record of its transactions and shall make a report of its actions and recommendations to the Governor and to the Legislature.

VI. The Board shall be composed of three attorneys licensed to practice law in the State of Louisiana, to serve at the pleasure of the Governor and without compensation for their services.

Pursuant hereto, I do hereby appoint DeVan D. Daggett, Ben R. Miller and Robert G. Pugh as commissioners of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States and to represent the State of Louisiana on the National Conference of Commissioners of Uniform State Laws.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of June, A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

EXECUTIVE ORDER EWE-76-10

Executive Order No. 1, issued on May 15, 1972, is hereby amended to read as follows:

WHEREAS, the Congress of the United States has declared that:

(1) The achievement of equal access to quality health care at a reasonable cost is a priority of the federal government.

(2) The massive infusion of federal funds into the existing health care system has contributed to inflationary increases in the cost of health care and failed to produce an adequate supply or distribution of health resources, and consequently has not made possible equal access for everyone to such resources.

(3) The many and increasing responses to these problems by the public sector on federal, state, and local levels and the private sector have not resulted in a comprehensive, rational approach to the present.

- (A) lack of uniformly effective methods of delivering health care;
- (B) maldistribution of health care facilities and manpower; and
- (C) increasing cost of health care.

(4) Increases in the cost of health care, particularly of hospital stays, have been uncontrollable and inflationary, and there are presently inadequate incentives for the use of appropriate alternative levels of health care, and for the substitution of ambulatory and intermediate care of inpatient hospital care.

(5) Since the health care provider is one of the most important participants in any health care delivery system, health policy must address the legitimate needs and concerns of the provider if it is to achieve meaningful results; and, thus, it is imperative that the provider be encouraged to play an active role in developing health policy at all levels.

(6) Large segments of the public are lacking in basic knowledge regarding proper personal health care and methods for effective use of available health services; and

WHEREAS, in recognition of the magnitude of the problem described above and the urgency placed in their solution, it is the purpose of the National Health Planning and Resources Development Act of 1974, to facilitate the development of recommendations for a national health planning policy, to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy; and

WHEREAS, the Act requires the designation of a state health planning and development agency to perform within each state the health planning and development function prescribed by the Act; and

WHEREAS, the Act stipulates that the designated state health planning and development agency be advised by a Statewide Health Coordinating Council; and

WHEREAS, the State Office of Comprehensive Health Planning has performed similar statewide comprehensive health planning functions under previous health planning legislation since June, 1967.

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of the State of Louisiana, do hereby designate the State Office of Comprehensive Health Planning as the State Health Planning and Development Agency with all power, authority and responsibility, not in conflict with existing state laws, to administer the state administrative program for health planning and resources development.

FURTHERMORE, in order to implement Titles XV and XVI of the Public Health Service Act, there is hereby authorized the creation and establishment of the Statewide Health Coordinating Council in conformance to order and regulations as published by the Secretary of the Department of Health, Education, and Welfare. The State Health Planning and Development Agency shall advise the chief executive of the State of Louisiana in the creation of such council and in the designation of its members.

FURTHERMORE, all federal funding for Titles XV and XVI of the Public Health Service Act received and expended by the State Office of Comprehensive Health Planning as the State Health Planning and Development Agency and the Statewide Health Coordinating Council shall be channeled through the Commissioner of the Louisiana Health and Human Resources Administration.

FURTHERMORE, Executive Order No. 1 issued on May 15, 1972, is hereby expressly superseded by this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 24th day of June, A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services, has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 1, 1976, the following revised pharmaceutical services program to meet the proposed budget appropriation of \$30.4 million. Even though the program has been redesigned, nearly all of the more essential prescription needs of the eligible recipient will be provided for.

All legend drugs will be provided except the following therapeutic classifications:

1. Anorexics, such as amphetamines.
2. Multiple ingredient anti-anemia preparations (Ferrous Sulfate, Ferrous Gluconate, Folic Acid and injectable Vitamin B₁₂, will be payable).
3. Cough and cold preparations.

4. Certain gastro-intestinal drugs such as antacids and digestants.
5. Minor tranquilizers, such as Valium, Librium, and Meprobamate.
6. Vitamins or vitamin containing products (B₁₂ injection, Folic Acid, D, K, and Nicotinic Acid are payable).
7. Enzymes and the following miscellaneous drugs:

Alidase	Kutapressin
Ananase	My-B-Den
Andromedicone	Orenzyme
Avazyme	Oxsoralen
Avazyme 100	Papase
Cymolase	Pedameth
Chymoral	Quinamm
Clomid	Trisoralen
Combined Pollen	Varidase
Antigen	Water for injection
Enuretrol	Wydase
Gelfoam	Xanthinux.

Notice of this proposed change has been mailed to physicians, pharmacists, and nursing home administrators. All persons eligible for the medical assistance program were notified of this change by mail at the time they were issued their medical eligibility cards which they receive monthly.

William H. Stewart, M.D.
Commissioner

Rules

RULES

State Board of Elementary and Secondary Education

(The following rules were duly advertised for consideration, and, after the appropriate waiting period, acted upon favorably by the Board at the regularly scheduled meeting of June 26, 1976.)

- a) Rule 4.02.01
Adoption of Title VI Plan for 1975-76.
- b) Rule 6.03.61

In determining the increment level of beginning unclassified administrative or instructional employees in vocational-technical schools, related experience at the elementary, secondary, college, or vocational-technical level should be allowed.

c) Rule 3.01.51.f

An amendment to Bulletin 741, page 14, under English requirements for high school graduation, the word "may" is substituted for the word "will" in the requirements that a course in reading be available to students who cannot complete the required units in English.

Earl Ingram
Director

RULES

Louisiana Commission on Intergovernmental Relations

(Editor's Note: The following rules were adopted on July 1, 1976, to be effective July 20, 1976).

I. Purpose

To institute and put forth the policies by which the State of Louisiana and the Louisiana Commission on Intergovernmental Relations (IGR), acting as the officially designated State agency to manage the Housing and Urban Development (HUD 701) Comprehensive Planning Assistance Program, will administer said program in the areas of areawide planning and management, large city planning and management, and local assistance.

II. Definitions

The Louisiana Commission on Intergovernmental Relations complies with all definitions as assigned by HUD (Federal Register, Volume 40, No. 164, August 22, 1975; Federal Register, Volume 39, No. 240, December 12, 1974; HUD Handbook I, II, and III). In addition, as used in this part, the following terms will have the meaning as indicated:

- A. "IGR" means Louisiana Commission on Intergovernmental Relations.
- B. "Consultant" means an individual or an or-

ganization, private or nonprofit which has entered into a legal contract with IGR to do local assistance planning.

- C. "Subgrantee" means a metropolitan or non-metropolitan areawide planning organization, a large city, or an urban parish (all as defined by the Department of Housing and Urban Development) which has entered into a legal contract with IGR for planning and management assistance.

III. Local Assistance Program

A. Application Requirements

1. Application for grant assistance is required on an annual basis.
2. IGR will, by registered mail, notify current program participants (localities and consultants) of deadline dates for submittal of application. Application for local assistance grants will take the following form. A resolution from the planning commission recommending planning program will be attached to a resolution from the locality's governing body. This governing body's resolution must approve the recommendations set forth in the planning commission resolution. Resolutions will conform to standard resolutions prepared by IGR. The complete application must be submitted to IGR and postmarked no later than the date indicated in the aforementioned letter of instructions. IGR will mail a copy of the standard resolution to current program participants (localities and consultants) and on request to interested parties who contact IGR for such information.

B. Allocation of Funds for Local Assistance

1. Only applicants submitting a complete application by the date discussed above will be considered. Selection of applicants for funding will be determined based on HUD and State guidelines. Final determination of funding will be made by IGR.
2. The planning program will be evaluated on an individual applicant basis at the time of contract execution. Such evalua-

tions will be based on HUD guidelines, and on availability of existing planning information as determined by IGR in coordination with other State agencies.

C. Performance of Work

1. (a) A preliminary report is a report which addresses, in narrative form, all the minimum requirements as given in the Scope of Services and any other needs of the locality. The report must be typed. Both primary and secondary data sources must be referenced through the use of footnotes and bibliography. The additional required inclusions for a final draft can be included at the discretion of the consultant. A preliminary report must be designated as such on the front cover.
(b) A final draft is a report which is ready for printing. Such a report adequately addresses all Scope of Services requirements and any other requirements of the locality; references all primary and secondary data sources through the use of footnotes and bibliography; contains all documentation as listed in Section D2 103 of these policies. A final draft must be designated as such on the front cover.
(c) Printed report refers to a report ready for distribution with the appropriate number of printed and bound copies of such report.
2. Preliminary local assistance reports will be scheduled for submittal to IGR in coordination with IGR, the planning commission, and the consultant. Preliminary reports must be scheduled for submittal to IGR at least fifteen working days prior to presentation of that report at an official planning commission meeting.
3. These preliminary reports must be scheduled for submittal throughout the contractual period, but prior to May 1 of the program year.

4. Nonperformance of local assistance plans: Failure to comply with established preliminary planning report submittal dates as specified under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated by contract, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract may be subject to termination if the planning report is not submitted within thirty working days following the scheduled submittal date.
 - (a) One copy of the preliminary report will be submitted to IGR, one copy to each planning commission member of the locality, and one copy to the appropriate areawide planning organization.
 - (b) The preliminary will arrive fifteen working days prior to the official planning commission meeting at which the report is scheduled for presentation.
 - (c) The areawide planning organization will review the study for compliance with regional plans. Written comments will be submitted to IGR within six working days following receipt of report.
 - (d) IGR will review the report and will submit written comments, incorporating the areawide planning organization's comments when appropriate, within ten working days following receipt of report.
 - (e) The written comments, if containing approval of the preliminary report or comments on minor deficiencies, will be sent to the consultant.
 - (f) Should the preliminary report have major deficiencies in meeting the Scope of Services, the deficiencies will be resolved between IGR and the consultant without review sheets going to the planning commission members. However, in the event this should occur, a letter explaining the delay in IGR's acceptance of the report will be sent to each planning commission member. Should the preliminary report be deemed unacceptable, the consultant will be required to resubmit corrected preliminary within ten working days following notification by IGR. Because of the existence of a Scope of Services, IGR reserves the right to determine the acceptability of planning reports.
5. Amendments to the planning activities as specified in the contract will be made in writing and signed by the planning commission chairman and will be submitted to IGR for approval. Such amendments should be submitted to IGR as soon as the need for the revision becomes evident. Proposed amendments will not be accepted by IGR after March 31 of the program year.
6. Requests for time extensions on preliminary report submittal dates must be made in writing and must be received by IGR two weeks prior to the originally scheduled submittal date.
7. Local assistance plans will be subject to approval by IGR in regard to quality of work performed. A Scope of Services outlining minimum acceptable planning standards will be issued by IGR. All consultants in their preparation of planning reports are required to meet these standards.
8. Prior to presentation of the preliminary report to the planning commission, the following procedures will be utilized by IGR, consultants, and areawide planning organizations in the submittal and evaluation of preliminary local assistance planning reports:
 9. Final drafts will be submitted to IGR and to the planning commission members and the chief elected official for

approval prior to the printing of such reports. Written approval will be given by IGR within ten working days of submittal. Notice of approval will be sent to the planning commission members and to the consultant.

10. Printed reports must be submitted to IGR prior to June 30 of each year.

D. Publication and Depository Requirements

1. The individual reports and maps (hereinafter referred to as "product") which comprise a comprehensive plan will be published by the consultant in final form, each product under separate cover, within the same planning program year in which that product is funded. Exceptions may be given on an individual basis by IGR.
2. Each final product will meet HUD requirements as outlined in Handbook II concerning basic inclusions. The HUD citation will be affixed in a conspicuous location on preliminary and final products and will read:

This report (or map) was prepared under contract (Contract Number) for (Name of Locality) by (Name of Consultant). The preparation of this report (or map) was financially aided through a comprehensive planning grant from the Department of Housing and Urban Development, and through the financial assistance of the State of Louisiana, Commission on Intergovernmental Relations and by (Name of Locality).

3. Additional inclusion requirements are as follows:
 - (a) Outside cover sheet which gives name of report, name of locality, name and location of consultant, and the month and year in which the report was prepared.
 - (b) Bibliographic Data Sheet.
 - (c) Inside title sheet which gives the same information as the outside

title sheet. The HUD citation must appear on this sheet.

- (d) Roster sheet giving the names of the planning commission members.
- (e) Table of Contents.
- (f) List of Tables.
- (g) List of Maps.
- (h) Bibliography (standard form).

4. A consultant performing comprehensive local assistance plans will submit an original reproduceable or a duplicate film reproduceable of the base map of the locality to IGR.
5. The consultant will provide IGR with the appropriate number of copies of each of the final products based on the following distribution needs:

20 copies—designated HUD depositories
1 copy—Louisiana Commission on Intergovernmental Relations
43 copies—Secretary of State, Louisiana
1 copy—Parish library
5-9 copies—Planning commission members
5-16 copies—Mayor, town council, or police juries
1 copy—substate district
25 copies—locality (general use)

E. Procedures for Payment

1. The consultant will submit a standard IGR invoice to IGR upon submittal of the printed report. The invoice must have the original signature of the planning commission chairman or his designated representative. Comments from the planning commission, in the form of official meeting minutes indicating approval of the final draft, must be attached to the invoice. Processing of the invoice will require fifteen working days.

F. Professional Competency

1. In accordance with HUD requirements on professional competency (Federal Register, Volume 40, No. 164, August

22, 1975), IGR requires that each planning agency entering into a contract with IGR on local assistance work have the staff person supervising the planning work fulfill certain qualifications prior to execution of the contract. (This staff member would meet criteria used to designate the previously used "Planner-In-Charge" classification. A consultant having a "Planner-In-Charge" designation and having a contract with IGR during fiscal year 1976-77 will automatically be considered a qualified consultant).

2. Only those consultants under contract to IGR or under consideration for a contract will be evaluated and considered for IGR approval.
3. IGR approval of a consultant is valid only for the period of time that the consultant is under contract to IGR.
4. The following procedure will be used to qualify for local assistance work:
 - (a) The applicant will submit a written request for IGR approval. The request will include:
 - (1) Two examples of comprehensive planning work for which the applicant had major responsibility.
 - (2) A certified transcript of course work.
 - (3) A resume indicating education, professional planning work experience, employment history, and three professional planner references.
 - (b) IGR will review the request and will inform the applicant of approval or nonapproval of the request. In the event of nonapproval, the reasons for such action will be given.
5. IGR may rescind its approval for the following reasons:
 - (a) Unethical or unprofessional con-

duct of the approved consultant and/or members of his/her specialist team in the performance of planning duties. The AIP Code of Professional Responsibility will be used as a guide in making determinations of unethical or unprofessional conduct.

- (b) Repeated unsatisfactory performance in professional services to any planning area as judged by the standards used by IGR.
6. The following qualifications will be used to determine professional competency.
 - (a) In lieu of degree: eight years of professional planning experience of which five years shall be responsible charge.
 - (b) BA or BS in unrelated field: five years of professional planning experience of which three years shall be responsible charge.
 - (c) BA or BS in related field as defined by Civil Service: three years of professional planning experience of which one year shall be responsible charge.
 - (d) BA or BS in Urban Planning or MA, MS, or PhD in related field as defined by Civil Service: two years of professional planning experience of which one year shall be responsible charge.
 - (e) MA or PhD in Urban Planning: one year of responsible experience in comprehensive planning.

IV. Regional Planning and Management

A. Application Requirements

1. Applications for grant assistance are required on an annual basis in the form of an Overall Program Development (OPD).
2. The OPD submittal date will be based on HUD's announcement of funding levels.

IGR will allow the subgrantee sufficient time to prepare an OPD.

B. Performance of Work

1. The definitions given in Section II, Part C, Paragraph (a), (b), and (c) will apply to regional planning studies.
2. Preliminary regional planning reports will be scheduled for submittal to IGR by the subgrantee, submittal dates subject to approval of IGR.
3. Prior to presentation of the preliminary report to the regional planning commission, the following procedures will be utilized.
 - (a) One copy of the preliminary report will be submitted to IGR and one copy to each planning commission member.
 - (b) This preliminary report will arrive at least fifteen working days prior to the official planning commission meeting at which the report is scheduled for presentation.
 - (c) IGR will review the report and will submit written comments within ten working days following receipt of the report.
 - (d) The written comments, if containing approval or comments on minor deficiencies, will be sent to the areawide planning organization.
 - (e) Should the preliminary report have major deficiencies, the deficiencies will be resolved between IGR and the subgrantee without review sheets going to the planning commission members. However, in the event this should occur, a letter explaining the delay in IGR's acceptance of the report will be sent to each planning commission member. Should the preliminary report be deemed unacceptable, the subgrantee will be required to resubmit the preliminary report within ten working days following notification by IGR.
4. Planning studies will be subject to approval by IGR in regard to quality of work performed. Necessary revisions in reports will be discussed and resolved between IGR and the subgrantee.
5. Nonperformance of planning activities:
 - a. Grave discrepancies in the administration of the subgrantee's 701 planning and management program resulting in mismanagement of funds or noncompliance with HUD and State regulations will result in the following action. Payment on the planning and management program will be stopped until such time that the affected agency corrects the discrepancies to the satisfaction of the Louisiana Commission on Intergovernmental Relations and Housing and Urban Development.
 - b. Noncompliance with established preliminary planning report submittal dates, as outlined under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated in the planning organization's Annual Work Program, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract will be subject to termination if the planning report is not submitted within thirty working days following the scheduled submittal date.
6. Amendments to the subgrantee's OPD will be made in writing and will be approved by the governing body of the areawide planning organization, and will be submitted to IGR as soon as the need for a revision becomes evident. Proposed amendments cannot be submitted to IGR after March 31. Final approval of any amendment will be with HUD.

7. Request for time extensions on preliminary report submittal dates must be made in writing and must be received by IGR two weeks prior to the originally scheduled submittal date.
8. Final drafts will be submitted to IGR and to the planning commission members for approval prior to the printing of such reports. Written approval will be given by IGR within ten working days of submittal. Notice of approval will be sent to the planning commission members and to the subgrantee.
9. Printed reports must be submitted to IGR prior to June 30 of each year.

C. Publication and Depository Requirements

1. The individual reports and maps (hereinafter referred to as "product") which are completed by a subgrantee will be published by that agency, each product under separate cover, within the same planning program year in which that product is funded.
2. Requirements regarding basic inclusions in final products will be the same as those outlined in Section III, Part D, Paragraph 2 and Paragraph 3 (a), (b), (c), (d), (e), (f), (g), and (h). The term "planning agency" however, should be substituted for "locality" where applicable.
3. The regional planning agency will provide IGR with the appropriate number of copies of each of the final products as outlined below. IGR will distribute these copies as follows:
 - 20 copies—Designated HUD depositories
 - 1 copy—Louisiana Commission on Intergovernmental Relations
 - 43 copies—Secretary of State
 - 1-10 copies—Appropriate parish libraries
 - 1-10 copies—Appropriate police juries
 - 25 copies—General distribution

D. Procedure for Payment

1. The subgrantee will invoice IGR on a cost incurred basis using a standard

invoice form. The invoice will be in the amount of the expenses incurred and must be no less than one thousand dollars. These expenses are subject to monitoring by IGR. Invoices must have the original signature by the regional planning commission chairman or his designated representative. The minutes of official meetings must be attached to the invoice.

E. Professional Competency

1. In accordance with HUD requirements on professional competency (Federal Register, Volume 40, No. 164, August 22, 1975), IGR requires that each planning agency entering into a contract with IGR for planning and management money have the staff person supervising the planning work fulfill certain qualifications prior to execution of the contract. (This staff member would meet criteria used to designate the previously-used "Planner-In-Charge" classification. A person having a Planner-In-Charge designation and working for a subgrantee agency during fiscal year 1976-77 will automatically be considered professionally competent).
2. IGR's statement of professional competency is valid only for the period of time that the staff member is employed by the subgrantee agency and the subgrantee agency is under contract to IGR.
3. The procedure used to determine professional competency will be as outlined in Section III, Part F, Paragraph 4 (a1, a2, a3), and (b).
4. IGR retains the right as outlined in Section III, Part F, Paragraph 5(a) and (b) regarding rescinding of approval.
5. Section III, Part F, Paragraph 6 (a), (b), (c), (d), and (e) remain the same.

V. General 701 Program Administration

A. Administrative Requirements

1. A semiannual report on the progress of the work program will be submitted by consultants on the local assistant pro-

gram and by subgrantees on the planning and management program. These reports are due in the IGR office no later than January 15 of the program year. This report will follow the format prescribed in HUD Handbook II. Subgrantees will, in addition to this format, provide appropriate documentation of technical assistance and community development services rendered during that time period.

2. Subgrantees will submit quarterly financial reports to IGR. These reports are due ten days following the close of the quarter. Quarters end September 30, December 31, and March 31.
3. The Annual Program Report will be submitted by all local assistance program consultants on local assistance work and by the Areawide Planning Organization's on regional planning and management work within sixty days following the close of the fiscal year, which is June 30. The completion report will follow the format prescribed in HUD Handbook II.
4. Subgrantees will submit a final financial report with the Annual Program Report.

B. Financial Support

1. Louisiana Commission on Intergovernmental Relations will support the regulations issued by the Department of Housing and Urban Development regarding the provision of financial support. (Federal Register, Volume 39, No. 240, p. 43380, Section 600.106.)

The amount of assistance provided by HUD shall be based upon the following:

- (a) The applicant's performance in administering its program in accordance with all HUD requirements, including these regulations;
- (b) The applicant's past performance in completing its activities in a timely fashion;
- (c) The applicant's progress toward the achievement of its identified objectives; and

- (d) The applicant's capability to undertake the activities for which assistance is requested.

The factors will be considered in the allocation of HUD 701 planning monies in subsequent years.

Monies allocated to planning firms, private or nonprofit, but not distributed due to nonperformance of work or noncompliance with HUD and State regulations, will be reallocated to other eligible applicants as long as IGR and HUD deem it practicable. All monies not so allocated will be returned to HUD.

C. Contracts

1. In accordance with HUD regulations (Federal Register, Volume 30, No. 240, p. 43386, Section 600.120j), the Louisiana Commission on Intergovernmental Relations will require, in the case of a subgrantee, that the highest policy officer (e.g. chairman or president), affix his signature to the legal contract on the HUD grant agreement.
2. Any unit of local government which enters into a contract with IGR for the provision of local assistance planning will be required to establish and maintain a planning commission in conformance with R.S. 33:101 to 119 and R.S. 33:131 to 140.

D. Waivers

1. The Executive Director of IGR may grant a waiver to any of the policies governing the administration of the HUD 701 program provided that the waiver is not in conflict with HUD policies. A subgrantee desiring a waiver must submit a written request specifying the details of the desired waiver and accompanied by substantive evidence that such a waiver is necessary. Approval of a waiver can be given only by the Executive Director or by his designated representative.

Leon Tarver
Executive Director

RULES

Intrastate Air Carrier Board

(Editor's Note: The following rules were adopted by the Intrastate Air Carrier Board on June 10, 1976.)

Part 100—Definitions

100.01 Act 707 of the 1975 Louisiana Legislature. All definitions contained in Paragraph 712 of Chapter 6 of Title 2 of the Louisiana Revised Statutes of 1950 are adopted by reference as a part of these rules and regulations.

100.02 New Definitions. The following definitions are added to those in 100.01.

- a. "The Act" means Chapter 6, Title 2, of the Louisiana Revised Statutes of 1950.
- b. "Rule or regulation" means a statement duly adopted by the Board which is of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice required to be followed by the Board. The term includes the amendment or repeal of a prior rule or regulation.
- c. "Applicant" means a person who has filed an application with the Board seeking an air certificate, or the amendment of an air certificate, for initial or additional operating authority.
- d. "Examiner" means an individual appointed by the Board to conduct an investigation, or other proceeding, on matters within the Board's jurisdiction.
- e. "Complainant" means any person or agency who has filed a signed, written complaint with the Board, or the Director.
- f. "Interested person" means any person who asserts an interest in any proceeding or decision of the Board, but

who may only be admitted as a party to a proceeding by the specific action of the Board.

- g. "Person having substantive interest" means any person with a sufficient legal, economic, or other specific interest to be admitted as a party to a proceeding before the Board.
- h. "APA" means the Louisiana Administrative Procedures Act created as Act 730 of the 1975 Louisiana Legislature and as published as Title 49, Sections 951-966 of the Louisiana Revised Statutes.
- i. "Intervenor" means a person or agency admitted as a party and not otherwise defined; such as persons or agencies who present themselves as "interested parties," and who may be admitted for limited and specific purposes only.
- j. "Petitioner" means a person or agency who has filed a petition with the Board for the purpose of seeking certain specified action by the Board, usually not in connection with an official proceeding of the Board.
- k. "Protestant" means a person or agency who has filed a notice of protest against a tariff filed with the Director by an air carrier, or against some action of an air carrier alleged to be discriminatory in nature.
- l. "Respondent" means any person or agency against whom a complaint has been filed by either a protestant or petitioner.

Part 101—Organization and General Provisions

101.1 Office. The principal office of the Board is located in the Capitol Annex in Baton Rouge, Louisiana. The mailing address and telephone numbers are:

P. O. Box 44155, Capitol Station
Baton Rouge, Louisiana 70804
(504) 389-5549 and 389-5320

101.2 Records and Files. All records, files, dockets, and other official documents of the Board are

maintained by the Director of Aviation at the principal office of the Board. He is responsible for making these records available for inspection, when appropriate, furnishing copies of all public documents upon appropriate request and payment therefor, and for public posting of information required by these rules and regulations.

101.3 Rules for Board Meetings. The Board shall conduct its regular meetings in accordance with the following procedures:

- a. Meetings shall be called to order by the Chairman at the hour specified in the public notice of meeting. Except as otherwise provided by express order of the Board, Roberts Rules of Order shall govern the orderly conduct of all meetings.
- b. The Board will consider all matters in the order in which they appear on the agenda, unless a majority of the Board members vote to suspend the regular order of business.
- c. The agenda for each meeting shall be prepared and mailed to each Board member by the Director not less than five days prior to the meeting and a copy shall be posted at that time in the office of the Board.
- d. No transcribed minutes, committee reports, staff reports, recommended decisions, or other memoranda prepared for the Board will be distributed to the public without prior acceptance, approval, and authorization of the Board.
- e. These rules may be amended by a vote of the majority of the Board members at a regular meeting, provided the proposed amendment(s) shall be included on the agenda and the same brought to the attention of the public through publication in both the official Louisiana Journal and the Louisiana Register fifteen days before its intended action, and mailed to all persons who have made timely requests for advance notice of its rule-making proceedings.

101.4 Effective Date. All such rules shall be effective upon publication in the Louisiana Register

after due consideration by the Board of all views presented to it, either in writing or at the public hearing.

101.5 Saving Provision. If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held to be invalid by appropriate proceedings duly carried out by properly constituted authority, the remainder of the rules and regulations shall not be affected thereby.

101.6 Confidentiality of Records. All information provided by an applicant, or an air carrier after certification, pursuant to these rules and regulations, or at the request of the Board or the Director, will be held in confidence by them, for a period equal to the time similar information would be held in confidence by the CAB, to the extent permitted by law. Inasmuch as positive assurance cannot be given by the Board and/or the Director regarding the absolute confidentiality of information furnished officially to them, it is recommended that persons who believe their interests would be adversely affected by disclosures file formal requests for protection of their interests.

101.7 Transportation of Public Employees by Air Carrier. No air carrier shall furnish any free or reduced-rate transportation to any public employee or public official. "Free transportation" means the carriage by air carrier of any person or his property without compensation therefor. "Reduced-rate transportation" means the carriage by an air carrier of any person or his property for compensation less than that under the rate, fare, or other charge published in its tariffs and on file with the Director.

101.8 Access to and Inspection of Air Carrier Facilities. All air carriers, and all applicants for certificates, shall permit members of the Board, or the Director, or any personnel designated by them, to inspect all facilities in any way related to their aircraft for inspection and to observe other operations to insure compliance with their certificates, or proposed operations by an applicant.

101.9 Rules of Conduct. The following actions are hereby prohibited:

- a. Any private communication on the merits of any substantive or procedural issue in any proceeding by the Board, the Director, or an examiner by any person having an interest in the case, or by any member of the Director's staff.
- b. Solicitation of communications to the

Board, the Director, or an examiner other than the prescribed communications by parties permitted to appear by these rules and regulations.

- c. Use of any confidential facts or other information by any former Board member, Director, examiner, or staff member if such facts or information came to his knowledge or possession by reason of such prior employment, unless he has applied for and received the consent of the Board for such use.
- d. In the implementation of this section, the Board will give due attention to the provisions of Section 960 of the APA.

101.10 Violations and Show Cause Orders. Upon receipt of sufficient written information from a complainant, or upon information obtained in the course of appropriate inspections, the Director may request the Board to issue an order requiring any person under its jurisdiction to show cause why action should not be taken against him because of the alleged violation of the Act or these rules and regulations.

The Board may issue a show cause order on its own initiative, based upon information it deems sufficient, and any such order will require an investigation by an examiner, whether issued at its own initiative, or upon the request of the Director. In the appointment of the examiner, the Board shall issue specific instructions to him as regards the conduct of the investigation, but unless otherwise specified his investigation will be carried out in accord with the provisions set forth in Part 103 of these rules and regulations.

Part 102—Delegations of Authority

102.1 Executive Actions. All executive actions in the implementation of the Act will be taken by the person holding the positions of Chairman of the Board and Director of Aviation, he derives authority both from the Act, and from other aviation statutes under which he acts for the Director of Public Works.

102.2 Delegation to Director. In addition to the specific authority granted to the Director in the several provisions of the Act, paragraph 714 authorized the Board to delegate to him "such administrative responsibility and authority as it deems appropriate and desirable." Pursuant to this authority the Board herewith delegates to the Director the following duties and

responsibilities which are otherwise vested in it by the Act:

- a. To maintain in his office all of the official records of the Board, subject to such review and supervision of these arrangements as the Board may determine to exercise.
- b. To make appropriate physical arrangements for a suitable place for the Board to hold both its regular meetings and public hearings.
- c. To issue official calls for regular meetings of the Board, to prepare the agenda for such meetings as he considers desirable, convene and chair such meetings. However, he will call a meeting of the Board when requested to do so by either of the other members, and set down on the agenda therefor any items for consideration proposed by either member of the Board.
- d. In all those matters for which the Act does not designate him as the executive agent, and in which he does not act for the Director of Public Works, he will be the official agent for the Board.
- e. As regards complaints received from parties of substantive interest, he will immediately inform each member of the Board, and place the complaint upon the agenda for the next regular meeting of the Board. In the interim, he will cause such informal investigations to be conducted as he determines to be appropriate, but will not take any action which will prejudice or interfere with the jurisdiction of the Board.
- f. As regards complaints received from interested persons, he will exercise prudent judgements as to their importance, and the actions he takes to deal with them, but in every case he will record and report the complaint and his actions to the Board at its next regular meeting.

- g. He and his staff, at his discretion, will undertake at his own initiative such investigations of operations or activities of air carriers under their certificates as he considers desirable in the public interest, in particular those technical and operational matters which pertain directly to safety of persons and property. All such investigations will be reported to the Board at its next regular meeting, and subsequent actions will be in accord with its instructions.

Part 103—Air Carrier Certificate

103.1 Applicability. Each air carrier in Louisiana is required to hold an air carrier certificate from the Intrastate Air Carrier Board in order to operate scheduled air service between any two air service points in the State.

103.2 General Requirements for Issuance of An Air Carrier Certificate. Each applicant for an air certificate must hold an exemption from the United States Civil Aeronautics Board under Part 298 of the Economic Regulations and maintain continuous compliance thereafter with all applicable provisions of Federal legislation, rules, regulations, and other orders of that agency and of the Federal Aviation Administration.

- a. Violation of the applicable provisions of such statutory or other official requirements of the CAB and the FAA will constitute valid grounds for termination of any air carrier certificate after issuance by the IACB, if after opportunity for proper hearing, the Board deems such action in the public interest.

Particular attention is directed to Part 135 of the Federal Aviation Regulations, which is hereby incorporated into these rules and regulations.

- b. Minimum service under an air carrier certificate for the carriage of passengers will be two round trips per day for at least five days each week.

103.3 Form and Content of Application. Each application shall be addressed to the Director of Aviation, and shall consist of the following:

- a. Three copies of CAB Form 298-A,

“Registration, Registration and Amendments under Part 298” as approved by the CAB, one of which must be certified as current and correct, together with copies of all documents appended thereto.

- b. Three copies of CAB Form 257, “Certificate of Insurance,” as approved by the CAB, one of which must be certified as current and correct, together with copies of all documents appended thereto, including Form CAB 262 (Standard Endorsement).

- c. Three copies of the applicant’s FAA Air Transport Certificate of Operations, one of which must be certified as current and correct.

d. For Corporate Applicants:

- (i) The name and address of each stockholder who owns five percent or more of the total voting stock of the corporation, and if that stockholder is not the sole beneficial owner of the stock, the name and address of each beneficial owner. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse, his children, his grandchildren, or his parents.
- (ii) The name and address of each director and each officer, and each person employed or who will be employed in a management position.

e. For noncorporate applicants:

- (i) The name and address of each person having a financial interest therein and the nature and extent of that interest.
- (ii) The name and address of each person employed or who will be employed in a management position, as set forth in (g) of this section.

f. The following financial information:

- (i) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than sixty days before the date of application, along with a certification that it is substantially correct as of the date of the application.
- (ii) An itemization of liabilities more than sixty days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.
- (iii) An itemization of claims in litigation against the applicant as of the date of application showing each claimant's name and address and a description and the amount of the claim, or a statement that there are now such claims.
- (iv) A detailed projection of the proposed operations covering six complete months after the operation is expected to commence which includes (1) Estimated amount and source of both operating and nonoperating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type; (2) Estimated amount of operating and nonoperating expenses by expense objective classification; and (3) Estimated net profit or loss for the period.
- (v) An estimate of the cash that will be needed for the proposed operations during this first six month period.
- (vi) An estimate of the cash that will be available during this first six month period.
- (vii) Any other financial information that the Board requires to enable

it to determine that the applicant has sufficient financial resources to conduct his proposed operations with the degree of safety and convenience required in the public interest.

- (viii) Each financial statement containing financial information must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any. Information submitted must be signed by an officer, owner, or partner of the applicant or certificate holder.

g. The following personnel information:

Details of aviation training, experience, or other qualifications of the following management personnel who are expected to direct and carry out the operations proposed by the applicant:

- (i) General Manager
- (ii) Director of Operations (who may also be the General Manager if qualified).
- (iii) Director of Maintenance
- (iv) Chief Pilot and all other command pilots.

103.4 Signature. The application shall be signed and attested by a duly authorized officer of the corporation, if applicant is a corporation, or by one of the principals of the business if applicant is not a corporation.

103.5 Filing Fee. A check or money order in the amount of \$50.00, which is not refundable whether the application is approved or not, shall accompany the application.

103.6 Amendment. If the Board determines the application to be incomplete, it will be returned to the applicant, or, at its discretion, the Board may request

additional information in the form of amendments to the original application. If the Board requests additional information, but does not return the application, the application shall not be considered officially filed until the additional information has been furnished in a manner deemed satisfactory to the Board. No additional fees shall be charged the applicant in connection with amendments requested by the Board.

103.7 Form of Air Carrier Certificate. The certificate will consist of a copy of the CAB Form 298-A submitted by the applicant, as either approved or amended by the Board. It will be accompanied by a letter from the Director of Aviation which will contain such special provisions, limitations, or other conditions as may have been adopted by the Board.

103.8 Term of Air Carrier Certificate. The certificate will continue in effect until amended or revoked by the Board.

103.9 Nontransferability. No certificate may be transferred by an air carrier to any person in whole or in part.

103.10 Processing of Application. Upon receipt of an application for an air carrier certificate by the Director, he will notify the members of the Board as to its general contents and place the matter upon the agenda for the next Board meeting, and if he considers the application of sufficient urgency, he will call a special meeting of the Board for the purpose of its initial review.

103.11 Appointment of an Examiner. If, upon its consideration by the Board, the application is found to be acceptable in form and content, it will appoint an examiner for the purpose of conducting an investigation of its contents in detail, the need for the service being sought, and other relevant factors bearing on the abilities and the fitness of the applicant to render the proposed service. The examiner must have knowledge and experience in the administration of legislation pertaining to civil aviation.

The Board will establish the compensation of the examiner in accord with his professional background and experience in each case. If the examiner does not have demonstrated competence in the analysis of financial data, or other technical aspects of the application, the Board may appoint temporary consultants to the examiner and the Board for advice on these matters.

103.12 Role of the Examiner. The examiner may direct the parties or their authorized representatives to appear before him at a specified time and place for a

conference for the purpose of formulating and simplifying the issues and the scope of the proceeding, including:

- a. The possibility of making admissions or stipulations of allegations of fact, matters of public record, or uncontested statements;
- b. Limitation of witnesses;
- c. Admissibility of evidence;
- d. Reduction of oral testimony to exhibit form;
- e. Procedures of the public hearing by the Board, and
- f. Such other matters as may be useful in the simplification of the proceedings and the resolution of controversial matters.

The examiner may require such verification of information submitted, or additional information, from the applicant, or any other party to the proceeding, as he deems necessary to prepare the case for presentation to the Board.

103.13 Report of the Examiner. Within forty-five days after he has been notified of his appointment, the examiner will submit to the Board his findings, both as to facts and as to law (including the interpretations of these rules and regulations), and his recommendation for disposition of the application, including a written proposal of decision by the Board, with his supporting reasons. The examiner's report will be sent by him to each of the parties to the proceeding at the same time it is submitted to the Board, and the report will be posted for public inspection in the Board's office within forty-eight hours after it is received.

103.14 Exceptions to the Examiner's Report. Exceptions to any part or all of the examiner's report may be taken by a party to the proceeding at any time prior to, or during, the hearing. Such exceptions must conform to the practices and procedures applicable to the filing of formal documents (Part 110 and elsewhere in these rules and regulations). Comments by other parties to the proceedings on any exceptions which may be filed, will be received and handled in the same manner as the exceptions are handled, and such comments must conform to the same requirements for filing.

103.15 Public Hearing by the Board. Within forty-five days after receipt of the examiner's report by the

Board, the Board will hold a public hearing. Notice of the hearing will be given in writing by the Director to all parties of the proceeding, and will post notice for the public in the Board's office, not less than ten days in advance of such hearing. Objections to the application must be accepted and considered by the Board up to and including the date of the hearing. In proceedings before the Board, or the examiner, which involve operating authority, the following must be admitted as parties:

- a. Air carriers operating over a route which is now proposed to be served by any applicant.
- b. Any person, prior to the expiration of time for filing a notice of protest or a petition to intervene, who has filed an application to operate over a route proposed to be served by any applicant; and
- c. Any person or agency who has a statutory right to be made a party to such proceedings before the Board; and
- d. Any person who presents evidence in writing to demonstrate to the satisfaction of the Board that it would be in the public interest to admit him as a party.

103.16 Decision of the Board. Within fifteen days after the conclusion of the hearing, the decision of the Board will be issued by the Chairman. This decision will be in writing, and will give the reasons for the approval, amendment, or disapproval of the application. Copies of the decision will be sent by the Director to all parties to the proceedings and will be posted in the office for inspection by the public.

103.17 Rehearing Before Appeal. Unless otherwise permitted by law, it shall be a prerequisite to the filing of an appeal from any decision of the Board (as provided for in Section 724 of the Act) that a motion for rehearing be filed with the Board. Such motion for rehearing must be filed within fifteen days after the date of the Board's decision which is being objected to, and the Board must rule on the motion for rehearing within thirty days after it is received by the Board. If the Board does not rule within this thirty day period, it shall be presumed that it has made a negative ruling, and appeal to the courts may proceed forthwith.

Part 104—Operating Requirements

104.1 General Standards. All operations conducted pursuant to any air carrier certificate will be performed in compliance with the general flight rules and regulations prescribed by the Federal Air Regulations, including in particular all specific provisions of the FAR Part 135 (Air Taxi Operators and Commercial Operators of Small Aircraft). Each air carrier will provide the Director with a current copy (with all amendments as adopted thereafter) of the Operations Manual described in FAR 135.27, and the Flight Locations Requirements described in FAR 135.29.

104.2 Aircraft Takeoff Limitations. No person may operate any aircraft engaged in the carriage of passengers pursuant to a certificate issued by the Board unless during takeoff, it is possible.

- a. To stop the airplane safely on the runway, as shown by the accelerate stop distance data, at any time during takeoff until reaching critical-engine speed;
- b. If the critical engine fails at any time after the airplane reaches critical-engine failure speed V^1 , to continue the takeoff and reach a height of fifty feet, as indicated by the takeoff path data, before passing over the end of the runway; and
- c. To clear all obstacles either by at least fifty feet vertically (as shown by the takeoff path data) or two hundred feet horizontally within the airport boundaries and three hundred feet horizontally beyond the boundaries without banking before reaching a height of fifty feet (as shown by the takeoff path data) and thereafter without banking more than fifteen degrees.

The performance data in the applicable Airplane Flight Manual will be used to determine compliance with this section. Corrections must be made for any runway gradient. To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than fifty percent of any reported tailwind component. The Pilot in command of the aircraft is responsible for computing his weight and balance and for making any necessary load adjustments for compliance with the provisions of this section.

104.3 Airborne Weather Radar Equipment Re-

quirements. No person may operate any aircraft under a certificate issued by the Board while engaged in passenger-carrying operations unless airborne weather radar equipment has been installed in the aircraft. In addition, no flight involving the carriage of passengers may be begun under IFR or night VFR conditions when current weather reports indicate that thunderstorms or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

If the airborne weather radar becomes inoperative enroute, the airplane must be operated in accordance with the approved instructions and procedures specified in the operations manual for such an event.

104.4 Special Procedures. The Director may issue special and exceptional operating requirements to an air carrier if he concludes they are necessary in the public interest, but these instructions must be in writing and his reasons must be stated.

Any air carrier which believes its interests would be adversely affected by compliance with these special requirements may appeal to the Board for their withdrawal or modification, and the Board must give expeditious consideration to the appeal.

In any event, the Director must send copies of any special operating requirements he issues to each Board member at the same time his instructions are transmitted to the air carrier or air carriers.

Part 105—Reporting Requirements

105.1 Each air carrier certificated by the Board will file with the Director the following reports concerning its operations and activities:

- a. Three copies of CAB Form 298-C, entitled "Report of Scheduled Operations of Commuter Air Carriers," prepared in accordance with Subpart F. of Chapter 298 of the Federal statutes, and other written instructions contained on the form itself. Failure to conform to these instructions will constitute a separate violation of these rules and regulations. Additional information may be required by the Board, or the Director, if considered to be needed in the administration of the Act.

- b. An annual financial report will be filed with the Director within one hundred fifty days after the end of the fiscal year on which the air carrier operates, which will contain the following information:
 - (i) A balance sheet that shows assets, liabilities, and net worth on the last day of the reporting period.
 - (ii) An itemization of liabilities more than sixty days past due on the balance sheet data, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.
 - (iii) An itemization of claims in litigation against the air carrier, if any, as of the last day of the reporting period.
 - (iv) A profit and loss statement with separation of items relating to activities of the air carrier's activities other than those performed under its certificate.
 - (v) An estimate of the profit or loss anticipated during the next fiscal year, and evidence of the financial capability to cover any losses, if such losses are expected to occur.

The Board, or the Director, may grant deviations from the reporting requirements of this paragraph, if it is determined that compliance will result in duplication of information previously submitted by the air carrier, or for any other reason deemed valid, upon prior written application by the air carrier.

- c. Any changes in the following items will be reported in writing ten days in advance of their occurrence:
 - (i) Schedules of operation
 - (ii) Fares, rates, or other charges
 - (iii) Aircraft to be used under the certificate

- (iv) Key management personnel (as described in Part 103.3 (g)
- (v) Transfer of ownership of stock (or other interest) which exceeds five percent of total stock outstanding, and all transfers of stock in any six month period which, if accumulated, would equal or exceed five percent of total stock outstanding.
- (vi) Name and address of the air carrier

aviation agency of government, including agencies of other states.

Part 106—Inauguration, Suspension or Termination of Service

106.1 Origination of Service. An air carrier shall inaugurate all service operations granted under an air carrier certificate within six months of the date he is notified by the Board of his operating rights, unless he has been granted an extension of this period by the Board, which can be granted only after due notice of, and the holding of a public hearing by the Board.

However, the Board may permit a delay in inauguration of service over part, or parts, of the routes granted under the air carrier certificate if such action is found to be in the public interest, after due notice of, and the holding of a public hearing. Such hearing will be subject to the same procedures as if it was being held on an application for an original air carrier certificate.

106.2 Temporary Suspension of Service. The Director is authorized to approve the temporary suspension of service to a service point, or service points, by an air carrier, if in his opinion such suspension is in the public interest. However, he must report his action to the members of the Board within forty-eight hours, and place the matter on the agenda for the next meeting of the Board, which must approve or set aside the action of the Director.

106.3 Termination of Service. Service authorized under an air carrier certificate shall not be terminated to any service point without the prior approval of the Board, unless the air carrier notifies the Director that it is surrendering its air carrier certificate in its entirety.

106.4 Temporary Operating Authority. The Director, with the informal agreement of one other Board member, may authorize scheduled service between points in Louisiana for a temporary period of not more than sixty days. Any such temporary service will be conducted in compliance with these rules and regulations and such other restrictions or conditions as may be considered in the public interest by the Director.

The Director will report any temporary authority he grants to the Board at its next meeting, together with his reason for issuing it. Any extensions beyond sixty days must be authorized by the Board.

All temporary operations will be subject to all provisions of the Act and these rules and regulations,

If circumstances prevent prior reporting of any of these items, such circumstances will be described in writing to the Director at the time the change is reported.

- d. Any accident or other occurrence to any aircraft operating under an air carrier certificate which results in the death or injury of any person, whether or not a passenger on the aircraft, will be reported immediately by telephone, or other personal means, to the Director. Any accident or other occurrence to such aircraft which results in damage to property only will be reported to the Director in writing within ten days after the occurrence.
- e. Subsequent to the reporting of any accident to the Director, the air carrier and its personnel will provide such additional information and comply with such other requests by the Director as he may deem to be in the public interest, or as he may transmit from the Board, if it assumes jurisdiction of the matter. (See also paragraph 10 of Title 2, Aeronautics, Louisiana Revised Statutes of 1950 as regards these investigations.)
- f. Copies of all contractual arrangements with other airlines, such as but not limited to joint fares, financial assistance, etc.
- g. Copies of all official correspondence with the CAB, the FAA (except on routine maintenance matters), or other

unless the Director, or the Board, expressly provides otherwise in writing.

No temporary operation certificate will be issued, however, for service between two or more points already being served under a valid air carrier certificate without a public hearing, unless the carrier concerned agrees to the issuance of the temporary operations certificate.

106.5 Emergency Operations. All deviations from the flight schedules (except minor deviations of time schedules) on file with the Director, which occur because of an emergency, must be reported in writing to the Director by the air carrier within five days, together with a detailed explanation of the emergency and the deviations which occurred.

Part 107—Insurance Requirements

107.1 Amount of Insurance. Each air carrier will maintain insurance coverage as required by the CAB under subpart D “Liability Insurance Requirements” Section 298.41 and 298.42 of Part 298 of the CAB’s Economic Regulations. At present, these limits of liability are as follows:

- a. \$75,000 for the death or injury of any one passenger, and a limit for each occurrence in any one aircraft of at least an amount equal to the amount derived by multiplying \$75,000 by seventy-five percent of the total number of passenger seats in the aircraft.
- b. \$75,000 for the death or injury of any one person not a passenger in any one occurrence and a limit of at least \$300,000 for each occurrence.
- c. \$100,000 for the loss of or damage to property in each occurrence.
- d. If the air carrier transports mail or air freight only the minimum amounts required will be those set forth in (b) and (c) above.

107.2 Evidence of Insurance Coverage. Each air carrier will submit to the Director any changes in his insurance coverage in writing and in advance of the effective date of any such changes. A change in insurance coverage includes any change in the company providing such coverage, as well as the amount and details of coverage. All communications regarding insurance coverage submitted to the CAB will be copied concurrently to the Director.

107.3 Failure to Comply. Failure of any air carrier to comply with the insurance coverage requirements set forth above will be prima facie evidence that he has forfeited his air carrier certificate, without regard to any of the reporting requirements of these rules and regulations or the CAB Regulations.

Part 108—Bonding Requirements

108.1 Bonding Requirements. Each air carrier must obtain, and file evidence thereof with the Director, surety bond to guarantee compliance with his contracts, such as lease agreements at airports, tickets sold for transportation he fails to provide, funds held for tickets sold for travel on connecting airlines, etc.

108.2 Amount of Bond. The amount of this surety bond will be determined by the Board at the time it approves the issuance of an air carrier certificate, and evidence that such surety has been obtained will be filed with the Director prior to the time any operations commence under the certificate, and will be maintained in effect thereafter. The amount of the surety bond will be related to the extent of the proposed operations, but in no case will it be less than \$10,000 nor more than \$50,000. Any changes in the bonding company or the bond itself will be reported to the Director prior to any such changes becoming effective.

This surety bond is distinguished from the insurance required under Part 107, and is in addition thereto.

As an alternate, subject to specific bond approval in each instance, this requirement can be met by the establishment of a savings account in an amount equal to the bond required by the Board, which account must be escrowed for these purposes solely.

Part 109—Tariffs, Charges and Flight Schedules

109.1 Filing of Tariffs, Charges and Flight Schedules. Each air carrier shall file all new tariffs, charges, flight schedules, and all changes in its tariffs, charges, and flight schedules with the Director. These tariffs, charges, flight schedules, and changes thereof shall be submitted to reach the office of the Director at least ten days before they are scheduled to be placed into effect.

109.2 Form of Filings. The filings will be submitted in complete detail, and will include copies of the notices to the public setting forth the tariffs, charges, and flight schedules. If the tariffs and charges are intended to be applied differently for carriage of either persons or property (such as special fares for children or quantity discounts for air freight) the filings will include detailed explanations of any proposed variations.

Part 110—Practices and Procedures

109.3 Posting of Filings. The Director will post notices of all filings received from air carriers in his office in a manner which will make them readily available for public inspection. Such postings will be made within twenty-four hours of their receipt by him.

109.4 Objections to Filings. If objections are filed to any tariffs, charges, or flight schedules, with the Director, by a person having substantive interest therein, he will bring such objections immediately to the attention of the members of the Board. At the same time, he will post notice of the objections in his office in the same manner as the tariffs, charges and flight schedules are posted, and notify the air carrier whose filing is being objected to.

109.5 Investigation of Objection. The Director or his staff will investigate the objection to assess its validity, and to establish the basis upon which it has been made. This investigation will include the receipt of memoranda from any interested person, and such memoranda will become a part of the record of the proceeding. However, such interested persons will not be heard as parties to public hearing unless the Board specifically directs that this be permitted.

109.6 Public Hearing. Unless the objection is withdrawn by the complainant, a public hearing will be held by the Board within sixty days after the objection is filed. At this hearing, the complainant and all other persons having substantive interest in the objection shall have the right to appear and testify, and to present relevant materials and documents. Such other persons as the Board shall determine will be permitted to testify and present documentary evidence.

109.7 Decision by Board. As soon as practicable after the hearing, the Board shall render its decision. If the objection is found to be valid, the Board shall declare the tariffs and charges objected to are no longer in effect, and may cause the air carrier to make refunds of monies already received from these tariffs and charges. Unless the Board specifies a different date, tariffs and charges shall become invalid as of the date its decision is announced. The Board will establish a date for termination of any flight schedules it may decide to terminate upon a date in the future which will take fully into account due notice to the public and any other parties directly concerned.

This decision shall be in writing and shall set forth the reasons upon which the Board based its determination.

110.1 Sessions of the Board. Regular sessions of the Board shall be held at least once during each calendar quarter for the purpose of transacting the appropriate business of the Board. All regular sessions shall be held in Baton Rouge, Louisiana. Special sessions, and public hearings, may be held at such times and places as the Board may designate. However, notice of any meeting outside Baton Rouge will be posted in the office of the Director ten days in advance thereof.

110.2 Form of Documents. All documents filed with the Director, for him or the Board, shall be typewritten or printed on paper not larger than 8½ by 14 inches in size, except that tables, maps, and other attachments may be larger if folded to meet this specification. The type shall not be smaller than elite size, and all margins shall be at least one inch.

110.3 Number of Copies. Unless otherwise specified, an original and three copies of each document shall be filed with the Director.

110.4 Signature. Every document filed shall be signed by the person filing same, or a duly authorized representative. Such signature constitutes a certification that he has read the document, and that to the best of his knowledge, information, and belief every statement contained in it is true and correct.

110.5 Informal Documents. Pleadings and comments may be submitted in letter form by any public body, civic organization, or interested person, provided that an original and three copies are submitted and that it is signed as required in Part 110.4, preceding.

110.6 Amendments. If the Board, the Director, or an examiner determines that a document does not conform to these requirements, it shall be returned to person who filed it together with the reasons for so doing, and the document may be amended and resubmitted.

110.7 Subpoenas. Subpoenas for the attendance of witnesses, or for the production of books, papers, accounts, or other documents at a hearing by the Board may be issued by any member of the Board, either on his own motion, or at the written request of a party showing good cause for the issuance of the subpoena. An examiner may issue subpoenas for the appearance before him of witnesses or the production of documents, provided he is acting within the scope of specific instructions of the Board.

110.8 Service on Parties to Board Proceedings.

Pleadings and all other documents filed by a party to a formal proceeding of the Board shall be served by such party to all other parties to the proceeding, and proof of such service shall accompany the pleadings or other documents when they are submitted for filing. Service shall be made by regular mail, by certified mail, or by personal delivery. A certificate of service executed by the person submitting the filing shall be prima facie evidence of service, and use of the following form is sufficient:

I hereby certify that I have this ___ day of _____, 19___, served copies of the foregoing _____ upon all parties to this proceeding by (here state manner of service).

(Signature)

110.9 Making of Transcripts. The Director shall designate an official reporter to make and transcribe a stenographic record of all hearings before the Board. The original transcript shall be delivered to the Director, and copies of the transcript shall be provided by the reporter to each party so requesting at the outset of the hearing.

110.10 Costs. Division of the costs shall be as announced by the Director at the time of the hearing. Usually, the costs will be shared equally between the two sides on the matter at issue, but the Director has full authority to decide who shall bear such costs. However, the Director will bear in mind the fairness of requiring interested persons who enter the proceeding to bear the fair costs deemed to have been generated by their participation. The applicant shall bear the costs if his application is unopposed.

110.11 Corrections of Transcripts. Corrections to the transcript will be made only if errors of substantive matters are shown to exist. Requests to correct a transcript shall be filed with the Director within thirty days after receipt of the completed transcript of the full hearing by him, and service is made upon all parties to the proceeding by the person requesting the corrections. If no objections are filed within ten days after such service upon the parties, the Director will correct the transcript accordingly.

If objections have been filed during this period, the Director shall refer the matter to the Board for its decision. The Board may rule upon the matter without further formal proceeding, or it may order such other actions as it considers in the public interest, including reference to an examiner for investigation and recommendation of corrective actions to be taken, if any is deemed by him to be justified and appropriate.

110.12 The record of all formal proceedings shall conform in all respects to the requirements set forth in Section 955 (E) of the APA.

Part 111—Penalties

111.1 Prescribed Penalties. In Section 726 of the Act, violation of any of its provisions, or the failure to comply with any order, decision, or regulation issued by the Board, is made subject to a fine of not more than ten thousand dollars. Such penalties are hereby made applicable to violations of these rules and regulations.

111.2 Procedure for Assessing Penalties. The Board is authorized to assess these penalties, and is required to hold a hearing, and to give due notice thereof, before making such an assessment. If the charge of violation of the Act, or failure to comply with the direction of the Board, is filed by a complainant, petitioner or intervenor, preliminary investigation of the charge will be carried out by the Director and his staff prior to the holding of a hearing by the Board.

However, if the charge is brought by the Director or a member of his staff, the Board shall determine the manner in which the preliminary investigation will be carried out. If considered desirable, the Board may designate an examiner to conduct the preliminary investigation, in which event the examiner will have the same authority and responsibilities as if he was investigating an application for an air carrier certificate.

111.3 Decision by the Board. As soon as practicable after the hearing, the Board shall give its decision in writing, and state its reasons. As a matter of general policy, the Board will not assess the maximum penalty of ten thousand dollars unless the person or persons charged have been shown to have acted with clear and willful intent to violate the statute, or to refuse to comply with the directions of the Board.

David L. Blackshear
Chairman

RULES

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission, meeting on June 15, 1976, adopted the following rules:

Be it resolved, that under the authority of the laws of the State of Louisiana and the powers vested in this

Commission, the waters of Bayou Judge Perez from its entrance into Lake Judge Perez to Devil's Bayou, a distance of approximately one mile, located in the Parish of Plaquemines, State of Louisiana are hereby closed to butterfly nets and trawls until further notice.

* * * *

Be it resolved, that the Louisiana Wildlife and Fisheries Commission does hereby set the trapping season for nutria, beaver, mink, muskrat, otter, raccoon, opossum, skunk, bobcat, and fox for the 1976-77 season from December 1, 1976, through February 28, 1977.

Be it further resolved, that if additional time is required to prevent the overpopulation of nutria and muskrat in some areas, recommendations for an extended season be presented to the Commission's January, 1977, board meeting.

J. Burton Angelle
Director

Notices of Intent

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Property Control Section**

The Office of the Governor, Division of Administration, proposes to revise and reprint the State Property Control Regulations. Interested persons may direct written comments to:

State Property Control Director
P. O. Box 44095
Baton Rouge, Louisiana 70804

through August 4, 1976. The State Property Control Regulations cover the procedures and regulations for the inventorying of State property and for the transfer, sale, or other disposition of State property.

Charles E. Roemer, II
Commissioner of Administration

NOTICE OF INTENT

State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its August, 1976 meeting the following policies, procedures, and regulations. Public notification made herein indicates no final approval.

- (a) Adopt Title VI Plan, 1976-77.
- (b) Adopt a policy that state funds for transportation be cut off from any parish or city system found guilty of public school buses purposely being routed to achieve racial selectivity in the picking up of students.

The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., August 5, 1976, at the following address:

Board of Elementary and Secondary
Education
P. O. Box 44064
Baton Rouge, Louisiana 70804

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

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

Earl Ingram
Director

NOTICE OF INTENT

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services, proposes to adopt and make permanent the following revised pharmaceutical services program. This program has already been placed into effect on an emergency basis, a decision promulgated elsewhere in this issue of the Louisiana Register. The program revisions reflect proposed budget appropriations of \$30.4 million. Even though the program has been redesigned, nearly all of the essential

prescription needs of the eligible recipient will be provided for.

All legend drugs will be provided except the following therapeutic classifications:

1. Anorexics, such as amphetamines.
2. Multiple ingredient anti-anemia preparations (Ferrous Sulfate, Ferrous Gluconate, Folic Acid and injectable Vitamin B₁₂, will be payable).
3. Cough and cold preparations.
4. Certain gastro-intestinal drugs such as antacids and digestants.
5. Minor tranquilizers, such as Valium, Librium, and Meproamate.
6. Vitamins or vitamin containing products (B₁₂ injection, Folic Acid, D, K, and Nicotinic Acid are payable).
7. Enzymes and the following miscellaneous drugs:

Alidase	Kutapressin
Ananase	My-B-Den
Andromedicone	Orenzyme
Avazyme	Oxsoralen
Avazyme 100	Papase
Cymolase	Pedameth
Chymoral	Quinamm
Clomid	Trisoralen
Combined Pollen	Varidase
Antigen	Water for injection
Enuretrol	Wydase
Gelfoam	Xanthinux.

Notice of this proposed change has been mailed to physicians, pharmacists, and nursing home administrators. All persons eligible for the medical assistance program were notified of this change by mail at the time they were issued their medical eligibility cards which they receive monthly.

Interested persons may submit comments orally or in writing until 4:30 p.m. August 4, 1976, to the following address: Mr. Roy E. Westerfield, Director, Division of Family Services, Louisiana Health and Human Resources Administration, Room 230, 755 Riverside Mall, P. O. Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Health and Human Resources Administration Division of Mental Health

The Louisiana Health and Human Resources Administration, Division of Mental Health, proposes to adopt the 1977 Louisiana State Plan for Comprehensive Mental Health Services, and the Standards for Community Mental Health Centers and Clinics. This action will be in compliance with United States Government regulations promulgated on June 30, 1976, in the Federal Register, Volume 41, Number 127, Page 26,909.

The National Alcohol, Drug Abuse and Mental Health Administration requires that each state submit a comprehensive mental health plan, in order to justify use of Federal matching funds for programming or construction. The plan being proposed is a description of: 1. administration, 2. the State mental health program, and 3. catchment area mental health programs, with projected needs for expanded services during the next five years. The plan identifies those areas of the state having the greatest need for additional mental health services and facilities.

The Standards for Maintenance and Operation of Community Mental Health Centers and Clinics include sections on requirements for: 1. governing body and management, 2. goals, policies, and procedures, 3. staff composition and organization, 4. personnel policies and records, 5. staff development, 6. program requirements, 7. continuity of care, 8. intake and admission policies, 9. assessment and training planning, 10. clinical patient records, 11. referrals, 12. volunteer programs, 13. pharmaceutical services, 14. laboratory services, 15. dietitian services, 16. patient rights, 17. research and human rights review, 18. clinical care evaluations, 19. facilities management, 20. fire control and disaster plan, 21. annual review, and 22. enforcement of standards.

The proposed plan, along with the proposed standards which are included as part of the plan, is available for public review at all Mental Health Centers in the state and at the State Division of Mental Health, Room 303, 655 North Fifth Street, Baton Rouge. Written comments may be directed to the Division of Mental Health, P. O. Box 106, Baton Rouge, Louisiana 70821 through August 4, 1976.

William P. Addison, M.D.
Director of Mental Health

NOTICE OF INTENT

Department of Highways

Notice is hereby given that the Department of Highways will adopt a revision to its Action Plan of 1973 as required by Section 109(h), Title 23, U.S. Code, to conform to Federal Highway Administration regulations published in the Federal Register, Volume 39, Number 232, Page 41,819, December 2, 1974, and in Volume 40, Number 181, Page 42,977, September 17, 1975. The proposed action will set forth standards to assure that adequate consideration is given, during the planning and design stages of highway development, to the social, economic, and environmental effects of highways.

Written comments will be accepted from interested parties through August 4, 1976, directed to James W. Lyon, Jr., P. O. Box 44245, Baton Rouge, Louisiana 70804.

W. T. Taylor, Jr.
Director of Highways

NOTICE OF INTENT

Louisiana State Board of Practical Nurse Examiners

Pursuant to Louisiana Revised Statutes 49:951 et seq., notice is hereby given that the Louisiana State Board of Practical Nurse Examiners proposes to consider the adoption of rules concerning adjudication proceedings, license revocation and suspension proceedings, declaratory orders, and rule-making procedure, at its next regularly scheduled meeting on August 13, 1976.

All interested parties may submit their views and opinions in writing, on or before August 9, 1976 to:

Helen W. Sheehan, R.N.
Executive Director
Louisiana State Board of
Practical Nurse Examiners
1408 Pere Marquette Building
150 Baronne Street
New Orleans, Louisiana 70112

Helen W. Sheehan, R.N.
Executive Director

NOTICE OF INTENT

Louisiana Real Estate Commission

Pursuant to R.S. 49:951, et seq., notice is hereby given that the Louisiana Real Estate Commission intends to consider at its August 11-12, 1976, meeting adoption of revised rules and regulations for the conduct of the real estate business in the State of Louisiana.

Interested persons may present their views, in writing, to the Louisiana Real Estate Commission, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 not later than August 9, 1976.

Alvin J. Unick
Director

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents proposes to revise previously adopted policy 3.10 - State Appropriations Formula, at its regular September meeting following public hearings scheduled for July 21, 1976. The exact date, time, and place of the Board's meeting had not been determined at the time of this notice. This information may be obtained by contacting the Board's office after August 16, 1976.

Interested persons may submit written comments relative to this proposed revision to the following address: Board of Regents, P. O. Box 44326, Capitol Station, Baton Rouge, Louisiana 70804. Comments will be received through August 6, 1976.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission will meet at 10:00 a.m. August 24, 1976, (or at a special meeting which may be required to conform with Federal regulations) in Room 102, 400 Royal Street, New Orleans, Louisiana 70130 to take the following action:

1. Set the 1976-77 duck and goose seasons and bag limits.

2. Consider the lowering of Lake Bistineau.

Interested persons may submit written comments on these subjects to the above address through August 6, 1976.

J. Burton Angelle
Director

Potpourri

POTPOURRI

Offshore Terminal Authority

The Board of Commissioners of the Offshore Terminal Authority will meet at 2 p.m. on August 3, 1976, in the Library Conference Room of the Executive Suite, 29th Floor, International Trade Mart, New Orleans, Louisiana, to review the status of the LOOP, Inc. application review. Specific items on the agenda are:

1. Adoption of proposed amendments to the Authority's Environmental Protection Plan and "Rules and Regulations Applicable to Fees, Costs, and Charges" (Editor's Note: The Board of Commissioners of the Offshore Terminal Authority gave official notice of its intent to adopt these proposed amendments in the March, 1976 issue of the Louisiana Register.)
2. Presentation of recommendations of the three Environmental Directors regarding Superport site selection
3. Status of the Superport Environmental Monitoring Program
4. Status of the study of secondary development
5. Status of the Authority's budget for fiscal year 1976-1977
6. Consideration of contracts for consultant services.

Shepard F. Perrin, Jr.
Executive Director

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