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Executive Orders

EXECUTIVE ORDER EWE-78-14

WHEREAS, the State of Louisiana is committed toward encouraging and maintaining a strong and healthy banking system; and

WHEREAS, it is necessary that the growth of banks within the state be fostered in order that they will have resources sufficient to serve the needs of the citizens, business, and industry; and

WHEREAS, banks within the state are required to compete with banks and bank holding companies domiciled outside of Louisiana; and

WHEREAS, it is necessary to insure stability of banks in Louisiana whose activities are an integral part of and meshed with the local economic and social organization of the state; and

WHEREAS, there is an increasing number of out-of-state financial corporations providing banking services to citizens of this state, this situation having developed because of the competitive advantage of those institutions over our domestic banking industry; and

WHEREAS, the economic development of this state, in the face of declining oil and gas reserves, is intimately bound to a strong financial structure capable of accommodating diversified industrial and manufacturing endeavors; and

WHEREAS, the limitations of the Louisiana law which hamper financial growth and competition which have eroded the State's position of financial leadership in the South must be given a thorough review, and the State must proceed to make such changes as are necessary in order that it might recoup its financial potential so as to enjoy the fruits of the continuing shift in the seat of economic power from the Northeast to the South; and

WHEREAS, it is further recognized that any change in the present banking structure of this state must proceed at a deliberate and steady pace if Louisiana is to derive the full benefit of a change; and

WHEREAS, the creation of a commission to study and propose a revision of the laws of banks and banking, including multi-bank holding companies and branch banking beyond the limits of the parish and domicile of the bank, would benefit all of the citizens of Louisiana.

NOW, THEREFORE, in order to develop such laws as are necessary to provide for a strong banking system within the State of Louisiana, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby create the Governor's Commission and Study Group on State Banking Laws and direct this Commission to prepare a draft of a new State Banking Law which will provide for and encourage the growth and strength of the financial community of the State for submission to the Louisiana Legislature, or the appropriate committees thereof, prior to, or no later than, the date for the convening of the 1979 Regular Session.

BE IT FURTHER RESOLVED, that the members of this special commission, as appointed by the Governor, shall be Honorable Harry M. Hollins, who shall serve as Chairman, Honorable Huntington B. Downer, Jr., Honorable Nat G. Kiefer, Honorable J. E. Jumonville, Jr., Honorable Fritz H. Windhorst, Honorable Thomas A. Casey, Honorable deLesseps S. "Toni" Morrison, Jr., Mr. Martin C. Miler, Mr. Michael J. Rapier, Mr. Lawrence A. Merrigan, Mr. Charles J. Cassidy, Mr. Charles W. McCoy, Mr. John Kavanaugh, Mr. Ed Steimel, Mr. Victor Bussie, Mr. Patrick A.

Delaney, Mr. Clarence D. Ardoin, Mr. W. W. Whitmore, Mr. V. J. "Red" Scoggins, Mr. Richard Blossman, Mr. Embree K. Easterly and Mr. R. F. Haas.

BE IT FURTHER RESOLVED, that the Commission shall hold its first meeting on call of the Chairman on a date no later than September 29, 1978, and that the Commission is authorized to utilize the personnel, services and facilities of the Office of Financial Institutions, Louisiana Department of Commerce, as needed and requested by it to implement the purposes of this executive 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 14th day of September, A.D. 1978

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-15

WHEREAS, The Outer Continental Shelf Lands Act Amendments of 1978 (P.L. 95-372) expand the State's responsibilities as a participant in Federal decision-making processes relating to exploration for development and production of minerals of the Outer Continental Shelf; and

WHEREAS, prior responsibility for the State's participation in Federal Outer Continental Shelf (OCS) matters has been exercised by officials of various agencies now consolidated into the Department of Natural Resources; and

WHEREAS, R.S. 36:354 (B)(6) provides that the Secretary of the Department of Natural Resources shall be the representative of the State in all matters relating to energy and natural resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby designate the Secretary of the Department of Natural Resources as the official representative of the State of Louisiana for all matters relating to State participation in Federal OCS activities, including participation as a member of the Federal OCS Advisory Board.

FURTHERMORE, I designate the Department of Natural Resources, Office of the Secretary, as the recipient State agency for Federal OCS Grants issued pursuant to Title V, Section 503 of P.L. 95-372.

BE IT FURTHER UNDERSTOOD, that the responsibilities delegated herein to the Secretary of the Department of Natural Resources shall be separate from, and carried out in addition to, any OCS responsibilities specifically delegated to the State coastal zone management agency under P.L. 95-372 or the Coastal Zone Management Act of 1972 as amended (P.L. 92-583).

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of October, A.D. 1978.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

In accordance with Concurrent Resolution No. 155 of the Regular Session of the 1978 Louisiana Legislature, the Louisiana Racing Commission has adopted effective August 25, 1978 the following rule concerning minors attending race meetings under the jurisdiction of the Commission:

LAC 11-6:2.8 Minors are prohibited from attending race meetings, except that any minor twelve years of age or older, together with proof of age, may with Association approval attend any race meeting if accompanied by a parent, grandparent or companion. In no case shall any minor in attendance be allowed to engage in wagering. (For the purposes of this rule, companion is defined as any person twenty-one years of age or older who is a kin-relative of the minor.)

Albert M. Stall, Chairman
Racing Commission

DECLARATION OF EMERGENCY

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

Effective October 3, 1978, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, has exercised those powers conferred through and by virtue of the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt the following amendments to the State Sanitary Code (originally promulgated pursuant to the authority vested in R.S. 40:4) to protect the health and welfare of the citizens of the State of Louisiana from imminent danger.

In that there have been several reported cases of cholera in Louisiana and investigations indicate the common vehicle for transmission of this cholera is boiled crabs; vibrio cholera having been isolated from boiled crabs; in connection with this investigation, it has become necessary to promulgate the following emergency rule:

Amend Chapter Six of the State Sanitary Code by adding thereto the following new paragraphs:

Seafood Processing

6.1315. Cooked and raw marine and fresh-water animal food products, hereafter referred to as seafoods, must be kept separate in the establishment. Containers such as crates, boxes, plastic or metal containers that are used for handling raw seafoods must not be used for handling cooked seafoods.

6.1316. Crabs shall be boiled for a minimum time of fifteen minutes or equivalent process in commercial retort (for eight minutes at fifteen pounds pressure and a temperature of 250°F), before being processed or served as food. Employees who handle raw or live seafoods must wash their hands thoroughly before touching, picking or handling cooked seafoods, in order to prevent cross contamination.

6.1317. Cooked seafoods must be rapidly cooled to 45°F, or below, in small quantities. Ice to be used on cooked seafoods must not come into contact with raw seafoods or containers or equipment used for handling raw seafoods.

Copies of this emergency rule are available for public examination at the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Unit, Room 319, Louisiana State Office Building, 325 Loyola Avenue, New Orleans, Louisiana.

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

Rules

RULES

Department of Commerce Board of Certified Public Accountants

§75. Powers of the Board.

2. Rules of professional conduct.

L. (a) Advertising. A Certified Public Accountant (CPA) shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

- (1) Contains a misrepresentation of fact; or
- (2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- (3) Contains any testimonial, endorsement or laudatory statement, or other statement or implication that the CPA's professional services are of exceptional quality; or
- (4) Is intended or likely to create false or unjustified expectations of favorable results; or
- (5) Implies the ability to influence any court, tribune, regulatory agency or similar body or any official thereof; or
- (6) Makes comparison with other CPAs; or
- (7) Implies educational or professional attainments or licensing recognition not supported in fact; or
- (8) States or implies that the CPA has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case; or
- (9) Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
- (10) Contains other representations or implications that in reasonable probability will cause a reasonable person to misunderstand or be deceived.

(b) Solicitation. A CPA shall not by any direct personal communication solicit an engagement to perform professional services:

- (1) If the communication would violate Rule (a) if it were a public communication; or
- (2) By the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or
- (3) Where the engagement would be for a person or entity not already a client of the CPA, unless such person or

entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.

Lydia F. Parek, Executive Director
Board of Certified Public Accountants

RULES

**Department of Education
Office of the Superintendent**

The State Superintendent of Education, J. Kelly Nix, in accordance with Act 16 of the 1977 Extraordinary Session, has selected the National Teacher Examination as the test which must be successfully completed for certification to teach in public schools in Louisiana, and has determined that the following scores are necessary for certification:

Agriculture	1078
Art Education	NA
Biology and General Science	1154
Business Education	1178
Chemistry, Physics, and General Science	1114
Early Childhood Education	1100
Education in the Elementary School	1131
Education of the Mentally Retarded	1140
English Language and Literature	1052
French	1108
German	1091
Home Economics Education	1101
Industrial Arts Education	NA
Mathematics	1202
Media Specialist	1148
Music Education	1120
Physical Education	1135
Social Studies	1149
Spanish	1124
Speech-Communication and Theatre Commons	1126 534

J. Kelly Nix, Superintendent
Department of Education

RULES

Board of Elementary and Secondary Education

Rule 4.03.60

The Board of Elementary and Secondary Education (BESE) adopted "Guidelines for the Operation of Vocational-Technical School Busses," as follows:

1. Busses shall not be scheduled to pick up students past the halfway point between two vocational-technical schools. An exception to this would be an instance in which students are transported into a community for special reasons, such as nurses being delivered and picked up at a hospital where they are doing their clinical training or similar situations.

2. Busses must be parked overnight in the community or town where the farthest student lives.

3. A bus route will cease to be operated when the average daily passenger load falls below fifty percent of the bus passenger capacity.

4. Any bus driver who uses the school bus for personal use will be subject to termination as a bus driver and dismissal from school.

5. At the beginning of the route, a bus shall not travel over five miles for the first pick-up.

6. Faculty members of the vocational-technical schools shall not be used as regular bus drivers and should not depend on the busses as their regular means of transportation.

7. Any bus which becomes surplus because of the termination of a route will become available for transfer to another school through the same process as other equipment.

8. BESE approval must be for any unusual problems.

Rule 1.00.30.a

Teacher Certification Appeals Council

The Teacher Certification Appeals Council shall consist of five members, three of whom shall be university personnel proficient in transcript evaluation, and two of whom shall represent professional personnel certified under Bulletin 746, *Louisiana Standards for State Certification of School Personnel*. The Executive Director of the Board, subject to Board approval, shall establish a pool of eligible persons to serve on the Council, and from this pool a total of five persons shall be selected to serve at each meeting of the Council. Three members shall constitute a quorum, and a majority of those present at any meeting of the Council must represent university personnel. At least one of the members presently serving on the Appeals Council as of June, 1978, shall be present at each meeting of the Appeals Council.

Rule 3.01.70.d

Teacher Certification Appeals Council

(Replaces present policy in effect)

Bulletin 746 must contain in an appropriate place the following statement: "A person applying for a teaching or other certifiable position in Louisiana who does not meet all of the requirements of Bulletin 746, but who feels that he/she should be certified, may appeal his/her case to the Board."

Appeals of all degreed persons, whether employed or not, shall be evaluated by the Teacher Certification Appeals Council, and waivers of the certification requirements in Bulletin 746 may be recommended by the Appeals Council to the Board in cases of: (1) hardship, (2) emergencies, or (3) professional excellence as determined by the quality of preparation in subject-matter content areas and by demonstrated teaching and professional ability.

Degreed persons whose appeals are rejected based on a recommendation of the Appeals Council shall have the right of a second appeal to the Due Process Committee of the Board. Using the same personal data and the same guidelines as used by the Appeals Council, the Due Process Committee may reevaluate the decision of the Council and may make further recommendations to the Board on the waiver of certification requirements.

Nondegreed persons, whether employed or not, wishing to seek waivers of the certification requirements in Bulletin 746 shall have the right of first appeal to the Due Process Committee of the Board, but only after a statement of certification denial by the Department of Education using data submitted to the Department. The Due Process Committee shall evaluate the requests for certification waivers using the same guidelines as those applied to degreed persons, i.e. (1) hardship, (2) emergencies, and (3) professional excellence.

All persons whose requests for certification waivers are denied based on the recommendation of the Due Process Committee, shall have the right of final appeal to the full membership of the Board. No requests for certification waivers, however, shall originate at the level of the full Board, and all cases must be reviewed first by an appeals body.

Rule 4.00.74

(Replaces policy in effect)

The Board adopted Bulletin 1134, *Standards and Guidelines for Library Media Programs in Louisiana Schools*, Revised 1978. The Department of the State Register has elected to omit publication of the *Standards* in accordance with R. S. 49:954.1C. Copies may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

Rule 3.01.51n

The Board amended Bulletin 741, *Handbook for School Administrators*, page 14, paragraph under "Health and Physical Education" to read as follows: Each required unit must include thirty hours of Health Instruction. Health and Physical Education shall include instruction in cardiopulmonary resuscitation (CPR), effective September, 1980.

Rule 3.01.51o

The Board amended 741, *Handbook for School Administrators*, page 15, paragraph 3, to read as follows: In schools having approved Junior Reserve Officer Training Corps (R.O.T.C.) training, credits may, at the option of the local school board, be substituted for the required credits in Health and Physical Education. Junior R.O.T.C. training courses must include thirty hours of health instruction.

Rule 3.01.70u(8)

The Board adopted "Louisiana Standards for State Certification of Vocational-Technical Personnel," Bulletin 746, Part X. Certification requirements relative to the Master's degree become effective with persons employed after September 1, 1980.

Part X

Standards for State Certification of Vocational-Technical Personnel (Secondary)

Vocational-technical certificate (Valid for one year). A vocational-technical certificate is based upon requirements as hereinafter specified. This certificate authorizes employment for day-trade and part-time instructors of vocational-technical school classes. It does not apply to industrial arts. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours have been completed by those without a degree, nine semester hours with a degree, or six semester hours with an education degree, at which time the vocational-technical certificate shall become permanent.

Special requirements for various personnel are as follows:

1. Secondary trade and technical instructor.

a. Education: High school diploma or equivalent (an equivalency test approved by the State Department of Education).

b. Experience:

(1) Minimum of at least four years of full-time experience in the trade or technical field in which the applicant is to teach. At least one year of the above experience must have been served within the past five years prior to certification. Evidence of trade competency may be determined by the Trade and Industrial Section of the State Department of Education by a test given through agencies as the State Department may designate.

(2) Graduates of vocational-technical and trade schools still be given credit for up to two years of occupational experience if the training is in the area for which the applicant is applying.

(3) Graduates from a State-approved or regionally accredited college or university with a Bachelor's degree whose major field is related to the program area for which the applicant is applying will be given credit for two years of the four years of experience as required in b (1) above. The

remaining two years of work experience in b (1) must be full-time.

(4) The applicant must show, if requested by the State Department of Education, that one year of the required years of work experience has been at a level above starting requirements, and has progressed in knowledge and skills of the trade commensurate with time employed.

c. When the applicant has met the foregoing requirements listed under Items a and b above, a one year Vocational-Technical Certificate will be issued. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours have been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree shall earn nine semester hours on the same basis. Instructors with a degree in education shall earn six semester hours on the same basis.

d. The applicant being certified under these requirements may teach trade or technical programs at the secondary level, only. To become certified to teach at the post-secondary level, the applicant must meet the requirements of certification for post-secondary instructors. Note: Teaching experience at the secondary level will not be accepted as work experience toward certification at the post-secondary level.

e. A current license must be held when a State or national license is required.

2. Health occupations—practical nursing and nurse aid instructor.

a. Education: Graduate of professional three year diploma nursing school or baccalaureate nursing school with current licensure in Louisiana.

b. Experience: Minimum of two years of occupational experience as a registered professional nurse in the area of medical-surgical nursing in a hospital setting. One year of this experience must have been served within the last five years.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed, at which time the vocational-technical certificate shall become permanent. (Instructors with a degree in education shall earn six semester hours on the same basis. Instructors with a degree shall earn nine semester hours on the same basis).

d. Department head: In addition to the foregoing requirements of Items a, b and c, the applicant shall have had a minimum of three years teaching experience as a certified practical nursing instructor in this state.

e. Part-time and extension: When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

3. Health occupations—related health fields (secondary).

a. Education: Graduate of approved program in the area in which the applicant is to teach with current State license or national certification where required. Note: Nutrition instructors in practical nursing programs may meet certification requirements with a degree in home economics with a minimum of twelve semester hours in foods and nutrition.

b. Experience: Minimum of two years occupational experience in the area the applicant is to teach. One year of this experience must have been served within the last five years.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis. Instructors with a degree shall earn nine semester hours on the same basis.

d. Part-time and extension: When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a Vocational-Technical Certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

4. Trade and industrial cooperative coordinator (secondary).

a. Education: Bachelor's degree from a State-approved or regionally accredited college or university. Applicant must have an active vocational-technical and industrial education (VTIE) certificate, having completed the VTIE requirements or being in the process of completing them at the time of application.

b. Experience: A minimum of two years experience as a trade and industrial education instructor at the secondary or post-secondary level.

c. When the applicant has met the foregoing requirements of a and b, a one-year vocational-technical certificate as a cooperative coordinator at the secondary level, only, will be issued. For renewal of this certificate at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours have been completed, at which time the Vocational-Technical Certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis.

5. Principal or director of career centers operated by parish school systems.

a. Education: Applicant must be fully certified as a secondary school principal.

Standards For State Certification of Vocational-technical Personnel (Post Secondary)

Vocational-technical certificate (Valid for one year). A vocational-technical certificate is based upon requirements as hereinafter specified. This certificate authorizes employment for day-trade and part-time instructors of vocational-technical school classes. It does not apply to industrial arts. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed by those without a degree, nine semester hours with a degree, or six semester hours with an education degree, at which time the vocational-technical certificate shall become permanent.

Special requirements for various personnel are as follows:

1. Director of regional vocational-technical center.

a. Education:

(1) General: A master's degree from a State-approved and regionally accredited college or university. The college or university must be approved for granting higher degrees in the applicant's major field of study. (This change becomes effective with persons employed after September 1, 1980.)

(2) Professional: Not less than twenty-four semester hours in professional education, six of which must be in professional vocational-technical education from an approved vocational-technical teacher training institution. At

least three semester hours in professional vocational-technical education must be earned each year until a minimum of six semester hours is attained. (Applicable only for those without professional vocational-technical education credits.)

b. Experience:

(1) Trade: At least two years of experience as a wage earner in a trade or industrial occupation; or two years of experience as a teacher, supervisor or administrator of approved vocational classes at the secondary or post-secondary level.

(2) Teaching: At least three years of successful, full-time teaching experience in the applicant's area(s) of certification in addition to experience requirements in 1 b (1).

(3) Supervisory or administrative: At least five years of successful experience as a school administrator or supervisor of approved vocational classes at the secondary or post-secondary level.

c. Shall have a valid Louisiana teacher's certificate or vocational-technical certificate at the time of application.

2. Assistant director of regional vocational-technical center.

a. Education:

(1) General: Master's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. (This change becomes effective with persons employed after September 1, 1980.)

(2) Professional: Not less than twenty-four semester hours in professional education, six of which must be in professional vocational-technical education from an approved vocational-technical teacher training institution. At least three semester hours in professional vocational-technical education must be earned each year until a minimum of six semester hours is attained. (Applicable only for those without professional vocational-technical education credits.)

b. Experience:

(1) Trade: At least two years experience as a wage earner in a trade or industrial occupation, or two years experience as a teacher, supervisor, or administrator of approved vocational classes at the secondary or post-secondary level.

(2) Teaching: At least three years of successful, full-time teaching experience in the applicant's area(s) of certification in addition to experience requirements in 2 b (1).

(3) Supervisory or administrative: At least two years of successful experience as a school administrator or supervisor of approved vocational classes at the secondary or post-secondary level.

c. Shall have a valid Louisiana teacher's certificate or vocational-technical certificate at the time of application.

3. Program coordinator of regional vocational-technical center.

a. Education:

(1) General: Master's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. (This change becomes effective with persons employed after September 1, 1980.)

(2) Professional: Not less than fifteen semester hours in professional education, six of which must be in the area of professional vocational-technical education from an approved vocational-technical teacher training institution.

b. Experience:

(1) Trade: At least two years of experience as a wage earner in the trade or industrial occupation for which the applicant is applying.

(2) Teaching: At least three full years of successful teaching experience in the program area for which the applicant is applying.

c. Shall have a valid Louisiana teacher's certificate or vocational-technical certificate in the program area for which the applicant is applying.

d. A current license must be held when a State or national license is required.

4. Director of a vocational-technical school or curriculum development and research center.

a. Education:

(1) General: Master's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. (This change becomes effective with persons employed after September 1, 1980.)

(2) Professional: Not less than twenty-four semester hours in professional education, six of which must be in the area of professional vocational-technical education from an approved vocational-technical teacher training institution. At least three semester hours in professional vocational-technical education must be earned each year until a minimum of six semester hours is attained. (Applicable only for those without professional vocational-technical education credits.)

b. Experience:

(1) Trade: At least two years of experience as a wage earner in a trade or industrial occupation; or two years of experience as a teacher, supervisor, or administrator of approved vocational classes at the secondary or post-secondary level.

(2) Teaching: At least three years of successful, full-time teaching experience, or guidance counseling, in the applicant's area(s) of certification in addition to the experience requirement under 4 b (1).

(3) Supervisory or administrative: At least two years of successful experience as a school administrator or supervisor of approved vocational-technical classes at the secondary or post-secondary level.

c. Shall have a valid Louisiana teacher's certificate or vocational-technical certificate at the time of application.

5. Assistant director of a vocational-technical school.

a. Education:

(1) General: Master's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. (This change becomes effective with persons employed after September 1, 1980.)

(2) Professional: Not less than fifteen semester hours in professional education, six of which must be in the area of professional vocational-technical education from an approved vocational-technical teacher training institution. At least three semester hours in professional vocational-technical education must be earned each year until a minimum of six hours is attained. (Applicable only for those without professional vocational-technical education credits.)

b. Experience:

(1) Trade: At least two years of experience as a wage earner in a trade or industrial occupation; or two years experience as a teacher, supervisor, or administrator of

approved vocational classes at the secondary or post-secondary level.

(2) Teaching: At least three years of successful full-time teaching experience, or guidance counseling, in the applicant's area(s) of certification in addition to the experience requirement in 5 b (1).

c. Shall have a valid Louisiana teacher's certificate or vocational-technical certificate at the time of application.

6. Guidance Counselor.

a. Education: The applicant must hold a master's degree from a State-approved and regionally accredited institution. The graduate training must include a total of twenty-one semester hours of professional courses distributed so that at least one course will be taken in each of the seven basic areas listed below except that students who have taken a course in principles and administration of guidance at the undergraduate level. Specialization in guidance must be at the secondary or post-secondary level.

(1) Principles and administration of guidance.

(2) Occupational and education information.

(3) Analysis of the individual.

(4) Vocational guidance.

(5) Counseling theory and practice.

(6) Guidance practicum.

(7) Group processes.

b. Experience: The applicant must have completed three years of successful full-time teaching experience at the secondary or post-secondary level in the area(s) for which the applicant is certified, or one year of successful full-time teaching experience at the secondary or post-secondary level in the area(s) for which the applicant is certified and two years full-time industrial or business experience.

c. Certification: The applicant must hold a valid Louisiana teaching certificate or vocational-technical certificate at the time of application.

d. An applicant with a bachelor's degree or a master's degree meeting the requirements listed under items b and c above and having earned six semester hours in guidance as listed under Item a, may be issued authorization to serve as a guidance counselor for one year. This authorization is subject to renewal the second year and each year thereafter until all requirements under Item a are met completely. The applicant must earn six semester hours each year of the required graduate work listed under Item a.

e. In addition, a 1-year Vocational-Technical Certificate will be issued. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours has been completed, at which time the Vocational-Technical Certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis. The three semester hours a year are in addition to the six required under item d.

7. Trade preparatory instructor, technical instructor, full-time, part-time, extension, special needs.

a. Education: High school diploma or the equivalent (an equivalency test approved by the State Department of Education.)

b. Experience:

(1) Minimum of six years of experience in the trade or technical field in which the applicant is to teach, at least two years of which must be at the journeyman level. One year of the above experience must have been served within the last three years prior to certification. Evidence of trade competency may be determined by the Trade and Industrial Section of the State Department of Education by a test

given through agencies as the State Department may designate. (Full-time, secondary or post-secondary teaching in the field for which he is applying will satisfy recency clause requirement.)

(2) Graduates of vocational-technical and trade schools will be given credit for two years of occupational experience if the training is in the area for which the applicant is applying for certification.

(3) Graduates from a State-approved and regionally accredited college or university with a bachelor's degree will be given credit for four years of the six years of experience as required in 7 b (1). The remaining two years of work experience in 7 b (1) must be full-time at the journeyman level in the field for which he is certified.

c. When the applicant has met the foregoing requirements listed under Items a and b above, a one year vocational-technical certificate will be issued. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree shall earn nine semester hours on the same basis. Instructors with a degree in education shall earn six semester hours on the same basis.

d. A current license must be held when a State or national license is required.

e. Part-time and extension instructors: When the applicant has met the foregoing requirements, he or she shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies. Note: Personal record forms and all substantiating information must accompany the request for certification.

f. Department head: In addition to the foregoing requirements, the applicant shall have at least three years teaching experience.

8. Related subjects instructor.

a. Education: Bachelor's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study.

b. Experience: Minimum of two years of general industrial experience. One year of experience may be teaching in an area in which the applicant is to teach; as math, physics, or drafting.

c. When the applicant has met the foregoing requirements of Items a and b, a one year vocational-technical certificate will be issued. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours has been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis.

d. Extension related instructor: When the applicant has met the foregoing requirements, he or she shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

9. Special needs instructor (remedial programs).

a. Education: Bachelor's degree from a State-approved or regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. Must have a valid teaching certificate in elementary or secondary grades.

b. Experience: Minimum of two years of teaching experience in the applicant's area(s) of certification.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of six semester hours has been completed, at which time the vocational-technical certificate shall become permanent.

10. Office occupations instructor, special needs instructor, cooperative-coordinator instructor, full-time or part-time.

a. Education: Bachelor's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. Degree may be in business education, business and office occupations, business administration or accounting.

b. Experience: Minimum of two years of occupational experience in the occupational field in which the applicant is to teach. (One of these two years may be in the teaching field of business or office occupations.)

c. When the applicant has met the foregoing requirements of Items a and b, a one year vocational-technical certificate will be issued. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours has been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis.

d. Part-time instructors: When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

e. Department head: In addition to the foregoing requirements, the applicant shall have at least three years teaching experience.

11. Office occupations extension instructor for an area vocational-technical school.

a. Education: Bachelor's degree from a State-approved or regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. Degree may be in business education, business and office occupations, business administration or accounting. (Office occupations instructors may be exempt contingent upon work experience and background.)

b. Experience: Minimum of two years of occupation experience with an applicable bachelor's degree in the occupational field in which the applicant is to teach. (One of these two years may be in the teaching field or business or office occupations.) One year of the above experience must have been served within the last three years prior to certification.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training course as may be prescribed by the State Department of Education to improve competencies.

12. Health occupations—practical nursing and nurse aide instructors.

a. Education: Graduate of professional three year diploma nursing school or baccalaureate nursing school with current licensure in Louisiana.

b. Experience: Minimum of two years occupational experience as a registered professional nurse in the area of medical-surgical nursing in a hospital setting. (One year of this experience must have been served within the last three years.)

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed, at which time the vocational-technical certificate shall become permanent. (Instructors with a degree in education shall earn six semester hours on the same basis. Instructors with a degree shall earn nine semester hours on the same basis.)

d. Department head: In addition to the foregoing requirements of items a, b and c, the applicant shall have had a minimum of three years teaching experience in this state in the field for which they are certified.

e. Part-time and extension: When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

13. Health occupations—other health fields, secondary, post-secondary, full-time, part-time and extension.

a. Education: Graduate of approved program in the area in which the applicant is to teach with current State license or national certification where required. Note: Nutrition instructors in practical nursing programs may meet certification requirements with a degree in home economics with a minimum of twelve semester hours in foods and nutrition.

b. Experience: Minimum of two years occupational experience in the area the applicant is to teach. One year of this experience must have been served within the last five years. (Full-time secondary or post-secondary teaching in the field for which he is applying will satisfy recency clause.)

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of fifteen semester hours has been completed, at which time the vocational-technical certificate shall become permanent. Instructors with a degree in education shall earn six semester hours on the same basis. Instructors with a degree shall earn nine semester hours on the same basis.

d. Part-time and extension: When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

14. Distribution and marketing coordinator-instructor and special needs instructor.

a. Education: Bachelor's degree from a State-approved and regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. Degree should be in the distribution field or other allied fields.

b. Experience: Minimum of two years of work experience in the occupational field in which the applicant is to teach. (One of these two years of work experience may be in the teaching field of distribution.) One of the above two years

must have been served within the last three years prior to certification.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours has been completed, at which time the vocational-technical certificate shall become permanent. (Instructors with a degree in education shall earn six semester hours on the same basis.)

15. Distribution and marketing, extension or part-time adult instructor.

a. Education: High school diploma or equivalent. (An equivalency test approved by the State Department of Education.)

b. Experience:

(1) Six years experience in distribution, at least one of which must have been served within the last three years prior to certification. (Full-time, secondary or post-secondary teaching in the field for which he is applying will satisfy recency clause requirement.)

(2) Graduates of area vocational-technical and trade schools will be given credit for two years of occupational experience if the training is in the area for which the applicant is applying for certification.

(3) Graduates from a State-approved and regionally accredited college or university with a bachelor's degree will be given credit for four years of the six years of experience in 15 b (1). The remaining two years of experience in 15 b (1) must be full-time and in the area to be certified.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses shall not be required, but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

16. Supervisory training instructor, full-time.

a. Education: Bachelor's degree from a State-approved or regionally accredited college or university. The college or university must be approved to grant degrees in the applicant's major field of study. Completion of the prescribed supervisory training course.

b. Experience: A minimum of two years of full-time work experience.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a one year vocational-technical certificate. For renewal of this certificate, at least three semester hours in professional vocational education must be earned each year until a minimum of nine semester hours has been completed, at which time the vocational-technical certificate shall become permanent. (Instructors with a degree in education shall earn six semester hours on the same basis.)

17. Supervisory training instructor, extension or part-time.

a. Education: High school graduate or equivalent. (An equivalency test approved by the State Department of Education.) Completion of a prescribed supervisory training course.

b. Experience: Minimum of two years work experience one of which must be at the supervisory level.

c. When the applicant has met the foregoing requirements of items a and b, the applicant shall be issued a vocational-technical certificate. The professional vocational education courses will not be required but the applicant shall complete such teacher training as may be prescribed by the State Department of Education to improve competencies.

Rule 4.02.01

(Replaces present policy in effect)

The Board adopted *Amended Program Plan for Special Education for 1979*. The Department of the State Register has omitted publication of the *Plan* in accordance with R.S. 49:954.1C. Copies may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

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

RULES

Board of Supervisors of Southern University

Bylaws and Regulations

Preamble

The Southern University System comprises the following institutions: Southern University and Agricultural and Mechanical College at Baton Rouge, Southern University at New Orleans, and Southern University at Shreveport-Bossier. The System is concerned with the affairs of the mind, with learning and its visible expression in scholarship, with the preparation of highly skilled individuals for the labor force, and with the overall improvement of the quality of life. These concerns are addressed within the framework of the mission of the System, and through flexible curricula which embrace many of the areas of learning, through faculty of high academic quality, and through those other components which enable a university to meet the emerging new challenges arising out of the growing complexity of American society.

The Southern University System is committed to the education of a diverse clientele. Academically talented and well prepared students as well as students who show promise but whose backgrounds reflect the nature of the educational systems to which they have been exposed are admitted to each of the System's campuses. The University's record in transforming both groups of students into scholars and productive citizens is uniquely unassailable. This is a vital task. In assuming it, the Southern University System performs a special function for the State of Louisiana and the nation. Further, by virtue of its concerns for the education of disadvantaged youth, enrollment status and exit patterns, the Southern University System is the major means through which the black and the poor may hope to receive a quality post-secondary education in Louisiana.

The Southern University System has had an enormously positive impact on the social, economic, and professional character of the entire State of Louisiana. As its mission continues to be modified, its curricula and other component units updated, the services which the Southern University System will provide for the citizens of Louisiana will be of immeasurable value.

Part I

Southern University Board of Supervisors:

Creation, Powers and Membership

A. Creation. Article VIII, Section 7 of the 1974 Constitution of the State of Louisiana authorizes the creation of the Southern University Board of Supervisors as a body corporate.

B. Powers. Subject to powers vested in the Board of Regents by Article III, Section 5 of the 1974 Constitution of the State of Louisiana, the Board of Supervisors shall supervise and manage the Southern University System and its several components including the statewide agricultural programs and other programs administered through its system.

C. Membership. The Board shall be composed of seventeen voting members, two members from each of the eight congressional districts of the State and one member from the State at large,

appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law. There shall be a student who shall have all of the privileges and rights of other board members except the right to vote. The term of the student member shall be one year and no student member shall be eligible to succeed himself.

D. Domicile. The domicile of the Board of Supervisors of Southern University and Agricultural and Mechanical College shall be in East Baton Rouge Parish.

Part II

Bylaws of the Board of Supervisors

Article I. Definitions

A. The "Board of Supervisors of Southern University and Agricultural and Mechanical College" or "Board," as used in these bylaws, shall refer to the governing board of the University System and shall be composed of the members of the Board of Supervisors, duly appointed and qualified as provided by law.

B. The term "Chairman of the Board," as used in these bylaws, shall refer to the Supervisor who is the duly elected Chairman of the Board of Supervisors.

C. The term "University System" or "System," when used in these bylaws, shall refer to the system of campuses and other facilities governed by the Board of Supervisors, which includes:

1. Southern University and Agricultural and Mechanical College at Baton Rouge, including the School of Law.
2. Southern University at New Orleans.
3. Southern University at Shreveport-Bossier.
4. The Agricultural Extension and Research Program administered by the Board.

5. Any other college, university, school, institution or program now or hereafter assigned to the Southern University Board of Supervisors.

D. The term "President of the University System" or "President," as used in these bylaws, shall refer to the duly appointed President or acting President of the University System. The President shall be the principal executive officer of the University System and Secretary of the Board of Supervisors and its committees.

E. The term "Chancellor," as used in these bylaws, shall refer to the administrative head of a campus of the University System as designated by the Board.

Article II. Officers and Personnel of the Board

Section 1. Chairman and Vice-Chairman.

A. Election. The Board shall elect its officers at the first regular meeting of the Board in the first quarter of alternate calendar years, the first such meeting for this purpose to take place on or before the second Monday of January, 1979.

B. Vacancy. Should a vacancy occur in the Chairmanship, the Vice-Chairman shall assume the position of Chairman for the remainder of the unexpired term. Should a vacancy occur in the Vice-Chairmanship, the Board shall elect a successor from its membership to serve the remainder of the unexpired term. The Board may elect other officers as it may deem necessary.

C. Duties. The Chairman of the Board shall preside over all meetings of the Board, serve as ex officio member of all committees, appoint members of all standing and special committees of the Board, and fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws. The Chairman shall have the right to vote as a member of the Board and as an ex officio member of the Board's committees.

The Vice-Chairman of the Board shall perform the duties of the Chairman in the absence of the Chairman of the Board. In the event that both the Chairman and the Vice-Chairman are absent from a Board meeting, the Board shall elect a temporary chairman from those present to preside at that meeting, provided a quorum is present.

Section 2. Board Secretary. The President of the University System shall be the Secretary of the Board, its Executive Committee and other standing and special committees.

Section 3. Board Office Personnel. There shall be in the office of the Board such personnel as may be required for its efficient operation. The office personnel shall function under the direction and supervision of the Board, through its Chairman.

Article III. Committees

Section 1. Standing committees. Unless and until otherwise decided by the affirmative vote of at least nine members of the Board, the standing committees of the Board shall consist of the following: Academic and Faculty Affairs and Personnel Policy Committee; Athletic Committee; Facilities, Property and Grounds Committee; Finance and Business Affairs Committee; Legislative Committee; and Student Affairs Committee.

At such time as the Board judges it wise to do so, it may create an executive committee in accordance with the provisions of Section 6 of this article.

Section 2. Appointment and term. The Chairman of the Board, at the time he assumes office, shall appoint the Chairmen, Vice-Chairmen and members of all standing committees, except as indicated in Article III, Section 3 below. The term of Committee membership shall be concurrent with that of the Chairman of the Board. The Chairman of the Board shall serve as ex officio voting member of all committees.

Vacancies occurring among appointive members of any committees, however arising, shall be filled by appointments made by the Chairman of the Board for the remainder of his unexpired term.

Section 3. Officers of standing committees. It shall be the duty of the chairman of each committee, with the concurrence of the Chairman of the Board, to call and to preside over meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of Article V, Section 3, hereof, concerning the written recommendations of the committees.

In the absence of the Chairman of a committee, the Vice-Chairman shall preside. In the event both Chairman and the Vice-Chairman of the committee are absent from a meeting, the committee shall elect a temporary Chairman from those present, providing a quorum is present.

Section 4. Quorum of committee meetings. A majority of the members of any committee of the Board shall constitute a quorum for the transaction of business. When a quorum is not present, the Chairman of the Committee, or Vice-Chairman, in the Chairman's absence, may designate a member of the Board to serve as a substitute member of the committee concerned.

Section 5. Authority of committees. The authority of committees of the Board shall be subject to these bylaws and to the policies and directions of the Board. Ordinarily, matters shall be referred to the appropriate standing committee; however, nothing shall impede the Board in the direct consideration of any matter.

Section 6. Executive Committee.

A. Membership, duties. The Executive Committee shall consist of the Chairman, Vice-Chairman of the Board, the Chairmen of the Board's standing committees, and one member-at-large to be designated by the Chairman of the Board. The Chairman and the Secretary of the Board shall be chairman and secretary, respectively, of the Executive Committee. It shall consider such matters as are referred to it by the Board, and shall execute such orders and resolutions as shall be assigned to it at any meeting of the Board. It shall also take such action as is necessary when an emergency requiring immediate action arises during an interim between Board meetings. However, in such instances, it should have prior consent of the full Board to act.

Affirmative action by a majority of the full membership of the committee shall be required.

B. Ratification of action. All acts of the Executive Committee shall be submitted to the Board for ratification or rejection at the Board's next meeting; except in matters where the Board has delegated to the Executive Committee full power to act.

C. Meetings. Meetings of the Executive Committee shall be held in the months in which the full Board does not meet, for the consideration of matters set forth in Section 6A above.

Section 7. The Academic and Faculty Affairs and Personnel Policy Committee shall consist of at least five members. Matters concerning academic organization, curricula, personnel policy and others relating to faculty, scholarships and other academic affairs shall ordinarily be referred to this committee.

Section 8. The Athletic Committee shall consist of at least five members. All matters of policy concerning athletic programs shall ordinarily be referred to this committee.

Section 9. The Facilities, Property and Grounds Committee shall consist of at least five members. To this committee shall ordinarily be referred all matters relative to physical plants, property and grounds of the University System.

Section 10. The Finance and Business Affairs Committee shall consist of at least seven members. All matters concerning financial and budgetary operations of the University System shall ordinarily be referred to this committee.

Section 11. The Legislative Committee shall consist of at least five members. All matters of a nature relating to the State Legislature shall ordinarily be referred to this committee.

Section 12. The Student Affairs Committee shall consist of at least five members of the Board; one of whom shall be the student member of the Board. To this committee shall ordinarily be referred all matters of policy in the nonacademic area pertaining to student welfare. When appropriate, the committee shall make policy recommendations to the Board.

Section 13. Special Committees. As the necessity therefor arises, the Chairman may create special committees with such functions, powers, and authority as may be determined. Unless otherwise provided in the action creating such a committee, the Chairman of the Board shall determine the number of its members and designate the chairman and vice-chairman thereof. The Chairman may also appoint ad hoc committees for special assignments for specified periods of existence not to exceed the completion of the assigned task.

Article IV. Meetings

Section 1. Regular meetings. The Board of Supervisors shall hold at least nine regular meetings in each calendar year, of which at least one regular meeting shall be held in each quarter of the calendar year. Other meetings of the Board may be called and held as provided by any rule, regulation, or resolution adopted by the Board. All regular meetings shall be held at meeting places designated by prior action of the Board.

Section 2. Special meetings. Special meetings of the Board may be called by the Chairman of the Board at any time, or upon written request therefor from the president, or upon written request therefor from nine members of the Board. In each instance, the written request shall specify the purpose(s) of the desired meeting. Notification shall be sent by mail to each member at least ten calendar days before the time of the meeting.

The Board shall not act upon any matter not specified in the request for a special meeting, except upon the vote of two-thirds of the entire membership of the Board.

Section 3. Recessed Meetings. All meetings may be recessed from day to day until the completion of business.

Section 4. Quorum. A majority of the Board shall constitute a quorum for the transaction of business at any regular or special

meeting. In determining a quorum, all voting members shall be counted.

Article V. Order of Business

Section 1. Rules of order. *Robert's Rules of Order* (latest revision) shall constitute the rules of parliamentary procedures applicable to all meetings of the Board, when not in conflict with any of the provisions of these bylaws.

Section 2. Order of business. In regular meetings of the Board, the order of business shall be as follows:

- A. Roll call.
- B. Approval of the agenda.
- C. Approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto.
- D. Reports and recommendations of standing and special committees.
- E. Reports and recommendations of the President.
- F. New business.
- G. Reports for Board information.

Section 3. Reference to committees. In cases where feasible and desirable, before the Board takes action, any subject or measure should ordinarily be referred to the standing or special committees in whose purview the matter falls. The committee to which the matter is referred should act on the matter and submit to the Board its recommendations in writing together with any resolutions necessary to facilitate such recommendations. However, this provision is not to be construed as preventing the Board from considering directly any matter which it judges could be more expeditiously and felicitously handled in that manner.

Section 4. Meetings. In order that all interested parties and the public may be informed of all activities of the Board, it shall be the policy of the Board that all meetings be open to all who wish to attend. Only when personnel or equally sensitive matters (e. g., litigation) are under consideration shall the Board enter into closed or executive session; provided, however, that no final or binding action shall be taken in a closed or executive session. All meetings of the Board shall be held in conformity with R.S. 42:4-10 and public notice of all meetings shall be given at least fifteen days prior to the meetings.

Prior to each regular meeting of the Board, the Board's Secretary, in consultation with the Chairman of the Board, shall prepare and forward to each member of the Board a tentative agenda for the meeting at least ten days prior to such regular meeting. Upon written request of three members of the Board that a particular item be included, the Board's Secretary shall place the subject or subjects upon the agenda. Any matter requiring Board action, however, may be acted on even though not carried on the agenda.

Each resolution shall be reduced to writing and presented to the Board before it is acted upon.

All official actions of the Board shall require the affirmative vote of nine members. The Chairman shall have the right to vote.

Section 5. Minutes. The minutes of the Board meetings shall record official actions taken upon motion or resolutions which are voted upon by the Board, and may contain a summary of reports and discussion pertinent to the official action. When the Board's action is not by a unanimous vote, the "yeas" and "nays" and abstentions of the individual members shall be recorded. The remarks, personal views, or vote explanations of an individual Board member shall be included in the minutes only upon request. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the Board. The minutes of meetings of the Board become official only when completed and approved by the Board.

Copies of all minutes, papers and documents of the Board, or its several committees, may be certified to be true and correct copies by either the Chairman or the Secretary of the Board.

Article VI. Communications to Board

Section 1. All communications to the Board, or to any committee thereof, from persons having official relations with the University System shall be filed in writing with the President and duly transmitted by him to the Board; but all communications from a student organization, teacher, officer, or employee of any campus or system-wide unit shall be transmitted to the President through the appropriate chancellor, and transmitted by the President to the Board. With the concurrence of the Chairman of the Board, the President may transmit such communications to the appropriate committee of the Board. The President, or the chancellor, shall have the authority to read and comment upon the communication but shall not delay or withhold such communications, except as hereinafter provided. Such communications shall be filed with the chancellor at least ten days before the meeting of the Board or Committee, and with the President at least seven days before such meeting. If the communication is filed with the chancellor less than ten days before the next Board meeting, either the chancellor or President may submit or withhold such communication until the next meeting. In the event a chancellor elects to withhold any such communication until the next meeting, such communication, or a true copy thereof, shall be promptly forwarded to the President with the notation of the chancellor concerning such withholding. The author of any communication shall be notified within a reasonable time of its receipt and disposition. Depending on the nature of the communication, the chancellor or the President may elect to seek a resolution to the matter of concern. In this case, the communication, or a true copy thereof, along with a copy of the results of such involvement shall be transmitted by the President to the Board.

Article VII

Rights, Duties and Responsibilities of Principal Administrative Officers of the University System

Section 1. Officers of the System. The Board of Supervisors shall appoint the President and other administrative officers of the University System as it deems necessary, and shall designate their titles. The Board shall establish, or cause to be established, procedures for the selection and appointment of the President and other major administrative officers within the University System. These procedures shall include a method of obtaining expression of faculty opinions.

The Board shall give consideration to the recommendation of the President in all appointments other than his own.

All administrative officers of the University System shall hold their positions at the pleasure of the Board. For practical purposes, the Board's approval of the annual budget containing the names, status, and salaries of these officers shall constitute approval of their continuing appointment.

Section 2. President of the System.

A. The President shall be the chief executive officer of the University System and shall serve as Secretary to the Board. He shall hold office at the pleasure of the Board and be compensated at a salary fixed by the Board and recorded in its proceedings. The President shall be responsible to the Board for the conduct of the affairs of the University System. He shall execute and enforce all of the decisions, orders, rules and regulations of the Board with respect to the conduct of the University System. He shall be governed by all laws pertaining to the Southern University System.

The President's discretionary authority shall be broad enough to enable him to meet his extensive responsibilities.

B. The President shall attend meetings of the Board and its Committees.

C. The President, except as otherwise provided in these bylaws, shall make all nominations for appointments, suspen-

sions, and dismissals of all administrative officers holding positions at the pleasure of the Board. Upon recommendation of the chancellor of each campus, the President shall have the authority to make all other appointments, promotions, transfers, suspensions, and dismissals, of academic and unclassified employees, subject to the approval of the Board. The President, or an officer designated by him, is authorized as the appointing authority to make and approve personnel actions relating to classified and unclassified personnel in positions exempt from classified service by special action of the State of Louisiana, Department of Civil Service, including disciplinary actions required to be expressed in writing, subject to the approval of the Board.

In considering the appointment of persons to those administrative offices where there is dual responsibility to both the System and a particular campus, the President shall solicit and give careful attention to the views and opinions of the chancellor concerned. The President shall develop a method for obtaining an expression of faculty opinion when appointments are to be made.

D. Subject to the Board's direction and approval:

1. The President shall establish administrative policies and procedures, and coordinate the activities among the various campuses.

2. The President shall develop and implement educational policies and procedures for the University System in keeping with the mission of each campus, and promote the general welfare of the System.

3. The President shall develop a sound fiscal management system; he shall prepare and present a consolidated budget of the University System to the Board, and shall assume and retain complete control at all times over all budgets of the System as approved by the Board.

4. The President shall serve as spokesman for the System to all agencies, both without and within the University System, and to the alumni, the news media and the general public.

E. The President shall establish and maintain lines of communication with the chancellor of each campus.

F. The President with the assistance of the chancellors, shall have authority to appoint such committees from among the personnel of the System as deemed desirable for the purpose of advising the President in connection with any problems of the System. The Chancellor, or head of campus, shall be informed of all such appointments of personnel on his campus.

G. The President shall be a member of all faculties. The chancellors shall normally serve as presiding officers at meetings of the faculty on their respective campuses, though it shall be the President's privilege to preside at such meetings.

Section 3. System staff officers. System staff officers shall include a chief academic officer, a chief finance and business affairs officer, a chief student affairs and community services officer, a chief planning and research officer, and such other officers as deemed necessary for the efficient operation of the System, to be appointed by the Board upon the recommendation of the President. The System staff officers shall perform the duties outlined in writing by the President and approved by the Board. To this end and to facilitate an understanding of the organization of the System and the duties and responsibilities of System staff officers, the President shall cause to be published a document wherein detailed information is provided, including the responsibilities these officers have on a particular campus. In their capacities as campus officers, system staff officers shall coordinate their activities with the Chancellor of that campus.

Section 4. The President's Advisory Council. The President shall have an Advisory Council. It shall consist of the President, System Vice-Presidents, chancellors and others as he may designate.

The President shall serve as Chairman, or, in his absence, a member of his staff that he shall designate shall serve.

The Council shall advise the President on all matters involving the University System, including, but not limited to academic programs and support services, personnel, finance, and athletics. The agenda for meetings of the Council shall be structured by the President and the proceedings recorded.

Section 5. The Council of Chief Academic Officers. This Council shall consist of the chief academic officer of the System staff, who shall serve as chairman, and the chief academic officer of each major subdivision of the University System. The Council shall act in an advisory capacity to the President in matters relating to academic standards, programs, and policies of the System. The chief academic officers shall keep their respective chancellors or administrative superiors fully informed of actions of the Council.

Section 6. Chancellors.

A. There shall be a chancellor of each campus, who shall be appointed by the Board, taking into consideration the recommendations of the President of the System and the expression of opinion of the faculty concerned. The chancellor shall serve at the pleasure of the Board, at a salary fixed by the Board. The chancellor shall exercise complete executive authority over the campus he administers, subject to the direction of the President and the Board.

B. The chancellor shall be responsible to the Board through the President for the effective execution of all resolutions, policies, rules and regulations adopted by the Board for the administration and operation of the System and for the governance of his campus; and all policies, rules, regulations, directives, and memoranda issued by the President. The chancellor shall be governed by all laws pertaining to the Southern University System. The chancellor shall have direct access to the President, and he shall be the official medium of communication between the President and all personnel of his campus.

C. The chancellor shall attend the meetings of the Board and its committees, and he may invite members of his administrative or academic staff to aid him in his presentations to the Board.

D. The chancellor shall have the responsibility of fixing the salaries and duties of the members of the faculty, administrative and professional staff for the campus he heads, subject to the recommendation of the President and approval of the Board. He shall make all other appointments, promotions, transfers, suspensions, and dismissals of all academic, administrative, and professional employees subject to the recommendations of the President and approval of the Board. In coordination with the University System's appointing authority, the chancellor or an officer designated by him is authorized to make and approve personnel actions relating to classified personnel and unclassified personnel in positions exempt from the classified service by special action of the State of Louisiana, Department of Civil Service. In all of his personnel recommendations, he shall give due consideration to the opinion and views of the appropriate academic and administrative staff.

E. The chancellor shall be a member of the faculty of the campus he heads. He or his designee shall be the presiding officer at meetings of the faculty of his campus.

F. The chancellor shall have the responsibility for developing and implementing educational, administrative, and fiscal policies and programs for the campus consistent with the policies of the Southern University System.

G. The chancellor shall be responsible to the President for the management of the financial affairs of his campus. His responsibilities shall include the preparation of a consolidated campus budget after review of the budgets of the various divisions of his campus and the recommendations of the heads of

these divisions, and the management of the budget as approved by the President and the Board.

H. The chancellor of each campus shall prepare and present to the Board a comprehensive annual report.

Section 7. Campus officers. Campus officers shall include a chief academic officer, a chief finance and business affairs officer, a chief student affairs officer and such other officers as deemed necessary for the efficient operation of the campus, to be recommended to the Board by the President upon the recommendation of the chancellor. The campus officers shall perform the duties outlined in writing by the chancellor subject to the recommendation of the President and the approval of the Board. To this end and to facilitate an understanding of the organization of the campus and the duties and responsibilities of campus officers, the chancellor shall cause to be published a document wherein detailed information is provided.

Article VIII. Rights, Duties and Responsibilities of the Faculty

Section 1. Academic freedom. The Board of Supervisors is committed to the principle of academic freedom. Academic freedom is perceived as the right of members of the academic community freely to study, discuss, investigate, teach, conduct research, and publish as appropriate to their respective roles and responsibilities. Because the common good depends upon the free search for and exposition of truth and understanding, full freedom in research and publication is essential, as is the freedom to discuss scholarly subjects in the classroom. A member of the faculty of the University System, as a citizen, has the right to exercise himself in writing, speaking, or participating in activities outside the University, but should always be mindful that these involvements do not lessen the faculty member's responsibility to the University. The faculty member, when not officially designated to represent the University, must make it known that he is speaking as an individual citizen.

Academic freedom does not give faculty members the right to insist upon or demand the adoption by students, colleagues, or others, of a particular point of view.

Section 2. Duties of Faculty. Each member of the faculty is expected to be committed and to contribute to the attainment of the mission of the institution where employed. It is a basic responsibility of the faculty to participate in the development of educational policy through active and constructive involvement in the academic affairs of their respective departments, divisions, and colleges. The faculty's involvement in other matters affecting student, academic, or faculty welfare is expected.

The faculty should be so organized that its business may be properly conducted. This might be accomplished through committees, senates, councils, or other appropriate structures. The faculty should be concerned primarily with academic policies.

Section 3. Appointment of faculty. The President shall establish and maintain a procedure for the appointment of members of the faculty.

The procedure shall provide for the establishment of qualifications for the position and allow for the recommendation of candidates to fill the position by the faculty of the academic unit concerned. All appointments shall be made on the basis of merit.

All initial appointments to the faculty shall be either temporary or probationary. The President shall issue a contract or contractual letter to the appointee setting forth the terms of the appointment. All appointments shall be made upon the authority of the President, subject to the approval of the Board. These provisions shall not prevent the Board of Supervisors from making an initial appointment with tenure which would in its judgment be distinctly in the interest of the University, normal recommendations and approvals having been made.

Section 4. Promotion of faculty. The President, with the advice of the faculty and appropriate administrative officers, shall establish and maintain a procedure for the promotion of faculty based on merit. The procedure established for promotion shall be employed by all campuses in the System. All promotions shall be made upon the authority of the President, subject to the approval of the Board.

Section 5. Tenure of faculty. All appointees to the academic staff shall serve a probationary period before they can be evaluated for and granted tenure. The President, with the advice of faculty and appropriate administrative officers, shall develop and maintain procedure and criteria whereby tenure is acquired by members of the academic staff in keeping with the statewide tenure policy adopted by the Louisiana State Board of Regents. Tenure may be awarded to academic staff members with the rank of assistant professor or above who have earned at least the master's degree in the discipline in which they instruct. Transfers within the University System shall not affect tenure status or credit toward tenure.

No administrative position is tenured. The provisions of tenure apply to full-time faculty members who hold administrative positions with respect to their academic rank and not in their administrative capacities.

Any appointment, whether temporary, probationary, or tenured, may be terminated for cause. However, dismissal for cause carries with it the right to a hearing in accordance with principles of due process and accepted academic practice.

Section 6. Responsibilities of faculty. For academic freedom to endure, academic responsibility must be exercised. A proper academic climate can be maintained only when members of the faculty meet their fundamental duties and responsibilities. Tenure shall not serve as a basis for the retention of a faculty member in a position when evidence acquired as a result of a thorough investigation, according to procedures of due process, clearly demonstrates that the faculty member has not met and does not give promise of meeting the responsibilities of the position.

Article IX

Rights, Duties and Responsibilities of the Unclassified and Classified Staff

Section 1. Unclassified and classified staff definition. All positions (student positions excluded) except those of members of the academic staff shall be either unclassified or classified.

Section 2. Unclassified and classified staff personnel policies. The President of the University System is charged with development and administering, subject to Board approval, personnel policies and administrative procedures for unclassified personnel on a system-wide basis. These policies and procedures shall contain provisions for reporting grievances, for appeals from decisions which the employee considers to be unfair, for the consideration of charges of incompetency or unsatisfactory performance of duties, and for appropriate hearings. Provisions shall be made for close coordination in personnel administration among the units of the University System.

Personnel administration for classified employees shall be in accordance with the policies and procedures of the Department of Civil Service, State of Louisiana, and the classified procedures of the University.

Section 3. Appointments. Each appointment to a position on the unclassified or classified staff shall be made on the basis of the qualifications and special fitness of the individual for the work demanded by the position. Each such appointment shall be in accordance with provisions of Article VII, Section 2C and Section 6D of these bylaws.

Section 4. Duties and privileges of unclassified and classified staff. Each classified and unclassified staff member is expected to be cognizant of the University's educational mission and to be devoted to the accomplishment of the purpose for which the

University exists. The University in turn is committed to providing favorable conditions of work and a pleasant environment for its personnel and for their involvement in University cultural and recreational affairs

Section 5. Responsibilities of unclassified and classified staff. Competent and effective performance of appropriate duties is expected of all staff members just as it is of all other University employees. An environment conducive to learning is essential in a University. Essential to such an environment is an esprit de corps among faculty and students, academic and other employees. It is a basic responsibility of the unclassified and classified staff, as it is of all other University personnel, to contribute to that spirit and that kind of environment.

Article X. Rights, Duties and Responsibilities of Students

The Southern University Board of Supervisors subscribes to the principle that the freedom to teach and freedom to learn are inseparable facets of academic freedom and that the freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The following provisions are essential for freedom to learn.

Section 1. In the classroom. The University is committed to the principle that students in the classroom should be encouraged to exercise free discussion, inquiry and expression as it relates to the subject matter of the discipline involved, and that student performance should be evaluated solely on an academic basis, not on opinion or conduct in matters unrelated to academic standards.

Section 2. Student records. The President of the University with the advice and assistance of appropriate members of the administrative staff and the faculty, shall formulate and issue regulations pertaining to the keeping of student records in accordance with law and appropriate respect for privacy. These regulations shall provide for maintaining separate academic and disciplinary records and shall clearly indicate the kinds of confidentiality which should be respected as regards the records and the conditions of access to them.

Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

Section 3. Student affairs. The following standards shall be observed as regards the freedom of students:

A. Freedom of association. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of an academic community. They shall be free to organize and join associations to promote their common interests in keeping with the law and University policies.

B. Freedom of inquiry and expression. Students and student organizations shall be free to examine and discuss all questions of interest to them. They shall be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, students have the responsibility to make clear that in their public expressions, they and their organizations speak only for themselves.

C. Student participation in university governance. As constituents of the academic community, students shall be given the opportunity to participate in the formulation of institutional policy, particularly so in the area of student affairs.

D. Student publications. Student publications are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. Publications should be governed by the canons of responsible journalism.

Section 4. Procedural standards in disciplinary proceedings. The Southern University System has the duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for students. The

administration of discipline shall guarantee due process to an accused student

Article XI

Amending or Repealing Bylaws

Any and all sections of these bylaws may be amended or repealed and new bylaws may be added at any meeting upon a favorable vote of at least nine members of the Board, provided the requirements of the applicable statutes of the State of Louisiana are met. A written notice of the proposed change in the bylaws shall be served upon each member of the Board at least thirty days in advance of the vote upon the proposed change.

Article XII

Rules and Regulations of the Board

Rules and regulations of the Board of Supervisors shall include any and all action by the Board which establishes methods, procedures or policies in academic, administrative, business, or other such matters. The Board may adopt, amend, or repeal, in part or in whole, any of the rules and regulations of the Board, provided that the requirements of Article XI are met. Upon the date of the adoption of these bylaws by the Board, all policies, procedures, and regulations of the Board which are not in conflict with these bylaws shall become a part of the Rules and Regulations of the Board.

Article XIII. Adoption of Bylaws

The bylaws, policies and regulations here stated shall become effective on October 20, 1978.

Article XIV. Repealing Clause

All rules, orders, regulations, policies, and resolutions heretofore enacted or adopted by the Board, which are in conflict with those contained in this document are hereby repealed.

Part III

Regulations of the Board of Supervisors

Chapter I. Administrative and Academic Organization

Section 1-1. Administrative organization of the University.

1-1.1 Administrative officers of the Southern University System. The president shall be the chief executive officer of the University System (Article VII, Section 2A of the Bylaws). Other administrative officers of the System, along with their duties and responsibilities, shall be given in a document authorized by Article VII, Section 3 of the Bylaws.

1-1.2 The President's Advisory Council (See Article VII, Section 4 of the Bylaws).

1-1.3 Administrative officers of the individual campuses. The chancellor shall be the chief administrative officer of the campus which he heads. (Article VII, Section 6 of the Bylaws). Other administrative officers of a campus shall be designated by means of an organizational chart which the chancellor is authorized to prepare by Article VII, Section 7 of the Bylaws.

1-1.4 The advisory council of the individual campuses.

A. The advisory council shall be composed of the chancellor, the principal administrative officers of a campus, and three faculty members—two elected by the faculty and one selected by the faculty senate to serve two year terms; and such other persons as may be specifically designated by the chancellor.

B. Duties. The advisory council shall advise the chancellor in the administration of the affairs of the campus and shall assist the chancellor in developing and coordinating administrative policies relative to academic affairs, student affairs, and fiscal affairs.

C. Officers. The chancellor shall be the chairman of the advisory council on his campus, and shall appoint a secretary who shall keep minutes of all meetings and shall maintain a roll of the members of the advisory council.

D. Meetings. The advisory council of each campus shall meet at the call of the chancellor at least once each semester

Adequate written notice shall be given to each member of the council prior to each meeting.

Section 1-2. Academic organization of the university.

1-2.1 The chief academic officer of the system. The President shall appoint a chief academic officer of the System, subject to the approval of the Board (Article VII, Section 3 of the Bylaws).

1-2.2 The chief academic officer of the individual campuses. The vice-chancellor or dean of academic affairs shall be the chief academic officer of the campus to which he is appointed.

1-2.3 The council of academic deans and directors.

A. Membership. The deans and directors of colleges, schools or divisions, together with other academic officers of equivalent rank responsible to the chief academic officer, shall constitute the council of academic deans and directors of a campus.

B. Duties. The council of academic deans and directors shall advise the chief academic officer in the administration of the academic affairs of the campus, including curriculum development, program scheduling, preparation of the academic calendar, coordination of programs of various colleges and schools, review of instructional programs and special university regulations for degrees.

C. Meetings. The council shall meet at the call of the chief academic officer as its chairman at least once each semester.

1-2.4 The faculties of the individual campuses.

A. Membership. The instructional staff having the rank of instructor or higher or equivalent ranks (See Section 2.6) and persons engaged in library, artistic, research and investigative positions of equal dignity shall constitute the faculty of each campus. The chancellor of each campus and the academic officers of each campus shall be members of each campus faculty. Members of the faculty may be either full-time or part-time.

The faculty of each campus may organize itself as a faculty or as a faculty council. The faculty may also establish a faculty senate as a representative body.

B. Duties. The faculty shall have a major role in establishing curricula, fixing standards of instruction, determining requirements for degrees, and generally formulating educational policy under the leadership of the chancellor and subject to the authority of the Board. All educational policies must be consistent with policies of the System. The faculty shall make recommendations for the granting of degrees through its respective colleges or schools. Subject to the provisions of Article VII, Section 6E of the Bylaws, the faculty shall have legislative power over all matters pertaining to its meetings and may delegate its authority to standing committees and to an elected faculty senate, whose authority as derived from this section shall be limited to matters which are proper to the faculty and which have been specifically delegated by the faculty. The membership of the faculty senate shall be determined by the faculty.

C. Actions. Actions taken by the faculty shall be reported to the chief academic officer of the campus concerned. The reports, along with appropriate recommendations of the chief academic officer, shall be submitted to the chancellor who shall then approve and provide for implementation, or refer appropriately for further study, or forward with his recommendations to the President.

D. Meetings. Each campus faculty shall meet at least once each academic year at the call of the chancellor who shall normally serve as presiding officer; or upon the written request of fifty faculty members, or twenty-five percent of the faculty membership, whichever is smaller. At least five days notice of the meeting and its agenda shall be given, except that emergency meetings may be called by the chancellor.

Twenty-five percent of the membership of a campus faculty shall constitute a quorum. A majority vote is necessary for the transaction of business, a quorum being present.

1-2.5. The faculties of colleges, schools and divisions.

A. The chief academic officer of the college, school, or division is the academic dean or division chairman.

B. Membership. The faculty of each college, school, or division, except the graduate school, shall consist of all members of the academic staff having the rank of instructor or higher (or equivalent rank) who are appointed full-time and a part or all of whose current work is in that particular college, school, or division. As a class, part-time members of the academic staff having the rank of instructor or higher (or equivalent rank) shall be enfranchised in direct proportion to the percentage of their employment.

C. Duties. The faculty of each college, school, or division shall define and recommend degree programs for units under its jurisdiction. The faculty shall recommend candidates for degrees to be awarded by the college, school, or division.

D. Meetings. The dean or director of each college, school, or division shall call a meeting of the faculty at least once each semester and summer term. The dean or director shall be required to call a faculty meeting upon the written request of one-fourth of the members of the faculty. At the time that the faculty members are notified of a meeting, the chief administrative officer of the campus and the chief academic officer shall receive the same notification. Advance notice of a meeting shall be given.

E. Quorum. Twenty-five percent of the members of the faculty of each college, school, or division shall constitute a quorum.

1-2.6. College, school, or division councils.

A. Membership. Membership of each college, school, or division council shall include the academic dean or division chairman as presiding officer, the chairmen of the departments within the college, school or division, one faculty member from each department, and two students from each department. One of the faculty senate representatives from the college, school, or division may be appointed by the senate to serve in an ex officio capacity on the council.

B. Duties. Each college, school, or division council shall examine and recommend policies to the dean or division chairman and to the college, school, or division faculty on matters pertaining to program development, personnel development and student relations.

C. Meetings. Each council shall meet at least once each semester. The meetings shall be called by the dean of the college or school or division chairman.

1-2.7. The departmental faculty.

A. The chief academic officer of the departmental faculty. The chief academic officer for the department is the departmental chairman.

B. Membership. The departmental faculty shall consist of all members of the academic staff of a department having the rank of instructor or higher (or equivalent rank) who are appointed full-time for at least a one-year period and a part of all of those whose work for the current year is in that particular department.

As a class, part-time members of the academic staff having the rank of instructor or higher (or equivalent rank) shall be enfranchised in direct proportion to the percentage of employment.

C. Duties. The departmental faculty shall have jurisdiction over matters concerning its educational policies insofar as these do not conflict with the policies of other departments,

the rules and regulations of its own college, school, or division, the campus, or the University System.

D. Meetings. The chairman of the department shall call a meeting of the departmental faculty at least twice per semester.

1-2.8. Departmental councils.

A. Membership. The chairman of the department or his designee shall serve as chairman of the departmental council. There shall be both faculty and student representation on the council.

B. Duties. The departmental council reviews and makes recommendations on such matters as departmental academic policies, faculty-student relations, equipment, and budgetary priorities.

C. Meetings. The departmental council shall meet at least once during each semester, at the call of the chairman.

1-2.9. The graduate faculty.

A. Membership. The graduate faculty on a campus shall consist of those members of the faculty who have been so designated by the chancellor upon the recommendations of the graduate dean and the chief academic officer, acting upon appropriate nominations. It shall be the responsibility of the chancellor, with advice from the faculty and academic administrative officers, to draw up criteria for membership on the graduate faculty.

1-2.10. The graduate council.

A. There shall be a graduate council on each campus having a graduate program.

B. Membership. The graduate council shall consist of ten members of the graduate faculty named by the chancellor on joint recommendations of the graduate dean and the chief academic officer of the campus for overlapping three-year terms. Nominations for membership on the council shall be made by the academic deans of colleges offering graduate programs. There shall be an additional member from the professional library staff nominated by the Director of the Library and appointed in the same manner as other members for a three-year term. The Dean of the Graduate School shall serve as *ex officio* member and secretary of the graduate council.

C. Duties. The graduate council shall serve as the policymaking body for the entire graduate program of a campus. It shall be concerned with policies governing academic standards, program development and review, faculty qualifications, and the consistency and integrity with which the entire graduate program is operated.

D. Officers and terms of office. Officers of the graduate council shall be a chairman, a vice-chairman, and a secretary. The council shall elect its chairman and vice-chairman, who shall serve terms of two years.

E. Meetings. The graduate council shall meet at the call of the chairman of the council. The council shall meet at least three times per academic year with written notice and agenda sent in adequate time to each member of the council.

Section 1-3. Special councils and committees.

1-3.1 The athletic council.

A. There shall be established an athletic council in an advisory capacity on all campuses having organized athletic programs and participation in intercollegiate competition.

B. Membership and terms. The athletic council shall consist of five members of the faculty who do not hold an administrative position above the departmental chairmanship, two members of the student body, two members of the alumni federation, the chief academic officer of the campus and one additional administrative officer named by the chancellor. The chancellor shall appoint three of the five faculty members

and the faculty (senate) shall select two faculty members. The student government association shall select the student members. The alumni federation shall select the alumni members. The athletic director shall serve, *ex officio* and nonvoting, as secretary of the council.

Faculty members and alumni members shall serve on the council for three-year terms on a staggered basis; the term of student members shall be one year. The term of the administrative member shall be at the pleasure of the chancellor.

C. Chairmanship. The chairman shall be elected by the council from among the faculty members on the council.

D. Quorum, voting, and bylaws. A quorum shall consist of a majority of the voting members. Within the framework of these policies, the athletic council is authorized to establish bylaws for its operations, including, but not limited to, regulations concerning the scheduling of regular and special meetings and policies insuring adequate notice of an agenda for meetings.

E. Functions. The athletic council shall recommend policies for approval to the chancellor on all matters relating to intercollegiate athletics. Minutes of the council shall be recorded by the secretary, and the chairman shall then submit them to the chancellor for his information and action. The chancellor shall keep the President fully informed in a timely manner in all matters pertaining to the athletic program.

More specifically, duties to be carried out by the council shall include, but not be limited to, the following activities:

1. Policy formulation.

a. Determining the scope of the athletic program.

b. Assuring that student athletes are provided adequate opportunity to successfully pursue their academic programs.

c. Advising the chancellor on the selection and employment of the athletic director; and, with the chancellor and athletic director, advising concerning the selection and employment of head coaches in various sports.

2. Review recommendations of the athletic director in relation to:

a. Intercollegiate schedules.

b. Awards and letters to athletes.

c. Athletic scholarships.

d. Developing, using, and operating athletic facilities.

3. Review the recommendations from the athletic director and faculty representatives of relationships with appropriate athletic organizations at the local, state, and national levels in the areas of:

a. Eligibility of student athletes.

b. Retention programs.

c. Counseling, advising, and tutoring programs.

4. Review financial affairs of the athletic department, and report relevant findings to the athletic department and chancellor.

1-3.2. The teacher education council.

A. There shall be established a teacher education council on campuses on which degree programs in teacher education are offered.

B. Membership. Membership of the council shall consist of representatives from all areas of the university which contribute to the teacher preparation program. It shall be the responsibility of the chancellor, in consultation with the chief academic officer, to determine the number, term, and manner of appointment of the membership. The dean of the college of education shall serve as *ex officio* member and secretary of the teacher education council.

C. Officers and terms of office. Officers of the council shall be a chairman, a vice-chairman, and a secretary. The council

shall elect its chairman and vice-chairman, who shall serve terms of two years.

D. Duties. The teacher education council shall acquaint itself with standards of accrediting agencies and the applicable statutes of Louisiana. It is the council's responsibility to formulate and propose University policy and procedures whereby there will be maintained a balance between professional preparation, general cultural attainment, and mastery of the subject content field in each curriculum in teacher education. All policies offered by the council are subject to the approval of the University administration and Board of Supervisors.

E. Meetings. The council shall meet at least once per semester at the call of the chairman of the council. Minutes shall be kept of all meetings and transmitted to the chief academic officer of the campus. Should the council fail to meet, such failure shall be called to the attention of the chief academic officer by the Secretary.

Section 1-4. Communications and reports. The official recommendations and communications of any member of the academic or nonacademic staff, or any organizational unit, shall be sent through channels to the appropriate officer. An administrative officer shall, when the matter requires it, promptly transmit any such recommendations or communications, with the officer's own comments and recommendations thereon, to the next higher officer, or to the appropriate committee or council. The originator of the initial recommendations or communications shall be promptly informed of the disposition of his submission and shall in reasonable time be advised as to the final outcome.

The faculty shall make its recommendations to the chief academic officer in regard to educational policies and to policies affecting faculty status and welfare, including such subjects as promotion, tenure, rank, leaves of absence, and salaries.

Chapter II. Personnel Actions:

Ranks, Promotion, Appointments, and Tenure

Section 2-1. Classification of Employees. Employees of the System are grouped as follows:

A. Nonstudent Employees.

1. Academic Employees.

a. Faculty. Full-time members of the instructional staff on the various campuses with the rank of instructor or above and equivalent ranks. Part-time members of the instructional staff as provided for above (Part III, Chapter I, Sections 1-2.4A and 1-2.5B).

b. Other academic. Professional personnel of the Cooperative Extension Service and other personnel with academic responsibilities not holding faculty rank.

2. Nonacademic Employees.

a. Unclassified.

1. Administrative officers and professional staff, and positions specifically exempted from the classified service under Article X of the Constitution of the State of Louisiana.

2. Other positions exempted from the classified service by special action of the State of Louisiana, Department of Civil Service.

b. Classified. All employees in positions covered by the provisions of the Civil Service System of the State of Louisiana.

B. Student employees.

1. Graduate assistants. Full-time graduate students who are employed part-time by the University for services supportive of the graduate education program.

2. Students. Those full-time undergraduate, graduate, and professional students who are employed on a part-time basis on the various campuses of the System and not classified as graduate assistants.

Section 2-2. Personnel actions for administrative officers. The President shall recommend all personnel actions for System administrative officers and chief administrative officers of the several campuses to the Board. The chief administrative officers of the various campuses shall recommend all personnel actions for administrative officers on their respective campuses through the President to the Board.

Section 2-3. Personnel actions for nonacademic staff. The President shall recommend to the Board, upon the recommendation of the chief administrative officer of a respective campus, personnel actions for nonacademic employees, except for employees in classified positions for which final authority is delegated to the President, who shall act in accordance with the regulations of the Civil Service System of the State of Louisiana. Personnel actions for System unclassified employees shall be recommended to the Board by the President.

Section 2-4. Terms of employment for nonacademic staff.

A. Classified personnel hold their positions according to the terms of their appointment under the provisions of the Civil Service System of Louisiana and the procedures of the University System.

B. Unclassified employees hold their positions at the pleasure of the Board. Termination of the appointment of an unclassified employee shall be preceded by written notice by the employee's immediate supervisor with the approval of the chief administrative officer of the campus and the President. Such termination is effective after a period of time equivalent in days to the usual payroll period of the employee. These provisions for termination do not preclude suspension or other disciplinary action. The employee shall have the right to appeal (Bylaws, Article IX, Section 2). Any termination of appointment shall be final when reported to and acted upon by the Board.

Section 2-5. Personnel actions for academic staff. In all personnel actions related to academic staff, the principle of academic freedom shall be recognized. (See Bylaws, Article VIII, Section 1).

All personnel actions relating to faculty and other members of the academic staff shall be initiated by the employee's immediate supervisor after consultation with the appropriate faculty including the concerned faculty member. Such actions shall be transmitted through channels to the President, and shall be subject to confirmation by the Board. The recommendation shall include a statement as to any lack of agreement on the part of any administrative officer. The concerned faculty member or faculty body shall have the right to appeal through an established grievance procedure.

Section 2-6. Academic ranks. The following academic ranks shall be recognized:

Instructional and Research Ranks—full-time	Instructional and Research Ranks—part-time
Professor, full-time	Professor, part-time
Associate Professor, full-time	Adjunct Professor, part-time Associate Professor, part-time
Assistant Professor, full-time	Adjunct Associate Professor, part-time Assistant Professor, part-time
Instructor, full-time	Adjunct Assistant Professor, part-time Instructor, part-time Adjunct Instructor, part-time Cooperating Teacher

The title of professor may be modified to indicate particular distinction as approved by the Board.

The title "adjunct" is used for persons employed from outside the Southern University System who participate and contribute to research or instructional activities domiciled on one of the campuses constituting the Southern University System.

The title "cooperating teacher" is used for persons employed in the public school system who work with student teachers from the College of Education.

The following ranks for the administrative and professional positions in the Cooperative Extension Service shall be recognized: director, specialist, associate specialist, assistant specialist, area agent, associate area agent, assistant area agent, county agent, associate county agent, assistant county agent, home economist, associate home economist, assistant home economist.

The Cooperative Extension Service at Southern University is an integral part of the Louisiana Cooperative Extension Service and operated by Memorandum of Agreement between Southern University and Louisiana State University to facilitate one extension service in the State of Louisiana.

Section 2-7. Promotion in academic rank shall be based on merit. Teaching excellence, personal professional growth and development, involvement in creative and research activities and services to the University and community are the recognized criteria employed in the evaluation of personnel for promotion. The President, with the assistance of the chancellors, shall appoint a system-wide committee to formulate system-wide procedures and criteria for promotion to be submitted to the President for recommendation to the Board.

Section 2-8. Appointments to academic staff.

A. Kinds of appointments.

1. Temporary. Any appointment that is for a specified limited period and does not lead to consideration for tenure is considered a temporary appointment. Substitute teachers for emergency situations or for teachers on leave, artists-in-residence, or persons from business or industry who teach a limited number of courses for a limited time are on temporary appointment.

2. Probationary. Probationary appointments are for a specified period of time—ordinarily for at least one academic year—as indicated on the contractual statement, subject to renewal. Such appointments ordinarily lead to consideration for tenure.

3. Tenured. Tenured appointments are for an indefinite period of time. Tenure, however, is not a guarantee of lifetime employment. It does assure that the employee will not be dismissed without adequate justification and without due process.

B. Termination of appointments.

1. Nonrenewal of a probationary appointment shall be given in writing to the faculty member in advance of the expiration of his appointment as follows:

a. Not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

c. At least twelve months before the expiration of an appointment after two or more years of service at the institution.

2. Termination of faculty employment may result from cause, financial exigency, discontinuance of a program or department of instruction, medical reasons, resignation, retirement, or contingent matters directly related to those enumerated.

a. Financial exigency. Termination of faculty appointment, either tenured or nontenured, may result from demonstrable bona fide financial exigency of the University.

b. Discontinuance of a program or department of instruction. Termination of faculty appointment, either tenured or nontenured, may result from the discontinuance of a program or department of instruction. The following standards and procedures will apply: (1) There shall be faculty participation in considering the possible formal discontinuance of a program or department of instruction. Such decision shall be based essentially upon educational consideration. (2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position.

c. Cause. Causes for discharge or termination of contract shall include those specified by law governing State university systems and conduct seriously prejudicial to the University; neglect of duty or failure to perform duties in a professional manner; incompetence or inability to perform duties effectively because of emotional, physical, or mental condition; failure to continue professional development; or conviction for a felony or unethical and immoral behavior.

d. With the assistance of the chancellors, the President shall appoint a system-wide committee to establish procedures to be used when termination of faculty appointments is being considered for cause, financial exigency, or discontinuance of a program or department of instruction.

These procedures shall include provisions whereby there will be faculty participation in determining whether financial exigency exists which might lead to termination of faculty appointments, the method of deciding which faculty positions are to be eliminated, and the method of review and appeal from the decision to terminate for financial exigency.

C. Summer appointments. The chancellor of each campus is responsible for the academic program for the summer session on his campus. Appointments to the faculty for the summer session will be made by the chancellor, on recommendations made by departmental chairmen through their respective deans and the Office for Academic Affairs, on the basis of teaching requirements of the summer program. Summer appointments must be approved by the President of the Southern University System and the Board of Supervisors.

Each department shall work out a plan for summer employment that is fair and equitable, taking into consideration the availability of funds, demand for courses, professional experience and qualifications of departmental faculty members. Such departmental plans shall be subject to the approval of the appropriate dean, the chief academic officer and the chancellor. Compensation for teaching a full load—nine credit hours or fifteen contact hours—during a summer session will normally be one-fourth of the nine-months salary unless otherwise approved by the Southern University Board of Supervisors. Compensation for teaching part-time shall be proportionally based on the credit hours or contact hours of the developed courses assigned.

Section 2-9. Tenure. The traditional protection afforded by tenure against unwarranted dismissal of teachers has validity. Tenure is not, nor should it be, a shield for mediocrity, incompetence, or academic irresponsibility. Tenure must be earned, not given.

The University subscribes to the principles of tenure for academic staff as set forth in the following statement of the American Association of University Professors:

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic sec-

urity to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

The following provisions for tenure, which are in accord with those adopted by the Board of Regents, shall be observed:

A. The Board of Supervisors has the ultimate responsibility for employing academic personnel and for awarding or denying tenure to academic personnel. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and employee before the appointment is consummated.

B. Indeterminate tenure shall be earned by full-time academic personnel with respect to academic rank only.

1. Administrators shall not earn tenure except in their capacity as members of the faculty.

2. Faculty members at the rank of instructor shall be on annual appointment and shall not be eligible for tenure.

3. Assistant professors, or the equivalent, shall be eligible for tenure after serving the established probationary period. (See C below.)

4. Faculty members promoted to the rank of associate professor, professor, or equivalent shall be awarded indeterminate tenure and shall be formally notified in writing within ninety days of Board action.

5. Faculty members initially employed at the rank of associate professor or equivalent shall serve a probationary period of three years.

6. Faculty members initially employed at the rank of professor or equivalent shall serve a probationary period of two years.

7. Faculty members appointed to the rank of professor or associate professor while being paid from a grant or contract for services may not be granted indeterminate tenure, but may be granted limited tenure, not exceeding the duration of the grant or contract.

C. Full-time academic personnel below the rank of associate professor or equivalent shall serve a probationary period not to exceed seven years of continuous service. For the purpose of computing continuous service during the maximum seven-year probationary period, service at all ranks shall be included. Leaves approved by the Board may be included in individual cases at the discretion of the Board.

1. At the end of the first year of continuous service, such faculty members shall be evaluated for the purpose of determining eligibility for tenure.

2. At the end of the sixth year, the results of each individual's evaluation shall be provided to that individual. In the event tenure is to be denied to an assistant professor, twelve months written notice of termination shall be given. In the event tenure is to be awarded, affected faculty members shall be informed in writing.

3. For the purpose of the probationary period, credit shall be given for prior service within the Southern University System; credit may be given for prior service at other institutions at the discretion of the Board.

4. Recommendations of those to be considered for tenure shall originate in the various academic departments, with tenured faculty and departmental chairmen initiating the recommendations. Final authority for granting or denying tenure shall rest with the Board.

D. Tenured faculty members shall retain their status until they retire, resign, or are terminated for cause or as a result of financial exigency.

E. The provisions of this policy shall not be retroactive, therefore:

1. All persons holding tenure on the effective date of this policy shall retain their tenure.

2. This policy shall in no way affect any rights acquired by any person employed by Southern University prior to the effective date of this policy.

F. Within ninety days of the effective date of this policy, each tenured faculty member in each affected institution shall be notified of his/her tenured status. Within the same time period, each nontenured faculty member shall be informed of his/her nontenured status and shall be informed of existing tenure policy affecting him/her.

Section 2-10. Grievance Procedure. The President of the Southern University System is charged with the responsibility of formulating policies and procedures for hearing grievances of members of the faculty and other University personnel. In carrying out this responsibility, he shall seek the assistance of the faculty as well as administrative officials and present his recommendations to the Board. The President, with the assistance of the Chancellors, shall appoint a system-wide committee to formulate system-wide grievance policies and procedures to be submitted to the President for recommendation to the Board.

Chapter III. Leaves of Absence

Section 3. Leaves of absence shall be granted to University personnel in accordance with provisions stated in executive orders, public laws, Civil Service regulations, and policies adopted by the Board. Leaves of absence shall be granted in the following categories: academic, annual, sick, civil, military, emergency, compensatory, and leave without pay. Procedures for obtaining leaves shall be devised by the President. The procedures shall be of such as to serve optimum benefits to the University, and shall be related to the availability of funds.

Section 3-1. Academic leave. Full-time academic employees at the rank of instructor (or equivalent) or above who have completed three or more consecutive years of service on the campus may petition for academic leave for study leading to the terminal degree or independent study and research, the object of which is to enable them to increase their professional efficiency and usefulness to the University. Adequate justification setting forth the plans for each academic leave shall be stated, and a report of the accomplishments under each leave granted shall be made promptly upon return from academic leave.

Persons employed on a twelve-month basis are eligible for twelve months leave with three-fourths (of yearly salary) pay or six months leave with three-eighths (of yearly salary) pay if such persons have completed six consecutive years of service. Persons who have completed three consecutive years of service are eligible for leave benefits at one-half of the rate granted otherwise.

Persons employed on a nine-month basis are eligible for nine-months leave with three-fourths (of nine-months salary) pay or one semester leave with three-eighths (of nine-months salary) pay, provided that such persons have completed six consecutive years of service. Persons who have completed three consecutive years of service are eligible for leave benefits at one-half of the rate granted otherwise.

The chancellor of each campus shall, after having received requests from the chief academic officer or other administrative heads, make recommendations for academic leave through the President to the Board.

Prior to the leave period, persons approved for leave shall be informed in writing of the status of their fringe benefits and the conditions of their leaves.

Section 3-2. Annual leave.

A. Annual leave is leave with pay granted to an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or for the transaction of personal affairs.

B. Annual leave shall be earned by full-time and part-time academic staff members and by unclassified employees who are on fiscal year appointments. The accumulation of annual leave days shall be in accordance with regulations or policies approved by the Board and by appropriate State statutes. The President shall issue a memorandum setting forth these provisions.

Classified personnel earn annual leave in accordance with State Civil Service regulations.

Section 3-3. Sick leave.

A. Sick leave is leave with pay granted an employee who is suffering with a disability which prevents his performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

B. Sick leave shall be granted each regular employee in accordance with policies approved by the Board, relevant State statutes or Civil Service regulations, whichever are applicable. Such regulations and policies shall be issued by memorandum from the President.

Section 3-4. Civil leave. An employee shall be granted leave with pay when required to serve jury duty or subpoenaed by any court.

Section 3-5. Military leave. An employee who is ordered to active duty with any branch of the armed forces, including the National Guard, for periods not to exceed fifteen working days in one calendar year is entitled to leave of absence from the University without loss of pay or other benefits, and when relieved from duty shall be restored to the position held when ordered to duty provided the position still exists. All days in excess of fifteen working days during a calendar year shall be leave without pay, unless covered by annual leave or compensatory leave.

Section 3-6. Emergency leave. In the event of emergency situations that require only temporary absence, the individual employee is responsible for notifying his immediate supervisor. Such absences may be necessitated by traffic accidents, sudden illness of the employee or someone in the immediate family, injury on the job, etc. Such leave shall be given without loss of pay, annual leave, or sick leave if it involves not more than one day's absence from duty. The President shall issue a memorandum setting forth detailed provisions of policy concerning emergency leaves. State Civil Service regulations shall apply for classified personnel.

Section 3-7. Compensatory leave. Compensatory leave is granted to classified employees only, who were required to work overtime and who are granted time off as compensation.

Section 3-8. Leave of absence without pay. An employee may be granted leave of absence without pay for good cause. Provisions of policy on leave without pay for academic personnel and administrative officers shall be set forth in a memorandum from the President. State Civil Service regulations shall apply in the case of any classified employee.

Section 3-9. Official leave and attendance records. The administration shall maintain official records of leaves of any kind taken by University personnel. Similarly, attendance records for unclassified employees shall be maintained. The President shall issue a memorandum of instructions to each campus administrative head for keeping such records.

Chapter IV

Insurance, Deferred Compensation, and Retirement

Section 4-1. Group insurance program. Employees of the Southern University System, including retirees, may participate in the State of Louisiana Employees Uniform Group Insurance Program in accordance with rules and regulations established for that program. The University will pay the appropriate employer portion of the cost of its employees who elect to participate in this program.

Section 4-2. Other group insurance or benefit programs. The Southern University System may make available to employees, through payroll deduction procedures or otherwise, other types of group coverage or benefit programs that are considered to be of particular interest and benefit to its employees. The inauguration of any such plan will be made only upon approval of the President, and no contribution will be made toward the cost of such additional programs without the approval of the Board.

Section 4-3. Deferred compensation. All employees of the Southern University System are eligible to participate in the Deferred Compensation Plan of the State of Louisiana. This plan, which is supervised by the State of Louisiana Deferred Compensation Commission, provides an opportunity for employees to defer payment of current Federal and State income taxes on a portion of income derived from the State.

Section 4-4. Retirement plans. All nonstudent regular employees of the Southern University System will be members of one of the following retirement plans, unless ineligible by provisions of the retirement system; however, no employee may be a member of more than one said retirement plans.

A. Teachers' Retirement System of Louisiana. Employees who are members of this system and who are required or permitted, under appropriate law and regulations of the system, to continue as members may do so.

B. Louisiana State Employees' Retirement System. Employees who are members of this system who are required or permitted, under appropriate law and regulations of the system, to continue as members may do so.

C. United States Civil Service Retirement System. Personnel of the Cooperative Extension Service who are required to become members of the United States Civil Service Retirement System shall be members of that system.

D. Old Age and Survivors Insurance (OASI) (Social Security). In specific cases, persons who are ineligible to participate in one of the three retirement plans mentioned above may contribute to and participate in OASI (Social Security).

Section 4-5. Conditions of retirement.

A. Eligibility for retirement shall be in accordance with the provisions of the respective retirement systems.

B. Retirement of nonacademic employees shall be compulsory at the attained age of sixty-five years, unless specified extension of employment is granted under appropriate State law, Southern University System policy, and policies of the Southern University Board of Supervisors. Any such extension will be given only when it is to the advantage of the Southern University System, and shall be on a year-to-year basis which in no instance shall extend beyond the attainment of age sixty-eight.

C. Retirement of academic employees shall be compulsory at the end of the year, academic or fiscal, in which the age of sixty-five is attained, provided, however, that extension may be granted on a year-to-year basis to the end of the academic or fiscal year, as appropriate, during which age sixty-eight is attained.

Section 4-6. Emeritus Titles. The title of professor emeritus shall be conferred upon all persons who upon retirement have attained the rank of professor and who have been in the service of the University System or a campus of the University System for at least ten years. The said title may also be conferred, upon recommendation of their peers, upon retired professors who have less than ten years of service, provided that they have made outstanding contributions to the University.

The title of professor emeritus entitles the holder to office space; secretarial services and research facilities, when available; use of the library; free passes to cultural and athletic events; free parking

privileges; and consideration for service on University advisory councils and committees.

Chapter V

Financial and Business Affairs

Section 5-1. Fiscal planning and budgeting. The annual operating budget is the principal instrument for planning and controlling the fiscal affairs of the Southern University System. It presents an estimate of the amounts and sources of available funds and specifies how the anticipated revenue will be allocated for expenditures by various components of the University in support of goals and objectives.

A. All budgets of the Southern University System must be balanced and prepared in accordance with the principles of prudent and responsible financial management.

B. The head of each System budgetary unit shall be responsible for preparation of the budget of each respective unit in accordance with rules and procedures of the State, Board policies, and the President's administrative guidelines.

C. General Fund and Capital Outlay budgets of each budgetary unit of the Southern University System must be submitted, for approval, to the Southern University Board of Supervisors, by the President of the System prior to being transmitted to any agency or entity of the State.

D. Following passage of the appropriation acts by the Legislature and approval by the Governor, the President shall submit a revised budgetary plan to the Board for approval, recommending those changes which are occasioned by legislative action.

After approval of such budgetary plan by the Board, a detailed budget shall be prepared in accordance therewith and distributed to the Board. The execution of the detailed budget shall be exercised by the President through the chancellor concerned.

E. Any request made to the Legislature, Interim Emergency Board or Division of Administration for funds relating to any anticipated deficit of any budgetary unit of the University or agency thereof must be submitted to the Southern University Board of Supervisors for approval.

The University may seek from the Legislature, the Division of Administration or any other State agency additional funds for any budgetary unit of the University System or any agency thereof upon proper notice of the Southern University Board of Supervisors, through its Chairman, provided however, that full and complete reports of the success or failure of the effort to obtain said funds together with the reasons therefor shall be communicated to the Board of Supervisors.

Section 5-2. Budget management and control. General policies for managing and controlling the budget shall be established by the President. All appropriations shall lapse at the end of the fiscal year, June 30, unless otherwise specifically provided for by State statutes.

In accordance with State regulations, a BA-7 is prepared as it becomes necessary to summarize all proposed budget adjustments, affecting all budgetary totals, increasing or decreasing expenditure authorizations by categories or reflecting changes in revenue. Upon the approval of the President, the BA-7 must subsequently be approved by the Southern University Board of Supervisors, the Board of Regents, Division of Administration and the Legislative Budget Committee.

Section 5-3. Fiscal reporting.

A. Reports showing the encumbrances, expenditures and available allotment balances of each budgetary unit of the System shall be provided to the Southern University Board of Supervisors on a monthly basis.

B. Reports showing the encumbrances, expenditures and available allotment balances of each department of the respective units of the System shall be provided to the Finance and

Business Affairs Committee of the Board of Supervisors on a monthly basis.

C. An annual financial report of the System shall be prepared following the close of each fiscal year, and copies shall be provided members of the Board of Supervisors, and shall become a part of the official record of the Board.

D. The Board of Supervisors shall be furnished reports of impending or probable major financial problems as they are foreseen or anticipated during the course of the fiscal year. The report shall identify the program and causes, and suggest corrective action or consequences.

Section 5-4. Internal auditing. The Internal Auditor shall conduct a continuous review of the business and financial accounts of the Southern University System and reliability of its records.

Section 5-5. External auditing.

A. The Board may from time to time cause to be made an independent audit of the financial transactions and accounts to the University System or of any unit therein.

For the performance of an independent audit, the Board shall employ auditors who have no financial interest in the activities of the University System and who are under no contract of employment or retainer with the University System or any department or division of the State government for purposes other than independent audit. At least one responsible member of the auditing firm or group selected shall be qualified to practice as a certified public accountant.

Upon completion of an independent audit, a complete and detailed report of the findings and recommendations of the auditors shall be printed by the Board and copies thereof transmitted to the Governor and the legislative auditor. The expense of the audit and report shall be borne by the University System out of appropriations.

Nothing herein contained shall be construed to eliminate the necessity of an audit required by law to be made by any public auditing agency.

B. The Chairman of the Board of Supervisors and the President of the Southern University System shall require or otherwise obtain an exit interview with the auditors conducting any and all audits involving the receipt and expenditure of State funds. Each member of the Board of Supervisors shall be notified of the date, time and place established for such exit interview.

The Board of Supervisors shall be notified of any anticipated difficulties which may manifest themselves in any final audit reports.

The final audit reports shall be submitted to the Board of Supervisors for information, consideration and action deemed appropriate by the Board.

Section 5-6. Fiscal operations.

A. Student fees charged by any unit of the System must be approved by the Board of Supervisors. Changes in fees must have the Board's approval prior to implementation.

B. The purchase of goods and services by the University shall be accomplished in accordance with the purchasing procedures, rules, and guidelines of the State. Centralized purchasing through the business office of the respective campuses must be adhered to.

C. In securing contracts for food services, construction and contracts for equipment not covered by State contracts, the following procedures shall be followed:

1. Notice of bids shall be advertised as provided by State regulations.

2. Members of the Board shall receive a copy of the notice as advertised.

3. Board members shall be invited to be present at the opening of bids and at the discussion of the bids or summary quotations of bids under consideration.

4. Notice of the date of bid openings and the discussion thereof as noted above shall be sent to Board members not less than five days prior to date of discussion of bid opening.

5. A summary noting the designated lowest responsible bidder shall be submitted to the Board for review and shall include the following:

- a. Cost figures of each bid.
- b. Comparison of quality of services where applicable.
- c. Indication of number of persons from whom bids were received.
- d. Evaluation of specifications.
- e. Other pertinent information used to determine the lowest responsible bidder.

D. Contracts for food services, construction, and contracts for equipment not covered by State contracts, shall be subject to the purchasing procedures and regulations of the State of Louisiana, and these procedures shall be executed by the proper University officials. However, once the lowest responsible bidder is designated, such designations with supporting documentation, shall be submitted to the Finance and Business Affairs Committee for its action. That committee shall report its findings to the Board for final action. Once approved by the Board, the Chairman shall so designate by affixing his signature to the contractual document.

E. All primary athletic contracts in the amount of five thousand dollars or above to which Southern University shall be a party shall have the approval of the principal officers involved and the President of the Southern University System and thereafter shall be submitted to the Board for final action; and if approved by the Board of Supervisors shall then be signed by the Chairman of the Board. Subsidiary contracts necessary to execute the obligations of the primary contracts shall be negotiated by and entered into by the proper University officials, complying with all applicable existing purchasing procedures and regulations of the State of Louisiana, promulgated by the Division of Administration, Office of Governor.

F. When competitive bids are obtained by the University for the purchase of goods or services, the bid documents must be kept available for convenient examination by the Board.

G. Travel allowances shall be in accordance with State regulations. When travel advances are provided, reports must be made by the recipients no later than fifteen days following the close of the month in which the trip was completed. The President shall issue a memorandum of travel regulations for the guidance of University personnel.

Section 5-7. Expenses of the Board of Supervisors. Each member of the Board shall be paid a per diem of fifty dollars for each day of actual attendance at meetings of the Board or of a committee appointed by the Board on which the member serves, or while on business for the Board assigned by it, plus travel and other expenses incurred in the performance of official duties. Reimbursement of travel and expenses shall be in conformity with regulations governing such expenses of State officials. The membership of each committee shall be shown on each committee notice.

Section 5-8. Entertainment and expenses of visitors and guests of the University System. Visitors and guests shall be reimbursed for costs of transportation only when such visitors and guests have rendered a definite service to the Southern University System.

Costs of entertainment of visitors and guests shall be drawn only from funds designated by the Southern University Board of Supervisors for such purposes.

Exception to this rule may be granted by the President or appropriate official designated by the President when entertainment and expenses are paid from restricted funds provided for such purposes.

Section 5-9. Custody and control of the Southern University System property. No one shall use for his or her own benefit or for any other personal purposes any Southern University System property of whatever description; and no one shall be permitted to remove from the buildings or grounds any property belonging to the Southern University System, unless approved by the President or appropriate official designated by the President.

Section 5-10. Use of Southern University System vehicles. All transportation equipment of the Southern University System shall be used only on official business and shall be operated only by employees of the Southern University System and others authorized by the President.

Section 5-11. Use of Southern University System facilities. The facilities and premises of the Southern University System are for use in accomplishing its educational objectives and programs. The Southern University Board of Supervisors shall establish general policy under which permission shall be granted for the use of System facilities by departments and divisions of the Southern University System, recognized campus groups, or nonuniversity affiliated organizations. The administrative head of each campus shall prepare and file with the Office of the Southern University Board of Supervisors such detailed procedures as deemed desirable and necessary for compliance with the established general policy.

Section 5-12. Sale of goods or services and operation of business enterprises. No department or agency of the Southern University System shall sell goods or services for cash or on account, other than those of a nature recurring for the activity, or operate a business enterprise without the approval of the President or appropriate official designated by the President.

Section 5-13. Auxiliary enterprises. Self-supporting auxiliary enterprises (designated as restricted funds accounts) shall be charged with the cost of all utilities, equipment, repairs, and alterations to buildings incident to their operations.

Section 5-14. Gifts and grants.

A. Gifts and grants from Federal, private, and State sources other than legislative appropriation can be obtained by the University administration for the purpose of supporting and creating academic, scholarship, research, and social service programs within the University System. These programs must be in keeping with the mission, purposes, and goals of the University.

B. The University administration shall establish guidelines and procedures for seeking funds, for their use and for their accounting in accordance with the laws and policies of the State of Louisiana and the granting agency.

C. Authority to accept or reject a grant proposal or the funds for same rest with the University administration.

D. The University administration shall notify the Board of Supervisors of the receipt of grant funds and shall submit an annual status report on grants within the System to the Board of Supervisors.

Section 5-15. Patents and copyrights.

A. General policy. The Southern University System expects and encourages its faculty and staff to engage in creative, scholarly activities as part of their duties. Some of these activities may lead to an invention or the production of material for which a patent or copyright may be obtained. In such cases, both the Southern University System and the employees may stand to gain prestige and financial benefits from the products of such activities.

B. Legal title to patents and copyrights. Inventions and materials for which a patent or a copyright can be obtained (resulting

from work carried on by, or under the direction of, Southern University System personnel, supported in whole or in part by funds under control of the System or involving System facilities) should be used and controlled to produce the greatest benefit to the System and the public. Accordingly, the Southern University System reserves the right to acquire and retain legal title to any such inventions or materials, and any employees responsible for such invention or copyrightable material shall, upon request of the Southern University System, assign all rights, title, and interest to the System.

The System respects the right of sponsors of research to the title of such inventions or right to copyright material if prescribed by law and explicitly stated in contractual agreements made with the System. If the Southern University System declines to pursue a patent or copyright application, it may release its rights to the inventor or author unless such release is not permitted by law or contractual agreement with a sponsor supporting the work that led to the invention or the product of other types of creative activity.

C. Royalties. Both the Southern University System and employees may obtain financial benefits from royalties which may be generated from patents and copyrights. In each such case, the amount of royalties to be paid to the System and to the particular employee will be outlined in a written agreement between the concerned parties.

Chapter VI. Organizations Affiliated with the University

Section 6-1. Relationship to the University System. Within the appraisal and judgment of the University, certain organizations and agencies are recognized as being so closely related to the program of the University, even though they are not under the management and direction of the University, that they are accorded privileges, including offices, laboratories, other facilities and services. However, an organization, group, agency or activity not under the direct control of the University shall not be accorded such privileges on the campus without receiving written permission from the chancellor or the System President.

Section 6-2. The Alumni Federation. The Alumni Federation is an autonomous organization of Southern University graduates and former students with headquarters at and housed in Southern University, Baton Rouge, but with chapters throughout the nation. The objectives of the Federation are: to encourage academic excellence; to stimulate a wholesome school spirit; to foster a spirit of cooperation and fellowship between the University and its graduates; and to promote the welfare of Southern University. The Federation augments the program of the University by maintaining records of Southern University graduates and former students, and actively soliciting support of, and interest in, the University. In support of this close affiliation, the University shall furnish the Alumni Federation with office and other appropriate space on the respective campuses, together with utilities and other services incident to the occupancy of such space, with special reference and accord to the Alumni House built by the Alumni on the Baton Rouge campus. The chief System officer for the Alumni Federation shall be the Alumni Director with offices on the Baton Rouge campus, who shall coordinate the alumni activities of all the various chapters. The membership of the Federation and of the various chapters shall be determined by the organizations on the respective campuses and each of the various chapters throughout the nation.

Section 6-3. The Southern University Foundation. The Southern University Foundation is incorporated as defined in Title 12, Sections 101-155 of the Louisiana Revised Statutes of 1950. Its purposes are to promote the educational and cultural welfare of Southern University, its faculty, students and facilities so as to provide broader educational advantages and opportunities, en-

courage faculty research and creative activities, and to aid students to continue their studies at the University; also to solicit and accept gifts, grants and bequests for the aforesaid purposes of the Foundation.

A nonprofit corporation, the Foundation has one hundred members, who are outstanding in the community, in professions, business, and industry. The authority and management of the Foundation are vested in a Board of Directors of twelve members, including four ex officio members: the President of the University System, the Academic Vice-President of the University System, and the Director of the Southern University Alumni Federation. The Foundation is a nonprofit eleemosynary corporation.

Section 6-4. Southern University-New Orleans Foundation. The Southern University in New Orleans Foundation, established in the Spring of 1976, is a nonprofit organization duly incorporated to do business in the State of Louisiana and the Parish of Orleans. This corporation is organized exclusively for charitable, religious, scientific, and educational purposes. Among the Foundation's objectives are: (1) to promote the educational and cultural welfare of Southern University in New Orleans, (2) to aid any student to continue his or her studies at the University, and to facilitate any line of work or research embraced at the University, and (3) to solicit and accept funds of all kinds for the purpose of providing funds for scholarship, research, and any other designated benefits for the University or its faculty.

Membership in this Foundation is divided into four classes: (a) members, (b) ex officio members, (c) founding members, and (d) life members. The management of the Foundation is vested in a Board of Directors of not less than seven nor more than twenty-one members of whom one-third shall be from the alumni, community, and University, respectively.

Chapter VII Repeal and Amendment to Regulations

Section 7-1. Repealing clause. Any and all resolutions, regulations, orders, directives, and rules adopted or enacted heretofore by the Board of Supervisors, and which are in conflict with any section of these Bylaws are hereby repealed.

Section 7-2. Amendment. Any and all sections of these regulations, except as they include regulations specifically enacted by the Louisiana Board of Regents and the Statutes of the State of Louisiana, may be amended by an affirmative vote of a majority of the members of the Board of Supervisors after recommendations by the appropriate committee of the Board, and the proposed amendment has been placed on the agenda, and has been communicated in writing to each member of the Board at least thirty days before the action of amendment is brought to vote.

Jesse N. Stone, Jr., Secretary
Board of Supervisors of Southern University

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy that will restrict payment for home health services to one visit per day per recipient.

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

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy to be utilized in assuring the provision of medically necessary nonemergency transportation to Title XIX recipients. This was adopted as an emergency rule effective October 1. The policy reads as follows:

I. Medically necessary nonemergency transportation: general. The term "medically necessary nonemergency transportation" means transportation provided to a Title XIX recipient to and/or from a Title XIX enrolled provider of medical service for a Title XIX covered medical service. The medically necessary nonemergency transportation program is intended to provide transportation when all other reasonable means of transportation have been explored and found to be unavailable (i.e., the client's friend, relatives, or other State or Federally supported providers). The provision of nonemergency medical transportation is available without cost to the recipient on a uniform basis throughout the state, upon the recipient notifying the appropriate staff member of the need and provided at least two days advance notice is given. The Louisiana Office of Family Security will notify all Title XIX recipients at the time of certification and on a yearly basis of the availability of transportation to and/or from medically necessary appointments.

II. Who is eligible. Payment may be made for medically necessary nonemergency transportation for persons eligible for Title XIX benefits. Eligible persons can be identified by the buff colored medical eligibility card they receive monthly.

III. What services are provided. Payment may be authorized for medically necessary nonemergency transportation by Title XIX funds subject to the following conditions:

A. Relationship with social services. The social services worker shall be responsible for the arrangement of medically necessary nonemergency transportation. Title XIX funds for medically necessary nonemergency transportation shall serve to supplement the recipient's preexisting transportation resources, rather than replace them. Therefore, the social service worker shall not attempt to use Title XIX funds unless:

1. The social service worker receives a request for assistance in securing transportation and explores with the recipient his/her own ability to locate a transportation resource. In exploring with the client his or her ability to locate a transportation resource, the worker should determine if the client has a friend, relative, or neighbor who can provide the transportation, or does the client have coverage under any type of insurance which would pay for transportation. The worker shall accept the client's statement as to his/her ability to locate transportation.

2. The social services worker, after determining the client does not have the resources available to provide his/her own transportation, assesses the available community resources. These resources may take the form of existing Title XX contractors, providers (public or private) who exist in the community who give transportation at no cost, or State employees driving their own vehicles or State vehicles.

Only after steps 1 and 2 have been taken shall the social service worker authorize Title XIX funds to provide medically necessary nonemergency transportation.

B. Relationship with Title XX funds.

1. In order to meet the requirement as outlined in III, A, 2, the worker shall explore the feasibility of using resources funded by Title XX. Before authorizing the use of Title XIX funds to provide medically necessary nonemergency transportation, the worker shall ensure that the use of a Title XX

funded resource is not feasible because of one or more of the following:

a. No Title XX provider exists in the area.

b. No Title XX provider exists in the area which serves the particular category of recipient who is requesting the transportation service.

c. All Title XX providers which exist in the area cannot provide transportation for whatever reason which is appropriate to meet the recipient's needs.

d. All Title XX providers existing in the area, which can provide appropriate transportation, are at maximum operating capacity under the funds allocated in their Title XX contract and are unable to meet a recipient's need.

2. A Title XX provider may be reimbursed for the provision of medically necessary nonemergency transportation with Title XIX funds when the conditions as outlined in III, B, 1, b, c, or d are met and the Title XX transportation provider participates in the Title XIX program. In assuring the conditions of III, B, 1, b, c, or d are met, the statement of the Title XX provider shall suffice, but under no circumstances are Title XIX funds to be used if a resource funded by Title XX is available and appropriate to meet the needs of the recipient.

C. Authorization of Title XIX funds. The social services worker shall, after exploring all other means of providing transportation, authorize Title XIX funds to ensure the provision of medically necessary nonemergency transportation to Title XIX eligibles. When attempting to use Title XIX funds the social services worker shall verify the client's current eligibility for Title XIX benefits. After verification of the client's eligibility, the worker shall follow the below listed procedures for use of Title XIX funds in all areas.

1. All areas.

a. The worker shall determine if the client seeks transportation to a currently participating Title XIX medical provider for a currently covered Title XIX service. If the medical provider is not currently participating in the Title XIX program or if the medical service is not currently covered by Title XIX, Title XIX funds may not be authorized to provide transportation. Local offices will be provided with a quarterly updated list of eligible Title XIX providers and Title XIX covered services. The eligible recipient shall be given transportation to a Title XIX provider of medical services of his/her choice who is generally available and used by other members of the community (i.e., the desired service is unavailable to the area in which the client lives; therefore, it may be necessary to provide transportation outside of the area).

Prior to pre-authorization to an ambulance service for medically necessary nonemergency transportation the worker must have a physician's oral or written certification that an ambulance is the medically necessary mode of transportation for the recipient

b. The worker shall issue to the eligible recipient a preauthorization form, which the client will use to obtain the needed transportation service.

IV. Conditions of participation and billing procedures.

A. Condition of participation. Payment will be made to providers of medically necessary nonemergency medical transportation who participate in the Medical Assistance Program. Local office staff shall refer all parties interested in becoming providers to the fiscal intermediary to apply for participation.

B. Billing procedures.

1. Prior authorization of services. All expenditures of Title XIX funds for medically necessary nonemergency medical transportation shall be authorized via the local office social service worker, prior to the provision of service. The proce-

cedure for prior authorization of service shall be the same procedure as outlined in III, A, 1 and 2 and III, C, 1.

2. Payment mechanism.

a. Procedure for submitting bills.

i. The provider receives a preauthorization form from a Title XIX recipient and provides the service.

ii. The provider of service submits the preauthorization form to the fiscal intermediary for reimbursement.

iii. The fiscal intermediary processes the payment forms and forwards reimbursement to the transportation provider in a timely manner.

b. Rate of reimbursement. Providers of services shall be reimbursed at the provider's usual rate for such services as established by the Office of Family Security, minus the amount which is covered by any third party coverage the client may have. In instances in which the provider of services has no usual rate for services, the reimbursement shall be based upon mileage travelled. The rate shall be the same rate as is paid State employees for the use of their personal vehicle for job oriented activities.

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

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

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy to be utilized in the sanctioning of providers of services in the Medical Assistance Program, after review by the Medical Assistance Program to insure the quality, quantity and need for services.

I. Introduction. Payments made by the Medical Assistance Program are subject to review by the Medical Assistance Program to insure the quality, quantity and need for services. Administrative sanctions may be imposed against any Title XIX provider who does not meet the guidelines as listed in the following section. Administrative sanction means any administrative action applied by the single State agency against a medical service provider which is designed to remedy inefficient and/or illegal practice which is in noncompliance with the Louisiana medical policies and procedures, statutes and regulations.

II. Levels of administrative sanctions. Listed below are the levels of administrative sanctions which the Medical Assistance Program may impose against a Title XIX provider of service.

A. Give warning through written notice or consultation.

B. Require education in program policies and billing procedures.

Each provider who has been sanctioned may be required by the Director, Medical Assistance Program or the Assistant Secretary, Office of Family Security, to participate in a provider education program as a condition of continued participation. Provider education programs will include a letter of warning or clarification of issues; instruction in claim form completion; instruction on the use and format of provider manuals; instruction on the use of procedure codes; review of key provisions of the Medicaid Program; instruction on reimbursement rates; and instructions on how to inquire about coding or billing problems.

C. Require prior authorization of services.

D. Place claims on manual review before payment is made.

1. Any provider of Medicaid services may be placed on prepayment review as an administrative sanction for misutilization of the Medicaid Program.

2. Prepayment review may be limited to those types of procedures for which misutilization has been detected or it may include one hundred percent review of the provider's submitted claims.

3. The Director, Medical Assistance Program, and/or the Assistant Secretary, Office of Family Security, has the authority to place a provider on prepayment review following a review of the facts of the case.

4. Length of time provider is on review and scope of the review shall be determined by the Director, Medical Assistance Program, and/or the Assistant Secretary, Office of Family Security.

5. Prepayment review shall be conducted by the fiscal intermediary or appropriate program staff under the supervision of the Medical Director, Medical Assistance Program, or an authorized representative. The fiscal intermediary, shall in no case place a provider on prepayment review without written authorization from the Director, Medical Assistance Program, and/or the Assistant Secretary, Office of Family Security.

During such review it shall be the responsibility of the reviewing authority to determine the medical necessity of the service billed or that the service conformed with State and Federal policies and regulations and to authorize denial or cutbacks on such claims which do not meet program regulations.

The fiscal intermediary shall keep a record by provider of the amount of money denied or cut back and the reason for denial or cutback as a result of prepayment review. This record shall be forwarded to the Director, Medical Assistance Program.

E. Suspend or withhold payments. The agency may withhold payments to any provider during the pendency of any administrative proceeding and/or hearing under these provisions except that if a final administrative decision has not been issued within one hundred eighty days of the initiation of such proceedings, unless delay has been caused by the provider, payments can no longer be withheld, provided, however, that the one hundred eighty-day limit may be extended if said extension is mutually agreed to by the agency and the provider. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding where the final administrative decision is to terminate eligibility to participate in the Medical Assistance Program.

F. Recover money improperly or erroneously paid or overpayments either by setoff crediting against future billings or by requiring direct payment.

G. Refer to the appropriate State licensing agency for investigation.

H. Refer for review by appropriate professional organizations.

I. Refer to the Office of the Attorney General for fraud investigation.

J. Suspend participation in the Medicaid Program.

The Assistant Secretary, Office of Family Security, Louisiana Department of Health and Human Resources, shall specify in his suspension order, the period of time of the suspension during which the provider shall not be eligible to participate in the program, except that the period of suspension must be at least as long as the Medicare suspension if such suspension was ordered by the Secretary, United States Department of Health, Education and Welfare pursuant to Public Law 95-142, Section 7. The Assistant Secretary may require the provider to correct any

deficiencies which served as the basis for the suspension as a condition of reinstatement.

III. Rules governing the imposition and extent of sanction.

A. Imposition of a sanction.

1. The decision as to the sanction to be imposed shall be at the discretion of the Director, Medical Assistance Program, or the Assistant Secretary, Office of Family Security, except as provided in subsection A3 below.

2. The following factors shall be considered in determining the sanction(s) to be imposed: seriousness of the offense(s); extent of violations; history of prior violations; prior imposition of sanctions; prior provision of provider education; provider willingness to obey program rules; whether a lesser sanction will be sufficient to remedy the problem; and actions taken or recommended by peer review groups or licensing boards.

3. In accordance with Federal law (Public Law 95-142, Section 7), a provider who has been convicted of criminal offenses related to his participation in either Medicare or Medicaid shall be automatically suspended from both programs.

B. Scope of sanction.

1. A sanction may be applied to all known affiliates of a provider, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The violation, failure, or inadequacy of performance may be imputed to a person with whom the provider is affiliated where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

2. Suspension from participation of any provider shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the agency or its fiscal agents for any services or supplies provided under the Medicaid Program except for those services or supplies provided prior to the suspension or termination.

3. No clinic, group, corporation, or other association which is a provider of services shall submit claims for payment to the agency or its fiscal agents for any services or supplies provided by a person within such organization who has been suspended or terminated from participation in the Medicaid Program except for those services or supplies provided prior to the suspension or termination.

4. When the provisions of subsection B3 above are violated by a provider of services which is a clinic, group, corporation, or other association, the agency may suspend or terminate such organization and/or any individual person within said organization who is responsible for such violation.

C. Notification of sanction.

1. A provider in the Medical Assistance Program can be granted due process through an administrative hearing when a sanction is invoked against him by the agency.

2. The agency shall notify a provider who has been sanctioned specifying the nature of and grounds for the sanction and the opportunity for an administrative hearing except that notification is discretionary when the sanctions involved are prepayment review or referral for an investigation or review.

IV. Grounds for sanctioning providers. The Louisiana Office of Family Security may impose sanctions against any provider of medical goods or services if the agency finds:

A. Such provider is not complying with the agency's policy or rules and regulations, or with the terms and conditions prescribed by the agency in its provider agreement and signed claim setting forth the terms and conditions applicable to the participation of each provider group in the program.

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

C. Such provider is not properly licensed or qualified, or such provider's professional license, certificate or other authorization has not been renewed or has been revoked, suspended, or otherwise terminated.

D. Such provider has engaged in a course of conduct or has performed an act for which official sanction has been applied by the licensing authority, professional peer group, or peer review board or organization or continuing such conduct following notification by the licensing or reviewing body that said conduct should cease.

E. Such provider has failed to correct deficiencies in his delivery of service after having received written notice of these deficiencies from the Department of Health and Human Resources.

F. Such provider has been excluded from participation in Medicare because of fraudulent or abusive practices pursuant to Public Law 95-142.

G. Such provider has been convicted of a criminal offense relating to performance of a provider agreement with the agency or of fraudulent billing practices or of negligent practice resulting in death or injury to the provider's patient.

H. Such provider has presented or has caused to be presented any false or fraudulent claim for services or merchandise or has submitted or has caused to be submitted false information for the purpose of obtaining greater compensation than to which the provider is legally entitled.

I. Such provider has engaged in a practice of charging and accepting payment (in whole or part) from recipients for services for which a charge was made to and payment was made by the agency.

J. Such provider has rebated or accepted a fee or portion of fee or charge for a patient referral.

K. Such provider has failed to repay or make arrangements for the repayment of identified overpayments or otherwise erroneous payments.

L. Such provider has failed to keep or make available for inspection, audit or copying, after receiving a written request from the agency, such records regarding payments claimed for providing services.

M. Such provider has failed to furnish any information requested by the agency regarding payments for providing goods or services.

N. Such provider has made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program.

O. Such provider has furnished goods or services to a recipient which are: (1) in excess of his or her needs, (2) harmful to the recipient, or (3) of grossly inferior quality, all of such determinations to be based upon competent medical judgment and evaluations.

P. The provider; a person with management responsibility for a provider; an officer or person owning, either directly or indirectly, five percent or more of the shares of stock or other evidences of ownership in a corporate provider; an owner of a sole proprietorship which is a provider; or a partner in a partnership which is a provider, either:

1. Was previously terminated from participation in the medical assistance program; or

2. Was a person with management responsibility for a previously terminated provider during the time of conduct which was the basis for that provider's termination from participation in the Medical Assistance Program; or

3. Was an officer, or person owning either directly or indirectly, five percent or more of the shares of stock or other

evidences of ownership in a previously terminated corporate provider during the time of conduct which was the basis for that provider's termination from participation in the Medical Assistance Program; or

4. Was an owner of a sole proprietorship or partner of a partnership which was previously terminated during the time of conduct which was the basis for that provider's termination from participation in the Medical Assistance Program.

Q. The provider; a person with management responsibility for a provider; an officer or person owning, either directly or indirectly, five percent or more of the shares of stock or other evidences of ownership in a corporate provider; an owner of a sole proprietorship which is a provider; or a partnership which is a provider; or a partner in a partnership which is a provider, either:

1. Has engaged in practices prohibited by Federal or State law or regulation; or

2. Was a person with management responsibility for a provider at the time that such provider engaged in practices prohibited by Federal or State law or regulation; or

3. Was an officer, or person owning, either directly or indirectly, five percent or more of the shares of stock or other evidences of ownership in a provider at the time such provider engaged in practices prohibited by Federal or State law or regulation; or

4. Was an owner of a sole proprietorship or partner of a partnership which was a provider at the time such provider engaged in practices prohibited by Federal or State law or regulation.

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

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy to be utilized in granting providers in the Medical Assistance Program, due process through an administrative hearing when a sanction is invoked against the provider by the agency. This policy is being adopted in accordance with R.S. 49:951 as amended by Act 284 of 1974.

The policy reads as follows.

I. Introduction: In accordance with R.S. 49:951 as amended by Act 284 of 1974, a provider in the Medical Assistance Program can be granted due process through an administrative hearing when a sanction is invoked against the provider by the agency.

The Office of Family Security provides notice to a provider and the opportunity for an administrative hearing whenever a provider of medical services has been sanctioned.

The Appeals Section of the Office of Family Security is delegated with the responsibility for this system of hearings.

II. Definitions.

A. "Provider" means an individual, firm, corporation, association or institution which is providing, or has been approved to provide medical assistance to a recipient pursuant to the Medical Assistance Program.

B. "Person" means any natural person, company, firm, association, corporation, or other legal entity.

C. "Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

D. "Fiscal agent" means an organization which processes and pays provider claims on behalf of the agency.

E. "Termination from participation" means a permanent exclusion from participation in the Medicaid Program.

F. "Suspension from participation" means an exclusion from participation for a specified period of time.

G. "Suspension of payments" means the withholding of all payments due a provider until the resolution of the matter in dispute between the provider and the agency.

H. "Withholding of payments" means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted bills for purposes of offsetting over-payments previously made to the provider.

I. "Closed-end provider agreement" means an agreement that is for a specific period of time not to exceed twelve months and that must be renewed in order for the provider to continue to participate in the Medicaid Program.

J. "Open-end provider agreement" means an agreement that has no specific termination date and continues in force as long as it is agreeable to both parties.

K. "Administrative sanction" means any administrative action applied by the single State agency against a medical service provider which is designed to remedy inefficient and/or illegal practice which is in noncompliance with the Louisiana Medical Policies and Procedures, statutes and regulations.

III. Notice of sanction and violations.

A. Notice of sanction: When a provider has been sanctioned, the agency shall notify as appropriate, the applicable professional society, board of registration or licensure, and Federal or State agencies of the findings made and the sanctions imposed.

B. Notice of violations: Should the agency have substantial information that indicates that a provider may have submitted bills for payment or received payment to which he may not be properly entitled, or has been practicing in a manner inconsistent with program regulations, the agency shall give appropriate notification to the provider of the discrepancies noted, except in such cases where the sanctions may involve further review or investigation. The notification shall set forth:

1. The nature of the discrepancies or violations;

2. Notification of further actions to be taken or sanctions to be imposed by the agency;

3. Notification of any actions required of the provider; and

4. Notification of the provider's right to an informal discussion and/or his right to an administrative hearing.

IV. Right to an informal discussion. Within fifteen calendar days of the agency's notice of violation, the provider may request an informal discussion. Such request must be made to the agency in writing. A meeting will be arranged within twenty days of such a request. The informal discussion is designed to provide an opportunity for the provider to informally review the situation; for the agency to offer alternatives based on corrections or clarifications, if any; and for the provider to evaluate the necessity for seeking an administrative hearing. During this informal discussion, the provider will be afforded the opportunity to talk with agency personnel involved in the situation, to review pertinent documents on which the alleged violation is based, to ask questions, to seek clarifications, and to provide additional information.

Following the informal discussion, the agency shall inform the provider in writing of the results which could range from cancelling, modifying, or upholding the action stated in the original violation notification. The provider has the right to request an administrative hearing within thirty days of the written notice of the results of the informal discussion.

V. Right to request administrative hearing. Within thirty calendar days after notice of the agency's notice of violation or the notice of results of informal discussion, the provider may request an administrative hearing. Such request must be in writing to the Appeals Section. The request must contain a statement and be

accompanied by supporting documents setting forth with particularity those asserted violations and discrepancies which the provider contends are in compliance with the agency's regulations and the reasons for such contentions.

Unless a timely and proper request is received by the Appeal's Section, the findings of the agency shall be considered a final and binding administrative determination.

A. Right to counsel: Any party may appear and be heard at any proceeding described herein through an attorney at law or through a designated representative. All persons appearing in proceedings before the Appeals Section shall conform to the standards of conduct practiced by attorneys before the courts of the state. If a person does not conform to those standards, the hearing officer may decline to permit the person to appear in the proceeding, or may exclude the person from the proceeding.

B. Appearance in representative capacity: A person appearing in a representative capacity shall file a written notice of appearance on behalf of a provider identifying himself by name, address, and telephone number, and identifying the party represented, and shall have a written authorization to appear on behalf of the provider. The Appeals Section shall notify the provider in writing of the name and telephone number of the agency's representatives.

C. Form of papers: All papers filed in any proceeding shall be typewritten. All papers shall be signed by the party or his authorized representative or attorney and shall contain his address and telephone number. At least an original and two copies of all papers shall be filed with the Appeals Section.

VI. Preliminary conference.

A. Upon receipt of a request for an administrative hearing, the Appeals Section may schedule a preliminary conference within twenty calendar days of receipt of such request. The purposes of the preliminary conference include but are not limited to the following:

1. Clarification, formulation and simplification of issues;
2. Resolution of matters in controversy;
3. Exchange of documents and information;
4. Review of any audit findings;
5. Reconsideration of any suspension or withholding of payments;
6. Stipulations of fact so as to avoid unnecessary introduction of evidence at the formal review;
7. The identification of witnesses; and
8. Such other matters as may aid disposition of the issues.

When the Appeals Section schedules a preliminary conference, it shall notify the provider in writing. The notice shall direct any parties and their attorneys to appear at a specified date, time, and place.

VII. Results of preliminary conference.

A. Where the preliminary conference resolves all or some matters in controversy, the agency shall send a written summary of the findings agreed to at the conference, the results of the conference and a statement of further actions required of the provider or to be initiated by the agency.

B. Where the preliminary conference does not resolve all matters in controversy, an administrative hearing shall be scheduled on those matters still in controversy. The hearing shall be scheduled within thirty calendar days following the completion of the preliminary conference, or at a time mutually convenient to all parties.

VIII. Notice of administrative hearing. When an administrative hearing is scheduled, the Appeals Section shall notify the provider and/or his attorney in writing of the date, time and place of the hearing. Notice shall be mailed not less than ten calendar days before the scheduled date of the hearing. The agency shall also include a summary of the results of the preliminary conference.

A. Conduct of hearing:

1. The hearing shall be conducted by a hearing officer who is authorized to conduct such hearings.

2. Testimony shall be taken only on oath, affirmation, or penalty of perjury.

3. Each party shall have the right to call and examine parties and witnesses, to introduce exhibits, to question opposing witnesses and parties on any matter relevant to the issue even though the matter was not covered in the direct examination, to impeach any witness regardless of which party first called him to testify, and to rebut the evidence against him.

4. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

5. The hearing officer may question any party or witness and may admit any relevant and material evidence.

6. The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties. Prior to taking evidence, the hearing officer shall explain the issues and the order in which evidence will be received.

7. A party has the burden of proving whatever facts it must establish to sustain its position except that a provider has the burden of proof to show that services were in fact rendered as billed.

8. The burden of producing evidence as to a particular fact is on the party against whom a finding on that fact would be required in the absence of further evidence.

B. Witnesses and subpoenas:

1. A party shall arrange for the presence of his witnesses at the hearing.

2. A subpoena to compel the attendance of a witness may be issued by the hearing officer upon written request by a party and a showing of the need therefor.

3. A subpoena may be issued by the hearing officer on his own motion.

4. An application for subpoena duces tecum for the production by a witness of books, papers, correspondence, memoranda, or other records shall be made by affidavit to the hearing officer, giving the name and address of the person or entity upon whom the subpoena is to be served. It shall describe the documents, papers, books, accounts, letters, photographs, objects, or tangible things not privileged that are desired to be produced and a showing of the materiality thereof to the issue involved in the proceeding. It shall also include a statement, that to the best of the applicant's knowledge, the witness has such items in his possession or under his control.

C. Amendments: At any time prior to the completion of the hearing, amendments may be allowed on just and reasonable terms to add any party who ought to have been joined, discontinued as to any party, change the allegations or defenses, or add new causes of action or defenses. Where the agency seeks to add a party or a cause of action or change an allegation, notice shall be given to the appropriate parties. Where a party other than the agency seeks to add a party or change a defense, notice shall be given pursuant to section 19-927 B. The hearing officer shall continue the hearing for such time as he deems appropriate, and notice of the new date shall be given pursuant to section 19-927.

D. Continuances or further hearings.

1. The hearing officer may continue a hearing to another time or place, or order a further hearing on his own motion or upon showing of good cause, at the request of any party.

2. Where the hearing officer determines that additional evidence is necessary for the proper determination of the case, he may at his discretion:

a. Continue the hearing to a later date and order the party to produce additional evidence; or

b. Close the hearing and hold the record open in order to permit the introduction of additional documentary evidence. Any evidence so submitted shall be made available to both parties and each party shall have the opportunity for rebuttal.

3. Written notice of the time and place of a continued or further hearing shall be given except that when a continuance or further hearing is ordered during a hearing, oral notice of the time and place of the hearing may be given to each party present at the hearing.

E. Record of hearing. A complete record of the proceedings shall be made. The testimony shall be transcribed and copies of other documentary evidence shall be reproduced when directed by the hearing officer. The record will also be transcribed and reproduced at the request of a party to the hearing provided he bears the cost of the copy of the transcript.

IX. Decision.

A. At the conclusion of the hearing, the hearing officer shall take the matter under submission and shall submit to the Secretary of the Department of Health and Human Resources a proposed decision.

B. The proposed decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and an order.

C. The Secretary of the agency may adopt the proposed decision or he may reject the proposed decision and have a decision prepared based upon the record, or he may remand the matter to the hearing officer to take additional evidence. In the latter case, the hearing officer thereafter shall submit to the Secretary a new proposed decision.

D. The decision shall be final upon adoption by the Secretary of the agency subject only to judicial review by the courts. Copies of the decision shall be mailed to the provider at his last known address and to any representative thereof.

X. Failure to appear.

A. If a provider fails to appear at a hearing, a decision may be issued by the Appeals Section dismissing the hearing. A copy of the decision shall be mailed to each party together with a statement of the provider's right to reopen the hearing.

B. Any dismissal may be rescinded if the provider makes application to the hearing officer in writing within ten calendar days after the mailing of the decision, showing good cause for his failure to appear at the hearing.

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

RULES

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

The Department of Health and Human Resources, Office of Family Security, has adopted permanent policy to provide adult denture services through the Louisiana Medical Assistance Program. This policy was adopted as an emergency rule, effective October 1, 1978.

The policy reads as follows:

I. Adult dentures. Only those services specified as allowable under the Adult Dental Program are reimbursable and then only under those conditions as described in Section V. In general, it provides for the construction of complete dentures and for the repair and relining of complete or partial dentures. Although the same services are available to Early and Periodic Screening, Diagnosis and Treatment (EPSDT) eligibles (under the age of twenty-one years) a different fee schedule as well as different program guidelines prevail for the adult program.

The provider will be paid his usual and customary fee or that contained in the Maximum Fee Schedule V-D, whichever is less.

The Office of Family Security's payment for covered services must be accepted as payment-in-full. Payment for those services which are not covered by the program, e.g., extractions, fillings, partial dentures, etc., may be made by the patient. This however, is a private matter between the patient and the dentist; the Office of Family Security assumes no responsibility for these financial transactions.

II. Providers authorized to participate. Providers are limited to those dentists which are duly licensed and authorized to practice dentistry in any of the United States. When a dental provider is enrolled in the Title XIX EPSDT Program, it is necessary for him to indicate his willingness to also participate in the Title XIX Adult Denture Program.

III. Who is eligible for adult dentures. Individuals twenty-one years of age and over who are identified in Part 19-105, Sections A and C are eligible for the Adult Denture Program.

Eligibility for dental services in the Title XIX Adult Denture Program requires that the Medicaid patient be referred by the Office of Human Development to the provider. The local office shall have a quarterly quota of denture referrals forwarded from State Office.

The recipient will be given the dental claim form at the referral source, the Office of Human Development. Following the verification of a recipient's eligibility for adult dentures, the worker explores with the individual(s) his/her reasons for seeking this dental treatment. If the responses indicate that he/she has no teeth and is seeking denture service, the referral (forms AD-1 and 392-106) is issued to the recipient's choice of providers. If the responses indicate that the client is seeking dental care other than the covered denture services, the worker shall briefly explain the limitations of the program and not complete a referral.

The service unit completes the first two short forms of the claim form for their referral purposes. The recipient will bring the four copies of Form 392-106 to the dental provider. This indicates that the patient has been referred by the service worker, Office of Human Development.

The Office of Family Security shall assure recipient eligibility for the denture screening service when it is rendered in the month of the referral. In situations where the screening is not completed in the referral month, it is incumbent on the provider to verify current eligibility by viewing medical eligibility card for the month of screening.

In those cases where a long range plan of treatment necessitates visits from one calendar month to the next, continuing eligibility must be verified by reviewing the patient's Medical I.D. Card for each month of treatment. Dental services can then be provided to the end of that calendar month.

IV. Prior authorization evaluation of adult dentures request. To establish a more effective control in the authorization of services, a second examination of certain patients by regional dental consultants may be performed prior to preauthorization to ascertain if the requested services are within the scope of benefits of the program. Some patients will be selected randomly for this review while others will be selected when a question arises in the preauthorization determination.

The treating dentist, as well as the patient, will be notified if the patient is designated for a screening prior to authorization. The screening will be done in the office of a regional consultant dentist. This regional consultant dentist will be appointed by the Office of Family Security upon recommendation of the professional dental societies.

The final preauthorization determination will be made by the in-house dental staff of the Office of Family Security based on the findings and recommendations of the regional consultant dentist.

V. Dental services covered under adult denture program.

A. Examination. When the recipient is initially seen by the denture provider, the dentist should first make a visual confirmation that the criteria established by the program are met. In situations where the client does not meet the criteria, the provider should proceed no further. It is the responsibility of the denture provider to explain to the patient the reason(s) why he/she does not qualify for the program. The denture provider bills the Medical Assistance Program as per guidelines of the Adult Denture Program on Form 392-106.

If the recipient's oral condition meets the criteria established for adult denture service eligibility, the denture provider should proceed with the full prosthetic evaluation. Upon completion of the examination, the results and proposed treatment plan are forwarded on Form 392-106 to the Dental Department, Office of Family Security, P. O. Box 44065, Baton Rouge, Louisiana 70804 for preauthorization review. Approval or disapproval of the proposed treatment plan shall be made by the In-House Dental Staff of the Office of Family Security. (In situations where a second examination is required, the procedure outlined in Section 19-505 shall be followed.) The form containing the prior authorization request will be returned to the provider advising that the treatment has been approved, modified or denied.

In cases where a denture repair is all that is required, the service is handled as an emergency visit. No prior authorization is required and no examination fee will be paid. The service is billed on Form 392-106.

B. Complete dentures. Prior authorization is required for all complete dentures. Authorization is obtained by submitting a treatment plan on Form 392-106. All missing teeth must be indicated and the request must be accompanied by Form 550 (certification of need for denture). A minimum of five mounted periapical x-rays of the edentulous arch showing there are no retained roots or impacted teeth and two periapical x-rays of the opposing arch, if the dentition is present, to show that the denture will have balance, must accompany a treatment request. Prior authorization requests are to be submitted to Dental Department, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Complete dentures will be authorized only in those instances in which the patient has a totally edentulous arch. If there are teeth to be extracted, the request for denture should not be initiated until all extractions have been completed and the tissues have healed sufficiently enough to support a denture without necessitating a reline for at least a year. Immediate dentures are not a benefit of the program. A denture will not be authorized if there are insufficient teeth in the opposing arch to provide occlusal balance. This balance can be supplied by either a prosthetic appliance or natural dentition that provides at least four or more posterior teeth being distributed at least two to each side of the arch. The balancing occlusion must be judged to be able to provide adequate balance for at least five years. Only one denture is allowed in a five year period.

Minimum standards for construction of complete denture prostheses.

1. Visual diagnostic examination—Long-standing edentulous patients should be carefully evaluated to determine if

the patient is emotionally and/or physically able to adapt to the utilization of dentures and to determine if the patient actually wants the dentures (many times their requests for services are made at the urging of relatives or friends for strictly cosmetic purposes). The patient's oral cavity should be examined for abnormalities such as tori, neoplasms, anatomical anomalies, systemic manifestations present in the mouth, etc.

2. Radiographic examination—To determine whether retained roots on erupted teeth, foreign bodies or diseases are present. A minimum of five periapical x-rays of the edentulous arch and two of the opposing arch, if dentition is present, must be submitted with preauthorization requests.

3. Preliminary impressions—Make first impression of both upper and lower jaws.

4. Stone models—Make upper and lower jaw models from the impressions.

5. Special trays—Construct special contoured container to hold final impression material in a specific recipient's mouth.

6. Final impression—Make final impressions for the construction of denture.

7. Working models—Make final models for fabrication of dentures.

8. Base plates—Adapt and construct bite blocks on model.

9. Centric relations of jaws—Take preliminary working relationship of upper and lower jaws.

10. Mounting models for articulation—Attach stone models to hinge device to duplicate movements of recipient's mouth.

11. Set up of teeth—Set teeth in proper alignment on models of the jaws mounted on articulator by provider or according to prescription of provider by laboratory.

12. Try in of set up—Set up teeth in wax for trial in recipient's mouth.

13. Processing of dentures—Process and polish set up in dental office or laboratory under heat and pressure. Pour technique is acceptable.

14. Delivery of denture—Fit and adjust denture for comfort, function and esthetics.

15. Adjustments—Provide all necessary adjustments for a period of six months in order to make the appliance functional and comfortable.

16. All material must meet American Dental Association specifications.

C. Denture reline. Complete and partial denture relines are allowable only if one year has elapsed since the denture was constructed or last relined. Only one reline is allowed in a five-year period. Reline of existing dentures must be given priority over the construction of new dentures, if it is judged that the existing dentures are serviceable for at least five years. Chairside relines (cold cure acrylics) are not reimbursable.

Prior authorization is required for all denture relines and is obtained by submitting the request on Form 392-106, indicating which denture is to be relined. Submit all requests to the Dental Department, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Minimum standards of procedure for reline.

1. All tissue bearing areas of the denture or saddle must be properly relieved to allow for the reline material.

2. Occlusal vertical dimension and centric relationship must be retained or established if lost.

3. Relines must be flaked and processed under heat and pressure in a commercial or office laboratory.

4. Relines must be finished in a workmanlike manner, must be clean, and must exhibit a high gloss void of scratches, abrasions, and rough spots.

D. Denture repairs. Repairs of complete and partial dentures are allowable and do not require preauthorization provided the repair makes the denture fully serviceable and eliminates the need for a new denture unit. A repair is allowable in conjunction with the reline for the same recipient as long as this makes the denture fully serviceable. However, if these services are submitted on the same claim, prior authorization is necessary since relines need prior authorization. Claims for denture repairs are to be submitted on Form 392-106 to the Dental Department, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. The nature of the service must be fully described on the

claim form. This includes the type of fracture and/or the identity of the teeth replaced or added to the denture unit.

Minimum standards of procedure for repair service.

1. Repairs must be processed in a commercial or office dental laboratory.

2. Repairs must make the denture fully serviceable, retaining actual vertical dimension and centric relation.

3. The denture must be finished in a workmanlike manner, must be clean and must exhibit a high gloss polish without scratches, abrasions or rough spots.

VI. Adult Denture Program maximum fee schedule.

Procedure Numbers	Procedures	Maximum Fee	The Following Codes Will be Used for Describing Procedures
Examinations			
0110	Initial examination including x-rays (Not Allowable in Conjunction with Repairs)	\$ 30.00	Exam.
9430	Consultant evaluation examination (Not Allowed in Conjunction with Repairs)	12.00	Eval. Exam.
Dentures			
05110	Complete upper denture	175.00	CUD
05111	Initial Impression	50.00	
05112	Final Impression	50.00	
05113	Try-In and Delivery	50.00	
05120	Complete lower denture	175.00	CLD
Relines			
05750	Reline complete upper denture	70.00	Reline CUD
05751	Reline complete lower denture	70.00	Reline CLD
05760	Reline upper partial denture	70.00	Reline UP
05761	Reline lower partial denture	70.00	Reline LP
Repairs			
05610	Repair broken complete upper denture	30.00	Repair CUD
05611	Repair broken complete lower denture	30.00	Repair CLD
05612	Repair broken upper partial denture	30.00	Repair UP
05613	Repair broken lower partial denture	30.00	Repair LP
05641	Replace tooth on denture, no other repairs	26.00	Replace tooth (CUD/CLD/UP/LP)
05642	Replace 2nd tooth . . .	30.00	Replace 2 teeth
05643	Replace 3rd tooth . . .	34.00	Replace 3 teeth
05644	Replace 4th tooth (maximum) . . .	38.00	Replace 4 teeth
05621	Replace tooth on denture in combination with procedures 05610, 05611, 05612, 05613, 05680, and 05681	5.00	Replace tooth (CUD/CLD/UP/LP)
05622	Replace 2nd tooth . . .	9.00	Replace 2 teeth
05623	Replace 3rd tooth . . .	13.00	Replace 3 teeth
05624	Replace 4th tooth (maximum) . . .	17.00	Replace 4 teeth
05680	Replace clasp on denture with cast clasp welded to frame	60.00	Weld clasp (UP/LP)
05682	Replace clasp on denture with wrought wire clasp	45.00	Wire clasp (UP/LP)

VII. Interruption of adult denture treatment. In the event that a patient loses eligibility or discontinues treatment during the course of denture construction, partial payment will be made to the provider for that portion of the treatment which has been completed. For purposes of determining the amount to be paid to the provider under these circumstances, the construction process is divided into four stages: initial impression, final impression, try in, and delivery. The provider will be reimbursed one-fourth of the total denture fee

for each stage completed. If treatment is interrupted just prior to denture delivery, the entire fee will be paid upon submission of a laboratory bill indicating that denture processing had been completed.

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

RULES

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources (DHHR), Office of Human Development, has adopted rules and regulations to implement a program for subsidizing the adoption of children with special needs. Louisiana's adoption subsidy is provided for in Act 734 of the 1978 Regular Session of the Legislature.

The subsidized adoption program enables the DHHR to make payments to adoptive parents on behalf of a child who otherwise might not be adopted because of special needs or circumstances. Subsidy payments shall be limited to a child(ren) for whom adoption is indicated but placement through existing resources is unavailable because of the child's physical or mental condition, race, age, membership in a sibling group which should not be separated, or other serious impediments or special needs. The adoption subsidy applies only to a child for whom DHHR holds full and permanent custody prior to adoptive placement. The adoption laws of the State of Louisiana shall be adhered to and the granting of a subsidy shall not affect the legal status of the child nor the rights and responsibilities of the adoptive parents.

The prospective adoptive family must meet basic adoption eligibility requirements in all respects except for the ability to assume complete financial responsibility for the child's care. The prospective adoptive family must qualify with respect to income eligibility as the subsidy is based upon need.

The child may be subsidized for maintenance costs and special services up to age eighteen.

The maintenance subsidy includes basic living expenses such as board, room, clothing, spending money, and ordinary medical and dental costs. The maintenance supplement may be ongoing, but must be renewed on a yearly basis. The amount of payment shall not exceed eighty percent of the monthly expense of the particular child's foster care based on the monthly flat rate payments. Changes in the maintenance subsidy rate can occur once a year and the adjustment is made at the time of the annual reapplication only.

The special services subsidy is time limited and in some cases may be a one time payment. It is the special assistance given to handle an anticipated expense when no other family or community resource is available. If needed, it can be offered in addition to the maintenance subsidy. Special services subsidies include the following type needs:

1. Special medical costs for the child in connection with any physical or mental condition which existed prior to the date of the initial judgement of adoption.
2. Dental, psychiatric, or psychological expenses, special equipment, prosthetic devices, or speech therapy.
3. Other services determined to be necessary for the care, training and education of the child.
4. Legal and court costs of adoption under special circumstances.

Assessment must be made of the adopting family's medical insurance and of other public and voluntary community services to determine whether the costs of treatment and related costs can be covered in part or in whole by insurance and by other community services.

Reimbursement for special services will be limited to the usual and customary fee in the community where such services are rendered.

Before a child is certified by the Office of Human Development as eligible for a subsidy, resources for adoptive placement without such benefits must be explored by the adoption worker. This will include recruitment of adoptive parents, registrations for a reason-

able period on state, regional, and/or national adoption resource exchanges, and referral to appropriate specialized adoption agencies.

The Office of Human Development, Adoption Services Program, will determine the appropriateness of subsidy benefits, the type of subsidy, and the level of the subsidy. An agreement form between the Office of Human Development and the prospective adoptive parents with clearly delineated terms must be signed at the same time as the signing of the adoptive placement agreement.

The income scale determining eligibility for the maintenance subsidy and special services subsidy shall be compiled by the DHHR, Office of Human Development. The scale is based on one hundred fifteen percent of Louisiana's median income for a family of four, adjusted for family size as published by the Department of Health, Education and Welfare in January of 1978. Figures in the column on the left refer to the number of family members, including the adoptive child(ren). Figures in the column on the right refer to family gross income. Persons living in the household who are not dependent on the adoptive family's income, even though related, are not counted. Families whose income falls below the figures in the right column may apply for subsidy.

Income Chart

Family Size	Ratio	Annual Income
2	.68	12,007
3	.84	14,832
4	1.00	17,657
5	1.16	20,482
6	1.32	23,307

For each additional family member above six, add \$530.00 to the family's gross annual income.

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

RULES

Department of Public Safety Office of State Fire Protection

Editor's Note: The following rule was adopted in 1976, but it was not submitted for promulgation until this month.)

In pursuit of the requirements of Louisiana Revised Statutes Title 40, Section 1575, it is hereby ordered that the storage of all flammable materials in all State buildings and all places of public assembly shall be made in fireproof containers, that all State buildings and places of public assembly shall be regularly policed to clean up and place in fireproof containers all flammable materials, and all places of storage shall be arranged and maintained in such a manner that exit from said places and access to said places for the purposes of fire fighting is not in any way impeded. Flammable material includes, but is not limited to, paper, cigarettes, food wrappings, cardboard containers for paper, and office supplies. Flammable materials for the purpose of this regulation would not include furniture, clerical implements, and machinery while said articles are in use, unless said articles are located so as to be in a position of storage as opposed to active use. Violation of this regulation itself could subject the violator to the maximum penalty of \$1,000 fine and/or one year in jail.

(Editor's Note: The following rules were adopted in 1977. They were not submitted for promulgation until this month.)

I. Regular Inspection of Prisons. All prisons in the State of Louisiana shall be inspected by the Office of State Fire Protection

at least semiannually. When violations of the State Fire Marshal's Act are discovered, the appropriate authority responsible for the maintenance of the prison in question shall be given thirty days for complying with the order of the Fire Marshal to remedy the violations in question. After thirty days have elapsed from the initial inspection, the prison in question shall be reinspected. If upon reinspection the deputy State Fire Marshal is satisfied that the responsible authority is making an effort to comply with the original order of correction, an additional thirty days may be granted said authority for complete compliance. After sixty days have elapsed from the initial inspection, if compliance with the original order of correction has not been met, the matter will be turned over to the legal department of the Office of State Fire Protection which shall be instructed to immediately file suit for mandatory injunction in the appropriate district court to obtain immediate compliance.

II. Basic Requirements for Prisons:

A. There shall be at least eighty square feet gross area per prisoner.

B. Each cell block shall provide at least forty-eight square feet per prisoner.

C. Any prisons in buildings over seventy-five feet in height shall meet the requirements of R.S. 40:1578.6.

D. Each prison shall have an approved fire alarm system with a pull box in the security watchroom.

E. There shall be at least one approved fire extinguisher every 2500 square feet within the prison which fire extinguisher(s) shall be placed in the security watchroom.

F. Every cell must be equipped with gang locks.

G. Emergency lighting must be provided by means of a second alternative power source, preferably a generator for which the plans and specifications have been approved by this office.

H. Two well separated means of egress shall be provided for every level in the prison.

I. All exit doors shall be equipped with locks that can be opened from either side.

J. In addition to the requirements set forth in Paragraphs A through I, all prisons must comply with all of the life and fire safety requirements set forth in the Fire Marshal's Act, the regulations promulgated by the Fire Marshal, and all applicable codes referenced therein.

* * * *

The State Fire Marshal will only accept and permit the use of insulation which conforms to the following standards:

1. Fiberglass insulation must be rated as having a flame spread of less than twenty-five and a smoke generation of no more than four hundred fifty.

2. Cellulose insulation must meet the requirements of Federal specifications HH-I-515C. Each such piece of insulation must be labeled, certifying that it meets this standard. Cellulose insulation must be approved by a nationally recognized testing laboratory with follow-up service such as Underwriters Laboratories, Factory Mutual, etc. and must contain certification by affidavit of the manufacturer, duly notarized, that the product meets the Federal specification HH-I-515C. For manufacturers who are not yet members of a nationally recognized testing laboratory with follow-up service, during the interim period of approval for any particular product, application for that approval or for that membership along with an affidavit certifying that the product meets HH-I-515C will be acceptable.

3. Only foam plastics which have a flame spread rating of twenty-five or less and a smoke density no greater than four hundred fifty when tested in accordance with American Society of Testing Materials (ASTM) E-84 may be used in any structure, watercraft, or movable constructed, repaired or remodeled in

Louisiana, unless preempted by applicable Federal regulations, and only if they meet the following specific requirements:

A. Foamed plastics used in or as a component of walls, partitions, ceilings, roofs, floors, crawl spaces or similar areas shall be:

(1) Encapsulated by a minimum of one inch thickness of masonry or concrete when installed in such a wall, floor or floor system, or

(2) Protected from the interior of the building by a thermal barrier of an approved material which will limit the temperature rise of the unexposed surface to not more than two hundred fifty degrees Fahrenheit after fifteen minutes of fire exposure complying with ASTM E-119 standard time-temperature curve when installed within the stud space or cavity or on the surface of conforming walls or ceilings or other surfaces. One-half inch gypsum wallboard or other material meeting these requirements is acceptable. Exterior encapsulation shall be provided as required by the application guidelines for the foam plastic material, except a fifteen minute thermal barrier or other ignition barrier approved under the specific equivalency provision, shall be employed at the exterior when the clear distance between adjacent, adjoining or abutting buildings or structures is less than five feet measured at right angles to each other. Thermal barriers shall be installed in a manner that they will remain in place for a minimum of fifteen minutes under the same test conditions.

(3) As an element of walls classified as fire resistive construction provided fire tests are conducted in accordance with ASTM E-119 and the protection from the interior of the building is at least the equivalent to an acceptable thermal barrier.

B. Foamed plastics used in or as a component of attics or similar areas shall:

(1) Be protected against ignition by one and one-half inch thick mineral fiber insulation, one-fourth inch plywood, hardboard, gypsum wall board, no. 20 gauge steel sheet metal or other effective material.

(2) Be installed in such a manner that foam plastics shall not be exposed in attic or crawl space except in areas where entry is made only for service of utilities.

(3) Have three inches of clearance maintained around and about all recessed ceiling light fixture enclosures, wiring compartments or ballasts (the fixture shall not be covered with insulation).

C. Foamed plastics used as insulation in or on nonbearing exterior walls or within nonbearing curtain wall panels shall:

(1) Not exceed six thousand BTU/Sq. Ft. of projected area or four inches in thickness.

(2) Have panel assembly structurally fastened to the building frame to prevent or prohibit failure in bond, as a result of temperatures which may be experienced in a building fire, from wind loads or other conditions.

(3) Be protected from the interior of the building by an effective fifteen minute minimum thermal barrier, or be covered by a thickness not less than .032 inch aluminum or 22 gauge galvanized sheet metal in buildings protected throughout by an approved system of automatic sprinklers.

D. Foamed plastics used as a component of a roof covering shall be:

(1) Part of a roof assembly that is listed by U.L. or Factory Mutual and covered with a Class A, B, or C roof covering.

(2) Protected from the interior of the building by an effective fifteen minute thermal barrier.

(3) Not limited for smoke density.

E. Structural foamed plastics used as interior trim, such as picture molds, chair rails, baseboard, handrails, door and win-

otherwise necessary unless specifically requested by the Commission staff.

7. The Secretary or Assistant Secretary of the Commission shall be responsible for presenting all matters to the Commission and will report all matters with a recommendation for approval, disapproval, deferral, or no recommendation.

8. A docket meeting among representatives of the Commission staff, the Legislative Auditor's office and the Attorney General's office will be held prior to each Commission meeting to review all matters on the agenda.

9. The following shall be furnished to the Commission staff in regard to the issuance of bonds or other evidences of debt:

A. A copy of the official statement when prepared.

B. A copy of the bid submitted by the bidder or bidders to whom the bonds were awarded and an amortization schedule when available.

10. All legal fees to be paid in connection with all applications shall be in accordance with the Attorney General's fee schedule and shall be subject to his approval. Each applicant shall state the amount of the attorney's fee or that said fee does not exceed said schedule, in order to comply with this rule.

11. The maximum financial advisor's fee and maximum underwriter's compensation on negotiated sales shall be approved by the Commission; provided, however, that, in the case of industrial revenue bonds, no Commission approval shall be required.

12. Approval of the Department of Commerce and Industry must be obtained for projects to be funded by industrial development bonds. If such approval is not obtained prior to submission of the application to the Commission, then any approval of the Commission will be made subject to the approval of the Department of Commerce and Industry.

13. The results of all elections which are authorized by the Commission shall be reported to the Commission by a representative of the applicant as soon as they are promulgated.

14. All advance refundings must be conducted strictly in compliance with all proposed federal regulations regarding arbitrage or any other matter relating thereto.

15. A line of credit is an authorization to a State agency to proceed with a project and draw from the State Treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the Commission shall be \$100,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold or lines of credit have been granted for all projects of higher priority as stated in the comprehensive capital budget adopted by the Legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the Commission shall deem an item to be an emergency matter.

Monies advanced on a line of credit for any project shall be spent only in accordance with the description in the bond authorization act authorizing bonds to be issued for that project.

Prior to the execution of any contract or agreement obligating the expenditure of monies received by any State department or agency or any other entity from line of credit funds, the Attorney General's office shall be requested to review such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds thereunder is for the purpose of furthering the applicable project adopted by the Legislature. If given, such prior approval by the Attorney General's office shall be in writing to the appropriate State department, agency, or other entity with a copy to be furnished to the State Bond Commission.

Should the Attorney General's office determine that the proposed expenditure of line of credit funds not be in order, no such funds may be used to pay obligations which may be incurred if

such contracts are executed after an adverse conclusion by the Attorney General's office.

All approvals of lines of credit shall be conditioned on compliance by the State department, agency, or other entity with the aforementioned procedure, and it shall be their duty to request approval from the Attorney General's office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit, and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the State Bond Commission to the Attorney General's office and the District Attorney's office.

16. Concerning the matter of ratings obtained from rating agencies for issuances of debt, the Commission has adopted the following policy:

A. The Commission staff will request of the rating agency in writing what information the rating agency requested the issuer to furnish, which has not been so furnished.

B. The Commission staff will ask that the rating agency inform the Commission when such rating agency requests information from an issuer by providing the Commission with a copy of the request.

C. The Commission staff will send a letter to the issuer from whom the rating agency has requested information, with a copy to the issuer's bond attorney, and will assist the issuer and the bond attorney in preparing responses to the rating agency.

D. Once a rating has been obtained, the issuer will put forth its best effort to furnish the requested information to the rating agency.

17. Meetings of the Commission shall be conducted in accordance with "Robert's Rules of Order."

18. The attached guidelines are provided in part for informational purposes but also set forth requirements for approval of applications submitted to the Commission. (*Editor's Note: See Exhibit B.*)

19. Commission rules regarding revenue bonds of State agencies and public trust bonds if the State is the beneficiary:

A. No State agency or public trust authority will begin planning a project without first notifying the Secretary of the Commission of the details of such plans.

B. The Secretary will either report the undertaking to the Commission or arrange for the principals involved to appear before the Commission for a preliminary presentation.

C. The Secretary of the Commission will be advised of all meetings as plans progress and will be furnished copies of all written documents in order that the staff of the Commission may participate in and/or be kept abreast of all developments.

D. At such time as the Secretary determines that the project will be undertaken and prior to any commitments by any of the parties involved, a preliminary presentation will be scheduled for Commission consideration. This presentation will consist of a complete report of progress to date and future plans. The Commission will either preliminarily authorize or disapprove proceedings with the project.

E. All third party contracts will be subject to review by the Secretary of the Commission and all contracts which directly relate to a determination which must be made by the Commission will be subject to review by the Commission.

F. Applications to the Commission to sell bonds on behalf of an agency or public trust authority will be made by certified resolution duly adopted by the issuing authority and will be accompanied by such documents as are necessary to justify the need and feasibility of the undertaking.

G. The following acts, documents and contracts shall either be approved by the Commission prior to consumation or entered into subject to the approval or ratification of the Commission (unless the authority for such approval or ratification is vested in the Chairman or Secretary of the Commission):

- (1) Appointment of bond counsel.
- (2) Appointment of special legal counsel.
- (3) Appointment of financial advisors.
- (4) Appointment of underwriters.
- (5) Appointment of trustee banks and paying agents banks.
- (6) Employment of firms to undertake feasibility studies.
- (7) Appointment of all other consultants not referred to in items (1) through (6) above.
- (8) Official statement.
- (9) Notice of sale.
- (10) Authorizing bond resolution.
- (11) Bond indenture.
- (12) Agreement to purchase bonds.
- (13) All other contracts that relate to the sale or security of the bonds, the disposition of bond proceeds, or the operation of the project or undertaking.

20. Those portions of the Debt Policy and Procedures Law, R.S. 39:1361-66, and the State Bond Commission Law, R.S. 39:1401-10, and any other law pertaining to the issuance of State general obligation bonds, are hereby declared to be the rules and procedures under which State general obligations bonds shall be authorized, issued, sold and the procedures therefrom applied.

21. All applications for special emergency elections, as allowed under the authority of R.S. 18:402, F, (6), shall first be reviewed by a special committee appointed by the Chairman of the State Bond Commission, to review applications for the granting of special emergency election dates. The following criteria shall be used by the Committee to determine whether an emergency situation exists:

A. An emergency shall be a sudden, unexpected occurrence or set of circumstances which is beyond the control of the governing authority of the parish, municipality, or parish or city school board.

B. The resolution of the emergency situation can be accomplished only with the approval of a special emergency election date.

C. A substantial loss, either financial or nonfinancial, to the public, or the foregoing of a substantial gain by the public, will occur.

A governing authority may request approval of an election date only or approval of both the date and the actual holding of the election. Should the governing authority request approval of an election date only, then it shall specify such date and request such approval in resolution form prior to review by the Committee. Should the governing authority request approval of both the date and the actual holding of the election, it shall submit the following in resolution form prior to review by the Committee:

A. The date of the proposed election (must be on a Saturday).

B. Declaration of an emergency by the governing authority of the parish, municipality, or parish or city school board.

C. Written reasons for requesting a special emergency election date.

D. Sufficient data for approval of a bond, tax, or other election at which a proposition or question is to be submitted to the voters.

E. Cost of the proposed emergency election.

After review, the committee will recommend to the State Bond Commission that the application for an emergency election date be either approved or disapproved.

22. It is the policy of the State Bond Commission that the interest rate be established and submitted with applications for budgetary or exceeds revenue loans, and for loans secured by the pledge of the avails of a special tax. Where such interest rate is above six percent, the applicant must apply for the loan at not less than two lending institutions and must have received replies from such institutions stating either the interest rate at which such institution will grant the loan, or that such institution will not grant the loan. Such replies must be submitted with the application to the State Bond Commission.

23. Procedure for adoption, amendment or repeal of rules of the State Bond Commission (as defined by R.S. 49:951(6)).

A. The State Bond Commission shall, prior to the adoption, amendment, or repeal of any rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred under provisions of Section 968 of Title 49.

At least eight working days prior to the meeting of the State Bond Commission at which a rule or rules are proposed to be adopted, amended, or repealed, notice of an intention to make an oral or written presentation shall be given to the Director or Assistant Director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers and mailing address of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

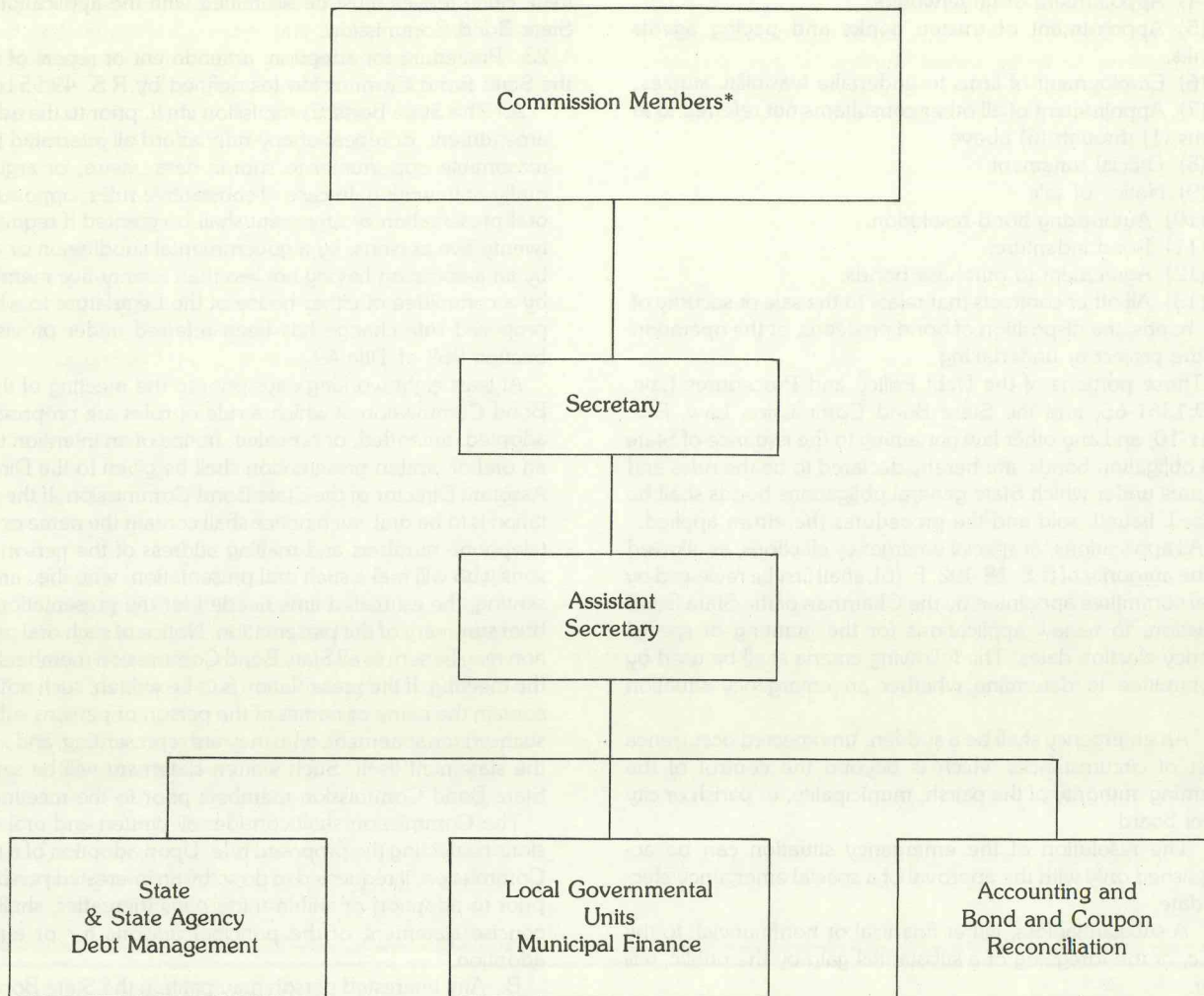
The Commission shall consider all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the Commission, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

B. Any interested person may petition the State Bond Commission requesting the adoption, amendment or repeal of a rule. Each request must state either the present rule to be amended along with proposed changes, or text of the proposed new rule to be presented to the State Bond Commission for adoption. Upon receipt by the Director, notice of such request, and such other information as he may deem appropriate, shall be sent to all State Bond Commission members. The person requesting the change or his representative shall be present at the State Bond Commission meeting to make a presentation and/or to answer any questions. Within ninety days after submission of a petition, the State Bond Commission shall either deny the petition in writing, stating reasons for denial, or will initiate rule-making proceedings.

Section III. The staff of the Commission is hereby further authorized and directed to file in the office of the Division of Administration and to make available to the Division of Administration for publication all necessary information and data, including that contained in this Resolution, and to take any and all additional action necessary to implement the provisions of the Act, as the Act applies to the Commission.

Section IV. This resolution shall take effect immediately upon promulgation.

EXHIBIT A Organizational Chart



*Commission Members are as follows: State Treasurer (Chairman), Governor, Lieutenant Governor, Secretary of State, Attorney General, President of the Senate, Speaker of the House, Chairman of the Senate Finance Committee, Chairman of the Senate Revenue and Fiscal Affairs Committee, Chairman of the House Committee on Appropriations, Chairman of the House Committee on Ways and Means, Commissioner of Administration.

EXHIBIT B

Police Juries — Taxes

A. General ad valorem tax. A parish may levy annually an ad valorem tax for general purposes not to exceed four mills of assessed valuation (Article VI, Section 26 (A), 1974 Constitution). Millage may be increased when approved by a majority of electors voting in an election held for that purpose in any parish. (Orleans Parish, seven mills; Jackson Parish, five mills.) Parish tax in municipalities except Orleans is limited to one-half of the tax levy for general purposes. The following information is required: A copy of the resolution adopted by the governing authority setting

forth¹ the millage to be levied, duration of tax, purpose, whether new tax or reinstatement of existing tax, millage currently being levied (if applicable), authority under which tax is being levied, and election date (if applicable).

B. Ad valorem tax (not for general purposes). The proposition shall state specific purpose and length of time tax is to be levied (Article VI, Section 26 (B), 1974 Constitution). The following information is required: A copy of the resolution adopted by the governing authority setting forth¹ the millage to be levied, duration of tax, purpose, whether new tax or reinstatement of existing tax, millage currently being levied (if applicable), authority under which tax is being levied, election date, and proposition.

C. Sales taxes (Article VI, Section 29(A), 1974 Constitution). The governing authority of local governmental subdivisions may levy a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors. The rate cannot exceed

three percent within any local governmental subdivision. The following information is required:² A copy of the resolution adopted by the governing authority setting forth¹ the percent tax to be levied, duration of tax, purpose, percent tax presently being levied within parish (local governmental subdivision), election date, and proposition.

D. Additional sales tax authorized (Article VI, Section 29 (B)). The Legislature may authorize additional sales taxes if approved by a majority of the electors. The following information is required: A copy of the resolution adopted by the governing authority setting forth¹ the percent tax to be levied, duration of tax, purpose, percent tax presently being levied within parish (local governmental subdivision), election date, proposition, and legal authority for increased percentage.

E. Special taxes (Article VI, Section 32 of 1974 Constitution and R. S. 39:801 et seq.). Political subdivisions may levy special taxes when authorized by a majority of electors for the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement. The following information is required: A copy of the resolution adopted by the governing authority setting forth¹ the amount of tax, duration, purpose, proposition, request for authority to hold election and to levy and collect tax if approved by electors, and election date.

F. Local or special assessments (Article VI, Section 36). The Legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing or improving works of public improvement. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of local or special assessments levied therefor and may be further secured by the pledge of the full faith and credit of the political subdivision. The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth:³
 - a. A list of the streets and property affected by the proposed work or improvement.
 - b. The ordinance, petition, or resolution authorizing public improvement and levying local or special assessment.
2. An engineering report, which shall set forth the total cost of the improvement, engineer's fees, attorney's fees, other expenses chargeable to the cost of improvement, total front footage affected, cost per front foot (with a description of the property affected).
3. Statement of benefit (benefit to each lot exceeds local or special assessment).
4. Copy of contract awarded for public improvements (if applicable) or certified statement of engineer.
5. When certificates of indebtedness are issued, the following information is required: (a) amount of certificates to be issued, (b) duration, (c) interest rate, and (d) security.

Police Juries—Loans

A. Budgetary (R. S. 39:745-747). Current expenses only as set up in budget. May anticipate regular revenues. Cannot borrow more than estimated income. The maximum interest rate for securities is eight percent (R. S. 39:1424). Maturity-no later than March 1 of the year following that in which loan is made (R. S. 39:747). The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.
2. A copy of the budget adopted by the governing authority for the current year.

B. Anticipation of avails of special taxes levied under Article VI, Section 32 of 1974 Constitution and R. S. 39:801, et seq. Tax must be authorized to be levied for the period of the loan. The

amount which can be borrowed is limited to seventy-five percent of the avails of the tax. Anticipation of taxes (R. S. 39:741-744). The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.

2. A certified statement of expected yield from the special tax levy according to last assessment roll of record.

C. Excess revenue certificates of indebtedness (R. S. 33:2921, et seq.). Provides for pledging excess of revenues (as shown by current budget) in an amount sufficient to pay annual debt service (principal and interest) on the loan. R. S. 33:2923 sets maximum interest rate at eight percent. The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth³ the amount of certificates, maturity, interest rate⁵, purpose, security (dedication of surplus or excess revenues accruing to the parish above statutory, necessary and usual charges for number of years over which certificates mature).

2. A copy of the budget adopted by the governing authority showing expected revenues and expenditures, and excess of revenues over statutory, necessary, and usual charges for current year.

D. Federal (Article VII, Section 17 and R. S. 39:821-841). Political subdivisions may borrow from any governmental agency of the United States or from other sources provided said loan is insured, endorsed or guaranteed by any governmental agency of the United States for any purpose. Political subdivision authorized to incur debt may issue bonds, notes, certificates of indebtedness (R. S. 39:822). Description of bonds, notes or certificates of indebtedness issued under R. S. 39:821-841 (R. S. 39:825). Interest rate limited to six percent (R. S. 39:826). No debt shall be incurred or bonds issued in excess of constitutional limitation and laws of the State, except where the President, or a designated authority, in his or its discretion, and under such terms as he or it may prescribe, may extend any of the benefits of any act of Congress to any political subdivision (R. S. 39:823). Where under any provision of the Constitution of Louisiana, any proposition to incur debt and issue bonds is required to be submitted to a vote of qualified electors, no debt shall be incurred and no bonds shall be issued, except as provided in R. S. 39:824. The information required is the same as for similar borrowings where the United States government or agency is not the lender, endorser, insurer, or guarantor.

Police Juries—Bonds

Article VI, Section 33, and R. S. 39:551 provides for incurring debt and issuing bonds by political subdivisions of the State. R. S. 39:552 states parish purposes for which debt may be incurred and bonds issued. Bonds are limited to forty years duration (R. S. 39:562). All bond issues secured by ad valorem taxes are limited to ten percent of assessed valuation, except school boards which have a twenty-five percent limitation and certain industrial bonds which are limited to twenty percent (R. S. 39:562).⁴ Parishes may assume the debt of districts wholly within said parish and of the portions of multi-parish districts within that parish, and refund bonds issued for the purpose of readjusting, refunding, extending, or unifying the whole or any part of any such assumed indebtedness which may be issued as authorized by law without being charged against the ten percent debt limit imposed by R. S. 39:562 (R. S. 39:562.1). The maximum interest rate on ad valorem bonds is eight percent (R. S. 39:1424). The following information is required:

- A. Ad valorem tax secured bonds (general obligation or G. O. bonds).

1. A statement of the assessed valuation according to the last assessment roll of record.

2. A statement of the outstanding ad valorem tax bonded indebtedness and the purpose for which debt was incurred.

3. A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security, proposition, request to Commission to authorize issuance, sale and delivery of bonds if election is carried, and election date.

4. A description of the project, including an estimate of the cost of the project and of the cost of issuing bonds.

B. Revenue bonds.

1. Revenue bonds where election held (Article VI, Section 37). Secured solely from revenue of utility (R. S. 33:4161-4262). Secured by mortgage and pledge of revenues from the utility (R. S. 33:4221-4230). Legislature by law may authorize political subdivisions to issue bonds or other debt obligations to construct, acquire, extend or improve any revenue-producing public utility or work of public improvement. The following information is required:

a. A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security (revenue pledged, property mortgaged, etc.), proposition, request to Commission to authorize issuance, sale and delivery of bonds if election is passed, and election date.

b. A description of the project, including an estimate of the cost of the project and the cost of issuing bonds.

c. A preliminary report of economic feasibility, including projection of revenues available to service bonds. Approval of the holding of the election only may be given where feasibility report is not received.

2. Revenue bonds which may be issued without election (Article VI, Section 37) (R. S. 39:1011-1024). Any political subdivision, except school boards, may issue bonds or other obligations to construct, acquire, extend, or improve any work or public improvement. Said bonds or other debt obligations may be secured by mortgage on the buildings, machinery, and equipment or by the pledge of the income and revenues derived or to be derived from the work of public improvement owned, leased, or operated by such political subdivision. Said bonds and other debt obligations shall not be a charge upon the other income and revenues of the political subdivision. Such bonds or other debt obligations shall be authorized by resolution of the political subdivision, and shall be limited to twenty-five years duration and at a rate not to exceed eight percent per annum. Said bonds and other debt obligations shall not be issued until a notice of intention is published and a public meeting is held on the issuance of bonds or incurring of debt. If, at this public meeting, a petition is presented with the names of five percent of the qualified voters of the political subdivisions objecting to the issuing of bonds or incurring of debt, then an election shall be required; otherwise, the bonds, after approval by the State Bond Commission, may be issued. The interest on the bonds or other evidence of indebtedness are tax-exempt (R. S. 39:1023). Said bonds are incontestable after thirty days (R. S. 39:1022). Bonds may be refunded (R. S. 39:1021). The following information is required:

(a) A copy of the notice of intent,

(b) Proof of publication of notice of intent,

(c) Minutes of public meeting,

(d) Election date (if applicable),

(e) A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security (revenue pledged, property mortgaged, etc.), proposition (if applicable), request to Commission to authorize is-

suance, sale and delivery of bonds or other instruments of indebtedness.

(f) A description of project, including an estimate of the cost of the project and of the cost of issuing bonds.

(g) A preliminary report of economic feasibility, including a projection of revenues available to service bonds. Approval of the holding of the election only may be given where feasibility report is not received.

C. Sales tax secured bonds (Article VI, Section 29(A) and R. S. 33:2724 and R. S. 39:698.1-698.13). The governing authority of the local governmental subdivision may levy a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors. The rate cannot exceed three percent within any local governmental subdivision.² Sales tax may be funded into bonds which are limited to seventy-five percent of the avails of the tax (R. S. 33:2724 and R. S. 39:698.4). The following information is required: a resolution of the governing authority to hold a special election to fund into bonds (may be submitted at same election that imposes sales tax or at a separate election held for that purpose) and setting forth¹ the amount to be funded, duration (including schedule of bond maturities), interest rate, purpose, security (sales tax revenue), proposition, and election date.

D. Funding general alimony tax into bonds (R. S. 39:1101. et seq.). Parishes are authorized to levy a tax of four mills without a vote of the people, to be used for current operating expenses. Municipalities may levy a seven mills "constitutional" or "general alimony" tax. Parishes may fund a portion of this tax into bonds for purposes stated in R. S. 39:1103. There are some exceptions. The following information is required:

1. A statement of the revenues for current year, statutory and ordinary charges for the current year, number of mills of general alimony tax required for statutory and ordinary charges, amount of residue (in mills or fractions thereof and dollar equivalent) available for funding into bonds.

2. A copy of the resolution adopted by the governing authority setting forth³ the amount of bonds, maturity, interest rate, purpose, and security (irrevocable pledge and dedication of so much of avails or residue of general alimony tax collected annually for duration of bonds).

Municipalities—Taxes

A. General ad valorem tax. A municipality may levy annually an ad valorem tax for general purposes not to exceed seven mills on the dollar of assessed valuation. However, if a municipality, by its charter or by law, is exempt from payment of parish taxes or, under legislative or constitutional authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of electors in an election held for that purpose. Article VI, Section 27(A). The following information is required: A copy of the resolution adopted by the governing authority setting forth¹ the millage to be levied, duration of tax, purpose, whether new tax or reinstatement of existing tax, millage currently being levied (if applicable), authority under which tax is being levied, and the election date and proposition (if applicable).

B. Municipal ad valorem tax (not for general purpose). The proposition shall state specific purpose and length of time tax is to be levied (Article VI, Section 27(B), 1974 Constitution). Article VI, Section 27, does not apply to New Orleans (Article VI, Section 27(c)). The following information is required: a copy of the resolution adopted by governing authority setting forth¹ the millage to be levied, duration of tax, purpose, whether new tax or reinstatement of existing tax, millage currently being levied (if applicable), authority under which tax is being levied, election date, and the proposition.

C. Sales taxes (Article VI, Section 29(A), 1974 Constitution). The governing authority of local governmental subdivision may levy a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors. The rate cannot exceed three percent within any local governmental subdivision. The following information is required:² a copy of the resolution adopted by the governing authority setting forth¹ the percent tax to be levied, duration of tax, purpose, percent sales taxes presently being levied within local governmental subdivision, election date, and the proposition.

D. Additional sales tax authorized (Article VI, Section 29(B)). The Legislature may authorize additional sales taxes if approved by a majority of the electors. The following information is required: a copy of the resolution adopted by the governing authority setting forth¹ the percent tax to be levied, duration of tax, purpose, percent tax presently being levied within local governmental subdivision, election date, proposition, and the legal authority.

E. Special taxes (Article VI, Section 32 of 1974 Constitution and R. S. 39:801 et seq.). Political subdivision may levy special taxes when authorized by a majority of electors for the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement. The following information is required: a copy of the resolution adopted by the governing authority setting forth¹ the amount of tax, duration, purpose, proposition, request for authority to hold election and to levy and collect tax if approved by electors, and the election date.

F. Local or special assessments (Article VI, Section 36). The Legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of local or special assessments levied therefor and may be further secured by the pledge of the full faith and credit of the political subdivision. The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth³ the list of streets and property affected by the proposed work or improvement, and the ordinance, petition or resolution authorizing the public improvement and levying, local or special assessment.
2. An engineering report which shall set forth the total cost of improvement, engineer's fees, attorney's fees, other expenses chargeable to cost of said improvement, total front foot affected, cost per front foot (with a description of the property affected).
3. A statement of benefit (benefit to each lot exceeds local or special assessment).
4. A copy of the contract awarded for public improvements (if applicable) or a certified statement of the engineer.
5. When funding into certificates of indebtedness, the following information is required: (a) the amount of certificates to be issued, (b) duration, (c) interest rate, and (d) security.

Municipalities—Loans

A. Budgetary (R. S. 39:745-747). Provides for anticipation of General Fund or budgetary revenues for current operations. May anticipate regular revenues. Cannot borrow more than estimated income. The maximum interest rate for securities is eight percent (R. S. 39:1424). Maturity-no later than March 1 of the year following that in which loan is made (R. S. 39:747). The following information is required:

1. A copy of the resolution adopted by the governing authority setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.

2. A copy of the budget adopted by the governing authority for the current year.

B. Anticipation of avails of special taxes levied under Article VI, Section 32 of 1974 Constitution and R. S. 39:801 et seq. Tax must be authorized to be levied for the period of the loan. The amount which can be borrowed is limited to seventy-five percent of the avails of the tax. Anticipation of taxes (R. S. 39:741-744). The following information is required:

1. A copy of resolution adopted by governing authority setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.
2. A certified statement of expected yield from the special tax levy according to the last assessment roll of record.

C. Excess revenue certificates of indebtedness (R. S. 33:2921, et seq.). Provides for pledging excess of revenues (as shown by current budget) in an amount sufficient to pay annual debt service (principal and interest) on the loan. R. S. 33:2923 sets maximum interest rate at eight percent. The following information is required:

1. A copy of resolution adopted by governing authority setting forth³ the amount of certificates, maturity, interest rate⁵, purpose, and security (dedication of surplus or excess revenues accruing to the municipality above statutory, necessary and usual charges for number of years over which certificates mature).
2. A copy of the budget adopted by the governing authority showing expected revenues and expenditures, and excess of revenues over statutory, necessary, and usual charges for current year.

D. Public emergency (R. S. 33:2924). A municipality may determine a public emergency and borrow an amount necessary to meet said emergency. The repayment of such sums shall be a fixed charge upon the revenues of the year next following the year in which the sum is borrowed. Interest is limited to eight percent (R. S. 39:1424). The following information is required:

1. A copy of the ordinance or resolution adopted by the governing authority setting forth³ the amount of loan, maturity, interest rate, purpose, and security.
2. The ordinance or resolution declaring an emergency (explain emergency).

E. Federal (Article 7, Section 17 of Constitution and R. S. 39:821-841). Political subdivisions may borrow from any governmental agency of the United States or from other sources provided said loan is insured, endorsed or guaranteed by any governmental agency of the United States for any purpose. Political subdivision authorized to incur debt may issue bonds, notes and certificates of indebtedness (R. S. 39:822). Description of bonds, notes or certificates of indebtedness issued under R. S. 39:821-841 (R. S. 39:825). Interest rate limited to six percent (R. S. 39:826). No debt shall be incurred or bonds issued in excess of constitutional limitation and laws of State, except where the President, or a designated authority, in his or its discretion, and under such terms as he or it may prescribe, may extend any of the benefits of any act of Congress to any political subdivision (R. S. 39:823). Where under any provision of the Constitution of Louisiana, any proposition to incur debt and issue bonds is required to be submitted to a vote of qualified electors, no debt shall be incurred and no bonds shall be issued, except as provided in R. S. 39:824. The information required is the same as for similar borrowings where the United States government or agency is not the lender, endorser, insurer, or guarantor.

Municipalities—Bonds

Article VI, Section 33, and R. S. 39:551, provides for incurring debt and issuing bonds by political subdivisions of the State. R. S. 39:553 states municipal purposes for which debt may be incurred and bonds issued. Bonds are limited to forty years duration (R. S. 39:562). All bond issues secured by ad valorem taxes are limited to

ten percent of assessed valuation, except school boards which have a twenty-five percent limitation, and industrial bonds which are limited to twenty percent (R. S. 39:562).⁴ The maximum interest rate on ad valorem bonds is eight percent R. S. 39:1424). The following information is required:

A. Ad valorem tax secured bonds (general obligation or G. O. bonds).

1. A statement of the assessed valuation according to the last assessment roll of record.

2. A statement of the outstanding ad valorem tax bonded indebtedness and the purpose for which debt was incurred.

3. A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security, proposition, request to Commission to authorize issuance, sale and delivery of bonds if election is carried, and the election date.

4. A description of the project, including an estimate of the cost of the project and of the cost of issuing bonds.

B. Revenue Bonds.

1. Revenue bonds where election is held (Article VI, Section 37). Secured solely from revenue of utility (R. S. 33:4161-4262). Secured by mortgage and pledge of revenues from the utility (R. S. 33:4221-4230). Legislature by law may authorize political subdivisions to issue bonds or other debt obligations to construct, acquire, extend or improve any revenue-producing public utility or work of public improvement. The following information is required:

a. A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security (revenue pledged, property mortgaged, etc.), proposition, request to the Commission to authorize issuance, sale and delivery of bonds if election is passed, and the election date.

b. A description of the project, including an estimate of the cost of the project and the cost of issuing bonds.

c. Preliminary report of economic feasibility, including projection of revenues available to service bonds. Approval of the holding of the election only may be given where feasibility report is not received.

2. Revenue bonds which may be issued without election (Article VI, Section 37 and R. S. 39:1011-1024). Any political subdivision, except school boards, may issue bonds or other obligations to construct, acquire, extend, or improve any work or public improvement. Said bonds or other debt obligations may be secured by mortgage on the buildings, machinery, and equipment or by the pledge of the income and revenues derived or to be derived from the work of public improvement owned, leased, or operated by such political subdivision. Said bonds and other debt obligations shall not be a charge upon the other income and revenues of the political subdivision. Such bonds or other debt obligations shall be authorized by resolution of the political subdivision, and shall be limited to twenty-five years duration and at a rate not to exceed eight percent per annum. Said bonds and other debt obligations shall not be issued until a notice of intention is published and a public meeting is held on the issuance of bonds or incurring of debt. If, at this public meeting, a petition is presented with the names of five percent of the qualified voters of the political subdivisions objecting to the issuing of bonds or incurring of debt, then an election shall be required; otherwise, the bonds, after approval by the State Bond Commission, may be issued. The interest on the bonds or other evidence of indebtedness are tax-exempt (R. S. 39:1023). Said bonds are incontestable after thirty days (R. S. 39:1022). Bonds may be refunded (R. S. 39:1021). The following information is required:

- a. A copy of the notice of intent.
- b. Proof of publication of the notice of intent.
- c. Minutes of the public meeting.
- d. Election date (if applicable).

e. A copy of the resolution adopted by the governing authority setting forth¹ the amount of issue, duration (including schedule of bond maturities), interest rate, purpose, security (revenue pledged, property mortgaged, etc.), proposition (if applicable), and the request to the Commission to authorize the issuance, sale and delivery of bonds or other instruments of indebtedness.

f. A description of the project, including an estimate of the cost of the project and the cost of issuing bonds.

g. A preliminary report of economic feasibility, including a projection of revenues available to service bonds. Approval of the holding of the election only may be given where feasibility report is not received.

C. Sales tax secured bonds (Article VI, Section 29(A) and R. S. 33:2724 and R. S. 39:698.1-698.13). The governing authority of a local governmental subdivision may levy a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors. The rate cannot exceed three percent within any local governmental subdivision.² Sales tax may be funded into bonds which are limited to seventy-five percent of the avails of the tax (R. S. 33:2724 and 39:698.4). The following information is required: the resolution of the governing authority to hold a special election to fund into bonds (may be submitted at same election that imposes sales tax or at a separate election held for that purpose) and setting forth¹ the amount to be funded, duration (including schedule of bond maturities), interest rate, purpose, security (sales tax revenue), proposition, and the election date.

D. Funding general alimony tax into bonds (R. S. 39:1101, et seq.). Municipalities authorized to levy a seven mills "constitutional" or "general alimony" tax. Municipalities may fund a portion of this tax into bonds for purposes stated in R. S. 39:1104. The following information is required:

1. A statement of the revenues for the current year, statutory and ordinary charges for current year, the number of mills of general alimony tax required for statutory and ordinary charges, and the amount of residue (in mills or fractions thereof and dollar equivalent) available for funding into bonds.

2. A copy of the resolution adopted by the governing authority setting forth the amount of bonds, maturity, interest rate, purpose, and security (irrevocable pledge and dedication of so much of avails or residue of general alimony tax collected annually for duration of bonds).

E. Refunding.

1. Utilities revenue refunding bonds (R. S. 33:4259)

2. Refunding improvement bonds (R. S. 33:4321-4324)

3. Refunding certificates of indebtedness to extend debt when sufficient revenues are not available in current year so as to reduce debt service requirements

4. Refunding bonds-issuing, purposes-R. S. 39:612.1, et seq.

School Boards—Taxes

A. Taxes levied under authority of Article VI, Section 32. Purpose of acquiring, constructing, improving, maintaining or operating any work of public improvement. Refers to the construction of capital improvements. Does not include such things as personnel salaries, office supplies or any other item not directly related to the construction or maintenance of a physical plant. No limits. See also, Attorney General Opinion No. 76-51, dated February 26, 1976. The following information is required:

1. Copy of the resolution adopted by the school board setting forth¹ the amount of tax, duration, purpose, request for authority to hold election (showing proposition to be submitted) and to levy and collect tax if approved by electors, and the election date.

2. Whether the tax is new or a reinstatement of an existing tax.
3. Millage currently being levied.
4. Authority under which the tax is being levied.

B. Taxes levied under authority of Article VIII, Section 13(c)(Third). Purpose of giving additional support to public elementary and secondary schools. Includes all authorized functions of the school boards, including capital improvements and maintenance thereof. Article VIII provisions can also be used for capital improvement or maintenance of capital improvement purposes if so desired. See also Attorney General Opinion No. 76-51, dated February 26, 1976. The following information is required:

1. A copy of the resolution adopted by the school board setting forth¹ the amount of tax, duration, purpose, request for authority to hold election (showing proposition to be submitted) and to levy and collect tax if approved by electors, and the election date.
2. Whether the tax is new or a reinstatement of an existing tax.
3. Millage currently being levied.
4. Authority under which the tax is being levied.

The gross millage rate of all taxes authorized under this part shall not exceed twenty mills in the aggregate at any one time, in addition to the annual five mills maintenance tax authorized to be levied without a vote of the people, and the annual thirteen mills maintenance tax authorized for the Orleans Parish School Board, for a period of ten years, (R.S. 39:811-815).

C. Sales taxes. A school board may levy a tax upon the sales at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the voters. The rate cannot exceed three percent within any local governmental subdivision² (Article VI, Section 29(A)). The following information is required:

1. A copy of the resolution adopted by the school board setting forth¹ the percent tax to be levied, duration of tax, purpose, proposition, and the election date.
2. The percent tax presently being levied within the parish (local governmental subdivision).
3. Whether a new tax or the reinstatement of an existing tax.
4. Funding sales tax into bonds (R.S. 33:2724, et seq. limited to seventy-five percent of the avails of the tax).

D. Additional sales tax authorized (Article VI, Section 29(B)). The Legislature may authorize additional sales taxes if approved by a majority of the electors. Specific statutory authority must be cited authorizing the levy of the additional sales taxes. The following information is required: a copy of the resolution adopted by the governing authority setting forth¹ the percent tax to be levied, duration of tax, purpose, percent tax presently being levied within parish (local governmental subdivision), election date, and the proposition.

School Boards—Loans

A. Budgetary (R.S. 17:88-89). After the budget has been prepared and adopted, school boards may anticipate revenue for current operation of schools. They may borrow up to one half of expected revenues for the fiscal year. Parishes of Caddo, East Baton Rouge, Jefferson and Orleans may borrow up to three-fourths because population exceeds 200,000. Permits a loan for one year, to be repaid by end of fiscal year (June 30). Maximum interest rate for securities—eight percent (R.S. 39:1424). The following information is required:

1. A copy of the resolution adopted by the school board setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.

2. A copy of the budget adopted by the school board for the current year.

B. Anticipation of avails of special taxes levied under Article VI, Section 32 or Article VII, Section 13 (C) Third. Tax must be authorized to be levied for the period of the loan. The amount which can be borrowed is limited to one hundred percent of the avails to construct or improve school houses (seventy-five percent limitation does not prevail). The following information is required:

1. A copy of the resolution adopted by the school board setting forth³ the amount of loan, maturity, interest rate⁵, purpose, and security.
2. A certified statement of the expected yield from the special tax levy according to the last rolls.

C. Excess revenue certificates of indebtedness (R.S. 33:2921, et seq.). Provides for pledging excess of revenues (as shown by current budget) in an amount sufficient to pay annual debt service (principal and interest) on the loan. R.S. 33:2923 sets the maximum interest rate at eight percent. The following information is required:

1. A copy of the resolution adopted by the school board setting forth³ the amount of certificates, maturity, interest rate⁵, purpose, and security (dedication of surplus or excess revenues accruing to the school board above statutory, necessary and usual charges for number of years over which certificates mature).
2. A copy of the budget adopted by the governing authority showing expected revenues and expenditures, and excess of revenues over statutory, necessary, and usual charges for current year.

School Boards—Bonds

Article VI, Section 33, R.S. 39:551 provides for incurring debt and issuing (G.O.) bonds by political subdivisions of the State. R.S. 39:552 states parish purposes for which debt may be incurred and bonds issued. Bonds are limited to forty years duration (R.S. 39:562). School board bond issues secured by ad valorem taxes are limited to twenty-five percent of assessed valuation (R.S. 39:562). The maximum interest rate on ad valorem bonds is eight percent (R.S. 39:1424).

A. Ad valorem tax secured bonds (general obligation or G.O. bonds).

1. A statement of the assessed valuation according to the last assessment roll of record.
2. A statement of the outstanding ad valorem tax bonded indebtedness and the purpose for which debt was incurred.
3. The resolution of the governing body applying for authority to hold an election and setting forth¹ the amount of issue, duration, including schedule of bond maturities, interest rate, purpose, security, proposition, request to the Commission to authorize issuance, sale and delivery of bonds if election is carried, and the election date.
4. A description of the project, including an estimate of the cost of the project and of the cost of issuing bonds.

B. Sales tax secured bonds (Article VI, Section 29(A), R.S. 33:2724 and R.S. 39:698.1-698.13). The governing authority of a school board may levy a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors. The rate cannot exceed three percent within any school board.² Sales tax may be funded into bonds which are limited to seventy-five percent of the avails of the tax (R.S. 33:2724 and 39:698.4). The following information is required: a resolution of the school board to hold a special election to fund into bonds (may be submitted at

such hearing a petition duly signed by not less the five percent of the electors of the beneficiary object to the issuance of the bonds or other debt obligations, then such bonds or other debt obligations shall not be issued until approved by a vote in a special election held for the purpose in the manner provided by R.S. 39:501-519.

A thirty-day incontestability clause is provided in R.S. 9:2347. Bonds or other obligations issued by the trust shall recite that they are issued under authority of R.S. 9:2341-2347. Said bonds will be sold by the State Bond Commission. Public trusts may be created either by will or by written instruments subscribed to by the settlor or settlors by authentic act or by act under private signature executed in the presence of two witnesses and duly acknowledged and shall be recorded in each parish wherein is situated any real estate, or any interest therein, belonging to said trust, as well as the parish wherein is located the trust property or wherein are conducted its principal operations. The following rules of the State Bond Commission (the "Commission") apply:

A. No public trust authority will begin planning a project without first notifying the Secretary of the Commission of the details of such plans.

B. The Secretary will either report the undertaking to the Commission or arrange for the principals involved to appear before the Commission for a preliminary presentation.

C. The Secretary of the Commission will be advised of all meetings as plans progress and will be furnished copies of all written documents in order that the staff of the Commission may participate in and/or be kept abreast of all developments.

D. At such time as the Secretary determines that the project will be undertaken and prior to any commitments by any of the parties involved, a preliminary presentation will be scheduled for Commission consideration. This presentation will consist of a complete report of progress to date and future plans. The Commission will either preliminarily authorize or disapprove proceedings with the project.

E. All third party contracts will be subject to the approval of the Secretary of the Commission and all contracts which directly relate to a determination which must be made by the Commission will be subject to the approval of the Commission.

F. Applications to the Commission to sell bonds on behalf of a public trust authority will be made by certified resolution duly adopted by the issuing authority and will be accompanied by such documents as are necessary to justify the need and feasibility of the undertaking.

G. The following acts, documents and contracts shall either be approved by the Commission prior to consumation, or entered into subject to the approval or ratification of the Commission (unless the authority for such approval or ratification is vested in the Chairman or Secretary of the Commission): appointment of bond counsel, appointment of special legal counsel, appointment of financial advisors, appointment of underwriters, appointment of trustee banks and paying agents banks, employment of firms to undertake feasibility studies, appointment of all other consultants not referred to in 1 through 6 above, official statement, notice of sale, authorizing bond resolution, bond indenture, agreement to purchase bond, and all other contracts that relate to the sale or security of the bonds, the disposition of bond proceeds, or the operation of the project or undertaking.

Other Local Governmental Units

I. In general. Subject to and not inconsistent with the Constitution of 1974, the Legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including but not limited to, the power

of taxation and the power to incur debt and issue bonds (Constitution of 1974, Article VI, Section 19). Special districts, boards, agencies, commissions and authorities which were created by the Legislature under prior constitutions as well as Article VI, Section 19 of the 1974 Constitution are governed by specific statutory authority. These statutory limitations govern concerning the incurring of debt and issuing of bonds. When an application is received from a special district, board, agency or commission, the applicant must point out the specific statutory authority which allows or authorizes the issuing of bonds, levying of a tax or incurring debt.

If a special district, board, agency, commission or authority is not legislatively created but rather created by a parish or municipality, then the incurring of debt or issuing of bonds may be required to gain approval from the governing authority which created said special district, board, agency, commission or authority. Article VI, Section 15 states that the governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency.

The requirements for approval of an application from either a legislatively created or municipal or parish created special district, board, agency, commission, or authority are generally the same as is required of the parishes and municipalities as has been set out previously herein, unless there exists specific statutory authority to the contrary.

The following are the general statutory authorities for certain special districts, boards, agencies, commissions, or authorities:

A. Airport Districts (R.S. 2:311-331): general authority—R.S. 2:326; incurring debt and issuing bonds—R.S. 2:327-328; authority to levy special tax—R.S. 2:329; creation, notice of intention—R.S. 2:313.

B. Bridge and Ferry Authorities (R.S. 48:1091): creation—R.S. 48:1092; general powers and purposes—R.S. 48:1093; issuance of bonds—R.S. 48:1094.

C. Drainage Districts.

1. Drainage and sub-drainage districts: general—R.S. 38:1481-1577 (Chapter 5, Part I, Title 38 of Revised Statutes); borrowing money and pledging revenues—R.S. 38:1521; special taxes—Article VI, Section 32 of 1974 Constitution; general obligation bonds—Article VI, Section 33 of 1974 Constitution; revenue bonds—Article VI, Section 37 of 1974 Constitution.

2. Consolidated gravity drainage districts—R.S. 38:1841-1869 (See R.S. 33:7701-08).

3. Gravity drainage districts and gravity sub-drainage districts—R.S. 38:1751-1802.

4. Excess revenue loans—R.S. 33:2922 (ten years).

D. Fire Protection Districts (R.S. 40:1491): creation—R.S. 40:1492; notice of creation—R.S. 40:1493; general powers and duties—R.S. 40:1499-1500; maintenance tax, submission to vote, additional tax—R.S. 40:1501.

E. Hospital Service Districts: general—R.S. 46:1051 (creation); loans (budgetary) —*Dresser v. Recreation and Parks Commission of East Baton Rouge Parish*; excess revenue loans—R.S. 33:2922 (ten years); special taxes, Article VI, Section 32 of 1974 Constitution; general obligation bonds—Article VI, Section 33 of 1974 Constitution; revenue bonds—Article VI, Section 37 of 1974 Constitution (R.S. 39:559.1), without election—Act 506 of 1976; districts comprising all or portions of two or more parishes—R.S. 46:1067.

F. Law Enforcement Districts (R.S. 33:9001-9008): creation—R.S. 33:9001; power to tax—R.S. 33:9001; mandatory rollback of ad valorem taxes by tax recipient bodies of the parish—R.S. 33:9005; authority to borrow (Act 689 of 1976).

G. Levee Districts (Article VI, Section 38 of the Constitution of 1974 and R.S. 38:281-1477):

1. Creation, division, consolidation, reorganization—Article VI, Section 38 of 1974 Constitution.

2. Taxes—district tax—for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for other incidental purposes, the governing authority may levy a tax of not more than five mill on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow. (Orleans Levee District excepted—may levee tax of not more than two and one half mills.) Article VI, Section 39. To increase this tax, must have election. Article VI, Section 39(B).

3. Funding taxes or other revenues into bonds or other evidences of indebtedness—Article VI, Section 40 of 1974 Constitution.

H. Prison Districts (R.S. 15:801-810): creation—R.S. 15:801; organization and powers—R.S. 15:803.

I. Recreation Districts (R.S. 33:4571-4573): budget loans—R.S. 33:4573-74; taxes—Article VI, Section 32 of 1974 Constitution; bond issues—Article VI, Section 33 (g.o.) and Section 37 (revenue), of the 1974 Constitution, and R.S. 33:4573; excess revenue loans—R.S. 33:2922.

J. Sewerage districts (R.S. 33:3881-4092): creation, districts outside municipalities—R.S. 33:3881; creation, municipalities—R.S. 33:3911; creation, municipalities under 1,000—R.S. 33:3951.

K. Waterworks Districts (R.S. 33:3811-3836): creation—R.S. 33:3811; powers of waterworks district—R.S. 33:3815; authority to issue bonds and levy taxes—R.S. 33:3822; local or special assessment—R.S. 33:3829.

General Information

1. Article VII, Section 8—State Bond Commission.

2. Louisiana Revised Statutes, Title 39, Sections 1361-1427, general laws on State debt.

3. Louisiana Revised Statutes, Title 39, Section 871, State control of local indebtedness.

4. Article VI, Section 22—Procedure for certain special elections (including elections not related to financing).

5. Louisiana Revised Statutes, Title 47, Section 1806, Penalties for violation, Section 264 (fees of attorneys must be approved by the Attorney General's office).

6. Louisiana Revised Statutes, Title 47, Section 1803, Bankruptcy-notice to State Bond Commission.

7. Louisiana Revised Statutes, Title 47, Section 1805 (Act 400, 1978 Regular Session)—Delinquent payments or fund transfers on outstanding indebtedness; notification to State Bond Commission.

8. Louisiana Revised Statutes, Title 39, Section 1401.31 (Act 578, 1978 Regular Session)—Agreements providing for outlay of funds for capital improvements or expenditure; State Bond Commission approval required; penalties.

9. Louisiana Revised Statutes, Title 39, Sections 1441-1443 (Act 381, 1978 Regular Session)—Defeasance of Securities of Public Entities.

10. Louisiana Revised Statutes, Title 47, Sections 1705 and 1987, (Act 1, 1978 Regular Session)—Closing date for assessment rolls.

11. Louisiana Revised Statutes, Title 18, Section 402 (F)—Bond, tax or other elections.

12. Article VI, Section 15—Local governmental subdivisions; control over agencies.

13. Article VI, Section 16—Special districts and local public agencies: (a) consolidation, and (b) assumption of debt.

14. Article VI, Section 19—Special districts.

15. Article VII, Section 1—Power to tax; public purpose.

16. Article VII, Section 26—Revenue Sharing Fund, (E) bonded debt-pledge as security, revenue sharing.

Footnotes

¹The resolution of the governing body must be certified by the appropriate official or officials as having been adopted, and must apply for authority to hold a special election. Either the resolution or certificate should show or state that a quorum of the governing body was present.

²The levy of a sales or use tax, when combined with the rate of all other sales and use taxes, exclusive of State sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent.

³The resolution of the governing body must be certified by the appropriate official or officials as having been adopted. Either the resolution or certificate should show or state that a quorum of the governing body was present.

⁴The computation for determining the assessed valuation for the purposes of issuing ad valorem bonds includes both homestead exempt property and nonexempt property.

⁵It is the policy of the State Bond Commission that the interest rate be established and submitted with application for budgetary or excess revenue loans and for loans secured by the pledge of the avails of a special tax. Where such interest rate is above six percent, the applicant must apply for the loan at not less than two lending institutions and must have received replies from such institutions stating either the interest rate at which such institutions will grant the loan or that such institutions will not grant the loan. Such replies must be submitted with the application to the State Bond Commission.

Barry W. Karns, Secretary
Bond Commission

RULE

Department of Wildlife and Fisheries

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

Bow Hunting License

Whereas, the Louisiana Legislature during the 1978 Regular Session passed Act 576, authorizing a special license fee of five dollars for bow hunting, the net proceeds of which are dedicated to the conservation fund; and

Whereas, the bow hunters of Louisiana supported the passage of Act 576 and are in favor of the Louisiana Wildlife and Fisheries Commission adopting a resolution implementing the said Act; and,

Whereas, the said bow hunting fees shall produce revenues which will contribute to the enhancement and management of wild game throughout Louisiana;

Now therefore be it resolved that the Louisiana Wildlife and Fisheries Commission hereby establishes, fixes, and adopts a special bow license of five dollars, authorizing the holder thereof to hunt with bows during the bow hunting season in accordance with the provisions of Act 576 of the 1978 Regular Session of the Louisiana Legislature.

Be it further resolved that bow hunting licenses be distributed and sold to bow hunters throughout the State of Louisiana by the

Louisiana Department of Wildlife and Fisheries in the most efficient and expeditious manner determined by the Secretary of the said Department.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notice of Intent

NOTICE OF INTENT

Department of Agriculture

In accordance with R.S. 49:951 et seq. and R.S. 40:931.1 et seq., and more specifically, subsection 931.15, notice is hereby given of a public hearing to be held at 10:00 a.m., November 14, 1978, International American Motor Inn, 2601 Severn Avenue, Metairie, Louisiana.

The purpose of this hearing is to promulgate rules and regulation relative to vertical integration in the milk industry. The rules and regulations adopted pursuant to this hearing shall be subject to all provisions of subsection 931.15 and the antitrust and restraint of trade laws of the State.

All interested persons will be afforded a reasonable opportunity to submit data, views or arguments at the hearing. Written comments will be accepted through November 3, 1978, by Mr. Gilbert L. Dozier, Commissioner of Agriculture, Box 44302, Baton Rouge, Louisiana 70804, telephone (504) 342-7011.

Gilbert L. Dozier
Commissioner of Agriculture

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences proposes to adopt the following amendment to the Supplement to the Quarantine and Regulation to Prevent the Spread of, Control and Eradicate the Sweet-potato Weevil, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950. The purpose of the amendment is to list revised quarantined areas in a major sweet potato growing area of the state.

III. Quarantined Areas, 2.a., change West Carroll Parish to read: West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 7, R12E, T23N; that portion consisting of a one mile radius of and including the property of W. W. Head, Section 22, R10E, T20N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 35, R10E, T20N; that portion consisting of a one mile radius of and including the property of Oak Grove Club, Section 6, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section

1, R10E, T21N; and that portion consisting of a one mile radius of and including the property of M. Stanford, Section 21, R11E, T22N.

Written comments and inquiries may be addressed through November 3, 1978, to Mr. Richard Carlton, State Entomologist, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:644 and 652.1, hereby gives notice of his intention to adopt the following rule.

Louisiana chartered credit unions in their course of business may provide for their members share draft accounts from which the members may withdraw funds by the use of a negotiable or nonnegotiable instrument under the following:

1. The board of directors of a State chartered credit union prior to requesting Commissioner approval to implement a share draft plan or program shall determine that the members' use of share drafts is economically and operationally feasible for the credit union.

2. All share draft plans or programs are to be submitted to the Commissioner for approval and must be accompanied by:

A. An official copy of the minutes of the board of directors authorizing a request for approval to implement the share draft plan or program.

B. All background documentation which supports the board of directors' decision that the members' use of share drafts is economically and operationally feasible for the credit union.

C. Assurance that the share draft plan or program is covered by the credit union's surety blanket bond.

D. A copy of the credit union's contract with any computer servicing corporation handling the share draft plan or program; such computer servicing corporations' operations are subject to inspection and examination by the Commissioner.

3. All individual members of a State chartered credit union participating in a share draft plan or program must qualify for open-end credit.

4. All State chartered credit unions participating in share draft plans or programs must maintain reserves as required by the National Credit Union Administration or the Commissioner.

Any interested person may submit, orally, or in writing, his views, arguments, data, or reasons in support of, or in opposition to, the proposed rule by mail or by personally visiting the Commissioner's Office at 5420 Corporate Boulevard, Suite 207, Baton Rouge, Louisiana 70808, during its normal office hours from 8:00 a.m. to 4:30 p.m. on any day, not a legal holiday, or day of the weekend, through December 1, 1978.

Kenneth E. Pickering
Commissioner of Financial Institutions

NOTICE OF INTENT

Department of Commerce Racing Commission

Notice is hereby given that the Louisiana Racing Commission intends to adopt a permanent rule pertaining to minors attending race meetings under the jurisdiction of the Commission. This rule has been promulgated as a Declaration of Emergency and can be found elsewhere in this issue of the *Louisiana Register*.

Written comments and inquiries concerning the minors' rule may be addressed to Ms. Rosalie Robinson, Louisiana Racing Commission, Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139, telephone (504) 568-5870 through November 3, 1978.

Albert M. Stall, Chairman
Racing Commission

NOTICE OF INTENT

Department of Corrections Board of Pardons

Notice is hereby given that the Louisiana Board of Pardons intends to meet at 1:00 p.m., November 6, 1978, in the Board's office, Suite 1402, One American Place, to amend Rule 4 of its Rules and Regulations to read as follows:

Rule 4

An application may be considered by it anytime after it is received by the Board but no application will be considered by the Board until it deems the application to have been completed and proper notice given as required by the next Rule.

However, in determining what cases are ready to be heard, the Board may, in its discretion, refuse to grant a hearing if an applicant has not served one-fifth of his sentence. In the case of life sentences and sentences of forty-five years or longer, the application may be heard at the discretion of the Board. Additionally, the Board can refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. If good cause is shown, nothing in this article shall prevent the Board hearing the type of cases mentioned above.

Written comments and inquiries concerning the proposed amendment may be addressed to Mr. John D. Hunter, Chairman, Louisiana Board of Pardons, Box 44142, Baton Rouge, Louisiana 70804 through November 3, 1978.

John D. Hunter, Chairman
Board of Pardons

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended, and under the authority of Article VIII, Section 6 of the 1974 Constitution, a public hearing will be held in the Hyatt Regency Hotel, 500 Poydras Plaza, New Orleans, Louisiana, beginning at 4:00 p.m., November 11, 1978.

At such hearing the Board will consider amendment to its *Policies and Procedures Manual*, Part VIII, Student Personnel Policies and Procedures, and specifically No. 7 of Paragraph A and all of Paragraph C of Section 8.10.

The Board of Trustees for State Colleges and Universities will accept written comments until 4:30 p.m., November 3, 1978, at

the following address: Board of Trustees for State Colleges and Universities, Box 44307, Capitol Station, Baton Rouge, Louisiana 70804.

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-968. The person responsible for responding to inquiries about the proposed rule changes is Ms. Susan Sheets. All interested persons will be accorded reasonable opportunity to submit data, views, comments, or arguments at the regular November Board meeting.

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

NOTICE OF INTENT

Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its November 16, 1978, meeting the following:

1. Professional leave policy for vocational-technical school directors.
2. Policy whereby all Comprehensive Employment Training Act (CETA) projects will be submitted to the Vocational Division of the Department of Education for coordination with the vocational-technical school directors in the surrounding areas.
3. Schedule of minimum scores on the National Teacher Examination to determine the levels at which the examination shall be satisfactorily completed for certification purposes, as recommended by the State Superintendent of Education

Area Examination	Minimum Score
Agriculture	1078
Art Education	1062
Biology and General Science	1154
Business Education	1178
Chemistry, Physics, and General Science	1114
Early Childhood Education	1100
Education in the Elementary School	1131
Education of the Mentally Retarded	1140
English Language and Literature	1052
French	1108
German	1091
Home Economics Education	1101
Industrial Arts Education	1122
Mathematics	1202
Media Specialist	1148
Music Education	1120
Physical Education	1135
Social Studies	1149
Spanish	1124
Speech-Communication and Theatre	1126

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., November 8, 1978, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Interested persons will be afforded reasonable opportunity to submit views or comments at the regular November meeting.

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

NOTICE OF INTENT

Board of Regents

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951 et seq., notice is hereby given that the Louisiana Board of Regents intends to adopt the *State Appropriation Formula: Revised 1979-80* and the *Health Manpower Study*, at its regular meeting on December 7, 1978, at 10:00 a.m., in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana.

The proposed *Formula* and *Health Manpower Study* will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after November 15, 1978, at the offices of the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this notice of intent to Mr. William Arceneaux, Commissioner of Higher Education, Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Office of the Governor Architects Selection Board

The Louisiana Architects Selection Board is presently developing Rules of Organization and Rules of Selection Procedure, based on those rules adopted by the previous Board (that Architects Selection Board which was established by Executive Order 76.) Interested persons may attend a public meeting for the purpose of discussing and adopting these rules on Thursday, November 9, 1978, in Senate Committee Room C, Basement of the State Capitol Building, immediately following selection of architects for projects, which starts at 10:00 a.m. The person responsible for responding to inquiries about the proposed rules is Ms. Fadra Paton, Facility Planning and Control Department, Box 44095, Baton Rouge, Louisiana 70804, telephone (504) 342-7016.

Lee R. Connell, Jr., Chairman
Architects Selection Board

NOTICE OF INTENT

Department of Health and Human Resources Air Control Commission

The Louisiana Air Control Commission proposes to adopt the following rule relative to unauthorized construction or operation. Public hearings will be held at 10:00 a.m. October 26, 1978, at the New Orleans Public Library Auditorium, 219 Loyola Avenue, and at 10:00 a.m. November 28, 1978, at the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans. All written comments and requests to speak at either public hearing should be submitted to James F. Coerver, Technical Secretary, Air Control Commission, Box 60630, New Orleans, Louisiana 70160. The person responsible for responding to inquiries about the proposed rule is James F. Coerver.

Proposed Rule

When and if the Louisiana Air Control Commission (LACC) Technical Secretary or staff detects construction or operation prior

to issuance of a permit or variance authorizing such, the owner shall be advised to stop all construction or operation immediately.

A. If construction or operation stops promptly and does not resume, the staff will begin or resume review of permit applications for Commission action and shall file a report indicating all such events at the next Commission meeting. The Commission may:

1. Accept the owner's explanation of circumstances, or order a formal complaint on the regulation violation, with hearing for the next LACC meeting.

2. Act on, or defer action on, permit application, if pending.

B. If construction or operation continues after conference, conciliation and persuasion efforts of the staff to obtain immediate cessation, the Technical Secretary shall file a formal complaint for hearing at the next LACC meeting. All staff work on processing permit requests shall cease until the formal complaint issue is resolved to the satisfaction of the Commission. The Commission will thus:

1. Automatically defer permit issuance.

2. Prepare promptly for injunctive action and/or penalties as specified in R.S. 40:2214.

James F. Coerver, Technical Secretary
Air Control Commission

NOTICE OF INTENT

Department of Health and Human Resources Board of Embalmers and Funeral Directors

Notice is hereby given that the Louisiana State Board of Embalmers intends to amend its Rule 4, Funeral Establishments, Section D (2) to read as follows:

Section D (2) Each funeral establishment licensed by this Board to conduct the business of funeral directing as defined in R.S. 37:831-861 must have as its owner, partner, or shareholder, a person or persons licensed by this Board.

If the funeral establishment is a sole proprietorship, then the sole proprietor must be licensed by this Board.

Should the funeral establishment be a partnership, then a partner who is in charge of the conduct of said business must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board. He must have at least a financial interest in the partnership, which financial interest shall be fixed at a minimum of ten percent.

Should the funeral establishment be a corporation, then a shareholder of said corporation who is in charge of the conduct of the business of said corporation must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board, and have a financial interest in said corporation fixed at a minimum of ten percent.

Interested persons may address written comments and inquiries to Ms. Dawn Scardino, Board of Embalmers and Funeral Directors, Box 8757, Metairie, Louisiana 70011, telephone (504) 568-4931, through November 15, 1978.

Lloyd E. Eagan, Secretary
Board of Embalmers and Funeral Directors

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt policy effective January 1, 1979, that will require that physician claims be submitted to the fiscal intermediary for the Medical Assistance Program within six months from the date of service.

Interested persons may submit comments orally or in writing until 1:00 p.m., November 6, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone: (504) 342-3950.

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

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, intends to adopt the following regulation pursuant to R.S. 40:4 pertaining to preparation, cooking and procedures following preparation of seafoods, more particularly crabs. This regulation will enable the Department of Health and Human Resources, Office of Health Services and Environmental Quality to aid in protecting the public from diseases which may be transmitted through said seafoods. Several diseases exist which have the propensity to be transmitted through those products sought to be regulated here and do exhibit an imminent peril to the public health. In connection herewith it has become necessary to issue the following:

Amend Chapter Six of the State Sanitary Code by adding thereto the following new paragraphs:

Seafood Processing

6.1315. Cooked and raw marine and fresh-water animal food products, hereafter referred to as seafoods, must be kept separate in the establishment. Containers such as crates, boxes, plastic or metal containers that are used for handling raw seafoods must not be used for handling cooked seafoods.

6.1316. Crabs shall be boiled for a minimum time of fifteen minutes or equivalent process in commercial retort (for eight minutes at fifteen pounds pressure and a temperature of 250°F), before being processed or served as food. Employees who handle raw or live seafoods must wash their hands thoroughly before touching, picking or handling cooked seafoods, in order to prevent cross contamination.

6.1317. Cooked seafoods must be rapidly cooled to 45°F, or below, in small quantities. Ice to be used on cooked seafoods must not come into contact with raw seafoods or containers or equipment used for handling raw seafoods.

Comments on the proposed policy and procedural changes may be submitted in writing or orally until 4:30 p.m., November 3, 1978, to Dr. Waldo L. Treuting, Assistant Secretary, Office of Health Services and Environmental Quality, 513 Louisiana State Office Building, 325 Loyola Avenue, Post Office Box 60630, New Orleans, Louisiana 70160, phone (504) 568-5052 or Linc Number 621-5052.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality Division of Vital Records Registry

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, Division of Vital Records Registry, intends to adopt the following regulation pursuant to R.S. 40:33 pertaining to the issuance of a short form birth certification card containing a true certification of name and birth facts as recorded in the Vital Records Registry, and for use as legal proof of recorded facts of birth. This regulation will enable the Division of Vital Records Registry to serve the needs of the public by implementation of a computerized reproductive process, and will result in faster and more efficient service to the public:

Short Form Birth Certificate Form

Effective December 15, 1978 the Division of Vital Records Registry of the Office of Health Services and Environmental Quality of the Department of Health and Human Resources, upon receipt of written request for a certified copy of a birth certificate shall proceed to do so by preparing a birth certification card containing a true certification of name and birth facts as recorded on the registrant's original birth certificate, for a required fee of two dollars.

Comments on the proposed policy and procedural changes may be submitted in writing or orally until 4:30 p.m., November 3, 1978, to Dr. Waldo L. Treuting, Assistant Secretary, Office of Health Services and Environmental Quality, Division of Vital Records Registry, 513 Louisiana State Office Building, 325 Loyola Avenue, P.O. Box 60630, New Orleans, Louisiana 70160, phone (504) 568-5052, (LINC Number 621-5052).

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

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to amend existing rules and regulations relative to the payment of cost-related reimbursement rates to facilities providing care and treatment for children. The rules are being amended under the authority granted to the Department by R.S. 46:1757(6) and R.S. 40:2125. The amendments are necessitated by Act 786 of 1978, Sections 1081-1086. These sections are at variance with the payment plan for private providers which was adopted by the Department of Health and Human Resources in this past year. Therefore, the payment plan is being amended to conform with the mandates of the Legislature.

Information concerning these proposed changes can be obtained by writing to Mrs. Mary Hamner, Acting Health Services Audit Officer, Audit Section, 651 North Fifth Street, 3rd Floor, Mental Health Building, Baton Rouge, Louisiana 70804.

Written comments on the proposed amendments may be submitted until 4:30 p.m., November 18, 1978, to the above address.

A public hearing will be held on the proposed amendments on November 9, 1978, at 1:30 p.m. in the Mineral Board Hearing Room on the 1st floor of the State Land and Natural Resources Building located on the corner of North Street and Riverside Mall, Baton Rouge, Louisiana. All interested persons are invited to attend.

Proposed Rules Introduction

The Department of Health and Human Resources (DHHR) currently places clients whose needs cannot be appropriately met through other State programs in private residential facilities and day programs. Placement may be under the supervision of any one of several different agencies of the Department.

Children, youths, and other handicapped individuals placed in such programs include three major, broad client categories: (1) children and youth who are legally adjudicated abandoned, neglected, and/or abused, and those in need of care due to the inability of the parent or caretaker to adequately provide for them, (2) adjudicated delinquents and children in need of supervision, and (3) children, youths, and other individuals who are handicapped physically, mentally, emotionally, or neurologically to such an extent that they cannot satisfactorily participate in community living.

The determination of appropriate placement for any client in any of these broad categories is made by the placing agency within DHHR and all referrals for placement must originate through one of the placing agencies of the Department. Private facilities from which placement services are purchased retain the right of acceptance or rejection of the clients referred by the Department's supervising agencies with the exception of emergency shelter care facilities which do not have the right of rejection.

The procedures and proposed rules set forth herein have been developed to assure an equitable, cost-related reimbursement for the services purchased from private providers for the care and treatment of these clients. The foundation of these procedures rests upon a classification of each facility, and each distinct program within a facility, based on the level of care required by the residents and provided by the facility and/or by a distinct program within a facility.

Major objectives of DHHR in developing and proposing to implement these procedures are to provide an incentive to the private sector to expand and improve the quality and quantity of services available, and to accommodate the presently existing variety of treatment modalities needed to provide appropriate care for the Department's clients.

These procedures shall apply to all facilities wherein Department funds are spent for the purchase of services for the Department's clients, regardless of the procedures whereby a facility is approved for funding. Certain facilities within the state are required to adhere to licensing regulations established and administered by DHHR. All facilities are required to conform to the *Minimum Standards for Certification of Facilities*. These procedures apply to facilities in both categories.

While these various standards may vary in certain respects, each has as an objective the assurance of a high quality of the overall level of care. Consequently, each approval procedure can accommodate the development of cost-related reimbursement procedures. However, in conjunction with the development of a uniform rate structure, as herein proposed, efforts will continue to systematize the licensing/certification/approval procedures of various agencies of DHHR which are affected by these rate provisions.

Levels of Care

A description of the various levels of care which will be utilized for classification purposes appears below. Level of care classifications will apply to all facilities and will identify program requirements.

Each facility which is required to conform to the *Minimum Standards for Certification of Facilities* will be visited during each fiscal year by a certification representative to determine compliance with previously established standards for certification. Concurrently with the certification determination, the certification

representative will make a determination of the appropriate level(s) of care provided in each facility.

In facilities which offer more than one distinct program, i.e., level of care, the certification representative shall make a determination with respect to the proper classification of each distinct program within the facility. Facilities which provide services for more than one type of client group must also meet certification standards for each distinct client group and/or program.

Classification of level(s) of care shall be based upon actual staff ratios, actual care and supervision needed by the resident population, programs provided, ancillary support services required by the resident population, and such other indices as shall be developed during a pilot program to be conducted prior to implementation of these proposed rules.

Facility administrators should feel free to discuss level of care determinations with the certification representative. In the absence of a resolution of differences between the facility administrator and the certification representative, should differences exist, the determination of the certification representative shall be final and shall not be changed except as a result of procedures set below.

A facility administrator who does not concur with the classification established by the certification representative should first set forth his objections to the classification in writing, fully documenting reasons for the objections. Such statements of facility position should be directed to Licensing Section, Department of Health and Human Resources, P. O. Box 3767, Baton Rouge, Louisiana 70821.

Upon receipt of such a statement of facility position, the Licensing Section shall immediately convene an appropriately constituted body to re-examine the certification representative's determination of the facility's classification. The decision of this body shall be rendered within fifteen days of the date of receipt of the statement of facility position, and the facility administrator shall be immediately notified in writing of the decision.

A facility administrator who does not agree with the results of this preliminary redetermination may officially appeal the level of care classification. This appeal shall be made within thirty days after receipt of the Licensing Section's final decision as to the level of care. This written appeal must be directed to the Secretary of DHHR and must request a formal hearing to appeal the decision of the Licensing Section. The Secretary, or his designee, shall set a hearing to be held within thirty days after receipt of such request.

The hearing shall be held in the immediate vicinity of the appellant. The Secretary, or his representative, shall conduct the hearing. The facility administrator, and/or his legal counsel, shall have the right to be present and to present evidence for consideration by the Secretary or his designee. Within ten days after the hearing, the appellant shall be advised, by registered mail, of the decision of the Secretary, either confirming or amending the original decision.

Definition of Levels of Care

Cost-related reimbursement rates paid to facilities shall be based upon expenditures directly related to the level of care, as determined in the certification process, assigned to each facility and/or distinct program within a facility, as follows:

Non-Residential

Level I—This type of facility serves a population which requires minimal supervision and little or no medical attention. No academic training is given and clients of school age usually attend public schools. Specific treatments(s) is given for specific problem(s) of a mental and/or physical nature. Individual treatment goals are written. Staffing ratio meets the minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, but may be implemented by paraprofessional staff.

Level II—The population served requires moderate or close supervision and may also possess some medical disabilities. Academic training may be given and clients may also attend public schools. Specific treatment(s) is given for specific problem(s) of a mental and/or physical nature. Individual treatment plans, procedures, and goals are written. Direct-care staffing ratio meets minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, with professional services implemented by the appropriate professional. Other services may be implemented by paraprofessional staff.

Residential

Level III—The population served requires minimal supervision and care, and possess no significant medical disabilities. No academic training is given and clients of school age usually attend public schools. Planned habilitation and treatment programs are usually of a recreational or therapeutic nature. Counselling and psychotherapy may be given. Individual treatment goals are written. Direct-care staffing ratio must meet minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, with implementation by paraprofessionals. Professional support services provided on a consultant/contractual basis.

Level IV—Population served requires minimal to moderate supervision and may possess medical disabilities. Some academic training may be given and clients may also attend public schools. Planned individual habilitation and treatment programs may include academic and recreational services, as well as specific treatments for emotional and/or physical disabilities. Individual treatment plans, procedures, and goals are written. Direct-care staffing ratio is 5:16. Treatment is planned and supervised by qualified professionals, with implementation by paraprofessional staff. Professional services of a medical or psychological nature are implemented by qualified professionals, although supportive services may be provided by paraprofessional staff.

Level V—Population served requires moderate supervision and some medical disabilities are usually present. Academic training is given and clients do not attend public schools although some clients may use specific services of the public school system. Habilitation and treatment plans are individual and comprehensive, covering all areas of a client's needs. Evidence is given of implementation of plans, procedures, and goals, with an individual's response to the treatment program. Direct-care staffing ratio is 8:16. Treatment is planned and supervised by qualified professionals. Any necessary professional services are provided on a regular basis by qualified professionals on the facility staff or on a contractual basis. Medical personnel are available on seven-day, twenty-four-hour call.

Level VI—Population served requires close supervision and/or total medical care. Academic training may be given and clients do not utilize the public school system. The focus of treatment is largely of a medical nature. Habilitation may also include recreational and therapeutic programs. Individual plans, procedures, and goals are written. Direct-care staffing ratio is 12:16. Treatment is planned and supervised by qualified professionals. Professional staff must be adequate to supervise and deliver all professional services as needed on a regular basis and for emergency treatment. Doctors and nurses constitute a part of the full-time staff.

Cost-Related Reimbursement

The following procedures have been developed with the intent of guaranteeing to private providers of services for clients placed through any agency of DHHR a direct cost-related reimbursement rate commensurate with the actual costs of providing appropriate client care.

Implicit in these procedures is the intention that actual costs shall be paid only to the extent that the costs claimed for reimbursement

are reasonable, that all facilities will seek to minimize actual costs, and that actual costs will not exceed that which a prudent and cost-conscious buyer would pay. Only allowable costs directly related to client care will be used in cost computations to establish reimbursement rates. No payments above the facility's established cost-reimbursement rate will be paid, except in cases where a child's unique needs necessitate a prior special contractual agreement with the placing agency.

The following requirements apply to any established facility housing any client placed by DHHR.

Prior to approval for receipt of DHHR funds, a new facility shall be required to submit a projected annual budget based on allowable costs as set forth in this manual, which projected budget shall form the basis for the establishment of the rate for the facility's initial year of operation.

Facilities which provide several distinct programs, i.e., levels of care, must segregate and report actual direct expenditures on a program-by-program basis.

The following general instructions apply to all facilities which are subject to these requirements. Specific limitations of reimbursement appear both in these general instructions and in the following section entitled "Limitations of Reimbursement."

General Instructions for Cost Reporting

1. Effective January 1, 1979, each facility must provide a cost report, together with a statement of intent to participate, no later than August 1 of each year, as follows:

A. The cost report must be submitted within three months after the end of its fiscal year or August 1 whichever comes first.

B. The statement of intent to participate shall include the actual number of client days for which DHHR funds will be requested.

2. Delinquent Cost Reports.

A. If a cost report is not received by August 1 of each year the most recent cost report on file will be used for revising the rate for reimbursement for the succeeding year.

B. If a cost report is still not received within six months after the end of the cost reporting period, a recommendation will be made to the Assistant Secretary of the appropriate office that a one hundred percent suspension of the current claim payments be implemented. A thirty day warning of this action will also be sent.

C. Cost reports will be sent to: Health Services Audit Director, Office of Management and Finance, P. O. Box 3776, Baton Rouge, Louisiana 70804.

3. Accounting records must be kept (or converted at year end) on an accrual basis.

4. Accounting records must be kept (or converted at year end) in accordance with the attached Chart of Accounts.

5. Each facility must maintain all accounting records, books, invoices, cancelled checks, payroll records, and other documents relative to client-care costs for a period of six years.

6. All fiscal and other records pertaining to client-care costs shall be subject at all times to inspection and audit by DHHR, the Legislative Auditor, and auditors of appropriate Federal funding agencies.

7. Each facility must maintain statistical information related to the daily census and/or attendance records for all clients receiving care in the facility.

8. Purchase discounts, allowances, and refunds will be recorded as a reduction of the cost to which it relates.

9. Cost to related organizations: Cost applicable to services, facilities, and supplies furnished to the facility by related organizations are allowable costs at the cost to the related organization. However, such cost must not exceed the price of comparables purchased in the open market and the goods and services must be common to and generally purchased by client-care facilities.

Allowable Cost for Services Provided

1. Shelter Costs.

A. Living space (both indoor and outdoor) used by the clients, including rent, depreciation, or building use allowance. Depreciation must be computed by the straight-line method only. The estimated useful life of fixed assets will be based on the Internal Revenue Service's approved useful life of fixed assets. Depreciation will be allowed only on buildings and equipment used to provide direct client-care services. Facilities must maintain adequate records to determine cost, value, and reasonable useful life of buildings and equipment.

B. Depreciation of furniture and upkeep for items related directly to shelter space used by the clients, e.g., living, dining room and bedroom equipment and furniture, and furnishings, such as draperies, blinds, rugs, etc.

C. Fuel and utilities for space used by the clients, e.g., heat, air conditioning, electricity, etc., if these charges are not a part of the rent.

D. Routine maintenance and upkeep of property and equipment used in daily living activities of the clients. This includes staff and supplies for janitorial services, maintenance, and minor repairs to grounds and equipment.

2. Food Costs. Actual food costs and kitchen and dining room operational costs including personnel, depreciation of equipment, and supplies associated with planning meals, ordering, preparing, and serving food, cleanup work, and the cost of planned meals away from the facility.

3. Clothing and Other Personal Need Costs.

A. Clients' personal wardrobe, including initial and replacement clothing, not to exceed, on an average, four hundred dollars per client annually; such items will be the client's personal property which he may take with him upon discharge.

B. Expenses incurred in the upkeep of clients' clothing, including staff and supplies on grounds, and for services provided off grounds, such as shoe repair, mending, dry cleaning, alterations, etc.

C. Medicine chest supplies, personal hygiene items, such as comb, brush, toothbrush, soap, shampoo, deodorant, sanitary needs and other sundries and incidentals.

D. Cost of hair grooming, limited to two haircuts per month for males and a comparable expenditure for females.

4. Recreation Costs.

A. Recreational program and services, including, but not limited to, such items as reading materials, athletic equipment, games, etc.

B. Individual client's dues for youth clubs, scouts, community centers, etc., if not financed from personal allowance.

C. Clients' admission fees to sporting or other recreational and cultural events, including cost of snacks and treats purchased on outings, if not financed from personal allowance.

D. Client's personal allowance, not to exceed five dollars per week for clients age 13 and up and two dollars and fifty cents per week for clients below age 13.

5. Education Costs.

A. School supplies.

B. Activity fees, class dues, and other miscellaneous costs, if not financed from personal allowance.

C. Transportation to school or training programs if not provided or paid for by other public funds or tax monies.

D. Fees or costs of special training programs, instruction in daily living skills, or other specialized training, if not provided or paid for from other public funds or tax monies.

E. Specialized educational programs required by a client that are essential to his/her individualized program of care if no other source of funding is available.

6. Care Costs.

A. Client care staff, social workers, other specialized staff and direct line supervisors of staff responsible for the twenty-four hour program of care and supervision of the clients, including salary, wages, maintenance and fringe benefits if not met through the State's program under Titles XIX, XX, IV-B, or other publicly funded programs.

B. Transportation intrinsic to the well-being of the client, including but not limited to, visits with relatives, prospective foster or adoptive parents, and other activities or events that are an integral part of the twenty-four hour program of care. Expenses for an attendant, when required, may be met if not already charged to the State's program under Titles XIX, XX, IV-B, or other publicly funded programs.

7. Health Cost if Not Met Through Title XIX as Specified in the Individual State's Plan.

A. Routine physical examinations.

B. Required medical care and treatment, including, but not limited to, immunizations, injections, laboratory tests, emergency room and infirmary care, nursing care in the institution.

C. Psychological testing.

D. Psychiatric examination and treatment.

E. Dental care and treatment.

F. Eye glasses and other corrective appliances not provided by another public program.

8. Administrative Costs.

A. Interest on current obligations and mortgage loans reasonably related to client care. The interest rate must not be in excess of what a prudent borrower would pay.

B. Allowance shall be permitted for a salary for an owner-administrator of a proprietary facility only if he/she is performing the duties of an administrator and would otherwise have to employ another individual to perform these duties. Allowance for a salary of an owner-administrator shall be limited to the national average of salaries for owner-administrators of similarly sized, similarly staffed facilities. Operating cost of living quarters and automobiles provided an administrator for his/her convenience will be considered part of their compensation. The administrators who are not owners are also limited to the national average of salaries for administrators of similarly sized, similarly staffed facilities.

C. The premium for the officer/owner's life insurance is allowable only if the beneficiary is the officer/owner's family. Premiums will be included as part of the officer/owner's compensation and subject to the limitations set forth in B.

D. With the following specific exceptions, taxes are an allowable cost:

(1) Federal income or excess profit tax.

(2) State income or excess profit tax.

(3) Taxes relating to financing.

(4) Special assessments. (This would be capitalized and amortized.)

(5) Taxes for which exemptions are available.

(6) Taxes on property not related to direct client care.

(7) Self-employment (FICA) taxes applicable to individual proprietors, partners, etc.

(8) Fines or penalties of any kind.

E. Cost for the following types of advertising are allowable:

(1) Classified newspaper advertising to recruit personnel or solicit bids.

(2) Telephone "Yellow Page" advertising, except in the event that such advertisement is promotional in nature.

F. Membership costs and costs for conferences and meetings are allowable if related to client-care activities and efficient operation of the facility. Allowable costs include dues, registration

fees, travel, meals, and lodging only for the period of a conference. Membership dues and other expenditures related to civic or social organizations are specifically disallowed.

G. Accident or hospitalization insurance for the clients. Insurance claim reimbursements should be credited to the respective expense account for health care.

H. Audit costs are allowable but certified audits are not required by DHHR.

I. Clerical salaries and costs related to general administration.

J. Attorneys' fees. Actual fees incurred for nonlitigation legal services which are directly related to child care will be allowed.

Unallowable Costs for Services Provided

1. In-kind contributions.

2. Fund raising; public relations.

3. No monies paid to an attorney or a law firm as a retainer, rather than as legal fees for services actually performed, will be allowed.

4. Payments made by the facility as gifts, assessments, or paybacks to parent organization.

5. Income producing expenses, including depreciation of equipment to secure self-generated revenue.

Limits of Reimbursement

1. Fiscal Limitation. The availability of State and Federal funds may result in a uniform rateable reduction of cost.

2. Reasonable Cost Limits. Payments to facilities for client services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services.

3. Profit Limits. An allowance of a reasonable return on equity capital invested and used in the provision of client care is allowable as an element of the reasonable cost of covered services. The amount allowable on an annual basis will be determined by applying to the provider's equity capital a percentage basis equal to one and one half times the average of the rates of interest on special issues of public debt obligations issued by the Federal Hospital Insurance Trust Fund. A profit factor will be allowed only for proprietary facilities.

4. Occupancy Limits. The determination of the reimbursement rate for each facility shall be based upon the costs at ninety-three percent of total occupancy. An incentive return has been built into the formula for facilities which operate above ninety-three percent of capacity, since the costs attributable to an occupancy level above ninety-three percent will not affect actual client days. Conversely, facilities will be penalized for operating at less than ninety-three percent occupancy levels. New facilities and/or newly established programs within existing facilities will be allowed one full fiscal year from opening date before the ninety-three percent occupancy level is enforced. All facilities licensed and/or certified for an occupancy of fifteen or less will be exempted from this rule.

5. Other Limits. Costs which are unallowable for Federal participation will be paid by the State up to the maximum allowable under the section entitled "Allowable Costs for Services Provided." Payment procedures do not include a year-end settlement. Revised rates are effective July 1 of each year based upon the actual expenditures per cost reports received August 1 of the preceding year. Retroactive adjustment will not be made except for overpayments which result from the inclusion of unallowable costs in the cost report. Therefore, management decisions which increase cost will not affect the current rate and will increase future rates only if justified. The rate for the 1979-1980 fiscal year shall be the rate established for the 1978-1979 fiscal year as revised by the addition of an inflation factor as indicated by the latest twelve consecutive months available from the consumer price index.

Definitions

1. Equity Capital. The term "equity capital" means the net worth of a facility, excluding those assets and liabilities which do not relate to direct client care. Specifically, equity capital includes:

(1) a facility's investment in plant, property, and equipment (net of depreciation) related to direct client care, plus funds deposited by a facility which leases plant, property, or equipment related to client care and is required by the lease to deposit such funds, and (2) net working capital maintained for necessary and proper operation of client-care activities.

2. Fiscal Year. The facility's fiscal year is the twelve-month period used by the facility for Federal income tax purposes. This does not apply to State or Federal fiscal year.

3. Net Working Capital. Working capital is the difference between current assets and current liabilities. Net working capital is working capital reduced by any amount determined to be excessive for the necessary and proper operation of client-care activities.

4. Plant, Property, and Equipment. Fixed assets related to client care are, for example, building, land, fixtures and equipment, goodwill, and other assets not part of current assets.

5. Proprietary Facilities. The term "proprietary facilities" means a facility, whether sole proprietorship or corporation, organized and operated with the expectation of earning profit for the owners, as distinguished from facilities organized and operated on a non-profit basis, as confirmed by the Internal Revenue Service.

6. Related organizations.

A. "Related to facility" means that the facility, to a significant extent, is associated or affiliated with, or has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

B. Common ownership exists when an individual or individuals possess significant ownership or equity in the facility or organization serving the facility.

C. Control exists where an individual or an organization has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or facility.

7. New Facility.

A. Any facility not receiving funds from DHHR the entire preceding fiscal year.

B. Or, any facility which has a change in ownership.

C. Or, any facility which has been certified by DHHR for a change in its level of care.

8. Client. Any person receiving services in the facility.

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

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

A public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 9:00 a.m., on Wednesday, November 8, 1978, for the purpose of reviewing Statewide Order No. 29-M and individual storage projects thereunder.

At such hearing, the Commissioner of Conservation shall receive testimony relative to a review of all phases of salt dome storage under Statewide Order No. 29-M, as well as evidence as hereafter indicated related to individual salt dome storage projects and to consider any orders or amendments or other indicated action that may be necessary as a result thereof.

As concerns the storage facilities that have been previously approved, testimony will be received to review all operations that have occurred since said approval, to insure full compliance exists with all provisions of the orders issued, particularly to ascertain whether or not every safeguard intended has been strictly adhered to, so as to assure that there does not exist an unacceptable capacity for endangering of lives or property and to reaffirm that

continued use will not result in waste, and that such use is environmentally compatible with existing uses of the salt dome area, especially to insure the noncontamination of other formations.

Testimony shall be encouraged from industry, the Department of Energy, and all other interested parties as to adequacy of all rules and regulations, the necessity of revision thereof, or for such other action as may be indicated and permissible under the powers of the Commissioner of Conservation.

The Commissioner will accept and consider all data, views or arguments, orally or in writing, from any interested party. Oral comments received at the hearing must be relevant and should not cover any matter contained in any written comments. Written comments may be presented at the hearing or mailed prior to the date thereof, directed to, R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re: Review Statewide Order 29-M and individual storage projects.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Department of Public Safety Office of Alcoholic Beverage Control

Notice is hereby given pursuant to the requirements of R.S. 49:953 that on November 6, 1978, the Office of Alcoholic Beverage Control plans to adopt a rule dealing with the application of R.S. 51:422 to brewers, wholesalers, and importers who market and sell malt beverages to retailers in Louisiana. The rule will identify specific acts and practices which are prohibited under the scope of R.S. 51:422 with respect to the malt beverage industry in Louisiana, namely "tied house" sales that unfairly and unlawfully induce retail purchases of malt beverages, and "exclusive outlet" arrangements.

Interested persons may submit written testimony on this subject to the Office of Alcoholic Beverage Control, Box 66404, Audubon Station, Baton Rouge, Louisiana 70896, through November 3, 1978. The person responsible for responding to inquiries about the proposed rule is Lynn E. Williams.

Lynn E. Williams, Assistant Secretary
Office of Alcoholic Beverage Control

NOTICE OF INTENT

Department of Public Safety Office of State Fire Protection

The Department of Public Safety, Office of State Fire Protection, intends to adopt the following proposed rules. Anyone desiring additional information regarding the proposed rules should contact Plauche F. Villere, Jr., Legal Counsel, Office of Fire Protection, Department of Public Safety, Shay Square, 500 Dufossat Street, New Orleans, Louisiana 70115, Telephone (504) 895-6607. Comments or suggestions regarding the proposed rules may be addressed to Mr. Villere, orally or in writing, through November 3, 1978. A public hearing on any of the proposals may be requested by writing to the Office of State Fire Protection, Department of Public Safety, 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809, through November 3, 1978.

Request for Rule Change

Anyone petitioning the Assistant Secretary of the Department of Public Safety, Office of State Fire Protection commonly known as the Louisiana State Fire Marshal for the adoption of or change of any rule shall submit in writing to the Fire Marshal at 9131 Interline

Avenue, Building C, Baton Rouge, Louisiana an application containing the following basic information organized and captioned:

1. The name, address, and telephone number of the applicant.
2. A brief description of the facts supporting the applicant's request for the adoption of a rule or the change of a rule that has already been adopted.
3. Suggested specific language or language setting forth the substance of the rule or rule change which is being requested.
4. An indication as to whether or not a public hearing is requested.
5. A copy of each and every document upon which the applicant bases his request for a rule or a citation of the information and where it can be easily obtained for review by this office.
6. Whenever the Fire Marshal determines that a public hearing or public hearings should be held prior to the adoption of any rule or rule change, a notice of the meeting date and place and the agenda will be recorded in the *Louisiana Register*; however, whenever that is not possible, a copy of the meeting notice including the date, time and place, and agenda of the meeting will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any city or town in which the public hearing is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of the adoption of or change of any rule.
7. Within ninety days of the request for adoption of or change of a rule, the Fire Marshal will notify the applicant and each individual who requests a copy of either his denial of the application or notice of intent to adopt the requested rule.

Building Permits

In accordance with the requirements set forth in R.S. 40:1574 that plans and specifications for any and all buildings to be constructed in the state must first be submitted to the Office of State Fire Protection for review before construction, renovation, remodeling, or repair. No governmental subdivision in the State of Louisiana shall issue any building permit until the plans and specifications therefor have been approved by the Office of State Fire Protection. Accordingly, with the application for a building permit from any governmental subdivision of this state, a copy of the approval of the plans and specifications for which the building permit is being requested shall be attached to the application. This ruling shall not apply to the following:

1. One and two family dwellings.
2. Existing buildings in which there are no structural modifications to be made and there is no change in the exit arrangement.

Equal Access to Public Buildings By the Physically Handicapped

In accordance with the intent of the 1977 Louisiana Legislature as expressed through the passage of Act 625, Raymond B. Oliver, Assistant Secretary of the Department of Public Safety in charge of the Office of State Fire Protection, that is State Fire Marshal hereby gives notice of intent to adopt the following regulations in accordance with the Administrative Procedures Act in order to assure equal access and exit from all government owned and operated buildings, and from all buildings open to the public, for the purpose of assuring the life safety of all persons including those physically handicapped.

1. This regulation shall apply to all existing governmental facilities owned by the State, rented by the State, or financed by the State on or after November 20, 1978; all new governmental facilities constructed after November 20, 1978, including property owned, leased, or financed through this State; and all privately owned facilities generally opened to the public, remodeled or constructed after November 20, 1978, with the following exceptions:

A. Building maintenance, freight loadings, storage areas, and other such areas not normally used by the public.

B. That portion of any privately owned building which is not necessary for the use of the State government and/or the public.

C. A privately owned building with 3,000 square feet or less.

2. For the purpose of this regulation, implementation of these requirements will be required where more than fifty percent of the facility is to be used by the government or the public or where the alteration of any existing building will cost more than twenty percent of the appraised value of such facility. In both cases, the entire facility must then be made accessible to the physically handicapped.

3. There shall be no obstructions whatsoever of any exits which would prevent the physically handicapped utilizing standard devices to facilitate the movement of physically handicapped persons and all such barriers must be removed immediately.

4. Parking spaces shall be provided for physically handicapped persons designated by the international symbol of accessibility for the physically handicapped. There shall be at least one space in the immediate vicinity of any governmental facility, three spaces at physical rehabilitation centers, one space for each three hundred meters per street or government owned or maintained parking lot. All such space shall have:

A. Easy curb accessibility not requiring the physically handicapped to proceed behind parked vehicles.

B. Marked parking spaces with a minimum width of twelve feet.

C. Parallel parking spaces with a height or design which will not interfere with the access of the physically handicapped.

5. Whenever the exits for physically handicapped are other than the same exits as for those persons not physically handicapped, adequate exit signs showing the location of these exits utilizing the international symbols of accessibility for the physically handicapped shall be prominently, logically, and adequately displayed.

6. Public facilities with five thousand square feet or less per floor accessible at habitable grade levels are not required to comply with these regulations at floors above such levels unless an elevator is provided.

7. Public facilities for accommodation of less than four stories with less than forty-nine units accessible at habitable grade levels are not required to comply with these regulations above such levels except when an elevator is provided.

8. Public facilities for accommodation of fifteen or more dwelling units must have at least five percent or one dwelling unit which meets these regulations. Such facilities with less than fifteen dwelling units are not required to meet these regulations except that all exits and passageways to exits must be at least thirty inches in width.

9. No building permits shall be issued until building plans have been approved by the Fire Marshal's office as have complied with the requirements of these regulations. No buildings shall be occupied until a certificate has been issued by a licensed architect or engineer or the Office of State Fire Protection that the building has been built in reasonable compliance with these regulations.

10. In cases of practical difficulty or unnecessary hardship, the State Fire Marshal may grant exceptions under the requirements of these regulations.

11. The specific standards which will be accepted by the State Fire Marshal as compliance with these regulations is set forth in the draft copy of the proposed 1977 American National Standards Institute A 117.1 standard prepared by the Syracuse University School of Architecture, Research Office, 118 Claraton Street, Syracuse, New York 13210, a copy of which may be obtained

from that office or the Office of State Fire Protection, 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809.

Raymond B. Oliver
State Fire Marshal

NOTICE OF INTENT

Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt revised rules, regulations and policies to implement changes made by Legislative Acts 35 and 113 of 1978, Regular Session, to the Department's current rules, regulations and policies governing the size, weight, and load of vehicles operated on the State highway system. The Secretary will accept written comments and requests for a draft of the revised rules, regulations and policies until 4:15 p.m., November 9, 1978, at the following address: Mr. Francis A. Becnel, Enforcement and Truck Permits Administrator, Louisiana Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804.

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

A. Louisiana Regulations for Trucks, Vehicles and Loads:

a. Definitions of terms and license weight charts.

b. Legal limitations and Department regulations governing size, weight and load.

c. Permit laws and Department regulations governing the issuance and use of special permits for vehicles in excess of legal limitations.

d. Laws and Department regulations enforced in conjunction with other agencies governing vehicle registration and licensing and fuel tax.

e. Enforcement and penalty assessment procedures.

f. Laws and regulations enforced by other agencies involving the operation of vehicles on State highways.

B. Weight Enforcement Policy and Procedure Manual. The duties and functions of the Department's weight enforcement section are set forth, and the policies and procedures governing its operation in enforcing State laws within its jurisdiction are presented.

These revised rules and regulations are to be effective November 20, 1978.

All interested persons may submit their views through November 9, 1978, at the above address.

George A. Fischer, Secretary
Department of Transportation and Development

NOTICE OF INTENT

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

The Louisiana State Board of Registration for Professional Engineers and Land Surveyors, at its meeting on November 28, 1978, proposes to take action to amend its rules and regulations relative to re-examinations (Section 7.3.4).

The meeting will be held in the offices of the Board, 1055 St. Charles Avenue, Suite 415, New Orleans, Louisiana. The above amendment will be discussed at 10:00 a.m. Written comments and

inquiries may be addressed to Mr. Daniel H. Vliet, Executive Secretary, Board of Professional Engineers and Land Surveyors, through November 15, 1978, at the above address.

Daniel H. Vliet, Executive Secretary
Board of Registration for Professional
Engineers and Land Surveyors

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Consumer Protection

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval to amendments to Title II of the Consumer Protection Rules and Regulations proposed for adoption by the Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, at its public meeting on December 5, 1978, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana 70804. These amendments are being made to reflect changes in the Administrative Procedures Act (Act 252 of 1978).

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended approval of the Assistant Secretary's adoption of amendments by personally appearing at the above public meeting at the above designated time, day, and place and submitting same.

Any interested person who wishes additional information may contact Mr. Charles W. Tapp, Assistant Secretary, Office of Consumer Protection, Box 44091, Baton Rouge, Louisiana 70804.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

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