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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE-78-3

WHEREAS, the Data Processing Coordinating and Advisory Council is charged by Act 599 of 1977 to review and approve or disapprove contracts, including renewals, for all data processing hardware, software, maintenance, and professional services for all agencies for each fiscal year; and,

WHEREAS, it is necessary to take positive action to assure that all required information is made available to the Data Processing Coordinating and Advisory Council pursuant to their statutory responsibilities; and,

WHEREAS, the complexity of data processing in Louisiana State Government requires that the State assure itself that all data processing programs and expenditures are fully justified and coordinated; and,

WHEREAS, measurement of hardware utilization and performance should be essential aspects of the ongoing management of any computer operation;

NOW, THEREFORE, I, Edwin Edwards, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State do hereby authorize and direct the Data Processing Coordinating and Advisory Council to take whatever action may be necessary to secure a detailed audit and inventory of data processing resources and activities in any and all data processing centers.

FURTHERMORE, I do hereby direct the head of each agency and the management of each computer activity to cooperate with the Data Processing Coordinating and Advisory Council, and direct that the costs of securing all information required by the Data Processing Coordinating and Advisory Council pursuant to this order shall be borne by the agency or activity from whom the information is required. Each agency or activity shall provide access to its records and facilities, and shall obtain such additional information as the Data Processing Coordinating and Advisory Council shall require, and provide it to the Data Processing Coordinating and Advisory Council on a timely basis.

The Data Processing Coordinating and Advisory Council may, at its discretion, supervise and manage the acquisition and collection of any information it deems necessary, or may specify acceptable methods and standards for collection, acquisition, and reporting of such information by the supplying agency.

The Data Processing Coordinating and Advisory Council shall have the management authority necessary to carry out this order.

This order shall become effective this date and shall remain in effect for such time as the Data Processing Coordinating and Advisory Council shall deem necessary to complete this comprehensive study.

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 14th day of February, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-4

WHEREAS, the people of Louisiana are susceptible—as is mankind everywhere—to a variety of disasters whose causes may be ascribed to the forces of nature or the accidental or willfully destructive hand of man; and

WHEREAS, it is the duty of this Administration to take positive steps to prevent or alleviate the consequences of any disaster which might fall upon this State and its citizens; and

WHEREAS, a single plan of action specifying the responsibilities of State and local governmental units and the anticipated, customary functions of private interests and organizations, would greatly enhance our ability to withstand and diminish the impact of any misfortune,

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby create, within the Office of the Governor, an entity to be known as the Governor's Committee on Emergencies, whose mission shall be to insure, as far as is practical, that the people of Louisiana are sheltered and protected from the adverse consequences of disaster, whether it be caused by nature or by man.

Members of the Committee shall be appointed by the Governor and shall serve at his pleasure. The initial appointments shall be those persons who are listed in Exhibit A attached to this order.

The Committee shall proceed with deliberate speed toward the development of an Emergency Preparedness Plan which will make maximum use of all the resources that can be mustered in the face of a disaster, and in its aftermath. Upon completion, those elements of the Emergency Preparedness Plan which can be implemented by gubernatorial order will be placed into effect by that means. If legislative approval is required to fulfill the objectives of the Plan, the Committee is authorized to seek such approval.

As a part of its mission, the Committee is directed to conduct a survey of the existing emergency or disaster reaction plans of State agencies.

Furthermore, although the Committee may consider other matters, it shall specifically consider the following areas of disaster management: the responsibilities of State, parish, district, and local governments, the declaration of emergencies, the education and warning of the public, evacuation procedures, security of a disaster area, delivery of emergency services, the provision of materials and supplies to affected communities, chain of command, training, mutual aid, the applicability of laws and ordinances during emergencies, and other legal issues.

Also, the Committee shall include in its Plan procedures which will coordinate the efforts of governmental agencies with those of private industry and voluntary organizations.

Finally, the Committee, via written reports, shall keep the Governor informed of its work and progress, and upon completion of the Emergency Preparedness Plan, shall submit it to him.

IN WITNESS WHEREOF, I have hereunto set my hand 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 14th day of February, A. D. 1978.

Edwin Edwards
Governor of Louisiana

Exhibit A

Governor's Committee on Emergencies

Major General O. J. Daigle, Jr., State Adjutant General,
Chairman

Lt. Colonel G. W. Garrison, Deputy Superintendent, Louisiana State Police, Vice-Chairman
 Charles E. Roemer, II, Commissioner of Administration
 Mr. W. T. Taylor, Jr., Assistant Secretary, Department of Transportation and Development, Office of Highways
 Dr. William A. Cherry, Secretary, Department of Health and Human Resources
 Mr. Roy Aguillard, Assistant Secretary, Department of Transportation and Development, Office of Public Works
 Mr. J. Burton Angelle, Secretary, Department of Wildlife and Fisheries
 Colonel F. L. Morrison, Assistant Secretary, Department of Public Safety, Office of Emergency Preparedness
 Mr. Charles Pasqua, Executive Secretary, Louisiana Municipal Association, representing municipalities
 Mr. Jimmy Hayes, Secretary, Police Jury Association of Louisiana, representing police juries
 Honorable Elton A. Arceneaux, Sheriff, Acadia Parish, representing sheriffs
 Earl Glynn Penton, Chief of Police, City of Bogalusa, representing city police forces
 Mr. B. Jim Porter, Administrator, Department of Natural Resources, Office of Conservation, Nuclear Energy Division
 Colonel Ray C. Tremont, Regional Director, Volunteers of America, representing volunteer groups
 Dallas Green, Fire Chief, City of Shreveport, representing firemen

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective March 20, 1978, the following amendment to the Louisiana Seed Law and Rules and Regulations, under authority of R.S. 3:1431-1447.

The Louisiana Seed Commission has authorized the certification of all varieties of soybean seed with a germination of seventy percent or better for the 1977 crop. This action was deemed necessary, in order to provide the soybean farmers with a sufficient supply of certified seed.

All tags issued on seed with germination below eighty percent but seventy percent or above will be stamped "Substandard for Germination," and the actual germination will appear on the tag.

The Seed Law tolerance will not apply to germination below seventy percent. The applicant for tags will be responsible for seed that germinates below seventy percent.

Richard Carlton, Secretary
 Seed Commission

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its regular meeting on February 23, 1978, exercised the emergency rule making provision of the Administrative Procedures Act, R.S. 49:953B, to modify its guidelines for the administration of Act 20 and to extend application of the guidelines to those applying for tuition exemption for the 1978 summer semester. This action was taken to prevent the economic loss and hardship which would have resulted from delaying modification of the Act 20 guidelines.

Act 20 Guidelines

1. The State Department of Education shall prepare an application form for the approval of the tuition exemption. This form will be sent to all local school boards for distribution to eligible teachers.

2. A. Teachers will make application for "tuition exemption" to the Louisiana public college or university that they are to attend after receiving Act 20 eligibility verification from the local principal and superintendent or his designee.

B. Applications for tuition exemption and an appropriate application for admission should be received by the college or university in which they wish to enroll at least thirty days prior to the beginning of the semester.

C. Course eligibility will be determined by the college or university to which application is made according to these guidelines.

D. All qualified applicants will be granted only the "tuition exemption."

3. Any certified teacher teaching in, or on approved leave from, a State approved elementary or secondary school, or any degreed teacher eligible to teach in a public school and teaching in an approved nonpublic elementary or secondary school in compliance with nonpublic school standards, shall be eligible for the tuition exemption providing the teacher "attends" a Louisiana public college or university. This tuition exemption shall not apply to those teachers holding temporary certificates but will apply to those teachers holding regular certificates with temporary certification in a particular area.

A. Interpretation of "attend": The teachers shall enroll in an on-campus course or an extension course for credit. Correspondence courses will not be considered.

B. Interpretation of "teacher": Any employee of an elementary or secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

C. Interpretation of "approved elementary and secondary school": Any school that is involved in the day-to-day teaching of students of grades kindergarten through twelve or any combination thereof that is on the approved list of schools under the direction of the State Board of Elementary and Secondary Education. This shall include only the approved public, nonpublic, alternative, and special schools as listed in *Bulletin 741*.

D. Only full-time teachers that are regularly employed, or those that are on approved leave, are eligible under this Act. Day-to-day substitute teachers are not eligible.

4. Only those courses of instruction in the teacher's field or discipline may be taken under this program. Course load shall not exceed six semester hours per semester while teaching full time.

Interpretation of "field or discipline":

A. Course work in the area of certification endorsed on the applicant's valid Louisiana standard teaching certificate;

B. Methods and professional education courses that deal directly with the area of certification endorsed on the teaching certificate;

C. Course work outside the area of certification endorsed on the teacher's certificate, provided the principal recommends the area of instruction in which the teacher shall enroll. This must be attested to by the principal or immediate supervisor and the local superintendent;

D. Required course work in a Board of Regents' approved advanced degree program in an area in which the applicant is presently teaching.

5. The State Superintendent of Education shall reimburse each Louisiana public college or university for only the "tuition" funds lost due to this program, for applicants who are eligible according to the guidelines adopted by the State Board of Elementary and Secondary Education. The funds shall be paid from monies appropriated therefor or otherwise made available for this program.

6. The program will go into effect only after certification by the Division of Administration and approval by the Legislative Budget Committee that the General Fund revenues are available for this purpose.

7. Appeals.

A. An Act 20 Appeals Committee composed of three members shall be appointed by the State Board of Elementary and Secondary Education.

B. Any person denied eligibility for the tuition exemption would be given written reasons for denial and be advised of the right to appeal to the Act 20 Appeals Committee.

C. The individual should then contact the Director of the State Board of Elementary and Secondary Education for procedures to be followed for the appeal.

D. The Act 20 Appeals Committee would meet, if necessary, prior to the regular monthly meeting of the State Board of Elementary and Secondary Education to hear appeals cases so that their recommendations can be acted upon by the full Board at the regular meeting.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted, effective April 1, 1978, Standards For Emergency Medical Transportation Providers Under Title XIX (Medicaid). The standards are an effort by the Office of Family Services to set forth the minimum standards for participation in the Medicaid Program by providers of emergency medical transportation. The primary objective of the standards is to make them compatible with current laws and Federal regulations and to ensure that the application of the standards is uniform statewide.

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 Services, 755 Riverside North, Baton Rouge, Louisiana.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted, effective March 1, 1978, the maximum level (cap rate) for long term care eligibility for an individual to be \$533.40 or the facility fee, if less. This revision will allow the Medical Assistance Program to comply with federal regulation (45 CFR 248.2 (d) and 248.4 (e)).

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 Services, 755 Riverside North, Baton Rouge, Louisiana.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted, effective March 1, 1978, policy that the nursing home is responsible for the care of patients who do not have bowel or bladder control. This does not require the nursing home to use disposable pads or diaper service. If the nursing home chooses this method of care, the cost is included in the basic payment for nursing home care. However, if the patient or his family requests disposable pads or diaper service as the method of care, the patient's family may be charged for it.

In regard to transportation, the nursing home is responsible for seeing that the patient has a way to get to and from the physician's office, clinic, or hospital when needed. The nursing home must also make arrangements for other needed transportation. The cost of transportation is not included in the basic payment to the nursing home; therefore, this service may result in a charge to the patient's family.

This action was taken to comply with Federal regulations 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 Services, 755 Riverside North, Baton Rouge, Louisiana.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has made use of the emergency provision of the Administrative Procedures Act to adopt, effective April 1, 1978, the expansion of the Medical Assistance Program by allowing reimbursement for emergency medical transportation, in order to protect and preserve the lives of Louisianians in medical emergencies.

The term "emergency medical transportation" means transportation being provided for an unforeseen combination of circumstances which apparently demands immediate attention at a medical facility to prevent serious impairment or loss of life; when a mental patient is unmanageable or needs restraint; when

a patient has a medical condition such a possible heart attack, coma, hemorrhage, loss of consciousness, a debilitating condition; transfer of a patient requiring the administering of intravenous fluids, for which the patient would be susceptible to injury using other methods of transportation.

Vendor payment shall be made for emergency medical transportation as defined in Section 19-850 of the *Manual of Policies and Procedures for the Medical Assistance Program*, subject to the following conditions:

A. The emergency medical transportation service is provided one way to the nearest appropriate hospital. The equipment, its personnel, and its capabilities to provide the services necessary to support the required medical care disignates the hospital as appropriate.

B. The medical necessity of the emergency medical transportation service is verified by a physician (for Medicaid eligibles who have Medicare Part B coverage, this verification is mandatory); or a designated medical professional supervising emergency intake in the treating facility; or a designated party in the admitting area of a medical facility. (Admission to the facility is usually ordered by admitting physician and the medical need for service is dated, signed, and referenced to the admitting physician.)

C. The receiving treating facility shall be the nearest appropriate facility providing the necessary medical care.

D. There are no arbitrary limitations as to the number of emergency medical transportations for which payment will be made.

Payment for these services is in the amount of the provider's rate for the service established by the Office of Family Services for that provider. Reimbursement of one dollar per mile, not to exceed twenty-five dollars, is made for travel outside the provider's geographical base rate region.

This action was 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 Services, 755 Riverside North, Baton Rouge, Louisiana.

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

DECLARATION OF EMERGENCY

Department of Transportation and Development

The Louisiana Department of Transportation and Development exercised the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective March 20, 1978, with retroactive application to January 16, 1978, the following rules as amendments to the Department of Transportation and Development's "Regulations for Trucks, Vehicles and Loads." These emergency rules will provide for equitable enforcement of Act 113 of the Louisiana Legislature of 1977, which became effective upon the signature of the Governor on June 22, 1977, and are in the best economic welfare of the state.

1. When the gross vehicle weight does not exceed the legal weight: When the axle weight on one or more axles or set of axles exceeds the legal weight by more than two thousand pounds per axle and the load cannot be shifted, a violation ticket will be issued. The fee will be determined based on the sum of the excess axle weights after subtracting two thousand pounds from the overload per axle in excess of the legal limit by more than two thousand pounds. The two thousand pounds variance allowed

for each axle will not be subtracted from those axles that do not exceed the legal axle weight.

2. When the gross vehicle exceeds the legal as well as one or more axles exceed the legal axle weight: In this case, the fine will be determined as described in Paragraph 1 for axle overload. Additionally, the fine resulting from the overload of the gross vehicle weight will be calculated. Only one penalty will be assessed. The penalty assessed will be either for axle overload or for overload of the gross vehicle weight, whichever results in the greater penalty. A variance of two thousand pounds will not be deducted from gross vehicle weight and actual axle weights will be used to determine the gross vehicle weight.

All overweight violation tickets issued since January 16, 1978, will be reviewed and all fines assessed in excess of this policy will be reduced and refunds issued.

George A. Fischer, Secretary
Department of Transportation and Development

RULES

RULES

Department of Agriculture Dairy Stabilization Board

The Dairy Stabilization Board at its meeting on February 28, 1978, adopted the following rules to be added to its Rules and Regulations (1977 edition).

1.1B(20) "Milk case" means the wood, metal, or plastic container essential for transporting or delivering cartons, bottles, jugs, or other packages of dairy products.

* * * *

Unauthorized Use of Milk Cases Prohibited

2.4A(8)m The using, shipping, lending, borrowing or in any way the possessing of milk cases by a processor or distributor of milk cases belonging to any other processor or distributor.

Misuse of Milk Cases Prohibited

2.4A(8)n The giving away, throwing away, donating, or the disposing in any way by a retailer of milk cases belonging to any licensed processor or distributor.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULES

Department of State Civil Service

Following its public hearing on February 14, 1978, the State Civil Service Commission adopted amendments to the following Civil Service Rules: 7.20(c) and 11.23.

The rules as amended read as follows:
7.20 Noncompetitive Classes.

* * * *

(c) The Director may waive competitive appointment requirements and approve the noncompetitive appointment of an applicant to a position provided such applicant:

1. Is a bona fide client of the Vocational Rehabilitation Program or the Blind Services Program of the Office of Rehabilitation Services, Department of Health and Human Resources, and

* * * *

11.23 Civil, Emergency, and Special Leave.

An employee shall be given time off without loss of pay, annual leave, or sick leave when

* * * *

(k) the employee is a current member of the Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed fifteen working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

* * * *

George Hamner, Director
Department of State Civil Service

RULE

**Department of Commerce
Licensing Board for Contractors**

Rule 28—Any person, firm, or corporation duly licensed under the provisions of R.S. 37:2150, et seq., who violates any provision of the said Louisiana contractor's licensing law or any rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedures Act.

Emery L. Villar, Executive Director
Licensing Board for Contractors

RULES

Board of Trustees for State Colleges and Universities

Part IV. Educational Policies and Procedures.

Section 4.9 Requests for New Degree Programs.

Change subsection B.1. to read as follows:

B. The deadlines for filing letters of intent and requests for new academic degree programs with the Board shall be as follows:

1. a. Letters of intent for baccalaureate, master's, specialist, and doctoral programs must be filed at least twelve months in advance of the Board of Regents' deadlines for submission of requests for new academic degree programs, which deadlines are February 1 and September 1.

b. Letters of intent for certificate and associate degree programs must be filed at least ninety days in advance of the Board of Regents' deadlines for submission of requests for new academic degree programs, which deadlines are February 1 and September 1.

* * * *

Part VII. Faculty and Staff Policies and Procedures.

Section 7.13 Faculty.

A. Salary Schedule.

Change subsection 3. to read as follows:

3. A person who has earned one year (twenty-four semester hours) of graduate credit in his or her teaching field or work leading to a higher degree in his or her major field, after having completed the requirements for

the master's degree, shall be paid four hundred dollars above the salary to which he or she is entitled by his or her rank and his or her current salary, and for two years (forty-eight semester hours), or upon completion of the comprehensive general exam for the terminal degree, he or she shall be paid eight hundred dollars.

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

RULES

Department of Education

Official Guidelines by Act 10 In-Service Committee

1. Each parish shall plan an in-service program of at least twelve hours duration to be conducted within the minimum one hundred eighty school days; additional in-service is desirable.

2. Organizational meetings, orientation, and faculty meetings are not acceptable for the required in-service.

3. a. A representative group of classroom teachers is to be involved in a needs assessment for in-service programs.

b. A representative group of classroom teachers is to be involved in the planning of in-service programs.

c. Participation of selected classroom teachers in conducting in-service program activities is to be encouraged.

4. The required in-service program must include the attendance of all professional educators in the parish or city school system.

5. April 1 is the final date for receipt of plans in the State Department of Education for approval. Revisions of approved plans must be submitted to the State Department of Education on or before five weeks prior to the in-service program.

6. Revisions of disapproved plans must be submitted to the State Department of Education by August 1.

7. Special additional in-service must be provided for teachers in need of special training or special assistance.

8. Innovative approaches and/or instructional techniques identified in the needs assessment shall receive attention.

9. It is recommended that local systems utilize local and other parish supervisors, teachers, and community members for in-service activities.

10. Each local system shall develop an instrument for evaluating their in-service program. A representative group of classroom teachers shall review the evaluation and make recommendations for improving the in-service program for the following year. The evaluation form must be submitted with the in-service plan.

Any exception to the approved guidelines may be requested of the State Department of Education for their consideration in determining the approval of the proposed program.

J. Kelly Nix
State Superintendent of Public Education

RULES

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its regular meeting on February 23, 1978, adopted the following amendments to Bulletin 746, *Louisiana Standards for Accreditation of School Personnel*. This action was taken to implement certain Acts of the 1977 Legislature relative to teacher certification. These same amendments were first adopted and placed

into effect by the Board on October 27, 1977, on an emergency basis.

Rule 3.01.70v(11)—The Board amended page 2 by adding the following:

Act 756 of 1977 requires that (1) the applicant, prior to entry into a teacher education program, shall have completed three hours of counseling related to the suitability and aptitude of the student for teaching and the availability of jobs both geographically and by subject area; this counseling shall be conducted by university counseling services outside the teacher education program; (2) the applicant shall have attained a 2.20 average on a 4.00 scale in all course work as a condition for entrance into a teacher education program; (3) the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program. (Effective September 9, 1977, all students formally enrolled and admitted to teacher education programs must be in compliance with Act 756 and Act 757 of the 1977 Legislature.)

Act 645 of 1977 requires that on and after April 1, 1978, certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

Act 16 of 1977 requires that applicants for certification on and after September 15, 1978, must pass an examination which includes English proficiency, pedagogical knowledge, and knowledge in the areas of specialization of the applicant as a prerequisite to the granting of such certificate.

Rule 3.01.70v(12)—The Board amended Page 13, paragraph 3 to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 13, item d to read:

d. At least twelve semester hours of professional teacher education courses appropriate to the elementary level, including three semester hours in child psychology and nine semester hours in the teaching of reading including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction. (Act 756 of 1977).

Rule 3.01.70v(13)—The Board amended page 17, item c by adding:

In compliance with Act 756 of 1977, a minimum of 270 clock hours shall be spent in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual teaching shall be on an all-day basis. Act 757 of 1977 states that the student teaching shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics.

The Board amended page 17, item 3a by increasing semester hours required from 21 to 27.

Rule 3.01.70v(14)—The Board amended page 18 by increasing the semester hours required in principles of teaching reading from three to nine.

Rule 3.01.70v(15)—The Board amended page 20, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall

have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 20, item 3 to read:

e. Six semester hours of credit in the teaching of reading for all persons seeking secondary certification (Act 756 of 1977).

Rule 3.01.70v(16)—The Board amended page 27, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 27 by adding the following:

e. Six semester hours in the teaching of reading (Act 756 of 1977).

James V. Soileau, Director

Board of Elementary and Secondary Education

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.f

The Board revised Bulletin 741, *Handbook for School Administrators*, Revised 77, pages 1, 2, 5, 15, 16, 17, 18-25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37-44 to extend application to the nonpublic schools to read as follows:

Page 1, Paragraph 2, Transfer Student Records.

A student transferred from a State-approved school, in or out-of-state, will be allowed credit for work completed in the former school. When a student transfers from one school to another, a properly certified transcript, showing the student's record of attendance, achievement, and the units of credit earned, is required.

The principal of any approved school receiving a student from an unapproved school, in or out-of-state, should carefully investigate the composition of the unapproved school and its instructional program. If, in the principal's and/or superintendent's judgement, the quality of instruction is of an inferior grade, the student may be required to take an entrance examination on any subject matter for which credit is claimed. The school issuing the high school diploma must account for all credit required for graduation, and its records must show when and where this credit was earned.

Page 2, Paragraph 3, School Fund Records.

A complete account showing the receipts and disbursements of all funds handled by the school should be reported to the school board office at least once during the school session, preferably at the end of the year.

Page 2, Paragraph 4, Health Records.

A record shall be kept on the health of each student, from kindergarten to graduation.

Page 2, Paragraph 5, Textbook Records.

A record of all textbooks shall be kept. This shall include textbooks on hand at the beginning of the session, those added, those lost or worn-out, and those needed.

Page 2, Paragraph 6, Other Records.

Any other records that may be required by the State Board of Elementary and Secondary Education or the State Department of Education shall be submitted.

Page 4, Paragraph 4, Reports of Pupil Progress.

Reports covering the student's achievement and progress shall be made to parents or guardians periodically. These reports shall contain an evaluation of the pupil's scholastic achievement and department.

Page 4, Paragraph 5, Other Reports.

Any other reports that may be required by the State Board of Elementary and Secondary Education or the State Department of Education shall be submitted.

Page 15, Special Requirements—Health and Physical Education.

Students may be exempted from the requirements in Health and Physical Education for medical reasons only; however, the minimum number of units of credit required for graduation shall remain twenty.

The required courses in this area should be scheduled in the ninth and tenth grades.

In schools having approved Junior Reserve Officer Training Corps training, credits may, at the option of the local school board, be substituted for the required credits in Health and Physical Education, including required hours in health instruction.

Only curricular physical education experiences may be counted for credit toward the two required Health and Physical Education units. Such extra or cocurricular experiences as intramurals, athletics, band, majorettes, drill team, dance team, cheerleaders, or any other type cocurricular activities cannot be counted for credit toward the required Health and Physical Education units.

Page 16, Second paragraph on students not enrolled in the high school participating in school activities.

A student not regularly enrolled in the current school year in the high school is automatically eliminated from participation in all high school activities with the exception of high school graduation ceremonies.

Page 16, Proficiency Examinations.

When a school official believes that a student has mastered eligible subject matter (Any course in the General and Academic Section of the program of studies is eligible. Courses other than those listed may be approved by the Bureau of Secondary Education, State Department of Education.) and reached the same or a higher degree of proficiency as that of a student who successfully completed an equivalent course at the regular high school or college level, he may give such student a proficiency examination for high school credit. The testing instrument must be approved by the Bureau of Secondary Education, State Department of Education.

The year taken, grade and unit of credit earned are entered on the Certificate of High School Credits, with "M.P.S." (minimum proficiency standards) indicated in the remarks column.

Students shall not be allowed to take proficiency examinations in courses at a level below that which they have completed or in which they are enrolled.

Page 17, Guidelines.

Various factors influence students' participation in elective courses. In an effort to allow for individual differences, and to promote variable experiences in many subject matter fields, where feasible, restrictions shall be eliminated. Half-unit credit

shall be allowed in nonvocational subjects and may be allowed for vocational subjects under the conditions given on page 25.

A student's participation in a particular subject, shall be based upon a combination of logical, sequential courses of study which shall lead to the desired objectives. The placement of a student in a subject area or level of a subject may be cooperatively decided by a student, parent, teacher, guidance counselor, and administrator.

Pages 18-25, Secondary Program of Studies.

Secondary Program of Studies

General and Academic

Quarter credits may be awarded upon authorization by the Bureau of Secondary Education, State Department of Education, provided such credits meet a time requirement proportionate to whole units, i.e., a minimum of forty-five hours.

Art—One-half or one unit of credit may be given for each of the following subjects: Art I, II, III and IV.

Driver Education—One-half unit of credit: Driver Education and Traffic Safety.

English—One-half or one unit of credit may be given for each of the following subjects: Business English (May be taught in Business and Office Education); English I, II, III, IV; Reading I (Remedial level); Reading II.

Foreign Language—One-half or one unit of credit may be given for each of the following subjects: French I, II, III and IV; German I, II, III and IV; Italian I, II, III and IV; Latin I, II, III and IV; Russian I, II, III and IV; Spanish I, II, III and IV.

Health and Physical Education—One-half or one unit of credit may be given for each of the following subjects: Health Education; Physical Education I, II, III, and IV.

Industrial Arts—One-half or one unit of credit may be given for each of the following subjects: American Industries, Communications, Construction, Construction Processes, Drafting, Electricity-Electronics, Graphic Arts, Manufacturing, Manufacturing Processes, Materials and Processes, Metals, Plastics, Power, Power and Energy, Research and Development, Transportation, Visual Communication, Woods.

A maximum of one unit of credit is allowed in each of the above courses of instruction.

Journalism—One-half or one unit of credit may be given for each of the following subjects: Journalism I and II.

Mathematics—One-half or one unit of credit may be given for each of the following subjects: Advanced Mathematics, Algebra I and II, Business Arithmetic (May be taught in Business and Office Education), Computer Science, Consumer Mathematics, Geometry, Mathematics I and II, Trigonometry.

Music—One-half or one unit of credit may be given for each of the following subjects each year: A Cappella Choir; Applied Music; Band; Chorus; Fundamentals of Music; General Music; Instrumental Ensemble Class; Instrumental Technique Class; Music History and Appreciation; Orchestra; Piano Class; Privately Tutored Piano Instruction (Approval by the State Department of Education must be granted before credit for private piano instruction can be given. Southern Association of Colleges and Schools members must comply with Principle D, Standard 6, from *Standards, Policies, and Procedures of the Commission on Secondary Schools.*); Vocal Ensemble; Voice Class.

Reserve Officer Training Corps (R.O.T.C.)—Junior—One-half or one unit of credit may be given for each of the following subjects: Junior R.O.T.C. I, II, III and IV.

Science—One-half or one unit of credit may be given for each of the following subjects: Aerospace Science, Biology, Chemistry, Earth Science, Environmental Science, General Science, Physical Science, Physics.

Social Studies—One-half or one unit of credit may be given for each of the following subjects: American Government,

American History, Civics, Economics (May be taught in Business and Office Education), Geography, Psychology, Sociology, World History I (Prehistoric to 1500), World History II (1500 to present).

Speech—One-half or one unit of credit may be given for each of the following subjects: Speech I (Fundamentals), Speech II (Interpretation and Drama), Speech III (Public Speaking, Debate and Group Discussion).

Religion—State-approved private and sectarian high schools may include offerings in religion in the program of studies, and grant a maximum of two elective units in this field toward meeting the requirements for high school graduation. Such credits shall be accepted when transferred to other State-approved high schools.

Vocational

Agriculture:

Agriculture I, II, III and IV (I and II prerequisite to III and IV)—one unit.

Agriculture Laboratory III and IV (Open only to students enrolled in Vocational Agriculture classes)—one unit.

Cooperative Agriculture Education (CAE) (After successful completion of either Agriculture III or IV, combined with CAE, the student will receive one unit of credit for time spent in class and two units of credit for time spent on the job. This credit shall be combined where indicated on the Certificate of High School Credits.)—two units.

Business and Office Education:

Bookkeeping I (Prerequisite to II)—one unit.

Bookkeeping II—one-half or one unit.

Business Arithmetic (May be taught in Mathematics area)—one-half or one unit.

Business English (May be taught in English area)—one-half or one unit.

Business Law—one-half unit.

Business Principles—one-half or one unit.

Clerical Practice—one-half or one unit.

Cooperative Office Education—three units.

Data Processing—one-half unit.

Economics (May be taught in Social Studies area)—one-half or one unit.

General Business—one unit.

Office Machines—one-half unit.

Personal Typewriting (nonvocational) (Credit for Personal Typewriting cannot be given to students who have completed Typewriting I and II unless it precedes Typewriting I and II.)—one-half unit.

Record Keeping—one unit.

Shorthand I (Prerequisite to II)—one unit.

Shorthand II—one-half or one unit.

Typewriting I (Prerequisite to II, Clerical Practice, Data Processing, and Cooperative Office Education)—one unit.

Typewriting II—one-half or one unit.

Distributive Education:

Distributive Education Preparatory I—one unit.

Distributive Education Preparatory II—one unit.

Salesmanship—one-half unit.

Cooperative Distributive Education I (Prerequisite to II)—three units.

Cooperative Distributive Education II—three units.

General Cooperative Education:

General Cooperative Education I—three units.

General Cooperative Education II—three units.

Health Occupations:

Nurse Aide (recommended for seniors) Two or three regular class periods per day per week—two to three units.

Practical Nursing:

Junior year (Three regular class periods per day per week)—three units.

Summer (six regular class periods per day per week for six weeks)—one unit.

Senior year (Four regular class periods per day per week)—four units.

Other Health Allied Fields (Subject to prior approval by the Trade and Industrial Education Section, State Department of Education)—two to three units.

Home Economics:

Consumer Education and Homemaking:

Basic Home Economics I and II—one unit each.

Home Economics III and IV—one unit each.

Child Development—one-half unit.

Consumer Education and Family Economics—one-half unit.

Housing and Equipment—one-half unit.

Nutrition Education—one-half unit.

The Home and Family—one-half unit.

Advanced Child Development (Basic Home Economics I and II are prerequisites.)—one-half unit.

Advanced Sewing and Design (Basic Home Economics I and II are prerequisites.)—one-half unit.

Gourmet Cookery (Basic Home Economics I and II are prerequisites.)—one-half unit.

Occupational Training Courses:

Home Economics Preparatory Occupational I and II, eleventh and twelfth grades—one to three units.

Cooperative Home Economics, twelfth grade—three units.

Basic Home Economics I prerequisite to Basic Home Economics II; Home Economics II prerequisite to Home Economics III and/or IV. Preparatory Occupational I prerequisite to Preparatory Occupational II.

Trade and Industrial Education:

Specific Trade and Industrial course to be determined upon prior program approval by the Division of Vocational Education.

Trade and Industrial Education (Two or three regular consecutive periods per day per week)—two to three units per year.

Cooperative Trade and Industrial Education—three units.

Page 25, Guidelines for Granting Credit in Vocational Education Courses.

One-half unit credit may be granted for all whole-unit vocational courses when a valid reason is evident. No credit may be granted for cooperative programs unless the entire course be completed. Permission for the granting of less than full credit may be given by the State Department of Education.

All newly instituted vocational education programs for a school system must be approved by the Division of Vocational Education, State Department of Education.

Page 26, Vocational Cooperative Education Programs.

Aggregate Time Allotment and Length of Class Periods

Vocational Cooperative Education Programs:

Cooperative Agriculture Education

Cooperative Distributive Education

Cooperative Home Economics

Cooperative Office Education

Cooperative Trade and Industrial Education

General Cooperative Education

Time requirements for the above subjects: One regular period per day, five days per week, of vocationally related classroom instruction, with an average minimum of fifteen hours of job training during the school week (a minimum of five hours to be during school hours).

The student will receive one unit of credit for time spent in a cooperative related instructional class and two units of credit for time spent in on-the-job training, but in all cases, both phases of the program must be successfully completed before credit may be awarded in either. Only one grade shall be given for both classwork and on-the-job training.

Private and Sectarian Schools—Schools having special curricular offerings in addition to the regular high school program may, with the approval of the director of the Bureau of Secondary Education, State Department of Education, schedule all regular high school classes (except science and vocational subjects) for a minimum of two hundred fifty minutes per week.

Page 27, Correspondence Study Courses.

Credit toward high school graduation may be earned through correspondence work from the General Extension Divisions, Louisiana State University and Southern University. An application to the General Extension Division for correspondence study courses must be approved by the high school principal, and the director of the Bureau of Secondary Education, State Department of Education. This is the only method by which correspondence study credits acceptable to the Department of Education may be earned.

Page 28, Students Transferring from Foreign Schools.

Placement of students transferring from non-American foreign schools shall be determined by the school system in which the student is enrolling. This determination shall be accepted by the State Department of Education.

Credits earned by students in American schools in foreign countries shall be accepted at face value.

Page 29, Adding Elective Courses to the Program of Studies.

A school system that wishes to add an elective course to its program of studies shall apply to the director of the Bureau of Secondary Education, State Department of Education, at least sixty days prior to the anticipated date of implementation. This application shall be signed by the chief administrative officer of the local school system and shall contain the following information:

1. Brief statement of course content.
2. Units of credit to be granted.
3. Course objectives and how they will be measured.
4. Qualifications of instructor.
5. When the course is to begin.
6. Approximate number of students.

The director will determine, from the information submitted, whether or not the course is approved and so notify the applicant.

If the course is to be offered for the succeeding school year, an end-of-year evaluation shall be sent to the Bureau of Secondary Education. Continuation of the course will be based upon this evaluation.

After an elective course has been in effect for three successive school years, the chief administrative officer of the school system may apply by letter to the director of the Bureau of Secondary Education to have the course made a permanent part of his school system's curriculum.

Pages 30-31, Approval of Experimental Programs (Southern Association of Colleges and Schools member schools should comply with Principle I, Standards 1 and 2.)

Approval of Experimental Programs

An experimental program is one which requires approval to deviate from established standards and will be carried out under controlled conditions. Approval will be granted on a yearly basis not to exceed three years, after which time permanent approval will be considered.

In order to receive experimental status, these procedures will be followed:

1. A letter of intent must be submitted to the Bureau of Secondary Education, State Department of Education, at least ninety days prior to the anticipated date of implementation. It shall contain the following information: (a) proposed title of program; (b) name and address of school; (c) name and address of local school system; (d) name and signature of superintendent; (e) name, title, address and telephone number of person submitting proposal; (f) units of credit to be granted; (g) source of funding.

2. A brief narrative report, including the following information, shall be attached.

- a. A statement documenting support for the intended program.

- b. A statement outlining the exact guideline deviations necessary to implement the program.

- c. A statement outlining specific timelines for the planning and implementing phases of the program, including intended procedures.

- d. A statement of the evaluation procedures to be used in determining the program's effectiveness. (These procedures should spell out specific objectives to be accomplished.)

- e. A statement indicating approximate number of students to be involved in the project.

- f. A statement of qualifications or certification of instructional personnel.

- g. A statement stipulating that applicable local, State, and Federal regulations will be followed.

3. An evaluation by the local education agency must be submitted annually to the Bureau of Secondary Education until permanent status is granted.

Page 34, Instruction by Private Teachers (Southern Association of Colleges and Schools member schools should comply with Principle D, Standard 6.)

In a community where no organized summer school is operated, credit will be allowed for high school work completed under private instructors, subject to the following conditions:

1. The instruction must be under the direction of a private tutor only when the tutor is properly certified for regular employment in an approved high school.

2. The time requirements for credits in a regular high school will apply.

3. The necessary facilities peculiar to a particular subject must be available for instructional purposes.

4. Prior to enrolling in a privately tutored course, a student must obtain written approval from the principal of the high school in which he is enrolled.

Page 35, High School Credit for College Courses.

1. College courses for credit should be limited to students who have earned twelve or more high school units of credit toward graduation.

2. A student must have at least a 3.0 average on a 4.0 scale for all high school courses taken.

3. The principal of the school must approve the advanced offering to be taken by the student in college.

4. The student must have scored at least a minimum composite score of 24 on the American College Test (ACT).

5. The student must earn at least two or three college hours of credit per semester. (The two or three-hour course per semester shall be counted as one unit of credit toward high school graduation.)

6. The high school administrator must establish a procedure with the college to receive reports of the student's class attendance and performance at six or nine-week intervals.

7. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary state organizations.

Page 36, Early College Admissions Policy.

Prior to graduation from high school, students of high ability may be admitted to a college on a full-time basis provided that the following conditions are met:

1. A student must have maintained a "B" or better average on all work pursued during three years (six semesters) of high school.

2. He must earn a minimum composite score of 24 on the ACT and this score must be submitted to the college.

3. He must be recommended by his high school principal.

Upon earning a minimum of twenty-four semester hours at the college level, the student will be eligible to receive a high school diploma. The high school principal shall submit to the State Department of Education the following:

1. Forms provided by the State Department of Education and completed by the college registrar, certifying that the student has earned twenty-four semester hours of college credit.

2. A Certificate of High School Credits (white and pink copies).

A student not regularly enrolled in the current school year in the high school is automatically eliminated from participation in all high school activities with the exception of high school graduation ceremonies.

Pages 37-44, Graduation Requirements for Adults.

Graduation Requirements for Adults

Adults Who Are Nonveteran.

1. Evening Schools—All State-approved high schools may offer courses for adults in the evenings, or at such times as necessary apart from their regular daily schedules. Before these courses may be accredited, a particular high school must submit a report in the form of an amendment to the Annual School Report to the Department of Education.

The minimum aggregate time allotment for one unit in an adult education course shall not be less than one hundred eighty clock-hours of instruction. There shall be no limitation on the lengths of class periods. High school credit may be granted only in those courses listed in the program of studies.

All other minimum objective standards required of State-approved high schools shall be the same in the adult education program where high school credit is granted. In those cases where credit is allowed for successful completion of adult education courses, such credit may be considered as having been earned in residence.

2. Adult Education Program.

a. To qualify to be recommended to take the General Educational Development (GED) test a student must be eighteen years of age or older, or married, or recommended by the local superintendent.

b. For a student to be eligible to be recommended to take the GED test, he must enroll in an adult education program and take a standardized achievement test at the high school level. An average score of 13.0, with no one area below 12.0, must be attained by the individual before he can be recommended to take the GED test. Individuals eighteen years of age or older will be allowed to qualify to take the GED test without mandatory class attendance.

c. By submission of Form DE-502, "Authorization for Administration of Test of General Educational Development," the parish or city superintendent of schools shall certify to the director of the Bureau of Secondary Education, State Department of Education, that the student has complied with the adult education requirements and is authorized to be administered the GED.

d. The local supervisor of adult education shall be responsible for submitting two copies of this form to the director of Secondary Education, one copy to the official GED testing

center, and one copy to the student, indicating the official GED testing center where the student must make an appointment to take the test.

e. The official GED testing center shall have authority to administer the GED test to the student upon receipt of the approved Form DE-502 unless notified otherwise by the director of Secondary Education.

f. The Department of Education is charged with the responsibility of administering and supervising the GED testing service to students in Louisiana.

g. Applications for high school equivalency diplomas for students shall be submitted only by State-approved high schools, and the student shall be considered a graduate of that school.

h. Successful completion of the GED test at an out-of-state official GED center will entitle an eligible Louisiana resident to an equivalency diploma provided an official copy of the results of the GED test, and a copy of his qualifying scores on a standardized achievement test as certified by the testing agent, have been received by the director of the Bureau of Secondary Education.

i. A student shall receive his equivalency diploma through the last high school he attended, through the high school nearest his legal residence, or through the high school nearest to the publicly supported institution of higher education to which he is academically admissible.

3. Procedure for Taking the GED Test.

a. After requirements have been met, the teacher of the adult education class in which the student is enrolled will request that the parish or city superintendent authorize that the student be administered the GED test by submitting Form DE-502 to the director of the Bureau of Secondary Education of the State Department of Education, the official GED testing center, and the student.

b. When a student requests that his equivalency diploma be issued through a school other than the one he previously attended, the principal of this school shall forward all records to the principal of the school from which the diploma will be issued. All pertinent data shall be filed in the issuing principal's office.

c. By submission of Form DE-502, the parish or city superintendent of schools shall certify to the director of the Bureau of Secondary Education that the student has complied with the adult education requirements and is authorized to be administered the GED test.

d. The local supervisor of adult education shall be responsible for submitting two copies of this form to the director of the Bureau of Secondary Education, one copy to the official GED testing center, and one copy to the student, indicating the official GED testing center where the student must make an appointment to take the test.

e. The official GED testing center shall have authority to administer the GED test to the student upon receipt of the approved Form DE-502 unless notified otherwise by the director of the Bureau of Secondary Education.

f. The official GED testing center must have an approved authorization before testing students.

4. Other—A legal resident of Louisiana who successfully completes a college entrance examination and nine semester hours of work at the college level will be entitled to a high school equivalency diploma, after verification by the registrar of an approved institution of higher education.

Veterans or Members of the United States Armed Forces

1. General.

a. Two units of credit toward high school graduation may be awarded to any member of the United States Armed

Forces, or any honorably discharged veteran who has completed his basic training, upon presentation of a military record attesting to such completion.

b. Special training obtained while in the armed forces, comparable to courses offered in civilian secondary schools, may be accredited up to a maximum of two units.

c. All subjects completed by a member of the armed forces, or by an honorably discharged veteran, through the United States Armed Forces Institute, the Marine Corps Institute, or the Coast Guard Institute, may be accredited at face value.

2. Regular High School Diploma.

a. Any person who served honorably in the United States Armed Forces and has made satisfactory scores on the GED may be awarded a regular diploma if he has earned a minimum of eight resident units of credit from a State-approved high school, regardless of the requirements for regular high school graduates.

b. A member of the United States Armed Forces, or an honorably discharged veteran, may be awarded a regular high school diploma upon completion of twenty units of work, regardless of the requirements for regular graduates.

c. In order to be eligible for a regular diploma based on results of the GED, a member of the armed forces, or an honorably discharged veteran, must be a legal resident of Louisiana, or he must have formerly attended a Louisiana school.

d. A veteran who formerly attended a Louisiana school should submit his application for a regular diploma to the principal of the last school he attended in Louisiana.

e. An applicant now living in Louisiana who has never enrolled in a Louisiana school, but who attended an approved high school or elementary school in another state, should submit his application for a regular diploma to the principal of the nearest high school.

3. Equivalency High School Diploma.

a. Any honorably discharged veteran may be administered the GED by one of the official GED centers approved by the Department of Education. For the purpose of identification, the veteran shall present a copy of his discharge papers to the chief examiner.

b. Members of the armed forces may take the GED test during the time they are in the service. They should be advised to make arrangements with their commanding officers.

c. A high school equivalency diploma may be issued in lieu of a regular diploma to a member of the United States Armed Forces, or an honorably discharged veteran, who has made satisfactory scores on the GED and who has earned fewer than eight high school units of resident credit from a State-approved school.

d. A statement giving the date of the applicant's entrance into the United States Armed Forces should be made in the "Remarks" column of the Certificate of High School Credits, CE-2.

e. In order to be eligible for an equivalency diploma based on results of the GED, a member of the armed forces, or an honorably discharged veteran, must be a legal resident of Louisiana, or he must have formerly attended a Louisiana school.

f. A veteran who formerly attended a Louisiana school should submit his application for an equivalency diploma to the principal of the last school he attended. If he did not attend a high school in Louisiana he should submit his application to the high school nearest his residence.

g. An applicant now living in Louisiana who was never enrolled in a Louisiana school, but who attended an approved high school or elementary school in another state, should

submit his application for a high school equivalency diploma to the principal of the nearest high school.

4. Preparation of Certificates of High School Credits for Veterans and Members of the Armed Forces.

a. High school principals will prepare and send to the director of the Bureau of Secondary Education, State Department of Education, Baton Rouge, Louisiana 70804, Certificates of High School Credits, CE-2 (blue and pink copies) for all applicants.

b. If a diploma is to be granted on the basis of completion of twenty units, a complete record of all high school units earned shall be listed.

c. Only resident units completed should be listed if a diploma is to be issued on the basis of a minimum of eight units of high school work and successful completion of the GED.

d. Work completed in residence at fully accredited high schools from other states may be accepted and applied toward meeting graduation requirements.

e. Official records of high school work being applied toward meeting the requirements for graduation must be in the files of the school issuing the diploma.

f. If an applicant has attended school in any state, but does not present any high school units, the principal will indicate on the Certificate of High School Credits the name of the school last attended. Official records attesting to this fact should be on file in the principal's office.

g. A certified copy of the record of the GED must accompany the Certificate of High School Credits if administered by an official GED center other than one approved by the Louisiana Department of Education.

h. A statement giving the date of the applicant's entrance into the United States Armed Forces should be made in the "Remarks" column of the Certificate of High School Credits, CE-2.

Scoring of the Test of General Educational Development

In order for an individual to satisfactorily complete the GED, he must earn a standard score of thirty-five or above on each of the five sections of the test, or, if any one or more of the scores is below thirty-five, he must average a minimum composite score of forty-five for all of the five sections.

A veteran who fails to make satisfactory scores may, without having received additional instruction, be retested on the section or sections of the test he failed, but not prior to thirty days from the date of the previous testing.

Before being retested a nonveteran student must, and a veteran may, receive instruction in the areas of deficiency until such time as the instructor certifies the student is proficient in the failed section or sections.

A student who receives such instruction may be recommended for retesting on those sections of the test he failed, but not prior to thirty days from the date of the previous testing.

Retesting must be on a different form of the test from the one previously administered.

The student must score a minimum of thirty-five on each of the retested sections.

Retest recommendation forms shall be submitted to the director, Bureau of Secondary Education, by the parish or city superintendent.

All test results must be submitted by the chief examiner to the director, Bureau of Secondary Education.

Rule 6.03.95 5.6

The Board adopted a policy whereby a representative of the vocational-technical teacher organizations (Louisiana Vocational Association and Louisiana Federation of Vocational Technical Teachers) or other legally constituted bodies in this

field as recognized as such by the Board, not be charged annual leave to attend Board and Committee meetings affecting vocational-technical teachers.

Rule 3.01.86

The Board adopted policy in accordance with Act 86 of the 1977 Regular Session as follows: If the publisher has not collected books within forty-five days after receipt of notification by the Department of Education, the parish or city superintendents may dispose of them by selling them to private persons or donating them to hospitals or parish prisons. Any monies received from the sale of these books shall remain at the parish level for materials of instruction.

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

RULE

Board of Regents

Article III

3.2 Chairman of the Board. It shall be the duty of the Chairman of the Board to preside over all meetings of the Board; to appoint, subject to the approval of the Board, the members of all standing and special committees, and to expand any standing committee in accordance with provisions of Article IV, Section 4.2.

William Arceneaux
Commissioner of Higher Education
Board of Regents

RULE

**Department of Labor
Office of Employment Security**

The Department of Labor, Office of Employment Security, at a hearing called for the purpose, has pursuant to R.S. 23:1654 amended Regulation 35 to read as follows:

**Regulation 35. Terms and Conditions
Not Applicable to Claims for or
Payment of Extended Compensation**

(a) Section 1600(4) of the Louisiana Employment Security Law, pertaining to a waiting period of one week, is not applicable to claims for extended compensation.

(b) All disqualifications for regular benefits apply to extended benefits in the same manner and to the same extent as to regular claims.

(c) The forwarding of an extended compensation claim notice to a former employer of an individual does not serve to reopen a previously resolved issue or open to adjudication any issue concerning which an employer failed to furnish information within the time provided by Regulation 11.

The regulation becomes effective April 1, 1978.

Thomas M. Lockwood, Administrator
Office of Employment Security

RULES

**Department of Natural Resources
Office of Conservation**

**Rules of Procedure
Applicable to Matters Arising under
the Natural Resources and Energy Act of 1973,
Chapter 7 of Title 30 of Revised Statutes of 1950**

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised Statutes of 1950 entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 78-9 in Baton Rouge, Louisiana, on the sixteenth day of February, 1978, the following Rules of Procedure are amended, reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Rule 1—Definitions—The words used herein shall have their usual meanings unless specially defined herein or in Chapter 7, Title 30 of Louisiana Revised Statutes of 1950, or in regulations promulgated by the Commissioner of Conservation pursuant thereto.

Rule 2—Applications—All applications to the Commissioner, pursuant to Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950, or Article IX, Section 2 of the Louisiana Constitution 1974, shall comply with these rules of procedure.

Except as otherwise provided in these rules of procedure or in the Commissioner's regulations implementing the Natural Resources and Energy Act of 1973, all applications shall be made in duplicate in the form required by the Commissioner and to the extent required, shall contain an outline and explanation of the nature of the proposal and shall be accompanied by such attachments, if any, as are required for such applications under the provisions of Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950 and applicable regulations adopted by the Commissioner pursuant thereto, and Article IX, Section 2 of the Louisiana Constitution 1974. In those situations where a public hearing is required, applications shall be submitted to the Commissioner in triplicate.

Rule 3—Applications Not Requiring Public Notice—Applications to the Commissioner for which no public notice is required shall be made in writing and shall be in the form required by the Commissioner and shall contain such information as is required for such applications under the applicable regulations.

If, in applicant's opinion, the public interest requires immediate action, the applicant may request a decision by telephone, and if approval is granted, the application must be submitted in writing within seventy-two hours thereafter.

Rule 4—Applications Requiring Public Notice—Public notice shall be given with respect to all applications for which a public hearing is required. Public notice shall be in writing and shall include (1) a statement of the time, place and nature of the hearing and the time within which a response is required, (2) a statement of the legal authority and jurisdiction under which the hearing is to be held, (3) a reference to the particular sections of the statutes, rules and regulations involved, and (4) a concise statement of the matters asserted.

The public notice, with a copy of the application, shall be mailed to all interested parties by the Commissioner on the date notice of the hearing is mailed to the applicant. The applicant shall furnish to the Commissioner a list of the names and addresses of all interested parties along with copies of the application

enclosed within properly stamped envelopes addressed to the interested parties.

Notice to owners of land to be traversed by the pipeline, for all purposes under the Act and these regulations, shall be sufficient and shall be reasonable notice if mailed to the persons and to the addresses identified in the ad valorem tax records of the parish as the owners of the traversed lands. The public notice shall be further noticed upon interested parties by publication in the Official Journal of the State of Louisiana not less than ten days prior to the hearing.

Rule 5—Applications Requiring Public Hearing—No order, ruling or finding may be made or other action taken with respect to R.S. 30:553, 554, 555(A) through (C), 555(F), 555(H), 556, 557, 558, 571 through 576, 593, 596, 598(E) and 599 without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provision of the Administrative Procedures Act, as amended, (R.S. 49:951-68) or the Natural Resources and Energy Act of 1973 expressly provides that no hearing is required in that instance.

Applications to the Commissioner of Conservation for which a public hearing is required shall be submitted in writing, be verified under oath, and shall be in a form and contain such information as is required by the Commissioner. The hearing on the application shall be noticed in accordance with Rule 4. The hearing date of the application shall not be less than ten days following the date of publication of notice.

Interested parties who wish to object to said application or participate in the hearing must file a petition or notice with the Commissioner and the applicant within five days following the receipt by such interested parties of the notice of the hearing. Petitions or notices filed in connection with the application shall set forth clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed participation, and the position of the petitioner in the proceeding, so as to fully and completely advise the parties and the Commissioner as to the specific issues of fact or law to be raised concerning public interest, provided however, that the right to participate in a proceeding commenced under this section shall not extend to objections directed solely to the matters involving rights-of-way, including but not limited to the public purpose and necessity to be served in an expropriation thereof or the compensation therefor which is a judicial question pursuant to the Constitution of the State of Louisiana 1974, Article I, Section 4.

The Commissioner, either upon his own motion, or at the request of an interested party or the applicant, may call a conference of the parties to a proceeding at any time, if in his opinion, such a conference would resolve or narrow the issues in controversy or assist in the conduct of the hearing.

If no objection to the application is timely filed by an interested party, in accordance with the provisions of this section, it will be unnecessary for the applicant to be present or to be represented at the hearing, and evidence shall be filed by affidavit or in such other form as is acceptable to or permitted by the Commissioner who shall render an order based upon the record in this proceeding. The order of the Commissioner shall be final, subject to reconsideration by him upon application for rehearing by the applicant or interested party filed within ten days from the date of its entry.

If the Commissioner, in his judgment, determines that an emergency exists, which, in the public interest, requires action on the application prior to the hearing date or the minimum ten day notice period herein required, the Commissioner may act on the application and issue a temporary order; however, such emergency authorization shall remain in force no longer than fifteen days from its effective date. In any event, a temporary

order shall expire when the Commissioner's decision on the application after notice and hearing becomes effective.

An interested party who fails to comply with the requirements of this rule, may, at the Commissioner's discretion, be precluded from introducing witnesses or from presenting evidence at the hearing; however, any person shall be permitted to cross-examine witnesses and make statements confined to his position in the matter.

Hearings on applications for approval to connect an intrastate natural gas pipeline or gas gathering line to an interstate natural gas pipeline filed pursuant to R.S. 30:555(H) and Louisiana Constitution 1974, Article IX, Section 2, shall be held not less than ten days after notice given in the manner provided in Rule 4. Provided, however, that if the Commissioner, in his judgment, determines that an emergency exists, which, in the interest of public health, safety or welfare, requires that said hearing be held on shorter notice, said emergency hearing may be held on any abbreviated notice, but not less than three days following the date of publication of notice of said hearing in the Official Journal of the State of Louisiana.

Rule 6—Applications and Notices—All applications and notices filed pursuant to these rules of procedure shall contain a list of the names and addresses of the interested parties and show that a diligent effort has been made to obtain this list.

Rule 7—Approvals by the Commissioner for Certain Matters under the Act—All matters under the Act requiring the approval and permission of the Commissioner, and for which no objection thereto has been received within fifteen days after due notice, if required, and no public hearing is specifically required under the Act, may be approved by the Commissioner without a public hearing by the issuance of an order, or administratively, on forms and in a manner determined by the Commissioner.

Rule 8—Approvals by the Commissioner for Matters Involving a Public Hearing—As to matters under the Act requiring the approval of the Commissioner after a public hearing, the Commissioner shall issue his order and findings relative thereto on forms and in a manner determined by the Commissioner.

Rule 9—Reports—All reports required to be submitted to the Commissioner under the Act shall be on forms approved by him and filed in accordance with schedules set by him. The Commissioner may at his discretion grant extensions of time to file said reports beyond the applicable due date upon good cause shown.

Rule 10—Applicability of Rules of Procedure—The rules of Procedure set out herein apply only to the provisions of the Act (Chapter 7, Title 30), as implemented by applicable regulations. All other rules of procedure applicable to Chapters of Title 30 other than Chapter 7 shall not apply in any manner whatsoever to the Act, or regulations implementing same.

Rule 11—Date and Timely Filings—All notices and filings, as required by the Act shall be presumed as given timely when the date of the copy received by the Commissioner complies with appropriate delays herein provided. Copies to interested parties shall be deposited on the same day in the United States mail, properly stamped and addressed or, if telegraphic or wireless communication is used, dispatched on that day by the transmitting agency.

**Regulations, as Amended,
under the Natural Resources and Energy Act of 1973,
Chapter 7, Title 30 of the Revised Statutes of 1950**

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised Statutes of 1950 entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 78-9 in Baton Rouge, Louisiana, on the sixteenth day of February, 1978, the following Regulations are amended,

reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Regulation 1—Definitions—The words and terms defined herein shall have the following meanings when used in these Regulations. All other words and terms so used and not herein defined shall have their usual meanings unless specially defined in Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950.

Act or Chapter: shall mean the Natural Resources and Energy Act of 1973, being Act 16 of the Extraordinary Session of 1973, now Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950.

Commissioner: shall mean the Commissioner of Conservation of the State of Louisiana who shall be the Commissioner of Conservation within the Department of Natural Resources.

Excess Capacity of Intrastate Gas Pipelines: shall mean that part of the capability of a pipeline system to transport intrastate natural gas from point to point along its line in excess of the immediate needs of the pipeline company or its subsidiaries or its parent or the subsidiary companies of its parent. In determining excess capacity, the Commissioner may disregard existing contracts for the transportation or sale of intrastate natural gas to the extent they are not then being performed or fulfilled. Excess capacity of intrastate pipelines may also be created as a result of intrastate natural gas delivery curtailment orders of the Commissioner in the implementation of the allocation, rationing, and conservation measures governing the end-use of intrastate natural gas provided for in the Act.

Facility: shall mean any component of a pipeline or pipeline system except:

(1) **Auxiliary Installations.** Installations which are merely auxiliary or appurtenant to an existing transmission pipeline system and which are installed only for the purpose of obtaining more efficient or more economical operation of authorized transmission facilities, such as: valves; drips; yard and station piping; cathodic protection equipment; gas cleaning and treating equipment, heaters, cooling and dehydration equipment; residual refining equipment; water pumping treating and cooling equipment; production compressors; measurement equipment; pressure or flow regulation or control equipment; electrical and communication equipment and buildings.

(2) **Replacement of Facilities.** Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: provided, that such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: provided further, that such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(3) **New Delivery Points.** Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer.

(4) **Taps.** Taps on existing transporter pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas from a producer.

Gas: shall mean any gas derived from or composed of hydrocarbons.

Interested Parties: shall mean those persons who have a direct interest in the subject matter for which an application is filed as such persons are defined in these regulations.

Intrastate Natural Gas: shall mean that gas produced, transported, and utilized wholly within the State of Louisiana, through the use of intrastate pipelines or of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder, and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

Intrastate Natural Gas Transporter: shall mean any person owning or operating an intrastate pipeline.

Intrastate Pipeline: shall mean a pipeline which is located and operated wholly within the State of Louisiana for the transportation of intrastate natural gas within the State of Louisiana, which does not extend beyond the boundaries of the State of Louisiana, and which is not merely a local branch of an interstate pipeline system but does not include producer owned producing and gathering lines and facilities associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of natural gas for others.

Natural Gas Company: shall mean a person engaged in the sale of intrastate natural gas beyond the wellhead.

Person: shall mean any natural person, corporation, political subdivision, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

Rules of Procedure: shall be the rules of procedure promulgated by the Commissioner and which are stated to be applicable to the Act.

Sale of Intrastate Natural Gas at the Wellhead: shall mean the first transfer for value by the producer of such gas whether at the wellhead, a central gathering facility, or at the tailgate of a gas processing plant.

Regulation 2—Certificate of Transportation to Be Issued Pursuant to the Provisions of Section 554 of the Act.

a. This regulation shall apply to a certificate of transportation issued to a qualified person(s) in accordance with the provisions of Section 554 of the Act.

b. All certificates of transportation heretofore issued by the Commissioner of Conservation pursuant to Section 554 of the Act, as implemented by Regulation 2, shall remain in force and effect pursuant to the terms and conditions thereof.

c. Any qualified person desiring a certificate of transportation shall apply to the Commissioner for an order therefor upon such forms and in such manner as the Commissioner prescribes, and shall furnish such data and information as the Commissioner may direct; provided, however, that if a person has filed documents and evidence with the Commissioner in accordance with Section 555(C) of the Act, as required by Regulation 4, such filing shall be considered by the Commissioner in his determination with respect to the issuance of an order hereunder.

d. The Commissioner shall issue an order granting a certificate of transportation to any qualified applicant if he finds that the applicant is able and willing to perform properly the service proposed and to conform to the provisions of Chapter 7 of Title 30 of the Revised Statutes of the State of Louisiana and the requirements, rules and regulations of the Commissioner thereunder, and that the proposed issuance of the certificate is or will be required by the present or future public interest.

e. All persons receiving a certificate of transportation shall be vested with all of the rights and privileges granted and extended under Section 554 of the Act.

Regulation 3—Requirements for Abandonment of all or any Portion of a Facility, or any Service Rendered by Means of such Facility under Section 555(B) of the Act.

a. This regulation shall apply to requirements of an intrastate natural gas transporter to abandon all or any portion of a facility, or any service rendered by means of such facility, pursuant to the provisions of Section 555(B) of the Act.

b. Under Section 555(B) of the Act, where an abandonment of a service or facility is proposed, the interested parties shall be the signatory parties to the contract(s) affecting said services or facilities and the owners or operators of such facilities to be abandoned.

c. The Commissioner shall issue his permission and approval for the abandonment of all or any portion of the facilities of an intrastate natural gas transporter subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities, only after the intrastate natural gas transporter shall have demonstrated, to the satisfaction of the Commissioner, that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted or that the public interest and energy needs permit such abandonment. Application for abandonment shall be made to the Commissioner in writing, executed under oath by an individual having authority to execute same with a copy to all interested parties and shall include the following information:

(1) Description and location, if applicable, of the facility, or portion thereof, or the service rendered by such facility, or portion thereof, to be abandoned.

(2) If a gas sales contract:

(a) The exact legal name and status of the seller and purchaser and the name, title and mailing address of the person(s) to whom communications concerning the notice are to be addressed.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas:

Maximum daily quantity seller is obligated to deliver: thousands of cubic feet per day (MCF/Day) or millions of British thermal units per day (MMBTU/Day)

Minimum daily quantity purchaser is obligated to receive: MCF/Day or MMBTU/Day.

Measurement—Pressure Base.

Service—Firm or Interruptible. Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Sale: (Industrial, sale for resale, transportation or other.)

(f) Point(s) of Delivery.

(g) Delivery Pressures: Minimum, Maximum.

(h) Price.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

The Commissioner may request such additional information as in his opinion is reasonably necessary in order to properly evaluate the application.

d. Where an agreement as to the terms and conditions of abandonment has been reached between the transporter and the person or persons who are parties to a contract relating to the use of facilities or services to be abandoned, the application for abandonment shall be accompanied by a letter or agreement, signed by the parties or an authorized agent of the parties, verified under oath.

e. Applications for pregranted abandonment of emergency or temporary sales and connections necessitated thereby, including those sales to supply an immediate and necessary demand for gas, shall contain the information required under section c. and d. above, and may be administratively approved by the Commissioner.

Regulation 4—Transportation of Intrastate Natural Gas and the Construction, Extension, Acquisition, and Operation of Facilities or Extension Thereof Pursuant to Provisions of Section 555(C) of the Act.

a. This regulation shall apply to the requirements placed by Section 555(C) of the Act upon a person relative to the transportation of intrastate natural gas and the construction, extension, acquisition, and operation of facilities or extensions thereof.

b. All applications by a person required to be filed with the Commissioner of Conservation pursuant to the provisions of Section 555(C) of the Act shall be in writing, verified under oath by an individual having authority to execute same, shall be in the form approved by the Commissioner, and shall contain the following information:

(1) The exact legal name of the applicant; its principal place of business; whether an individual, partnership, corporation or otherwise; the State under the laws of which applicant was organized or authorized; if a corporation, a certificate of good standing and authorization to do business from the Secretary of the State of Louisiana, the location and mailing address of applicant's registered office, the name and post office address of each registered agent in Louisiana, and the names and addresses of all its directors and principal officers; if a partnership or other similar organization, the names and addresses of its partners of record, officer or other responsible parties of record; applicant's current financial statement or such other information which may be submitted by the applicant and accepted by the Commissioner concerning the ability of the applicant to construct, acquire or operate the proposed facility or extension thereof; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(2) The nature of the service rendered by applicant (sale, transportation, gas for resale, industrial, or other use).

(3) A concise description of applicant's existing operations.

(4) A table of contents which shall list all exhibits and documents filed with the application.

(5) A map(s), of its pipeline system(s), which shall reflect the location and capacity of all compressor sites, all points of connection between such system(s) and pipelines, or pipeline system(s) of other persons, the date of such connections, and all major points of supply.

(6) A listing of applicant's gas sales contracts and gas transportation contracts on prescribed forms containing the following data:

(a) Parties: seller, purchaser, owner, transporter.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas:

Maximum daily quantity seller is obligated to deliver: MCF/Day or MMBTU/Day.

Minimum daily quantity purchaser is obligated to receive: MCF/Day or MMBTU/Day.

Measurement—Pressure Base.

Service—Firm or Interruptible. Give conditions under which deliveries or receipts can be interrupted or

curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Sale: (Industrial, sale for resale, transportation or other.)

(f) Point(s) of delivery.

(g) Delivery pressures: minimum, maximum.

(h) Price.

(7) A listing of the location of interconnects between applicant's pipeline system(s) and pipeline or pipeline system(s) of other persons.

c. Subsequent filings may be required by the Commissioner to complete an evaluation of each pipeline system for the purposes of Section 555(C) or other sections of the Act.

A person may incorporate the information required to be filed under section b. paragraphs (1), (3), (5), (6), and (7) of this regulation by reference to prior hearing evidence, presented to the Commissioner, specifically identifying such prior evidence and the items to be incorporated therefrom.

d. All applications filed shall be noticed on interested parties, and all hearings required under Section 555(C) of the Act shall be in accordance with the rules of procedure of the Commissioner. Interested parties shall be as follows:

(1) Where a new supply of gas from a producing field(s) is to be connected by a new pipeline, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline (if different from owner(s) of proposed new pipeline), if any, to which the proposed new pipeline is to be connected.

(c) Each seller and each purchaser to the contract or contracts covering the new supply of gas to be connected, or in the case of gas to be transported or exchanged, the parties from whom the gas is to be received, and the parties to whom the gas is to be delivered.

(d) Owner(s) of the land to be traversed by the proposed pipeline.

(2) Where a new pipeline customer(s) is to be connected, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline, if any, (if different from the owner or owners of the proposed new pipeline) to which the proposed new pipeline is to be connected and from which pipeline gas will flow to the proposed new pipeline.

(c) Each seller and each purchaser to the contract(s) under which gas delivered by the new pipeline is to be sold, or in the case of gas to be transported or exchanged, each party to each transportation or exchange agreement.

(d) Owner(s) of the land to be traversed by the proposed pipeline.

e. The Commissioner, upon proper showing, shall issue his order in accordance with the application submitted. Provided however, the order shall expire on its first anniversary date if construction of facilities authorized by said order has not commenced. The Commissioner may, upon written request and for good cause shown, extend the expiration date of said order. The Commissioner shall be given timely written notice when the construction authorized under this regulation is completed.

f. The Commissioner may issue, upon application by a person(s) a temporary order in cases of emergency without notice or hearing pending the application for a permanent order, all in accordance with the rules of procedure of the Commissioner.

Regulation 5—Governing Natural Gas Pricing Pursuant to the Provisions of Part V of the Act, Being Sections 591 Through 606 Thereof.

a. This regulation shall apply to the price of intrastate natural gas sold by a natural gas company under contracts executed after December 8, 1973, under the provisions of Part V of the Act, being Sections 591 through 606 thereof.

b. Any and all hearings, investigations, and proceedings conducted or held under Part V of the Act shall be in accordance with the rules of procedure of the Commissioner of Conservation.

c. Each natural gas company who enters into a contract for the sale of intrastate natural gas shall file with the Commissioner, within thirty days after the execution of such contract, one complete copy of said contract and one complete copy of all classifications, practices, and regulations affecting such prices.

d. All notices of contracts, agreements or understandings, or proposed contracts, agreements or understandings, which may be submitted to the Commissioner pursuant to the provisions of Section 597 of the Act, shall be filed on forms approved by the Commissioner and shall contain the following information:

(1) The exact legal name and status of the purchaser and seller and the name, title and mailing address of the person(s) to whom communications concerning the notice are to be addressed.

(2) Parties: seller, purchaser, owner, transporter.

(3) Date of contract.

(4) Term of contract.

(5) Quantities of gas:

Maximum daily quantity seller is obligated to deliver: MCF/Day or MMBTU/Day.

Minimum daily quantity purchaser is obligated to receive: MCF/Day or MMBTU/Day.

Measurement—Pressure Base.

Service—Firm or Interruptible. Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(6) Type of sale: (Industrial, sale for resale, transportation or other.)

(7) Point(s) of delivery.

(8) Delivery pressures: minimum, maximum.

(9) Price.

e. Unless the Commissioner gives notice to the contrary to the parties within fifteen days from the date of filing hereunder, any contract, agreement or understanding, or proposed contract, agreement or understanding, filed pursuant to the provisions of Section 597 of the Act shall be deemed to have been accepted or approved by the Commissioner without objection and to be in compliance with the provisions of Part V of the Act. If however, the Commissioner deems it advisable to consider the proposal further, he shall notify the parties accordingly and the matter shall thereafter be processed by the Commissioner in accordance with his rules and regulations.

f. All reports to be filed under the provisions of Part V of the Act, exclusive of those permitted or required under Section 597 thereof, shall be filed upon such forms and in such manner as prescribed by the Commissioner and as directed by him.

g. The Commissioner, upon receipt of a petition from any party to a contract or sale complaining of anything done or omitted to be done by any natural gas company in contravention of the provisions of Part V of this Act, shall pursuant to

the provisions of Section 602 of this Act, forward a statement of the complaint to the natural gas company which shall have twenty days from receipt to satisfy the complaint or to answer the same in writing. In the event additional time to answer the complaint is requested by the natural gas company, in writing, the Commissioner may, for good cause shown, grant same, but in no case shall the additional time granted exceed thirty days.

h. In connection with filings made with the Commissioner by a natural gas company under provisions of Part V of the Act interested parties shall be the parties to each such contract so filed.

Regulation 6—Requirements for Connections Pursuant to Section 555(H) of the Act and Louisiana Constitution 1974.

a. All applications to the Commissioner of Conservation requesting approval for an intrastate natural gas transporter to connect its system with, move gas into or receive gas from another pipeline system, including pipelines or pipeline systems owned by it, within the terms of Section 555(H) of the Act, and Louisiana Constitution 1974, shall contain the following information:

(1) Point of connection or connections.

(2) Status or character of each pipeline, specifying whether said line or lines carry intrastate gas or interstate gas and whether they have been deemed jurisdictional by the Federal Energy Regulatory Commission.

(3) Anticipated volumes of natural gas to be transferred or exchanged from one pipeline to another.

(4) Term of exchange or transfer.

(5) Reasons for interconnection.

The Commissioner may request such additional information as in his opinion is reasonably necessary in order to properly evaluate the application.

b. No order, ruling or finding may be made or other action taken with respect to this regulation without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provisions of Administrative Procedures Act, as amended (R.S. 49:951-68).

c. Public interest does not require the issuance of an order authorizing any action taken by an intrastate natural gas transporter which would be covered by the provisions of Section 555(H) of the Act where imminent danger to life and property can be eliminated by such action. Provided, however, that every person undertaking such action shall so advise the Commissioner immediately by telegram stating briefly the circumstances and shall within ten days file a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of the action, the facts warranting invocation of this section, and the anticipated period of the stated emergency. Emergency operations undertaken without an order pursuant to this section shall be discontinued upon the expiration of the emergency or as otherwise ordered by the Commissioner. All facilities installed for such temporary action shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commissioner in writing and under oath within ten days following the removal of facilities constructed for emergency operations that such removal of facilities has been completed pursuant to this section. Every person undertaking any such action pursuant to this section desiring to continue such action shall file an application with the Commissioner prior to the expiration of the exempt period provided herein.

Regulation 7—Governing the Issuance of Orders Relative to the Transporting of Gas Using the Excess Capacity of Intrastate Gas Pipelines Pursuant to Section 501 et seq. of the Act.

a. All definitions in this regulation are in accordance with those of Regulation 1.

b. This regulation shall apply to the rights of the Commissioner of Conservation pursuant to Section 501 et seq. of the Act to determine whether or not excess capacity exists and to investigate the need for using said excess capacity of an intrastate natural gas transporter hereinafter identified as transporter with respect to transporting a gas supply owned by a person other than the proposed transporter.

c. All applications to the Commissioner by an owner(s) of intrastate natural gas for an order directing a transporter to transport said owner's gas in the transporter's intrastate pipeline system hereinafter identified as transporter's pipelines, pursuant to the provisions of Section 553 of the Act shall be in writing, verified under oath by an individual having authority, shall be in the form approved by the Commissioner, shall be noticed upon the proposed transporter by certified mail, and shall contain the following information:

(1) The legal status of the applicant as shown below and a statement in writing of applicant's financial capabilities to construct, operate, maintain, and terminate any required connecting lines onto the transporter's pipelines.

(a) If a sole proprietorship, state the name and address of the person owning said company.

(b) If a partnership, state:

(i) Name, address and percentage of interest of each and every partner owning twenty percent or more interest.

(ii) If said partnership is an affiliate of another entity, state the name and address and legal status of said affiliate.

(c) If the applicant's legal status is a corporation, state:

(i) The name and address of each shareholder owning twenty percent or more of the shares, together with the number and percentage of any class of voting shares of the corporation which such shareholder is authorized to vote, and

(ii) The name and address of each affiliate of the corporation who could derive direct benefit from the proposed use of transporter's pipelines, together with, in the case of an affiliate controlled by the corporation, the number of shares and percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that corporation and, in the case of an affiliate which controls that corporation, the number of shares and the percentage of any class of voting stock of that corporation, directly or indirectly owned by the affiliate.

(iii) The nature of the services rendered by the applicant and those affiliates identified in item (c) (ii) above and to whom.

(iv) State of incorporation.

(2) The operating capability of the applicant.

(a) Evidence of approval to construct, operate, and maintain any connecting pipeline facilities from the applicable State and Federal agencies.

(b) Design information and details to conclusively demonstrate that all of the applicant's connecting lines are properly sized for the proposed flow volumes and in full accordance with all State and Federal laws, rules and regulations, including but not limited to Parts 191 and 192, Title 49, of the Code of Federal Regulations, as amended.

(c) A concise description of applicant's existing operations pertaining to the application.

(3) Excess capacity requested for which the proposed user thereof is willing to pay whether such capacity is used or not.

(4) The period of time that the gas is to be transported.

(5) If gas proposed for transportation is to be delivered to the transporter's pipelines from a third party's pipeline, where the third party is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana, and the subject gas is to be purchased from said third party, the applicant is not required to furnish the information as set forth in Part c., items (6) through (10), but item (7) (e) is required.

(6) Complete geological information on the productive zone(s) which is proposed to supply the gas reserve subject to this application, including structural maps, fault trace maps, isopachous maps, and copies of all logs used in the geologic evaluation.

(7) All well history, well test, reservoir and production data including, but not limited to, the following:

(a) Basic well information including total depth, plug-back total depth, perforated interval, net productive sand, sand top and base or water level, electrical survey (one-inch and five-inch), porosity logs, side wall and conventional core analysis, and any other logs or well surveys (including bottom-hole pressure survey information).

(b) Complete well test information including deliverability tests obtained on each well completed or tested in the productive zone(s).

(c) Complete monthly production history and production test reports on all wells which have produced from the productive zone(s).

(d) Estimated deliverability from well(s) to be connected during the period gas is transported hereunder.

(e) Complete chromatographic gas analysis of the gas to be transported, the content of sulphur, inert components and water, heating value, gravity, and temperature.

(f) Measurement basis for all data submitted.

(8) Copies of all lease information including unitization data, lease expiration dates, royalty and any special provisions pertaining to leases from which gas is to be produced and delivered to the transporter's pipelines.

(9) History of any past gas deliveries from well(s) to be connected to the transporter's pipelines, and whether past deliveries were made into pipelines under the control of the Federal Energy Regulatory Commission as of the date of application.

(10) Copies of abandonment orders from any previous gas deliveries.

(11) A conformed copy of the gas sales contract(s) involving the gas to be transported and a detailed statement concerning the end use of the gas. If the gas proposed for transportation:

(a) Is to be delivered from applicant's pipeline:

(i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless applicant is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.

(b) Is to be delivered from a third party's pipeline:

(i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless the third party is a certified intrastate natural gas transporter or has been authorized by the Commis-

sioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.

(ii) The applicant shall provide a conformed copy of all gas sales and transportation contracts which in any way could affect the jurisdictional status of any of the transporter's facilities.

(12) Schematic flow diagram of the producing facilities to be used by the applicant for connecting onto the transporter's pipelines. The schematic should include all wellhead equipment, lines, valves, separating and scrubbing equipment, all safety and shutdown controls, all liquid and gas metering equipment complete with capacity and pressure specifications for all above mentioned equipment.

(13) Map showing location of all facilities to be used in the installation along with:

(a) Proposed point(s) of entry onto the transporter's pipelines.

(b) Proposed point(s) of discharge of the gas from the transporter's pipelines.

(c) Location of any other interconnects on the applicant's intrastate system with other pipeline systems.

(14) Maximum pressure at which applicant can deliver gas at proposed inlet, and maximum pressure required by applicant at proposed outlet point(s) of transporter's pipelines, and maximum and minimum daily volumes of gas to be transported.

(15) Schematic flow diagram showing all facilities to be installed at the outlet point(s) indicating all necessary control, metering and emergency shutdown devices.

d. The applicant shall furnish all the foregoing information pertaining to the application for excess capacity to the proposed transporter. Where any of this information is on file with the Commissioner, the applicant shall so state, and not be required to submit same with its application.

e. As a prerequisite to filing an application, it is required that the applicant provide written evidence to the Commissioner that the applicant has explored in good faith with the proposed transporter the feasibility of utilizing the transporter's pipelines.

f. Upon receipt of the application referenced in Part c. hereinabove, the Commissioner shall notice and hear the matter in accordance with the Commissioner's applicable rules of procedure. In determining whether or not excess capacity exists in the specific segment(s) of the transporter's pipelines in which the applicant's gas is to physically flow, the Commissioner shall take into consideration the following matters:

(1) The specific intrastate pipeline system(s) in which the gas is proposed to be transported, and the point(s) that the gas is to enter the transporter's pipelines and is to be discharged therefrom.

(2) The period of time that said gas is to be transported.

(3) Whether or not the quality specifications of the gas to be transported, including the content of sulphur, inert components, water, ethane and heavier hydrocarbons, heating value, gravity and temperature meet or exceed the highest quality specifications of the gas then being transported in the transporter's pipelines.

(4) The volume of gas required for the transporter's own use.

(5) The existing character, pressure, gas flows, condition and all operating data relative to transporter's pipelines and whether any of the involved pipeline(s) now, or has ever been engaged in the transportation of interstate gas.

(6) Pressure required by the transporter to receive the gas and the pressure(s) at which the gas would have to be

redelivered for the applicant or for the account of the applicant.

(7) Pressure limitations and all other limitations of the transporter's pipelines determined in accordance with all applicable State, Federal and local laws and agency rules, regulations and orders including but not limited to such matters as population density along the transporter's pipelines and good engineering procedures, practices and calculations.

(8) Any and all matters applicable to or in any way connected with the applicant's gas, well(s) from which the gas is derived, facilities involved with the foregoing, or otherwise which could possibly subject the proposed transporter's pipelines, facilities or gas, to control by or within the jurisdiction of the Federal Energy Regulatory Commission, or any Federal regulatory body having similar jurisdiction.

(9) Any requirement which would cause the transporter to alter or modify any of its existing pipeline facilities or operating pressures, gas flows, or procedures in such a way as to result in the abridgment, violation or abrogation of any of its existing contract obligations whatsoever whether such agreements or obligations are due to gas purchases, gas sales or gas transportation, and whether serviced by the involved or another segment(s) of the transporter's pipeline.

(10) Any requirement which would cause the transporter to alter or modify any involved segment of its pipeline(s), or facilities either by way of installing, operating or maintaining additional pipelines or compression facilities, looping of existing pipelines, or otherwise, so as to create or increase pipeline capacity.

(11) All contractual obligations by a transporter existing as of thirty days after the date of application or date of hearing, whichever is sooner, requiring the utilization of pipeline capacity, including but not limited to the following:

(a) The maximum existing contract purchase obligations of the transporter under contracts for the purchase of gas supplies, subject to change based on actual maximum deliverability under the gas purchase contracts.

(b) The maximum existing contract delivery obligations of the transporter pursuant to its contracts for the sale of gas, which obligation shall always mean the transporter's maximum contractual delivery obligation, reduced solely by an amount equal to the physical inability of each purchaser of the transporter to receive its maximum contract quantities or the physical inability of a party for whom gas is being transported to utilize its maximum contract quantity.

(c) The maximum existing contract obligations of a transporter to receive and redeliver gas or equivalent gas under gas transportation or gas exchange contracts, subject to the provisions of item (b) immediately above.

(d) The maximum contract delivery obligations of transporter under any and all outstanding bona fide offers by the transporter to third parties which would require the utilization of any of transporter's pipelines, and affect transporter's pipeline capacity, which offer(s) is outstanding as of thirty days after the date of application or date of hearing, whichever is sooner.

(e) The maximum existing contract purchase and delivery obligations of the transporter under all contracts including but not limited to gas purchase, sales, and transportation agreements. In determining the maximum contract purchase and delivery obligations, the greater of

the sums of transporter's maximum purchase or delivery obligations will control, subject only to the provisions of items (a) and (b) above.

(12) Any adverse effect utilization of capacity in the segment(s) specifically involved would have on the transporter's ability to operate its pipeline system and meet its existing contractual obligations.

g. Where it is found that excess capacity exists within a pipeline on a part-time or temporary basis and the Commissioner accordingly orders the transportation of gas during the periods when such excess capacity may be available, it shall be the responsibility of the owner of the gas being transported in the available excess capacity, and its buyer or the recipient of such gas, to adjust production and purchase or utilization of said gas so as not to impair the transporter's ability to render adequate service to its customers.

h. Prior to the issuance of any order hereunder, the applicant shall prove to the Commissioner's satisfaction that the gas proposed to be carried in the excess capacity of the transporter's pipelines and the involved and related facilities of all parties, have not been, are not now, nor will be subject to control by or within the jurisdiction of the Federal Energy Regulatory Commission, or any Federal regulatory body having similar jurisdiction, or any successor agency thereof. Further, any order issued hereunder shall provide that if, pursuant to such order, any gas carried or to be carried by a transporter or any involved or related facilities of any party has been, is, or could be subject to the jurisdiction of the Federal Energy Regulatory Commission, or any successor agency thereof, said order shall be considered violated thereby, and shall ipso facto terminate, and end all obligations and duties of the transporter required thereunder without further action by the transporter or the Commissioner.

i. Every order issued by the Commissioner hereunder shall set the effective term thereof, quality, quantity, measurement and balancing, and further, after notice and hearing, if the parties cannot agree, shall fix the rates and charges to be paid by the owner of the gas to the transporter for the transportation of the gas, all in accordance with Section 553(E) of the Act.

j. The applicant whose gas is being carried in the transporter's pipelines shall retain title to its gas at all times while in transit. Every order by the Commissioner directing that a transporter carry the gas of the applicant in the excess capacity of the transporter's pipelines shall provide that said order shall not be effective unless and until the owner of the gas has executed in favor of the transporter a written indemnity and hold harmless agreement, in form as prescribed by the Commissioner, with good and sufficient surety, in an amount as determined by the Commissioner, protecting and indemnifying such transporter from and against any and all responsibilities, claims, losses, liabilities, damages of any nature or kind whatsoever, as well as any and all costs associated therewith, and whether for personal injury, property damage, or otherwise, including those of the transporter, the owner of the gas, third parties, or gas customers of the transporter, which may arise by virtue of any compliance by the transporter with such order, except that the written indemnity and hold harmless agreement shall not exonerate the transporter for any liability arising from his own negligence or fault.

k. Every order issued by the Commissioner hereunder shall provide that in the event the transporter ordered to carry the applicant's gas has a specific need for the excess capacity of its pipeline(s), or a part thereof, to transport its own gas or the gas of its subsidiaries or of its parent or of a subsidiary of its parent, or to satisfy the requirements of its own transportation

or sales contracts for which it then possesses adequate gas supply to fulfill, may in whole or in part terminate said order by giving written notice. Said notice shall be served by certified mail by the transporter on the Commissioner and the applicant, shall specify the date on which effective, which shall be not less than ninety days of the date of said notice. If no opposition thereto is filed with the Commissioner by the applicant, or the Commissioner issues no objection in writing to the transporter and applicant, it shall be conclusively presumed for all purposes that all requirements of the Act are satisfied, that the transporter has a bona fide need for the excess capacity as stated in the notice, and that the public interest and the purposes of the Act would be best served by termination of the use of the excess capacity of the transporter's pipelines in whole or in part, and the order shall ipso facto terminate in accordance with the provisions of the notice. The above ninety-day requirement may be waived by a written agreement filed with the Commissioner and approved by the Commissioner, said agreement to be signed by the interested parties or an authorized agent of the parties and verified under oath.

Either upon the filing of opposition by any party affected by the proposed termination, or upon his own initiative without opposition, the Commissioner shall investigate the purported need of the transporter to so utilize its excess capacity and to disapprove the transporter's termination of the contract if, in fact, the transporter does not have a bona fide need for the excess capacity; or if, in the opinion of the Commissioner, the public interest and the purposes of the Act would best be served by continuation of the transportation of the gas of the other person user. Any such opposition made by parties affected or by the Commissioner shall be made within thirty days from the date of receipt by the Commissioner of notice of termination from the transporter and such opposition shall be in writing and served by certified mail on the transporter and the Commissioner. The Commissioner may call a public hearing in order to obtain additional information required to approve or disapprove the proposed termination. Notice of any such opposition shall suspend the proposed termination of use of transporter's excess capacity until such time as the Commissioner issues an order approving or disapproving same.

l. Every order issued by the Commissioner hereunder shall provide that in the event of any emergency which could cause danger to person or property, a transporter may without any order or permission of anyone, including the Commissioner, and without liability to any person, including the owner of gas being transported in excess capacity of the transporter's pipelines, terminate in whole or in part the transportation of said gas during the period of the emergency. The transporter as soon as practicable must notify the owner of said gas and the Commissioner, of said emergency, the reason therefor, and the expected duration thereof. Upon the termination of the emergency, the transporter shall notify the Commissioner and the owner of the gas, and shall forthwith comply with applicable order(s) of the Commissioner.

m. If either the transporter or applicant is rendered unable, wholly or in part, by force majeure to carry out its obligations, on such party's giving notice and reasonably full particulars of such force majeure, in writing or by telegraph, to the other party within a reasonable time after the occurrence of the cause relied on, then the obligations of the party giving such notice, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused.

n. If for any reason conditions occur during the term of the applicable order which would render continued compliance

with the order impracticable, dangerous to person or property, or illegal, the transporter may apply immediately to the Commissioner for relief from all or a portion of the requirements of the order.

o. Every order issued by the Commissioner shall identify the source(s) of gas approved for transportation in the transporter's pipelines and the gas shall be limited to the sources so identified.

p. Every order issued by the Commissioner shall provide for the filing of periodic reports including but not limited to reports necessary to determine the quantity, quality and balancing of gas being transported in the excess capacity of transporter's pipelines.

q. In the event the applicant is unable to demonstrate to the satisfaction of the Commissioner that it has the necessary financial standing so as not to jeopardize the financial position of the transporter, then the applicant will be given an opportunity to provide and file a performance bond with the Commissioner in favor of the transporter.

The amount of the bond shall in no event be less than the amount sufficient to cover the greater of the sums determined from items (1) and (2) or (3) and (4) below:

(1) An amount determined as the product of (a) applicant's estimated peak day volume, (b) sixty days, and (c) estimated rate and charges for the transportation service, plus

(2) An estimated amount to reimburse the proposed transporter for the cost involved in establishing input and output points (delivery points) and related facilities for receiving and delivering gas as proposed by the applicant;

(3) An amount determined as the product of (a) the excess capacity (expressed as a daily volume) for which applicant is to pay transporter whether used or not, (b) sixty days, and (c) the estimated rates and charges for the transportation service, plus

(4) An estimated amount to reimburse the proposed transporter for the cost involved in establishing input and output points (delivery points) and related facilities for receiving and delivering gas as proposed by the applicant.

The estimated rates and charges and estimated costs involved in establishing delivery points and related facilities shall be the applicant's best estimate at the time of application, but the actual amount of surety and bonding capability of the applicant shall be subject to revision by the Commissioner at such time as actual rates and charges and volume of gas to be transported, if any, have been determined by the Commissioner or have been agreed upon as between applicant and transporter or transporters.

r. Every order issued by the Commissioner shall provide that the excess capacity obtained by the applicant shall not be assigned in whole or in part unless agreed to in writing by the transporter and approved by the Commissioner.

s. The following general rules will affect all proceedings initiated under Sections a. through s. of this regulation.

(1) Except as provided herein, by law, or by the Act, all applications, reports, approvals, orders and notices to interested parties, the method of serving same, and all public hearings conducted under the Act shall be in accordance with the rules of procedure of the Commissioner, this regulation, applicable law, and the Act.

(2) This regulation set out herein applies only to the provisions of the Act (Chapter 7, Title 30).

(3) Unless prohibited by specific provisions of the Act or by law, the Commissioner may waive any or all of the requirements of the foregoing regulation and grant additional time to comply with any provision of the Act on

written request, and upon reasonable cause shown if he finds that the application and enforcement thereof will make undue hardship on the person affected, or will seriously impede the efficiency of the Commissioner's administration of the Act and that the application or enforcement thereof is not necessary to the accomplishment of the purposes of the Act.

(4) This regulation, in the absence of an emergency, may not be amended, or new regulation promulgated without notice and opportunity for public hearing, as provided for in Title 30, Chapter 1, Section 6 of the Louisiana Revised Statutes of 1950, as amended.

Regulation 8—Transportation of Intrastate Natural Gas and the Construction, Extension, Acquisition and Operation of Facilities or Extensions thereof for the Purpose of Acquisition of Gas Supplies within a Gas Supply Acquisition Service Area Pursuant to the Provisions of Section 555(F) of the Act.

a. This regulation shall apply to the requirements placed by Section 555(F) of the Act upon an intrastate natural gas transporter (transporter) relative to the transportation of intrastate natural gas and the construction, extension, acquisition and operation of facilities, or extensions thereof, for the purpose of acquisition of gas supplies within a gas supply acquisition service area.

b. Each transporter owning or operating an intrastate pipeline, the construction and operation of which has been approved by order of the Commissioner of Conservation under Section 555(C) of the Act, shall have the right to apply to the Commissioner for the establishment of a gas supply acquisition service area. Within such gas supply acquisition service area a transporter may at its option enlarge or extend its facilities, by construction or acquisition, for the purpose of acquiring additional supplies of natural gas. All applications by the transporter filed with the Commissioner requesting the establishment of a gas supply acquisition service area shall be in writing, verified under oath by an individual having authority, shall be in the form approved by the Commissioner, shall be noticed upon interested parties by publication in the Official Journal of the State of Louisiana and the official journal of each parish within which the gas supply acquisition service area will be located, and shall contain the information required by regulation 4b. All information required to be included within the application which has been presented to the Commissioner through prior hearing evidence may be incorporated in the application by reference. Each application shall include a map depicting the location of the transporter's existing intrastate pipeline to which facilities constructed or acquired pursuant to this regulation shall connect.

c. All orders of the Commissioner establishing gas supply acquisition service areas shall be subject to the following limitations and restrictions:

(1) Location. A gas supply acquisition service area shall be located adjacent to the applicant's existing pipeline facilities.

(2) Size. Facilities constructed or acquired pursuant to this regulation shall not exceed five miles in length and nominal eight inches diameter pipe.

(3) Duration. An order of the Commissioner establishing a gas supply acquisition service area shall remain in effect until terminated by subsequent order of the Commissioner.

(4) Interconnections. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to connect its facilities located within the gas supply acquisition service area to another pipeline

system, including other pipelines or pipeline systems owned by the transporter.

(5) Sales. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to construct, extend, acquire or operate facilities, or extensions thereof, within such gas supply acquisition service area for the purpose of connecting such transporter's facilities to a customer and making sales of gas to such customer.

(6) Abandonment of Facilities. An order of the Commissioner establishing a gas supply acquisition service area shall not permit a transporter to abandon all or any portion of its facilities subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities, within such gas supply acquisition service area.

(7) Facilities not Subject to Jurisdiction of Commissioner. An order of the Commissioner shall not establish gas supply acquisition service areas in conjunction with facilities which are not subject to the jurisdiction of the Commissioner under the Act.

(8) Notice and Prohibition of Proposed Enlargement or Extension. Prior to enlarging or extending its facilities within a gas supply acquisition service area, a transporter shall give the Commissioner twenty days notice, on a form approved by the Commissioner, of the location, size, nature and purpose of the proposed enlargement or extension. The notice shall be contemporaneously mailed to those persons who are identified in the ad valorem tax records of the parish as the owners of the land to be traversed by the proposed facility, with notice that objections to the proposed facility must be made to the Commissioner, in writing, within ten days of the date of the notice. The Commissioner may, within such twenty day period, beginning on the date of receipt of the written notice in the Office of Conservation, prohibit the proposed construction or acquisition under the order establishing the gas supply acquisition service area and require the transporter to apply for an order to construct and operate the proposed facilities pursuant to Section 555(C) of the Act. Upon request by the transporter, the Commissioner may notify the transporter verbally, to be immediately confirmed in writing prior to the end of the twenty day notice period that he has no objection to the construction or acquisition of the proposed facility and that the transporter may immediately construct or acquire and operate the proposed facility.

d. The Commissioner upon proper showing, shall issue his order in accordance with the application submitted.

e. A transporter who has been issued an order establishing a gas supply acquisition service area may make application for an extension or the establishment of additional gas supply acquisition service area in connection with an application made pursuant to Section 555(C) of the Act.

f. The Commissioner shall issue written confirmation to a transporter that the proposed construction, extension, acquisition and operation of facilities, or extensions thereof, within a gas supply acquisition service area is authorized by and in compliance with the order establishing the gas supply acquisition service area. Such confirmation shall be on a form adopted by the Commissioner and shall be issued within ten days after the end of the notification period provided in Section d, Paragraph (8) of this regulation.

g. All hearings under Section 555(F) of the Act shall be in accordance with the rules of procedure of the Commissioner, except that notification of interested parties shall be in accordance with Section c. of this regulation.

h. Nothing contained in this regulation shall be construed as a limitation upon the power of the Commissioner to order overlapping gas supply acquisition service areas for service of an area already being served by another transporter.

i. Any action taken by a transporter within a gas supply acquisition service area shall be subject to all other rules and regulations pursuant to R.S. 30:501 et seq. and the Louisiana Constitution 1974.

Regulation 9—Governing Pipeline Safety Pursuant to the Provisions of Section 557(G) of the Act.

a. This regulation shall apply only to those persons identified in the certification or agreement in effect, pursuant to Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended; (Federal Act), duly executed by the Commissioner of Conservation and the United States Secretary of Transportation.

b. The words and terms used herein shall have the same meaning as defined in the Federal Act and more specifically in Parts 191 and 192, Title 49 of the Code of Federal Regulations, as revised. All other words and terms shall have their usual meanings.

c. All intrastate pipeline transportation subject to the jurisdiction of the Commissioner shall be constructed, operated and maintained, except as otherwise herein provided, in compliance with Title 49 of the Code of Federal Regulations, Part 191, Sections 191.1 through 191.19 inclusive, and Part 192, Sections 192.1 through 192.755 inclusive, together with Appendices A, B, C, and D, as revised.

d. For the purpose of complying with the regulations herein adopted and prescribed, all persons shall be governed by the provisions of said Federal Code, including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this order, and by any deletions, additions, revisions, or amendments thereof, made after said date.

e. All records, such as plans, programs, specifications, maps and permits, relating to Corrosion Control under Subpart I, Operations under Subpart L, and Maintenance under Subpart M of the Federal Code, shall be made readily available for review by the Commissioner, upon request.

f. Notices, reports, and plans pertinent to facilities covered by section a. of this regulation and which are submitted to the United States Department of Transportation pursuant to the provisions of the Federal Code shall be forwarded simultaneously to the Commissioner. These filings shall be deemed in full compliance with all obligations imposed for submitting such notices and reports, and when accomplished, shall release and relieve the person making same from further responsibility therefor.

g. Where a person is required to prepare and submit a report of an accident or incident pertinent to facilities covered by section a. of this regulation to any other Federal agency in compliance with the outstanding order of such agency, a copy of such report shall be submitted to the Commissioner in lieu of filing a similar report which may be required by the State.

h. Every person who engages in the sale or transportation of gas subject to the jurisdiction of the Commissioner shall file with the Commissioner a list including the names, addresses and telephone numbers of responsible officials of such person who may be contacted in the event of an emergency. Such list shall be kept current.

i. To accomplish the purpose of Section 557(G) of the Act the Commissioner may request the filing of additional infor-

mation and reports upon such forms and in such manner as prescribed by him.

R. T. Sutton
Commissioner of Conservation

RULES

Department of Public Safety Liquefied Petroleum Gas Commission

The Liquefied Petroleum Gas Commission has amended its Rules and Regulations as follows:

Section I

1.1 (c) (9) All service and installation personnel, fuel transfer personnel, carburetion mechanics and tank truck drivers must have a card of competency from the office of the Director. A card of competency will be issued to applicant upon receipt of ten dollars examination fee and successfully completing the test.

(a) All certificates of competency must be renewed annually by permit holder. There will be a charge of five dollars per card if request is received by March 1 of the current year. If renewal is requested after March 1 of the current year, there will be a penalty of three dollars, totaling eight dollars per card. There will be a charge of five dollars per card for request of a lost card, change of employer, or change of company name. Improper employer or company name on a card shall not be valid.

* * * *

1.1 (c) (14) The Commission shall grant Class I liquefied petroleum gas permits to nonresident applicants only after the Commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

* * * *

Section III

3.3 (b) Truck tanks used within the state shall be marked on two sides with the word "Flammable" at least four inches high. The word "Flammable" must be painted in red on a light background. The name of the dealer must be painted in a contrasting color at least six inches high on each side of the tank and at least four inches high on the rear of the tank. The word "Flammable" must be painted in red on a light background at least four inches high on the rear of the tanks or on the rear bumper, and on the front of the tanks or on the front bumper so that the word "Flammable" will be readily visible to traffic from both directions. Truck tanks marked in accordance with Department of Transportation regulations shall comply with this section.

* * * *

Section V

5.5 (a) No purchase of fuel supply containers shall be made after issuance of these rules without duplicate blueprint and specifications on proposed type of tank being furnished to the Office of the Director of the Liquefied Petroleum Gas Commission for approval before the type of tank is purchased. An approved list of valves and fittings must be furnished.

Section VI

6.2 (a) All fuel supply containers shall be designed, constructed and tested in accordance with one of the following:

1. The 1974 Edition of the American Society of Mechanical Engineers (ASME) Unfired Pressure Vessel Code, Section 8, Division 1.

2. The Interstate Commerce Commission Specifications and the Department of Transportation.

3. All containers shall be painted white or aluminum, or a pastel shade of nearly equivalent heat reflective characteristics, and maintained in good condition.

* * * *

6.5 (a) No purchase of fuel supply containers shall be made after issuance of these rules without duplicate blueprints and specifications on proposed type of tank being furnished to the Office of the Director of the Liquefied Petroleum Gas Commission for approval before the type of tank is purchased. An approved list of valves and fittings must be furnished.

* * * *

6.10 (h) Discharge from Safety Relief: The discharge outlet from safety relief devices shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicle.

* * * *

Amend the Rules and Regulations governing anhydrous ammonia as follows and add them to Commission Rules and Regulations as Section VIII.

1.2.6 Commission: The Liquefied Petroleum Gas Commission.

1.2.7 Dealer: As defined in the Anhydrous Ammonia Fertilizer and Equipment Law as amended.

1.2.8 Director: Director of the Liquefied Petroleum Gas Commission.

1.2.11 Approved or Approval: Approval by the Liquefied Petroleum Gas Commission.

1.3.1 To the extent permitted by statute, where the application of these rules and regulations would cause expense materially out of proportion to the increase of safety secured thereby, or would be unreasonable under the facts of the particular case, and safety may be secured in other ways, the Director may, upon adequate showing by the person affected, grant exemption or modification of the rule or regulation complained of, under such requirements as will secure a reasonable condition of safety, provided such exemption or modification is not in conflict with the Law.

1.3.2 The Director is empowered with the authority to interpret rules and regulations which may be vague. Any dealer or person who questions the Inspectors' interpretation may appeal his decision to the Commission. The Director will be duty bound to enforce all regulations. No person or dealer shall be forced to comply with any safety practices not specifically called for in these rules and regulations.

2.1.5 All anhydrous ammonia containers thirty-six inches in diameter or larger in addition to all applicable code requirements shall also be fabricated to conform to one of the following:

1. The container shall be stress relieved in its entirety.

2. (or) The container shall be fabricated from hot form heads.

3. (or) The container shall be fabricated with cold formed heads that have been stress relieved in an approved manner.

2.6.2 All valves, before being approved for use in Louisiana, shall be flow rated by an approved laboratory in accordance with the Test Standards for Anhydrous Ammonia valves as adopted by the Liquefied Petroleum Gas Commission. The rates of flow of liquid or vapor and pressure drop where applicable across the valves shall be so stamped on the valve, and the setting of the rate of flow shall be sealed.

2.8.1 Where hose is used as flexible connection or otherwise, it shall meet the following specifications:

(a) Fabricated of material resistant to ammonia.

(b) Hose subject to container pressure shall be designed for a minimum bursting pressure of not less than 1,750 pounds per square inch gauge. Hose connections when made, shall be

capable of withstanding a test pressure of 500 pounds per square inch gauge.

(c) The use of quick opening valves with handles securely fixed, shall not be used on the free end of load lines. Quick opening valves with loose fitting open end handles may be used. Provisions shall be made on all loading-out lines to relieve hydrostatic pressure.

(d) On all hose 1/2 inch internal diameter and larger, used for the transfer of anhydrous ammonia, there shall be etched, cast, or impressed on the hose at every five foot interval the following information: anhydrous ammonia hose, minimum bursting or working pressure, manufacturer's name or trademark, year of manufacturing.

2.11.4 Dealers will be expected to tag the containers of their customers. All bulk storage tanks will be tagged only by inspectors furnished by the Liquefied Petroleum Gas Commission. Bulk storage tanks will be tagged according to fiscal years (July 1 to July 1), which more closely corresponds to the fertilizer year.

2.12.7 To use any container, except transports, interchangeable for anhydrous ammonia and liquefied petroleum gases is prohibited. A container formerly used for propane service with a design working pressure of not less than two hundred pounds per square inch for ASME, paragraph U-69, or not less than two hundred fifty pounds per square inch ASME 1950 Edition may be converted for ammonia service, providing it is fitted with the proper valves and fittings as prescribed in these rules and regulations and that said conversion is inspected and approved by the Inspector or certified to by a bonded dealer before it is placed into service. Once approved, it shall be used for ammonia service only.

2.12.8 To convert a liquefied petroleum gas transport to anhydrous ammonia service the tank must be brought down to atmospheric pressure. Any conventional method approved by the Liquefied Petroleum Gas Commission for blowing down of liquefied petroleum gas tanks is acceptable. Remove fittings and replace with approved anhydrous ammonia fittings. Before this transport can be filled, it must be inspected and tagged by an inspector of the Commission.

2.17.1 Field welding, when necessary, may be done on saddle plates or other nonpressure parts by nonqualified welders. Any welding done on pressure parts, shall be by a qualified welder, and will enter the category of alteration to vessel, and tank shall be re-inspected and tested as was originally done under the code under which it was built.

2.19.1 Any person, firm, corporation, or association desiring to engage in business as a dealer in anhydrous ammonia as a fertilizer and/or equipment used in the handling of anhydrous ammonia as a fertilizer, within the State of Louisiana shall file formal application on forms furnished by the Commission, thirty days prior to the date of a Commission meeting.

2.3.3 Delete.

3.4.2 On all storage tanks, relief valves shall be so installed that any individual relief valve may be repaired in place or removed for repairs without reducing the relief capacity of the installation. Shutoff valves shall not be installed between the safety relief valves and the container, except that a shutoff valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valve.

Note: The latter refers to three-way valves installed under two safety relief valves, each of which has the required rate of discharge and is so installed as to allow either of the safety relief valves to be closed off, but does not allow both safety relief valves to be closed off at the same time.

6.1 (a) No approval of containers for mounting on vehicles shall be made without first furnishing the Liquefied Petroleum

Gas Commission with blueprints and specifications on proposed tank and installations. A list of all valves and fittings and the name of the manufacturer shall also be furnished with the blueprints.

6.3.2 All valves on containers shall be protected against mechanical injury by the use of protective domes or hoods as permanent fixtures, with hinges of the same thickness as the container itself, welded in accordance with the code under which the tank is constructed.

Lionel T. Ortego, Director
Liquefied Petroleum Gas Commission

RULE

**Department of Transportation and Development
Board of Registration for Professional
Engineers and Land Surveyors**

The Board of Registration for Professional Engineers and Land Surveyors, adopted the following amendment to its Rules and Regulations, Section 4.1.1.5:

“The Board may permit an applicant to take this examination after he has acquired three of the four years experience specified in paragraph 4.1.1.3 above.”

Daniel H. Vliet, P.E., Executive Secretary
Board of Registration for Professional
Engineers and Land Surveyors

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Seed Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Seed Commission, proposes to amend its regulations to provide for an application fee for certification, an inspection fee for certification, and laboratory analyses fees. The proposed amendments would also regulate the substances allowed in the treatment of seed.

In addition, the Commission plans to reorganize and renumber its entire body of rules.

Interested persons may submit written comments through April 3, 1978, to Richard Carlton, Secretary, Seed Commission, Box 44153, Baton Rouge, Louisiana 70808.

Proposed Rules and Regulations

For the Enforcement of the Louisiana Seed Law

I. Definitions.

A. The following terms are defined in addition to those in the Act:

1. “Treated” means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom.

2. “Prohibited noxious weed seed” means the seeds of perennial weeds such as not only reproduce seed, but also spread underground roots or stems, and which, when estab-

lished, are highly destructive and difficult to control in this state by ordinary good cultural practices.

3. “Restricted noxious weed seed” means seeds of such weeds as are very objectionable in fields, lawns, or gardens of this state, but can be controlled by good cultural practices.

4. “Processing” means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and, therefore, require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, any of which would not require retesting to determine the quality of the seed.

5. “Hybrid seed corn” as applied to field corn, sweet corn, or popcorn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines, or by combining one inbred or a single cross with an open pollinated variety. Hybrid designations shall be treated as variety names.

6. “Declaration” means a written statement of a grower, shipper, processor, dealer, or importer, giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

7. “Seed gathered in elevators” means seed gathered in elevators or other establishments to be sold for planting purposes by farmers or others that are subject to the provisions of the law.

II. Seed Commission; Creation, Members; Employment of Necessary Personnel.

III. Sampling.

The manner of sampling and handling seed in the field and analyzing and testing seed in the laboratory, greenhouse, and trial plots shall be the same as that recommended in the latest Rules for Testing Seed adopted by the Association of Official Seed Analysts.

IV. Tolerances.

A. The same tolerances published in the latest Rules and Regulations for Testing Seed by the Association of Official Seed Analysts, shall be recognized in the administration of the Louisiana Seed Law.

B. Germination tolerances: The following tolerances which are recognized by the Federal Seed Act are adopted and are applicable to the percentage of germination and also to the sum of the germination plus the hard seed.

Found by Test	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

V. Germination Standards for Vegetable Seed.

Germination standards for vegetable seed shall be the same as those published under United States Department of Agriculture Service and Regulatory Announcements No. 156, and subsequent amendments. Minimum germination of vegetable or garden seed shall be as follows:

Artichoke	60%
Asparagus (including hard seed)	70
Beans (except lima)	75
Beans (lima)	70
Beets	65
Broccoli	75
Brussels sprouts	70
Cabbage	75
Cardoon	60

Carrot	55
Cauliflower	75
Celery or celeriac	55
Chicory	65
Citron	65
Collards	80
Corn	75
Cress, garden	40
Cucumber	80
Dandelion	45
Eggplant	60
Endive	70
Fetticus (Cornsalad)	70
Kale	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard	75
Mustard, Spinach	75
Mustard, vegetable	75
Okra (including hard seed)	50
Onion	70
Pak-choi	75
Parsley	60
Parsnip	60
Peas	80
Pepper	55
Pe-tsai or Chinese Cabbage	75
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Salsify	75
Sorrel	60
Spinach (except New Zealand)	60
Spinach, New Zealand	40
Squash	75
Swiss Chard	65
Tomato	65
Tomato, husk	50
Turnip	80
Watermelon	70
Water Cress	35

VI. List and Limitations of Noxious Weed Seed.

Name	Limitations
1. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
2. Hedge Bindweed (<i>convolvulus sepium</i>)	Prohibited
3. Nutgrass (<i>cyperus rotundus</i>)	Prohibited
4. Wild Onion and/or Wild Garlic (<i>Allium</i> sp.)	9 per lb.
5. Johnson Grass (<i>Sorghum halepense</i>)	100 per lb.
6. Blueweed (<i>helianthus ciliaris</i>)	200 per lb.
7. Dodders (<i>cuscuta</i> sp.)	100 per lb.
8. Canada Thistle (<i>cirsium arvense</i>)	100 per lb.
9. Quack Grass (<i>agropyron repens</i>)	100 per lb.
10. Russian Knapweed (<i>Centaurea picris</i>)	100 per lb.
11. Bermuda Grass (<i>Cynodon dactylon</i>)	300 per lb.
12. Cheat or Chess (<i>Bromus secalinus</i>)	300 per lb.
13. Darnel (<i>Lolium temulentum</i>)	300 per lb.
14. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
15. Horse-nettle (<i>Solanum carolinense</i>)	300 per lb.
16. Purple Nightshade (<i>Solanum elaeagnifolium</i>)	300 per lb.
17. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
18. Bracted Plantain (<i>Plantago aristata</i>)	300 per lb.

19. Dock (<i>Rumex</i> sp.)	300 per lb.
20. Sheep Sorrel (<i>Rumex acetosella</i>)	300 per lb.
21. Red Rice (<i>Oryza</i> var.)	100 per lb.
22. Cocklebur (<i>Zanthium</i> sp.)	5 per lb.
23. Purple Moon Flower (<i>Calonyction muricatum</i>)	9 per lb.
24. Spearhead (<i>Rhynchospora</i> sp.)	5 per lb.
Sum total noxious weed (Subject to above limitations)	500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations.

VII. Tag Requirements.

A. The analysis tag shall be a No. 6 standard shipping tag, minimum size, and shall carry the information required by the Louisiana Seed Law, arranged as follows:

Kind & Variety _____
 Where Grown _____ Net Wt. _____ Lot No. _____
 Pure Seed _____ % Germination _____ %
 Inert Matter _____ % Hard Seed _____ %
 Crop Seed _____ % Total Germ & Hard Seed _____ %
 Weed Seed _____ % Date of Test _____
 Name & No. of Noxious Weed Seed per lb. _____

 Name _____
 Address _____

B. Tags for certified seed, foundation seed, or registered seed, shall be adopted by the certifying agency, approved by the Commissioner and meet the requirements of the Louisiana Seed Law.

C. All information required on the seed analysis tag or label shall be placed on one side of the tag or label without intervening matter.

VIII. Application Fee for Certification; Inspection Fee for Certification; Lab Fees.

A. A grower of certified seed shall submit an application fee of ten dollars per crop for the first variety, and the grower shall submit an additional application fee of two dollars and fifty cents for each additional variety.

B. A grower of certified seed shall pay at the time he submits the application the sum of ten cents per acre inspection fee. A grower of certified seed shall pay a fee of fifteen dollars for reinspection of a field.

C. A person shall pay for lab services as follows:

1. Lab fee—Certified Seed	
Germination	\$ 1.00 each
Purity	\$ 1.00 each
2. Lab fee—Services Seed (Small seed)	
Germination	\$ 2.00
Purity	\$ 2.50
Lab fee—Service Seed (Large seed)	
Germination	\$ 2.00
Purity	\$ 2.00
3. Vigor Test	
Accelerated aging	\$10.00
Tetrazolium	\$ 3.50
4. Texas Cool Test	\$ 5.00
Cold Test	\$ 5.00
5. Certified Tags	
Tags	2 cents each.

IX. Standard for Agricultural Seed.

A. No agricultural seed shall be offered for sale if the germination percentage, including hard seed, is below sixty per cent, except dallis grass. Dallis grass shall not be offered for sale if the pure live seed percentage (purity times germination) is below ten per cent.

B. No agricultural and vegetable seed shall be sold, offered for sale, or exposed for sale containing in excess of two and

one-half per cent, of total weed seed.

X. Invoices and Records.

Each person handling agricultural seed subject to this Act shall keep for a period of three years complete records of each lot of agricultural seed handled. When there is evidence of a violation of this Act, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the Commissioner or his authorized agent in connection with the administration of this Act at any time during customary business hours.

XI. Labeling of Seed.

A. Information required to be shown on the label:

1. A word or statement in type no smaller than eight points indicating that the seed has been treated.

2. The commonly accepted coined, chemical (generic), or abbreviated chemical name or a description of any process (other than application of a substance) used in such treatment in type no smaller than eight points.

3. A caution statement if the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals.

(a) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as "Poison," "Poison treated," or "Treated with Poison." The word "Poison" shall be in type no smaller than eight points and shall be in red letters on a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the name of the substance and the statement indicating that the seed has been treated.

(b) Seed treated with other harmful substances (other than mercurials or similarly toxic substances), if the amount remaining with the seed is harmful to humans or other vertebrate animals shall be labeled to show a caution statement, in type no smaller than eight points, such as "Do not use for food, feed, or oil," except;

(1) Seed treated with substances other than mercurials or similarly toxic substances and in containers of four ounces or less need not be labeled to show caution statement; and,

(2) The following substances shall not be deemed harmful if present at a rate less than the number of parts per million (ppm) indicated: Allethrin, 2ppm; Malathion, 8ppm; Methoxychlor, 2ppm; Piperonyl butoxide, 8ppm on oat and sorghum and 20 ppm on all other seeds; and Pyrethrins, 1ppm on oat and sorghum and 3ppm on all other seeds.

B. It shall be unlawful for any person to sell, or offer for sale within the state any seed labeled "Foundation seed," "registered seed", or "certified seed," unless it has been produced and labeled in compliance with the Rules and Regulations of a seed certifying agency approved by the Commissioner.

C. When more than one component is required to be named on the label, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

D. The label on hybrid corn shall show the state where grown.

E. Abbreviation of names: the name and kind of variety of seed shall not be abbreviated, but shall be written out in full.

F. Trucks and other carriers transporting seed for delivery or sale, or to be sold or delivered to consumers in this state, on the public highways, or at public auctions, shall have available for examination at any time a bill of lading, waybill, or a delivery receipt showing:

1. The name of the shipper, or party from whom purchased.

2. The name and address of the party to whom the seed are

to be delivered.

3. The kind and amount of each separate lot of seed.

4. The name of the truck line or owner and driver of the truck or other carrier making delivery or transporting the seed.

G. No seed shall be sold or offered for sale from any bag container bearing a germination label dated more than six months prior to the time such seed is offered for sale. Provided that this period shall be extended to nine months on standard packets of vegetable and flower seed of eight ounces or less. The owner shall be responsible for the relabeling after the six months period. Under the provisions of this regulation any person, firm, or corporation possessing a seedsman's permit shall have the right to label such seed after it has been retested, stating the true germination thereof. A new tag or label shall be used to bring the germination up to date. The original tag shall not be changed in any way.

Richard Carlton, Secretary
Seed Commission

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission proposes to adopt amendments to the Structural Pest Control Rules and Regulations made in accordance with R.S. 40:1261-1274 and Commission procedures.

For the purpose of adopting the amendment and procedures, a hearing has been scheduled for 8:30 a.m., Friday, April 14, 1978, Room 622, Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana. All interested persons will be afforded reasonable opportunity to submit views and comments at the hearing.

All interested persons may review the proposed amendment and procedures at Room 622, Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana.

Richard Carlton, Secretary
Structural Pest Control Commission

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on April 5, 1978, for the purpose of considering changes in Civil Service Rules 4.1(d) (1), 4.1(d) (4), 6.28, and to repeal Chapter 17 in its entirety.

The hearing will begin at 9:30 a.m. and will be held in the Conference Room of the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana.

The proposals to be considered at the public hearing are as follows:

Proposal I.

Amend and re-enact Rule 4.1(d) as follows:

4.1 Classified and Unclassified Positions.

(d)1. The Director, upon submission by an employing agency of written justification deemed adequate by him, may add to the unclassified service positions involving duty as-

signments which are seasonal, temporary, intermittent or part-time.

* * * *

4. Repealed.

Explanation

The purpose of the amendment is to specify that appointing authorities must provide written justification when requesting action under this rule.

The purpose of repealing Rule 4.1(d) (4) is to allow the Director to add to the unclassified service those positions that are seasonal, temporary, intermittent or part-time.

Proposal II

6.28 Pay Upon Change from Unclassified Service to Classified Service.

When the status of an employee, while he occupies the same position, is changed from the unclassified to the classified State service, the Director, upon request of the appropriate appointing authority, may fix his rate of pay at such step or intermediate step in the range for his class of position for which he would have attained eligibility under the provisions of Rule 6.15 had his status been classified during his unclassified service; provided:

* * * *

Explanation

The intent of the proposed change is to clearly indicate that the rule applies only to those situations where an employee's status changes from the unclassified service to the classified service while he occupies the same position.

Proposal III

Repeal Chapter 17.

Explanation

Rules of the Commission have the effect of law and it has been held that the provisions of the Administrative Procedures Act are inapplicable to proceedings involving the State Civil Service Commission.

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

George Hamner, Director
Department of State Civil Service

NOTICE OF INTENT

Department of Commerce Real Estate Commission

The Department of Commerce, Real Estate Commission, proposes to adopt the following rule. Interested persons may submit written comments through April 3, 1978, to Stanley Passman, Executive Director, Real Estate Commission, Box 44517, Baton Rouge, Louisiana 70804.

Proposed Rule 41

A licensed broker may cooperate with a licensed broker of another state on appraisals or sales of real property within the limits provided in the Louisiana Real Estate Licensing Law. Provided, however, the appraisal or sale of the real property shall be handled under the direct supervision of the Louisiana broker with the Louisiana broker taking full responsibility for all actions of the nonresident broker. Provided, further, both the Louisiana broker and the nonresident broker agree to sign the written reports and to comply with the Louisiana Real Estate Licensing Law and with the Rules and Regulations of the Louisiana Real Estate Commission. In each instance herein where a Louisiana broker enters into a cooperating agreement with a nonresident broker for the appraisal or sale of Louisiana

real estate, the Louisiana broker must file two copies of the cooperating agreement with the Louisiana Real Estate Commission prior to the appraisal or sale being made. A written cooperating agreement is required to be filed for each separate appraisal or sale.

Stanley Passman, Executive Director
Real Estate Commission

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 April 27, 1978, meeting, the following policies:

1. Revisions to Bulletin 741, *Handbook for School Administrators*, Revised 1977:

Amend Page 20 mandating that member schools not give credit for private tutoring in music in order to comply with Southern Association of Colleges and Schools.

Amend Page 21 to delete section on "Religion" which is not relative to public school systems.

Amend Page 33 to change language from "should" to "shall" under heading of "Attendance," Item 1, to read: "The minimum attendance for a student to receive credit or pass a subject shall be as follows:". This amendment changes attendance requirement from permissive to mandatory.

Amend Page 34 by adding a statement that Southern Association of Colleges and Schools member schools shall not give credit for private tutoring as required by Southern Association.

Amend Pages 38, 39, and 44 by changing the words "Secondary Education" to "Adult and Community Education" to reflect a change in administrative procedure in the Department of Education.

Amend Page 65 by deleting "In addition, the school year shall not have fewer than 175 days, exclusive of holidays, during which the school is in session. Any deviation must be approved by the State Board of Elementary and Secondary Education." and adding in lieu thereof for clarification of mandatory attendance policy in the public school systems "Each school system shall adopt a calendar for a session of 180 days minimum (two semesters of 90 days each) of which at least 177 days shall be scheduled for pupil activity days. A school system shall not operate for less than 175 pupil activity days without permission from the State Board of Elementary and Secondary Education."

Amend Page 69 of item "e" under the title "Applying for Initial Classification" to read as: "The administrator (principal) must be assigned to only one school. Any deviation must be authorized by the State Board of Elementary and Secondary Education." This amendment is proposed to allow principals to teach a class or two a day.

2. The Board intends to place a statement in Bulletin 741, *Handbook for School Administrators*, to allow local school systems to fix higher standards for the purposes of improving education.

3. Revisions to Bulletin 1196, *Louisiana Food and Nutrition Programs Policies of Operation* to update school food lunch programs to meet the rapid changes in operation.

4. The Board intends to adopt a policy mandating that all grievances and appeals arising under special education laws P. L. 94-142 and Act 754 be initiated at the local level, and all remedies at the local level be exhausted before activation of grievances and appeals at the State level.

5. The Board intends to adopt revisions to Act 20 Guidelines (Tuition-Free Education Program).

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., April 12, 1978, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

All interested persons will be afforded reasonable opportunity to submit data, views, or comments at the regular April meeting.

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

NOTICE OF INTENT

Office of the Governor Tax Commission

In accordance with the provisions of Section 953 of Title 49 of the Louisiana Revised Statutes of 1950, notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on April 6, 1978, at 10:00 a.m. in the Conference Room on the fifth Floor of the Louisiana State Library in Baton Rouge, Louisiana.

The purpose of this meeting is to hear complaints on the findings of the Tax Commission in regard to the level of appraisals or assessments and the degree of uniformity of assessments for each major class and type of property in Orleans Parish for the year 1978, as provided for under Act 385 of the 1977 Regular Session of the Louisiana Legislature.

Also, guidelines will be adopted as to how the Tax Commission shall determine the fair market value of leased equipment (when the manufacturer is the lessor).

Interested persons may inspect a copy of the guidelines beginning fifteen days prior to the scheduled hearings at the official domicile of the Louisiana Tax Commission in the Capitol Annex in Baton Rouge, Louisiana, and may present views or arguments relating thereto in writing at any time prior to 4:15 p.m. on April 6, 1978. All written matter should be addressed to the Louisiana Tax Commission, Box 44244, Baton Rouge, Louisiana 70804.

Those desiring to be heard at the hearing will be given reasonable opportunity to make their presentations.

C. Gordon Johnson, Chairman
Tax Commission

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources proposes to adopt the social services (Title XX) Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1978, through June 30, 1979.

The CASP provides for social services to individuals and families which are directed toward the goals of achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission for institutional care. The services included in the plan (with a brief description) are:

Adoption (preplacement services to termination of parental rights).

Counseling (assessment, evaluation, and appropriate therapy services).

Day care for adults and children (direct care for a portion of the twenty-four hour day).

Education, training, and treatment (evaluation, counseling, arrangements, day development training, referrals).

Employment services (assessment, placement, job development).

Family planning (counseling, educational, medical services).

Foster care (evaluation, placement, counseling).

Health related (arrangements for receiving and utilizing necessary health services).

Home delivered and congregate meals (food preparation, delivery of meals).

Home management (instruction, training, counseling).

Homemaker and chore (direct personal and home care).

Housing improvement (counseling, advocacy minor home repairs).

Information and referral (assessment, information, referrals, follow-up).

Protective services for adults and children (assessment, evaluation, direct service program, arrangement, and referral).

Recreational (outreach referral, arrangements, and follow-up).

Residential (direct care, treatment, and on a twenty-four hour basis).

Transportation (travel to and from pertinent community resources).

Persons eligible for services are:

1. Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.

2. Recipients of Supplemental Security Income (SSI) benefits or state supplemental payments.

3. Persons whose gross monthly income is not more than 58.1 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$744 is eligible for services.

4. All persons are eligible for protective services, and information and referral services regardless of their income.

5. Persons are eligible on a group basis for any service (except child day care services) provided that seventy-five percent of the group are members of families with monthly income of not more than ninety percent of the state's median income, adjusted for family size.

The proposed plan includes information on standards for nonmedical and medical (other than those certified for Medicaid or Medicare) residential facilities for SSI recipients; a system for enforcing the standards; and the name and address of the standard-setting authority who will respond to requests for information on standards, their enforcement, waivers, and the identity of deficient facilities.

Copies of the proposed Title XX State Plan (CASP) are available without charge upon written or telephone request to Public Assistance Line, Division of Administration, Box 44095, Baton Rouge, Louisiana 70804, Telephone: 1-800-272-9868 (8:00 a.m.-noon and 1:00 p.m.-5:00 p.m.).

The proposed plan is available for public review at each parish office and sub-office of the Office of Family Services Monday through Friday from 8:30 a.m. to 4:00 p.m.

Interested persons may submit written comments on the proposed plan through May 15, 1978, to Mr. Alvis D. Roberts, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

In addition, a public hearing on the Title XX State Plan (CASP) is scheduled Wednesday, May 10, 1978, at 10:00 a.m., at the Catholic Life Center, Small Auditorium, 1800 South Acadian Thruway, Baton Rouge, Louisiana 70806.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

Effective July, 1978, the Department of Health and Human Resources, Office of Family Services, is proposing to change the date that checks are issued to recipients of assistance through the Cuban Refugee and American Repatriated Citizens Programs from the sixth day of the month to the sixteenth day of the month.

Checks are currently issued to recipients in the Aid to Families with Dependent Children, General Assistance, and Vietnamese Programs on the sixteenth of the month, and the proposed change would result in one check issuance date for all programs. One check issuance date would simplify administrative procedures now required to meet the separate dates.

Interested persons may submit written comments on this proposed change until 4:30 p.m. on April 4, 1978, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt Standards for Emergency Medical Transportation Providers Under Title XIX (Medicaid). The proposed standards are an effort by the Office of Family Services to set forth the minimum standards for participation in the Medicaid Program by providers of emergency medical transportation. The primary objective of the standards is to make them compatible with current laws and Federal regulations and to ensure that the application of the standards is uniform statewide.

Copies of the proposed Standards for Emergency Medical Transportation Providers Under Title XIX may be obtained without cost at the following address: Office of Family Services, Medical Assistance Program, 755 Riverside North, Baton Rouge, Louisiana 70802, or by contacting the Public Assistance Line at telephone number 1-800-272-9868.

Interested persons may submit comments orally or in writing until 1:00 p.m., April 5, 1978, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt the maximum income level (cap rate) for long term care eligibility for an individual to be \$533.40 or the facility fee, if less. This revision will allow the Medical Assistance Program to comply with Federal regulation

(45 CFR 248.2 (d) and 248.4 (e)).

Interested persons may submit comments orally or in writing until 1:00 p.m., April 5, 1978, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt a policy which will make the nursing home responsible for the care of patients who do not have bowel or bladder control. This does not require the nursing home to use disposable pads or diaper service. If the nursing home chooses this method of care, the cost is included in the basic payment for nursing home care. However, if the patient or his family requests disposable pads or diaper service as the method of care, the patient's family may be charged for it.

In regard to transportation, the nursing home is responsible for seeing that the patient has a way to get to and from the physician's office, clinic, or hospital when needed. The nursing home must also make arrangements for other needed transportation. The cost of transportation is not included in the basic payment to the nursing home. Therefore, this service may result in a charge to the patient's family.

Comments on the proposed policy and procedural changes may be submitted in writing or orally until 1:00 p.m., April 5, 1978, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes the expansion of the Medical Assistance Program by allowing reimbursement for emergency medical transportation.

The term "emergency medical transportation" means transportation being provided for an unforeseen combination of circumstances which apparently demands immediate attention at a medical facility to prevent serious impairment or loss of life; when a mental patient is unmanageable or needs restraint; when a patient has a medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, a debilitating condition; transfer of a patient requiring the administering of intravenous fluids, for which the patient would be susceptible to injury using other methods of transportation.

Vendor payment shall be made for emergency medical transportation as subject to the following conditions:

A. The emergency medical transportation service is provided one way to the nearest appropriate hospital. The equipment, its personnel, and its capabilities to provide the

services necessary to support the required medical care designates the hospital as appropriate.

B. The medical necessity of the emergency medical transportation service is verified by a physician (for Medicaid eligibles who have Medicare Part B coverage, this verification is mandatory); or a designated medical professional supervising emergency intake in the treating facility; or a designated party in the admitting area of a medical facility. (Admission to the facility is usually ordered by admitting physician and the medical need for service is dated, signed and referenced to admitting physician.)

C. The receiving treating facility shall be the nearest appropriate facility providing the necessary medical care.

D. There are no arbitrary limitations as to the number of emergency medical transportations for which payment will be made.

Payment for these services is in the amount of the provider's rate for the service established by the Office of Family Services for that provider. Reimbursement of one dollar per mile, not to exceed twenty-five dollars, is made for travel outside the provider's geographical base rate region.

Interested persons may submit comments orally or in writing until 1:00 p.m., April 5, 1978, to Mr. Alvis D. Roberts, Acting Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

NOTICE OF INTENT

Department of Health and Human Resources Board of Medical Examiners

Notice is hereby given that the Louisiana State Board of Medical Examiners proposes to adopt, at its April 7, 1978, meeting, rules governing the certification of and provision of health care services by physician's assistants in the State of Louisiana. The proposed rules will be made available for public inspection between the hours of 10:00 a.m. and 4:00 p.m. on working days at Room 621, Hibernia Bank Building, New Orleans, Louisiana. Interested persons may submit comments, data, views, or arguments, in writing, through April 5, 1978, to: J. Morgan Lyons, M.D., Secretary-Treasurer, Louisiana State Board of Medical Examiners, 621 Hibernia Bank Building, New Orleans, Louisiana 70112.

J. Morgan Lyons, M.D.
Secretary-Treasurer
Board of Medical Examiners

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt the following rules and regulations under the authority granted to the Secretary by R.S. 40:2125 and R.S. 46:1757. The proposed rules comprise a cost-related reimbursement plan for private placement facilities.

Interested persons may submit written comments until 4:30 p.m., Thursday, April 6, 1978, to the following address: Mr. Grady Prados, Internal Audit Section, Office of Management

and Finance, 655 North Fifth Street, Room 308, Baton Rouge, Louisiana 70804.

A public hearing on the proposed rules and regulations will be held Monday, April 3, 1978, at 1:30 p.m., in the Mineral Board Room on the first floor of the State Land and Natural Resources Building which is located on the corner of North and Fourth Streets in Baton Rouge, Louisiana. Copies of the proposed reimbursement plan may be obtained by writing to the above address.

Facility Manual for Facilities Where Health and Human Resources Department Funds are Used to Care for Handicapped Persons

Editor's Note: The Department of the State Register has elected not to publish the forms accompanying this manual, nor the Chart of Accounts and United Way of America Accounting Coding System (UWAACS). These may be obtained from the Department of Health and Human Resources at the address above.

Introduction

The Department of Health and Human Resources currently places clients whose needs cannot be appropriately met through other State programs in private residential facilities and day programs located throughout the state. Placement may be under the supervision of any one of several different agencies of the Department.

Children, youth, and 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, youth, 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 the Department of Health and Human Resources or by a court, and all referrals for placement must originate through one of the placing agencies of the Department or through a court of competent jurisdiction. 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 or by courts of competent jurisdiction, 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 the Department of Health and Human Resources in developing and proposing to implement these procedures are (1) to provide an incentive to the private sector to expand and improve the quality and quantity of services available, and (2) 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 De-

partment'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 the Department of Health and Human Resources. All facilities which care for handicapped individuals 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 the Department of Health and Human Resources or courts of competent jurisdiction 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 forth 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, 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 reexamine 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 the Department of Health and Human Resources 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, 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:

Nonresidential.

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 treatment(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.

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. Counseling 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 the Department of Health and Human Resources and/or a court of competent jurisdiction 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 facility housing ten or more clients placed by the Department of Health and Human Resources and/or a court of competent jurisdiction and to any facility where the residents placed by the Department and/or a court represent ten percent or more of the total capacity of the facility.

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. Cost reports must be filed within ninety days after the close of the facility's fiscal year on the attached cost report forms.

Delinquent Cost Reports.

A. If a cost is not received within one hundred twenty days after the end of the cost reporting period, a recommendation will be made to the Assistant Secretary of the appropriate office that a minimum of twenty percent of the current claim payments be withheld. A warning notice of this withholding action is sent ninety days after the end of the cost reporting period.

B. If a cost report is still not received within one hundred eighty days 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. Note: Where an extension has been granted, the due date of the cost report and the date of withholding or suspension of claim payments is extended thirty days.

C. Cost reports and requests for thirty-day extensions will be sent to Health Services Audit Director, Office of Management and Finance, Box 3776, Baton Rouge, Louisiana 70821.

2. Accounting records must be kept (or converted at year end) on an accrual basis.

3. Accounting records must be kept (or converted at year end) in accordance with the Chart of Accounts and United Way of America Accounting Coding System (UWAACS).

4. 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.

5. All fiscal and other records pertaining to client-care costs shall be subject at all times to inspection and audit by the Department of Health and Human Resources, the Legislative Auditor, and auditors of appropriate Federal funding agencies.

6. Each facility must maintain statistical information related to the daily census and/or attendance records for all clients receiving care in the facility.

7. Purchase discounts, allowances, and refunds will be recorded as a reduction of the cost to which it relates.

8. 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 costs 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 Costs for Services Provided Under Title IV-A Aid to Families with Dependent Children /Foster Care (AFDC-FC)

1. Shelter Costs.

A. Living space (both indoor and outdoor) used by the children, 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 children, 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 children, 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 children. 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. Children's personal wardrobe, including initial and replacement clothing, not to exceed, on an average, four hundred dollars per child annually; such items will be the child's personal property which he may take with him upon discharge.

B. Expenses incurred in the upkeep of children's 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 child's dues for youth clubs, scouts, community centers, etc., if not financed from personal allowance.

C. Children's admission fees to sporting or other recreational and cultural events, including costs of snacks and treats purchased on outings, if not financed from personal allowance.

D. Children's personal allowance, not to exceed five dollars per week for children age thirteen and up and two dollars and fifty cents per week for children below age thirteen.

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 child that are essential to his/her individualized program of care if no other source of funding is available.

6. Care Cost.

A. Child 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 children, including salary, wages, maintenance, and fringe benefits if not met through the State's program under Titles XIX (Medicaid), XX (Social Services for Individuals and Families), IV-B (Child Welfare Services), or other publicly funded programs.

B. Transportation intrinsic to the well-being of the children, 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 Costs 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.

Unallowable Costs for Services

Provided Under Title IV-A (AFDC-FC)

1. Interest on loans, bad debts, capital expenditures.

2. Fund raising, public relations, administrative salaries, clerical costs related to general administration.

3. Expenses associated with buildings, equipment, and grounds not identified with the care of individual children.

4. Attorney fees or retainers paid for facility business, audit costs.

5. Payments made by the facility as gifts, assessments or paybacks to parent organizations, including central overhead costs.

6. Membership dues in local and national organizations.

7. In-kind contributions.

8. Unallowable taxes are:

A. Federal income or excess profit tax.

B. State income or excess profit tax.

C. Taxes relating to financing.

D. Special assessments, (this would be capitalized and amortized).

E. Taxes for which exemptions are available.

F. Taxes on property not related to direct client care.

G. Self-employment Federal Insurance Contributions Act (FICA) taxes applicable to individual proprietors, partners, etc.

H. Fines or penalties of any kind.

9. Salaries for owner/administrator and assistant administrator. Operating cost of living quarters and automobile provided an administrator for his/her convenience is not allowable.

10. Premiums on officer/owner's life insurance.

11. Advertising cost.

12. Income producing expenses, including depreciation of equipment to secure self-generated revenues.

13. Insurance.

Allowable Costs for Services Provided

Under Other Programs

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. Client's admission fees to sporting or other recreational and cultural events, including costs of snacks and treats purchased on outings, if not financed from personal allowance.

D. Client's personal allowance, not to exceed \$5.00 per week for clients age thirteen and up and \$2.50 per week for clients below age thirteen.

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 Costs 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 and assistant administrator of a proprietary facility only if he/she is performing the duties of an administrator and assistant administrator and would otherwise have to employ another individual to perform these duties. Allowance for a salary of an owner-administrator and assistant administrator shall be limited to the national average of salaries for owner-administrators and assistant 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 administrator and assistant administrator who are not owners are also limited to the national average of salaries for administrators and assistant administrators of similarly sized, similarly staffed facilities.

C. Premiums for 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 limitation 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. Costs 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 Department of Health and Human Resources.

I. Clerical salaries and costs related to general administration.

Unallowable Costs for Services Provided Under Other Programs

1. In-kind contributions.
2. Fund raising; public relations.
3. Attorney fees or retainers for facility business.
4. Payments made by the facility as gifts, assessments, or paybacks to parent organizations.
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 rateable reduction of cost applied on a program basis.

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.

5. Other Limits—Payment procedures do not include a year-end settlement. Rates are set prospectively, based upon the actual expenditures for the preceding fiscal year, with no provisions for retroactive adjustment, except for over-payments which result from the inclusion of unallowable costs in the cost report. Therefore, management decisions which increase costs will not affect the current rate and will increase future rates only if justified.

Current economic indicators will be used to determine an inflation factor to be added to the per diem rate.

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. New 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, buildings, 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 nonprofit 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.

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 the following existing rules and regulations under the authority granted to the Secretary by R.S. 40:2125 and R.S. 46:1757. The proposed amendments concern the appeal procedure to be used by facilities caring for handicapped persons when their certification has been refused, suspended or revoked.

Interested persons may submit written comments until 4:30 p.m., Thursday, April 6, 1978, to the following address: Licensing and Certification Section, Department of Health and Human Resources, Attention: Mr. Steve Phillips, Box 3767, Baton Rouge, Louisiana 70821. Copies of the proposed amendments may be obtained by writing to the above address.

Appeal Procedure

If the certification is refused, suspended, or revoked because a facility is not suitable, is not properly managed, as such, or does not meet minimum requirements for certification, the procedure is as follows:

1. The Secretary, Department of Health and Human Resources, or his designee, by registered letter, shall advise the facility administrator of the reasons for refusal, suspension, or revocation, and its right of appeal.

2. Within thirty days after receipt of such notice, the facility administrator may request in writing, a hearing in order to appeal the decision.

3. 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.

4. The Secretary or his representative shall conduct the hearing. Within ten days after the hearing, he shall advise the appellant, by registered letter, of his decision, either conforming or reversing the original decision. If the certification is refused, suspended or revoked, the facility shall be given thirty days to meet those standards delineated by the certifying agency.

5. If the facility is unable to meet the standards within this time frame, funding received from the Department of Health and Human Resources shall be discontinued.

6. Notwithstanding any other sections of this appeal procedure, if the Secretary finds that public health, safety or welfare requires emergency action, summary suspension of certification and funding may be ordered pending proceedings for revocation, suspension, refusal of certification, or other action. Such finding shall be in writing, shall be delivered to the facility administrator by registered mail, and may be incorporated in the original notice specified in Section 1 or in any subsequent notices or decisions rendered pursuant to this appeal procedure.

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

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, R.S. 30:1, et seq., R.S. 49:951, et seq., and particularly R.S. 30:6B and R.S. 30:23B, a public hearing will be held in the Conservation Hearing Room, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 9:00 a.m., Thursday, April 20, 1978.

At such hearing the Commissioner of Conservation will hear testimony and consider evidence relative to the storage of crude oil in existing storage caverns Numbers 2, 4, 5, 6, and 7 in the Sulphur Mines Salt Dome, Calcasieu Parish, Louisiana. The Commissioner will hear and consider evidence relative to the adoption of rules and regulations to govern the use and operation of existing storage facilities for crude oil. Prior to authorizing the use of cavities and/or caverns for storage, the Commissioner must find:

(1) That the area of the salt dome sought to be used for the injection, storage or withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use;

(2) That the use of the salt dome cavity for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt; and,

(3) That the proposed storage, including all surface pits and surface storage facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome area.

In addition, the Commissioner will consider disposing of the brine displaced from the caverns during fill via deep well injection. The Commissioner will consider any other matters relative to the construction and operation of crude oil storage in salt caverns in the Sulphur Mines Dome, Calcasieu Parish, Louisiana.

Oral and written comments will be received from any interested party at the public hearing. Written comments which will not be presented at the hearing will need to be received not later than 5:00 p.m., April 18, 1978, at the Baton Rouge office. A summary of the proposed plan is available for inspection in the Office of Conservation, 625 North Fourth Street, Baton Rouge, Louisiana, and in the Lake Charles District office, 716 Hodges Street, Lake Charles, Louisiana.

Comments should be directed to R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re:Comments—Salt Dome Storage.

All parties having interest in the aforesaid shall take notice thereof. All concerned will undoubtedly take notice of publication of this notice of public hearing in the State-Times, Baton Rouge, Louisiana, and the Louisiana Register.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission will consider for adoption the rules and dates for the 1978 Spring Shrimp Season at a special Commission meeting to be held at 10:00 a.m., May 2, 1978, in the Cypress Room of the Hilton Inn, Airline Highway, Kenner, Louisiana. Interested persons may present their views to the Commission, in writing, by submitting them to the Commission's office at 400 Royal Street, New Orleans, Louisiana 70130, prior to April 28. Reasonable opportunity for oral comments will be permitted at the meeting. The Commission also gives notice that it may reconsider the 1978 Spring Shrimp Season at any subsequent regular or special meeting, and may stop, close, curtail, limit, or extend the harvest of shrimp on an emergency basis, as the interests of the State would appear to be best served, according to available biological and/or other scientific data.

The Commission will hold public hearings beginning at 10:00 a.m., May 19 and 20, 1978, at the Chateau Charles Motel, Lake Charles, Louisiana, for the purpose of receiving input and public comments and/or suggestions relative to the 1978-79 seasons and bag limits for:

A. Resident and migratory game birds, including waterfowl.

B. Resident game.

C. Trapping.

Seasons and bag limits will be set at a meeting subsequent to these hearings. Written comments may be submitted to the Commission's headquarters at 400 Royal Street, New Orleans, Louisiana 70130.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

POTPOURRI

Department of Health and Human Resources Board of Veterinary Medicine

The examination for licensure for the State of Louisiana for Veterinary Medicine will be given on May 19 and 20, 1978 at Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana. Exams will begin promptly at 8:00 a.m. Any applicant failing to appear timely will not be examined.

Gary B. Beard, D.V.M.
Secretary-Treasurer
Board of Veterinary Medicine

ERRATA

The inside front cover of the Louisiana Register, February 20, 1978, erroneously listed January 20, 1978, as the effective date of the rules published in that issue. The rules published in the February 20, 1978, Register actually became effective on February 20, 1978, unless otherwise noted in the text of the rules.

Management and Finance, Office of:
 General hospitals, 14N, 56R
 Medical Examiners, Board of, 94N
 Mental Retardation, Office of, 28EO
 Nursing, Board of, 58N
 Rehabilitation Services, Office of:
 Blind Services Program, 11N, 68R
 Vocational Rehabilitation Program, 11N, 68R
 Secretary, Office of, 94-99N, 99N
 Veterinary Medicine, Board of, 100P
 Youth Services, Office of:
 Foster care, 1ER, 14N, 56R
 Higher Education Assistance Commission (see Education, Education Services, Governor's Special Commission)
 Horses, 29R
 Hospitals:
 Admissions, 14N, 56R
 Emergency treatment, 15N, 56R
 Inpatient services, 3R
 Outpatient services, 3R
 Hunting:
 Animals, 100N
 Birds, 100N
 Hydrocarbons (see Oil, see also Natural gas)
 Intermediate care facilities:
 Mentally retarded, 1ER, 14N, 56R
 Standards for payment, 3R
 Labor Department:
 Employment Security, Office of, 59N, 76R
 Law Center, Louisiana State University, 57N
 Liquefied Petroleum Gas Commission (see Public Safety Department)
 Livestock Sanitary Board (see Agriculture Department)
 Long term care, 67ER, 93N
 Louisiana State University, Board of Supervisors (see Education)
 Medicaid (see Health and Human Resources Department, Family Services)
 Medical Examiners, Board of (see Health and Human Resources Department)
 Medicare (see Health and Human Resources Department, Family Services)
 Mentally retarded:
 Intermediate care facilities, 1ER, 14N, 56R
 Legislation, 28EO
 Mental Retardation Laws, Governor's Commission (see Governor's Office)
 Mental Retardation, Office of (see Health and Human Resources Department)
 Milk cases, 68R
 Mineral Resources, Office of (see Natural Resources Department)
 Mining:
 Coal and lignite, 4-9R
 Surface, 4-9R
 Natural gas:
 Exploration, 9-11R
 Pipelines, 15-25N, 76-86R
 Natural Resources Department:
 Conservation, Office of:
 Natural Resources and Energy Act, 15-25N, 76-86R
 Salt domes, 100 N
 Surface Mining and Reclamation Act, 4-9R
 Forestry, Office of, 9R
 Mineral Resources, Office of:
 Geophysical permits, 9-11R
 Resource development, 59N
 Nurses:
 Education, 58N
 Licensed Practical, 58N
 Registered, 58N
 Nursing, Board of (see Health and Human Resources Department)
 Nursing homes, 67ER, 93N
 Oil:
 Exploration, 9-11R
 Storage, 100N
 Pesticide, 29R
 Physician's assistants, 94N
 Physician services, 3R
 Pipelines, 15-25N, 76-86R
 Planning and Technical Assistance, Office of (see Urban and Community Affairs Department)
 Pollution (see Environmental protection)
 Psychologists, school, 13N
 Public Safety Department:
 Liquefied Petroleum Gas Commission, 25N, 86R
 Quarantine, 29R
 Professional Engineers and Land Surveyors, Board of Registration (see Transportation and Development Department)
 Real Estate Commission (see Commerce Department)
 Regents, Board of (see Education)
 Rehabilitation Services, Office of (see Health and Human Resources Department)
 Retarded (see Mentally retarded)
 Revenue and Taxation Department:
 Severance tax, 9R
 Schools:
 Law, 57N
 Nonpublic, 13N, 70-75R
 Real estate, 12N, 57N
 Vocational-technical, 1R, 13N
 Seed Commission (see Agriculture Department, Agricultural and Environmental Sciences)
 Skilled nursing facilities, standards for payment, 3R
 Soybean seed, 29ER, 57N, 66ER
 State employees:
 Classified and unclassified positions, 90N
 Leave, 11N, 69R
 Noncompetitive classes, 11N, 68R
 Van pooling, 28EO
 Stream Control Commission (see Wildlife and Fisheries Department)
 Structural Pest Control Commission (see Agriculture Department, Agricultural and Environmental Sciences)
 Tax:
 Ad valorem, 30R, 92N
 Severance, 9R
 Tax Commission (see Governor's Office)
 Teachers:
 Certification, 2R, 13N, 66ER, 69R
 Education, 13N, 66ER, 69R
 In-service training, 12N, 69R
 Salary, 13N
 Tuition exemption, 2R, 66ER, 91N
 Vocational-technical, 13N, 75R
 Textbooks, 13N, 76R
 T. H. Harris Scholarship Foundation Board of Trustees (see Education, Education Services, Governor's Special Commission)
 Timber stumpage values, 9R
 Transportation and Development Department:
 Overweight vehicles, 68ER
 Professional Engineers and Land Surveyors, Board of Registration for, 88R
 Transportation, emergency medical, 67ER
 Trapping, 100N
 Tuberculosis, 29R
 Unemployment compensation, 59N, 76R
 Universities (see Colleges and universities; see also Education)
 Urban and Community Affairs Department:
 Planning and Technical Assistance, Office of, 59-64N
 Van Pooling Authority, State Employees (see Governor's Office)
 Vehicles, overweight, 68ER
 Veterinary Medicine, Board of (see Health and Human Resources Department)
 Vocational rehabilitation, 11N, 68R

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

Vocational-technical education (see **Schools**; see also **Education, Elementary and Secondary**)

Welfare (see **Health and Human Resources Department**)

Wildlife and Fisheries Department:

Fishing:

Commercial, 57R

Shrimp, 100N

Hunting:

Animals, 100N

Birds, 100N

Oyster seed grounds, 11R

Stream Control Commission:

Water Quality Management Work Plan, 26N

Trapping, 100N

Youth Services, Office of (see **Health and Human Resources Department**)