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Executive Orders

EXECUTIVE ORDER NO. 90

WHEREAS, the Legislature of Louisiana has enacted Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 comprising R.S. 42:1301 through R.S. 42:1303, both inclusive, authorizing the deferring of compensation for State employees and independent contractors working for compensation for the State; and

WHEREAS, subsequent to the legislative action, benefits have been made available to State employees on a very limited basis, due to the complex nature of deferred compensation plans and the difficulty of coordinating simultaneous action among the departments and agencies of the State in obtaining and offering such plans; and

WHEREAS, it is desirable to provide coordination of the deferred compensation arrangements in which State employees and independent contractors may participate in order to assure the maximum benefits at retirement and favorable tax treatment; and

WHEREAS, it is desirable that a central authority be established to administer and coordinate such deferred compensation arrangements; and

WHEREAS, the Governor of Louisiana as the State's Chief Executive Officer should implement and encourage the adoption of a coordinated deferred compensation plan for the benefit of all State employees;

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me as Governor of Louisiana and in conformance with the will of the Legislature of Louisiana, do hereby:

1. Authorize and direct the establishment of a Louisiana Public Employees Compensation Plan to implement and coordinate the benefits made available by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
2. Authorize and direct that such plan shall be administered by an administrative committee.
3. Authorize and direct that the administrative committee of the Louisiana Public Employees Deferred Compensation Plan consist of three persons to be appointed by the Governor at a

later date, each to serve at the pleasure of the Governor.

4. Authorize and direct the administrative committee to establish and maintain a public employees deferred compensation plan for use by participating agencies for administration of the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950. Agencies shall be eligible to participate in the plan pursuant to such rules as may be adopted by the administrative committee for purposes of the implementation of Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 and this Executive Order.
5. Authorize the administrative committee to:
 - A. Enter into agreements with an administrator and marketing coordinator to obtain professional guidance and assistance in establishing, maintaining, and administering a public employees deferred compensation plan for State employees.
 - B. Seek a ruling from the Internal Revenue Service concerning the Federal income tax consequences of participation in the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
 - C. Take such further actions to carry out the objectives of the plan as may be necessary, in accordance with this order and State law.
6. Authorize the Chief Executive Officer of each State department, agency and wholly-owned institution and/or instrumentality to:
 - A. Designate this administrative committee as an agent duly authorized to enter into contracts with the employees to defer compensation as provided in Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
 - B. Adopt the Louisiana Public Employee Deferred Compensation Plan and any necessary regulations, procedures and forms promulgated in connection therewith.

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 2nd day of September, A.D., 1975.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

EMERGENCY RULES

Board of Architectural Examiners

(Amendment to Part VII of
the Rules and Regulations)

(Editor's Note: These rules were adopted August 1, 1975, and made effective August 6, 1975.)

- A) The Louisiana State Board of Architectural Examiners directs the Department of Occupational Standards to mail a letter to each Louisiana resident architect on August 12, 1975, stating that the Board will accept as a nominee for the Architects Selection Board, as provided in Act 721 of 1975, any resident architect who on or before August 22, 1975, furnishes a petition by certified mail to be received by 4:15 p.m. and verified by the Department of Occupational Standards. The petition shall contain:
- 1) The signatures of ten qualified resident architects endorsing his nomination.
 - 2) Name, signature and license number of endorsee.
 - 3) Biographical statement of 150 words or less.
- B) The Louisiana State Board of Architectural Examiners shall have the election ballots printed for each registered resident Louisiana architect. The ballots and three envelopes shall be printed, and the ballots shall contain the embossed seal of the State Board of Architectural Examiners. One envelope will be used to mail the ballot package and one of the two remaining envelopes will be used as the return envelope which shall contain the ballot which has been sealed within the third envelope. A place shall

be printed on the return envelope for the signature and license number of the qualified voter.

- C) The ballot, containing the names of the nominees, shall be mailed to resident architects September 15, 1975, and shall be as follows:

“Since four candidates are to be chosen, vote for four or less nominees.”

- D) Rules governing election:

The four nominees elected will be based on plurality. No write in candidates will be counted.

If two or more candidates are elected from the same firm, the one with the least number of votes will be eliminated. A runoff will be held if two or more candidates from the same firm receive the same number of votes.

A tie runoff election will be held if two or more candidates receive the same number of votes for the fourth position.

No ballots will be counted unless signature and license number are affixed to the return envelope as required.

- E) The official ballot shall be returned to the Department of Occupational Standards, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 and shall be received on or before 4:15 p.m., September 24, 1975.
- F) The tabulation committee shall consist of O. J. Baker, D. C. LeBreton, P. Murff O’Neal, Jr., and a representative of the Department of Occupational Standards. All votes shall be tabulated Friday, September 26, 1975, and attendance at the tabulation procedure is open to the public.

P. Murff O’Neal, Jr.
President

EMERGENCY RULE

Wildlife and Fisheries Commission

(Editor's Note: These rules were adopted by the Wildlife and Fisheries Commission on August 29, 1975, and have been in effect since that date. All necessary instructions and forms for applying for a commercial shrimp fisherman loan guarantee can

be obtained from the Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130.)

The following are the rules and administrative procedures enacted to regulate the disbursement of funds pursuant to the loan guarantee program designated as the Commercial Shrimp Fisherman Loan Guarantee Security Fund. The "Security Fund" is authorized by Act Number 14 of the Extraordinary Legislative Session of 1974, and reallocated by Act 819, Section 6, of the Regular Legislative Session of 1975.

Purpose of Funds

The purpose of the loan guarantee by the Commission is to provide security for loans made to qualified commercial shrimp fishermen by lending institutions in order that the Commercial Shrimp Fishermen may continue to operate their business as ongoing and profit making businesses.

Any violation of these provisions, misuse of funds, or misrepresentation by the borrower in securing a loan guarantee from the Commission shall subject the borrower to criminal prosecution by the appropriate authorities.

Administration

The Louisiana Wildlife and Fisheries Commission is the responsible state agency which will guarantee loan payment as provided in the Act creating the "Security Fund."

Definitions

ACT—When used in these regulations, the term "Act" refers to Act No. 819 of the Regular Legislative Session of 1975 creating the Shrimp Fisherman Loan Guarantee Security Fund.

APPLICANT—A commercial shrimp fisherman who requests through methods provided herein for a loan of money to use for continuation of operating as a commercial shrimp fisherman.

BORROWER—A commercial shrimp fisherman who has received a loan from a lending institution as a result of the Commission's guarantee to pay the amount of the loan in accordance with the Act and these regulations in case of default by the commercial shrimp fisherman.

COMMERCIAL SHRIMP FISHERMAN—An individual or group of individuals, doing business in the form

of a partnership, or a corporation, whose livelihood depends upon the capture by them of shrimp through use of trawling vessels and netting or other methods of capture customarily used in the industry for the commercial sale and distribution of shrimp.

COMMISSION—When used in these regulations, the term "Commission" refers to the Louisiana Wildlife and Fisheries Commission.

LENDING INSTITUTION—A lending institution is any Federal agency, federally insured financial institution or bank authorized to do business in Louisiana and which has agreed to lend money in accordance with the terms of the Act and these regulations to a commercial shrimp fisherman upon the condition that the commercial shrimp fisherman secures a loan guarantee from the Commission securing the proposed loan.

LOAN GUARANTEE—A written pledge by the Commission that should any default occur on the part of any commercial shrimp fisherman whose proposed loan with the lending institution has been approved by the Commission, the Commission will pay to the lending institution 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of the borrower's default, whichever is the lesser.

Notification to Potential Applicants

The State, and particularly the Louisiana Wildlife and Fisheries Commission, will use all necessary news media, to advise commercial shrimp fishermen of the availability of assistance under this Act and the procedures for requesting loan guarantees in accordance with, but not limited to, such measures as prescribed in the Administrative Procedures Act, R.S. 49:951, et seq.

Qualifications for Loan Guarantee

For a commercial shrimp fisherman to be eligible for participation in the loan guarantee fund, the following criteria must be met:

- (1) The applicant must be a commercial shrimp fisherman and one who has been domiciled in Louisiana for one year immediately preceding the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).
- (2) The applicant must possess a current valid Louisiana commercial license for taking shrimp, which license was acquired prior to the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).

- (3) More than 50 percent of the applicant's 1974 annual income must have been derived from commercial shrimping operations as evidenced by his State or Federal income tax return for that year.
- (4) Applicant must show a need for the loan in order to continue his livelihood as a commercial shrimper.
- (5) Applicant must show that he has been refused a loan by one area loan institution.
- (6) Applications must be submitted to the lending agency that will be making the loan.

Application Forms

- (1) Application forms are to be provided by the Commission.
- (2) Application forms are to be completed in full by applicant giving all relevant and available information.
- (3) Application forms shall explain to the applicant the conditions for payment of the loan by the Commission.
- (4) Application forms shall include provisions for options by the applicant as to monthly, quarterly, or semi-annual loan repayment.
- (5) Application forms shall explain to applicant his liability to the Commission if it is called upon to make payment under the loan guarantee.
- (6) Application forms shall contain space where the applicant may state the desired amount of the loan and the term of the loan, not to exceed ten years.
- (7) Application forms shall contain space for the applicant to state the expected use of the proposed loan as well as a summary of collateral to be offered by the applicant.
- (8) Application forms shall contain questions regarding recent efforts by applicant to obtain credit.
- (9) Application forms shall require applicants to attach all other pertinent information.

Investigation of Applications

Investigation of loan applicants shall be conducted

with the least possible delay and without infringing upon an applicant's protected right to privacy or other constitutional right.

Upon completion of the investigation, a report and recommendation shall be submitted to the agent authorized by the Commission to review applications before submitting them to the Commission for a final determination.

Disposition of Application

Denial

If an application is denied, notification of denial shall be forwarded within five days of such decision to the applicant together with a brief explanation as to why his loan request was denied.

Reasons for Denial

- (1) Noncompliance with application
- (2) Misrepresentation of information—personal or financial
- (3) Applicant does not meet requisite qualifications
- (4) Loan funds not available
- (5) Any other nonarbitrarily determined reasons

Approval

If the application is approved, applicant and the lending institution shall be notified within five days of such approval so that the loan may be executed in favor of the applicant and with the Commission's guarantee.

Application Identification

- (1) Each application shall be received and stored in an alphabetical arrangement.
- (2) Each application shall receive a separate file folder.
- (3) File folders shall be numbered so that they correspond to activity of the application; for example: Anderson 0 wherein the application has been received and is being processed; Anderson-01 the application has been approved and is awaiting loan execution; Anderson 2 the loan was denied and is inactive; Anderson 03 the loan is executed and in effect; Anderson 04 the loan has been defaulted and is under administra-

tion; Anderson 05 the approved loan has been paid off and is inactive.

Powers and Duties of the Commission

The Commission shall have the following powers and duties:

- (1) Guarantee the loan of money to qualified commercial shrimpers subject to the restrictions herein cited.
- (2) Enter into contracts with any Federal agency, federally insured institution or bank authorized to do business in Louisiana.
- (3) Provide for execution and administration by any agency in (2) above of any loan plan guaranteed by the Commission.
- (4) Provide for conditions and method of payment by the Commission under its loan guarantee whenever a borrower defaults on his loan.
- (5) Issue loan guarantees provided that an applicant has his option as to monthly, quarterly, or semi-annual repayment of the loan.
- (6) Provide for the collection of defaulted loans which have been paid by the Commission in accordance with its loan guarantee.
- (7) Perform any other acts necessary to carry out the purposes of the Act.

Limitation on Guarantees

- (1) The amount of the Commissioner's loan guarantee on any loan made by a lending institution to an applicant approved by the Commission shall not exceed 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of borrower's default, if any, whichever is lesser.
- (2) Each loan guarantee shall be limited to a maximum of \$5,000 for any individual shrimp fisherman.
- (3) The total amount of all outstanding loans guaranteed by the Commission shall not at any time exceed \$5,000,000.
- (4) The annual percentage rate of interest on any loan guaranteed by the Commission may not be greater than two percent above the prevailing

Federal Reserve rediscount rate in effect at the time of the loan application.

- (5) The term of each loan shall not exceed ten years.

Security for Loans

- (1) All lending institutions shall require the borrower to give either a first or second mortgage on the following:
 - (a) Shrimping vessel and appurtenances.
 - (b) Shrimp nets.
 - (c) Any other equipment used by borrower for commercial shrimping.
- (2) The lending institution shall require such other collateral as the borrower has available to be used as additional security on the loan.
- (3) All lending institutions shall require the personal endorsements of corporation principals, where corporation receives a loan secured by the Commission's loan guarantee, unless such requirement is waived by unanimous consent of the Commission.
- (4) All corporation applicants shall file a complete list of stockholders, together with their addresses and number of shares held. Such information must be filed prior to the approval of the application by the Commission and must also be filed annually thereafter until the loan is paid.
- (5) There shall be a full disclosure of relationships of the applicant and the lending institution with all State officials and with employees and members of the Louisiana Wildlife and Fisheries Commission. Said disclosure shall be made in the application or on an accompanying form.

Loan Guarantee

- (1) Upon approval of an applicant's application and the proposed loan contract between applicant and the lending institution, the Commission shall bind itself to guarantee the loan, subject to the limitations listed in the Act and the regulations herein, by issuing a duly executed loan guarantee form to both the applicant and the lending institution.
- (2) The loan guarantee shall provide that upon the borrower's default and upon due notice to the Commission by the lending institution the loan

shall be paid in the amount and under the limitations as prescribed herein.

- (3) The loan guarantee shall provide that upon payment of the loan by the Commission in the maximum amount allowed, the Commission shall be subrogated to that extent to the rights of the lending institution and against the borrower's collateral and personal assets.
- (4) Any payments made by the Commission under its loan guarantee shall be made from funds appropriated by the Legislature out of the Commercial Shrimp Fisherman Loan Guarantee Security Fund after the Commission has certified that a borrower has defaulted on his loan.

Closing and Disbursements of Loans

- (1) A lending institution shall close and disburse each loan secured by a loan guarantee from the Commission in accordance with the terms and conditions of the loan contract and guarantee.
- (2) Any change in the terms of the loan after the loan guarantee has been executed by the Commission shall vitiate the guarantee unless the new terms and conditions are subsequently approved in writing by the Commission.
- (3) Before the Commission will issue a loan guarantee the lending institution must furnish to the Commission for its approval a copy of all documents to be executed at the closing of the loan to be made to the applicant.
- (4) Subsequent to execution of the loan, the lender shall furnish a copy of the note and other documents to the Commission for its records.
- (5) In case of default by any borrower and the payment of the loan by the Commission under its loan guarantee, the lending institution shall release the original of any document connected with the loan that it may be holding to the Commission upon the written request for such release by the Commission.
- (6) The Commission shall be subrogated to the lending institution's rights to the extent of payments made on its loan guarantee and a subrogation agreement to that effect shall be executed by the lending institution.
- (7) The lending institution shall receive all payments of principal and interest and otherwise

administer the loan arrangement, but shall not take any action on the loan, transfer any security, or seek to enforce the loan without first notifying the Commission and securing its written consent.

- (8) The lending institution shall not receive any fees or commissions other than those earned for actual services rendered and which are disclosed in advance both to the applicant and the Commission.
- (9) Lending institutions shall loan the maximum amount at one time only upon a showing of good cause by the borrower. Otherwise a line of credit shall be established and each advance made to the borrower by the lending institution must be verified by the borrower as necessary to pay operating expenses or for purchase of equipment for commercial shrimping purposes.

Default

- (1) A lending institution shall notify the borrower and the Commission in writing whenever a loan is 30 days delinquent. The Commission shall have an additional 30 days to cure the default. If at the end of the additional 30 day period payments have not been brought up to date by the borrower, the Commission, upon written demand by the lending institution, shall mature the loan and pay the amount of the loan secured by the loan guarantee to the extent allowable under these provisions.
- (2) Upon payment by the Commission it shall notify the borrower of such payment and demand indemnity prior to enforcement of its right against the borrower's security.
- (3) The Commission shall, immediately upon payment of a loan guarantee, notify the Attorney General of the State of Louisiana who shall be the proper agent to institute proceedings to enforce repayment of the guaranteed loan.
- (4) The Attorney General shall take all appropriate steps or institute all necessary legal proceedings to collect from the borrower all monies paid by the Commission under its loan guarantee agreements, in conformity with the laws of the State of Louisiana. All such funds collected by the Attorney General shall be paid into the State general fund.

Effective Date of Regulations

These rules and regulations shall become effective as provided for in the Louisiana Administrative Procedures Act and after approval by the Commissioner of Financial Institutions for the State of Louisiana.

J. Burton Angelle, Sr.
Director

Rules

RULES

Louisiana Archaeological Survey and Antiquities Commission

(Editor's Note: The following rules were adopted, on September 10, 1975, by the Louisiana Archaeological Survey and Antiquities Commission, to direct the conservation, salvage, and study of the State historic and prehistoric resources. They become effective on September 20, 1975.)

Chapter I. Regulations

Section 1. Definitions. As used in this instrument, the following terms shall have the following meanings:

- (1) "Regulations" means the rules and regulations provided for in Chapter I through Chapter VII hereof, and as this instrument may be amended hereafter.
- (2) "Commission" means the Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601 through R.S. 41:1613 inclusive.
- (3) "Act" means Act 378 of 1974 as appearing in the Louisiana Revised Statutes, Section 1601 through Section 1613 inclusive, of Title 41 of the Louisiana Revised Statutes of 1950 as amended.
- (4) "Lands belonging to the State of Louisiana" or "State-owned lands" means all public lands within the limits of the State, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the State of Louisiana, other than lands title to which is vested in:

- (a) The United States of America or any of its agencies, departments, or instrumentalities;
 - (b) Local political subdivisions of the State of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts;
 - (c) The three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.
- (5) "Excluded public lands" means public lands title to which is vested in or under the control and management of the public entities described in Section 1 (4), (a), (b), and (c) above.
 - (6) "Private lands" means lands which are not public lands nor owned by the United States of America, the State of Louisiana, or and department, agency, or instrumentality thereof.
 - (7) "Historic and prehistoric resources" means the entire range of archaeological sites and remains defined by R.S. 41:1607 (1). Examples of historic and prehistoric resources include:
 - (a) All locations at which evidence can be found that illuminates in any way the history, government, or culture of prehistoric and historic American Indians, Colonial peoples, and all later inhabitants of the State of Louisiana;
 - (b) Shipwrecks and the contents thereof;
 - (c) Artifacts and implements of culture of every character which are embedded in the earth or found on the surface of historic and prehistoric sites;
 - (d) Maps, records, books, and documents in any way related to the history or prehistory of Louisiana and its former occupants;
 - (e) Indian burial sites and the burial furniture associated therein.
 - (8) "State archaeological landmark" or "landmark" means a geographic area situated on State-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the Commission in the "Registry of State Archaeological Landmarks".
 - (9) "Indian burial site" means any location used by historic or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations in which interments of a significant number of Indian bodies have been

made within a compact and identifiable geographic area prior to the year A.D. 1799. Except in cases of exceptional archaeological significance as found and determined by the Commission, the following additional terms and meanings shall apply to Indian burial sites:

- (a) "Significant number" means the interment of ten or more human remains;
 - (b) "Compact area" means an area of one acre or less, or an equivalent area of any pattern or composition;
 - (c) "Identifiable geographic area" means an area in which human remains have been determined to be interred by archaeological research and the limits of which can be identified by means of natural topographic features, markers placed in the ground, or other surface indicators.
- (10) "Burial furniture" means movable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, and shell.
- (11) "Contract for survey and salvage" or "contract" means a written agreement entered into by the Commission under the authority of R.S. 41:1606 for the study, conservation, and salvage of historic and prehistoric resources within a designated State archaeological landmark.
- (12) "Investigation" means the study of a State archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.
- (13) "Contractor" means a party that has entered into a contract for survey and salvage with the Commission under the provisions of the regulations.
- (14) "Professional archaeologist" means a person who has a graduate degree in archaeology or anthropology from an accredited institution of higher education, or the equivalent, provided that such equivalent status is approved by the Commission, and which person has training and experience comparable to that required for the proposed national registry of archaeologists as endorsed by the Society for American Archaeology in May of 1975. In the case of underwater investigations, the professional archaeologist to be in charge must meet

the above qualifications and, in addition, be (or employ) a competent diver with a minimum of two full seasons of experience in underwater archaeological investigation, or the equivalent, provided that such equivalent status is approved by the Commission.

Section 2. State-Owned Lands-Contract Required. No person shall excavate, dig into, remove from, take, or alter a State archaeological landmark or any other archaeological site on State-owned lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage.

Section 3. Purposes of Contracts. A contract for survey and salvage shall be executed by the State Archaeologist or his authorized representative, acting pursuant to the authority of a resolution of the Commission approving such contract. Contracts will be granted by the Commission for the following purposes:

- (1) Investigations oriented toward the solution of a particular research problem;
- (2) Preparation of a site for public interpretation;
- (3) Restoration and preservation of a site as a nonrenewable cultural resource;
- (4) Salvaging information and specimens threatened with immediate partial or total destruction;
- (5) Investigations undertaken by the Commission acting through a contractor for any of the Commission purposes under the Act.

Section 4. Manner of Investigation - Minimum Standard. Investigations undertaken on State archaeological landmarks must be carried out in such a manner that the maximum amount of historic, scientific, archaeological, and educational information will be recovered and preserved. Such investigations must involve the exclusive use of standard and accepted scientific techniques of excavation, recovery, recording, preservation, and analysis. New or unusual techniques, and the use of earth moving machinery, must be approved in the contract. All measurements will be recorded using the metric system.

Section 5. Contractors. The award of contracts by the Commission will be limited to those persons and groups who can demonstrate an ability to carry out proper archeological investigations.

- (1) Subject to the requirements of Paragraph (2) of this section which establish a standard of archaeological competency, contracts may be applied for by:
 - (a) Scientific and higher educational institutions;

- (b) Non-profit corporations and organizations;
 - (c) Governmental agencies, departments, or other instrumentalities;
 - (d) Established museums which have met the standards of accreditation set by the American Association of Museums or are judged by the Commission to be of equal status;
 - (e) Archaeological societies whose projects are sponsored by an entity described in (a) through (d) above;
 - (f) Qualified graduate students or other individuals who demonstrate the qualifications to undertake and complete a specific project of limited scope under the close on-site supervision of a professional archaeologist;
 - (g) Other entities, including private research consultants, whose projects are directed to any of the purposes defined in Section 3 of this chapter.
- (2) Contractors must furnish proof satisfactory to the Commission that adequate funds, equipment, facilities, and personnel are available to conduct the investigation professionally and as approved in the contract, to restore the site to its original condition, and to report the results. Additionally, contractors must show that they have retained a professional archaeologist to supervise directly and to be responsible for the overall execution of the project from field investigation through preservation of collections and analysis of data to reporting of the results.

Section 6. Contract Requirements. All contracts approved by the Commission for investigation of a State archaeological landmark shall contain the following requirements:

- (1) Title to all specimens, artifacts, materials, and samples resulting from investigations on State archaeological landmarks on State-owned lands shall be vested in the State of Louisiana. Title to all specimens, artifacts, materials, and samples resulting from investigations on State archaeological landmarks on excluded public lands and private lands shall be clearly specified in the landmark agreement papers.
- (2) All specimens, artifacts, materials, and samples will be deposited with the Commission upon completion of analysis. Normally analysis will be completed within one year after the end of field operations. If it can be shown that additional time is necessary to complete legitimate study already in progress, exten-

sions of six months duration may be granted, upon petition, at the discretion of the Commission.

- (3) Original or duplicate copies of all field notes, maps, drawings, and photographs will be deposited with the Louisiana Archaeological Survey and Antiquities Commission within ninety days after the end of field operations. Duplication of such records will be done at the contractor's expense. To protect the publication rights of the archaeologist in charge, such primary field data will not be released by the Commission in any form for a period of one year.
- (4) The Louisiana Archaeological Survey and Antiquities Commission will determine, in accordance with the title arrangements of landmark agreements, the final disposition of all artifacts, specimens, materials, and data recovered by investigations on State archaeological landmarks. In determining final disposition, the Commission will take into consideration the advantages of making comparative type collections and specimens for public display available to the educational institutions and accredited museums throughout the State. In exceptional instances, as determined by the Commission, collections and other data may be deposited in scientific and educational institutions and museums located outside the State. In all cases, the entire range of physical evidence recovered from a State archaeological landmark on State-owned land remains the property of the State of Louisiana. A complete record of all artifacts, specimens, material, and data distributed by the Commission will be incorporated into the central State archaeological survey files.
- (5) The Commission shall have the right to duplicate any outstanding item recovered from a landmark regardless of who retains title to the original specimen. Duplicates made for or by the Commission will be clearly and permanently marked as such. The copied specimens will be used to promote increased public exposure to the State's outstanding antiquities without danger of loss to the original artifacts.
- (6) Contractors shall be responsible for cleaning, cataloging, and preserving all collections, specimens, samples, and records. The cataloging shall be accomplished in a manner consistent with the uniform catalog system established by the Commission.
- (7) No contract will be granted for a period of more than one year, but if the work has been

diligently prosecuted under the contract, the time may be extended upon application showing good cause.

- (8) The contract shall contain all special regulations governing the particular investigation to be undertaken.
- (9) Contracts to become executory shall be signed by the State Archaeologist or his authorized representative, the contractor, and the professional archaeologist who assumes responsibility for the project.
- (10) The contractor will have a copy of the contract available at the site of the investigation during all working hours. Any authorized member or agent of the Commission, any landowner of a landmark on private lands, and any representative of a governmental agency having jurisdiction over a landmark on excluded public lands may at any time visit the area or site being investigated under contract. Such a representative may examine the contract as well as the field records, materials, and specimens being recovered.
- (11) If the contractor fails to comply with the contract, or fails to conduct properly or to complete the project, the Commission may terminate the contract upon the giving of notice and hearing to the contractor. Upon cancellation, the contractor shall cease work immediately and vacate the area or site within 24 hours, including removal of all personnel and equipment. Through cancellation of a contract, the contractor forfeits all rights as herein provided to the specimens and data recovered. A contract which has been cancelled can be reinstated by the Commission if good cause is shown within 30 days of the cancellation.
- (12) Institutions, museums, organizations, corporations, and persons receiving contracts for investigation of State archaeological landmarks shall, after completion of the work, restore the lands on which they have worked to their former condition, to the satisfaction of the Commission and, in the case of landmarks on private lands, to the satisfaction of the landowner.
- (13) Contractors shall be responsible for preparation of a written report describing in full the results of the investigation. The report should be suitable for publication, follow the style and format of American Antiquity, and be of high professional quality. The contractor shall furnish the Commission with an original and 25 copies of the report which have been reproduced by superior duplicating processes

such as multilith or xerox. All photographs must be legible, and an original set of photographic prints should accompany the report. The reports will be treated as central State archaeological survey files, and no duplication will be allowed without the permission of the author and the Commission.

- (14) No contract issued by the Commission may be transferred in whole or in part to any other institution, museum, corporation, organization, or individual without the expressed written approval of the Commission.

Section 7. Types of Contracts. Three categories of contracts, oriented toward specific types of investigation, will be recognized by the Commission. When a State archaeological landmark on private lands or excluded public lands is involved, each type of contract must be endorsed by the landowner or by an appropriate governmental official respectively. The three categories of contracts that will be authorized to be executed by the Commission under the Act and regulations are as follows:

- (1) Survey and Reconnaissance—a contract for the purpose of searching a specific area for sites by visual examinations of the surface or by use of specialized equipment such as magnetometers and metal detectors. Under this type of contract, investigation is limited to recording site locations, mapping, photographing, controlled surface collecting, soil augering to determine depths of midden deposits, and aerial reconnaissance.
- (2) Testing—a contract allowing detailed examination of a particular site by systematic test excavations of limited scope.
- (3) Excavation—a contract providing for full investigation and extensive excavation of a particular locality.

Section 8. Applications for Contracts. Applicants qualified in compliance with Section 5 foregoing and desiring a contract for investigation of a State archaeological landmark shall file an application with the Commission at least three months prior to the proposed beginning date of field operations.

- (1) Applications for contracts shall be prepared on standard forms available from the Commission. The applications must include:
 - (a) A statement of the purpose of the investigation;
 - (b) An outline of the proposed work;
 - (c) An accurate sketch plan of the particular site or area to be investigated and a map showing the latitude and longitude;
 - (d) A proposed beginning date for the field

work and an estimated length of time which will be devoted to field work;

- (e) The name, address, and telephone number of the professional archaeologist who will be in immediate charge of the project;
- (f) The location where the specimens, material, and data will be kept during the analysis of the results of investigation;
- (g) The proposed date for submission of a final report describing the results of the investigation;
- (h) Evidence of adequate funds, personnel, equipment, and facilities to complete the proposed investigation properly and to restore the landmark to its original condition.

- (2) Special circumstances may require that a contract be executed on short notice, especially when a site is threatened with immediate destruction. In such cases, application procedures are the same except that the three months lead time is waived. The Chairman will poll Commission members for immediate approval or disapproval of such emergency applications.

Section 9. Intergovernmental Contract Review. On receipt of an application for a contract to carry out investigations on State lands, the Commission will refer such application routinely to the agency or political subdivision having administrative control of the land upon which the site is located. Such original review will be accomplished prior to final approval by the Commission.

Section 10. Due Process Provisions. Any applicant whose application has been denied, or any other interested party who in any manner has been aggrieved by any provision of the regulations, may file a petition for hearing and review of such denial of application or other grievance by the Commission. Such a petition shall be reviewed by the Commission, or a committee thereof, and if it appears that the petitioner has sufficient cause, the hearing requested shall be conducted. If after conducting the hearing it appears that the petitioner is entitled to the relief sought, the Commission shall adopt appropriate action. If the Commission declines to adopt action granting the release sought by the petitioner, the petitioner shall be entitled to seek relief as may be provided for by law.

Section 11. Regulations Severable. Provisions of these regulations are declared to be severable, and should any part hereof be declared by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the

remaining parts of the regulations shall remain in full force and effect. All actions of the Commission in conflict herewith are repealed to the extent of such conflict.

Chapter II. Bylaws.

Section 1. Purpose. The provisions of Chapter II, hereafter referred to as "bylaws", govern the conduct of business by the Louisiana Archaeological Survey and Antiquities Commission.

Section 2. Quorum. Action of the Commission shall be by the affirmative roll call vote of a majority of the appointed and ex-officio members of the Commission, provided that a quorum of six or more such members is present. Proxy votes authorized by the written consent of an absent Commission member are permissible. The outcome of all votes will be recorded in the official minutes of the Commission.

Section 3. Public Meetings, Notices, Emergency Meetings. All meetings of the Commission shall be in accord with the public meeting laws of the State of Louisiana, and otherwise comply with the requirements of Title 42, Sections 5 through 9 of the Louisiana Revised Statutes. The Commission shall meet at least four times a year at such times as shall be designated by the Chairman. Meetings of the Commission shall be upon the call of the Chairman, upon the call of the Vice-Chairman in the Chairman's absence or incapacity, or upon notice of a meeting signed by not less than three members of the Commission and filed with the Secretary of the Commission. Notice of all meetings of the Commission shall be mailed to each member of the Commission at least two weeks prior to the meeting, except in the case of emergencies certified by the Chairman or by three members of the Commission calling such emergency meetings, in which event the notice shall be given by telephone call and in writing, mailed not less than three days prior to the holding of such emergency meetings. Minutes of the Commission shall be reduced to writing by the Secretary and retained in the permanent official minute book of the Commission.

Section 4. Officers. The officers of the Commission shall consist of the following:

- (1) The Chairman, who shall be chief executive officer of the Commission;
- (2) The Vice-Chairman, who shall act in place of the Chairman when the Chairman is absent from the State, incapacitated, or otherwise not able to act;
- (3) A Secretary, who shall maintain the official minute book and the official records of the Commission;

- (4) A Treasurer, who shall maintain complete financial records of the Commission.

Section 5. Cash Management. All monies of the Commission received from any appropriation, gift, grant, bequest, or other source shall be administered in the manner required by Louisiana law pertaining to the expenditure and control of public funds. The Commission will comply fully with the Central Cash Management Law, except in the case of gifts, donations, and bequests from private sources which are considered exempt. Such funds received from private sources which are unexpended at the end of each fiscal year shall not revert to the General Fund of the State of Louisiana but instead be retained by the Commission to be dedicated to the special and specific purposes for which they were donated.

Section 6. Budget. No monies of the Commission shall be expended except pursuant to appropriations authorized by resolution of the Commission. The Commission shall adopt an annual operating budget. No expenditures of the Commission shall exceed the estimated revenues for the year from all sources. All appropriations of the Commission for expenditure of money shall be in accordance with the annual operating budget.

Section 7. State Archaeologist. The State Archaeologist shall act as the chief administrative officer of the Commission and shall implement the policies of the Commission under the Act. The powers of such administrator shall extend to and include all matters of hiring and purchasing, except that the hiring of permanent employees above the rank of secretary shall be approved by the Commission in advance. All actions initiated by the State Archaeologist in matters of hiring and purchasing will be submitted subsequently to the Commission for ratification and approval. Awarding of contracts, the adoption of and amendment to the annual operating budget, and other similar actions shall be submitted to the Commission for its prior approval at a regular or special meeting called and conducted in accordance with the bylaws. All purchasing shall be conducted in accordance with the Central Purchasing Law of Louisiana.

Section 8. Executive Committee. There shall be an executive committee composed of the officers of the Commission and the State Archaeologist. Such executive committee is empowered to exercise powers of the Commission at any time when the calling of an emergency meeting of the Commission is impossible. The exercise of such powers must be without dissent of any member of the executive committee. All actions adopted by the executive committee shall be submitted to the next regular or special meeting of the Commission

for consideration and ratification. Powers authorized in this Section shall not be exercised in any manner that would constitute an unconstitutional or unlawful delegation of the powers of the Commission to the executive committee.

Section 9. Annual Report. An annual report summarizing the activities, accomplishments, and important business of the Commission will be prepared by the chief executive officer and submitted to the Legislature and to the Governor as required by R.S. 41:1603 (F).

Chapter III. Registry.

Section 1. Creation and Maintenance of Registry. The provisions of Chapter III define and create a Registry of State archaeological landmarks, hereafter referred to as "Registry." The Registry will consist of an inventory of landmarks that are approved by the Commission. The inventory shall be maintained by the Secretary of the Commission in a special book of record marked "Louisiana Registry of State Archaeological Landmarks". The Registry shall be placed in the permanent archives and records of the Commission under the official custody of the State Archaeologist.

Section 2. Purpose of Landmarks. Prehistoric and historic sites will be registered as State archaeological landmarks by the Commission in order to insure that such sites will be preserved and protected to the maximum extent possible.

Section 3. Landmarks - State-Owned Lands. Any prehistoric or historic site defined by R.S. 41:1607 (1) and located in, under, or on lands belonging to the State of Louisiana may be included in the Registry at the discretion of the Commission.

Section 4. Landmarks - Excluded Public Lands. Any prehistoric or historic site defined by R.S. 41:1607 (1) and located on excluded public lands may be designated a State archaeological landmark provided that prior to entering such designation in the Registry the Commission first secures permission to do so by the following actions:

- (1) Give notice in writing to the appropriate agency, political subdivision, or other entity defined in Chapter I, Section 1, Paragraph (4), (a), (b), and (c) of this instrument. The notice shall state that the Commission intends to include a designated geographic area of land in the Registry as a State archaeological landmark. The notice shall include a reasonable description of the limits of the proposed landmark, set out the reasons for the intended designation, describe all responsibilities per-

taining to the preservation and upkeep of the landmark, and specify that the notified party may within a period of 30 days apply to the Commission for the holding of a hearing prior to action on the proposed landmark designation.

- (2) Hold a hearing on the proposed landmark designation should one be requested within a period of 30 days after mailing of the notice. Upon receipt of a request for a hearing, the Chairman of the Commission shall set a time not less than 30 nor more than 90 days from the date of receipt of such request. The interested party shall be advised promptly of the decided date, time, and place of such hearing and of the right to be represented by counsel and to present witnesses and any other evidence and testimony relevant to the determination of suitability for the site as a State archaeological landmark.
- (3) Obtain a written agreement from the agency, political subdivision or other entity holding title to the land upon which the landmark is located. The agreement shall state that the proposed landmark will be protected as a cultural resource and that, subject to the outcome of intergovernmental contract review, the Commission shall have the sole jurisdiction to award contracts for survey and salvage at the site. Such agreement of consent will stipulate that all subsequent investigation or alteration of the landmark will be done in strict compliance with the requirements of the regulations adopted by the Commission. The agreement of consent will specify which agency or political subdivision shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.

Section 5. Landmarks - Private Lands. Any prehistoric or historic site defined by R.S. 41:1607 (1) and located upon private lands may be designated a State archaeological landmark provided that prior to entering such designation in the Registry, the Commission first secures the voluntary written permission of the landowner or landowners to do so. The agreement of consent will vary according to specific circumstances, but in general it will contain the provisions suggested in the following outline:

- (1) The geographic limits of the proposed landmark will be described in a manner sufficient to locate the site upon the ground;
- (2) There will be a statement to clarify that landowner consent for a site to become a landmark does not constitute a forfeiture of

all control over the land upon which the site is located;

- (3) There will be a statement to acknowledge that landowner consent for a site to become a landmark does represent a pledge on the part of the landowner or landowners to preserve and protect the site as a nonrenewable cultural resource;
- (4) There will be a statement specifying the precise degree of jurisdiction transferred to the Commission with respect to determining who shall be allowed to enter upon the landmark for the purpose of removing artifacts and specimens of all types or for the purpose of violating the site by any form of excavation for whatever reason;
- (5) There will be language encouraging the landowner to remove the landmark from cultivation or stipulating those plaza or village areas that may be subjected to continued normal cultivation under the agreement;
- (6) There will be a statement of recognition that all contractors authorized by the Commission must respect the rights of the landowner and will be held liable for damage to all access routes, property, and lands adjacent to the landmark;
- (7) There will be a clear statement stipulating who shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage;
- (8) There will be a statement setting out the exact limits and degree of public access to the landmark, if any, that are acceptable to the landowner and to the Commission once the landmark has been investigated, properly restored, and stabilized;
- (9) All special conditions and restrictions will be described fully in a manner acceptable to both the Commission and the landowner or landowners.

Section 6. National Register. State archaeological landmarks determined by the Commission to be of major scientific and educational value will be nominated through prescribed channels for inclusion in the National Register of Historic Places.

Section 7. Landmark Declassification. Any State archaeological landmark may be determined by resolution of the Commission to be of insufficient historical, archaeological, or scientific interest to warrant its further classification as such. Upon such determination the site may be removed from the Registry.

Chapter IV. Files and Custodianship.

Section 1. Central State Archaeological Survey Files. The provisions of this chapter establish the central State archaeological survey files as authorized by R.S. 41:1607 (5). The files shall be maintained in the office of the State Archaeologist under his care, custody, and responsibility, acting for and on behalf of the Commission. Also contained in this chapter are provisions which clarify the custodianship and use of State-owned antiquities.

Section 2. Contents of Files. The central State archaeological survey files shall include all available information on known historic and prehistoric sites located within the State of Louisiana. Such information may include geographical references, site descriptions, field notes, maps, drawings, photographs, and related documents of every description. The files will contain a complete catalog record of all antiquities and objects, recovered from State lands or donated from other lands, that are in the control and possession of the Commission.

Section 3. Supplementary Files. The central State archaeological survey files additionally consist of files and records in the following locations and under the care and custody of the following designated institutions:

- (1) Department of Geography and Anthropology
Louisiana State University
Baton Rouge, Louisiana 70803
- (2) Department of Social Studies
Northwestern State University of La.
Natchitoches, Louisiana 71457
- (3) Department of Geosciences
Northeast Louisiana State University
Monroe, Louisiana 71201
- (4) Dept. of Anthropology and Geography
University of New Orleans
New Orleans, Louisiana 70122
- (5) Department of Social Studies
Univ. of Southwestern Louisiana
Lafayette, Louisiana 70501
- (6) Archives and Records Division
Louisiana Secretary of State's Office
Baton Rouge, Louisiana 70804
- (7) Environmental Unit
Louisiana Department of Highways
Baton Rouge, Louisiana 70804

Section 4. Deputy Custodians. The appropriate officers of the entities listed in Section 3 above are appointed and designated as deputy custodians of the central State archaeological survey files. The deputy custodians shall be responsible for the files and objects presently in their possession and as hereafter may come into their official possession pursuant to the regulations. Deputy custo-

dians of the central State archaeological survey files shall maintain an up-to-date inventory of all antiquities and objects in their possession and file the same with the State Archaeologist. A duplicate copy of all files in the possession of each deputy custodian shall be made available to the Commission upon request.

Section 5. Private Custodianship Contracts. Private universities or colleges and museums which are accredited or approved by the Commission may participate in the supplementary files system by entering into a custodianship contract with the Commission. The custodianship contract shall designate the contracting institution as a deputy custodian and provide for full participation in the central State archaeological survey files system. Deputy custodians appointed through custodianship contracts shall be subject to all requirements and responsibilities contained herein.

Section 6. Access to Files. Access to the central State archaeological survey files will be restricted to those agencies and persons who, in the opinion of the State Archaeologist or appropriate deputy custodian, have a legitimate need for the information contained therein. Easy access to the files will be provided to all scientific and educational institutions, professional archaeologists, students, government agencies, archaeological societies, and other individuals who are pursuing valid research needs. Access will not be provided automatically, however, to those groups or persons lacking specific purpose or requirements unless a clear scientific or educational intent can be demonstrated. The central State archaeological survey files will be maintained to protect archaeological resources and to contribute to scholarship and scientific advancement; the files will not be maintained to facilitate the location of archaeological sites for activities specifically prohibited by R.S. 41:1609.

Section 7. Custodianship of State-Owned Antiquities. All antiquities and objects recovered from State lands or donated to the State from private lands or excluded public lands shall become the legal responsibility of the Commission. Such antiquities shall be deposited with the Commission and recorded in the central State archaeological survey files. The final repository of State-owned antiquities will be decided by the Commission on the basis of maximum public exhibit consistent with the full protection and preservation of such antiquities as non-renewable cultural resources. State antiquities deposited with deputy custodians may be recalled by the Commission at any time should such action be warranted in the opinion of a majority of Commission members.

Section 8. Burial Furniture and Physical Remains. Burial furniture and physical remains removed from an Indian burial site and unclaimed by a legal heir shall be

recorded in the central State archaeological survey files and shall be afforded the same protection as other State-owned antiquities that are in the control and possession of the Commission. Such items may be deposited in educational institutions and accredited museums under the care of a deputy custodian designated by the Commission.

Section 9. Use of Antiquities. No object or antiquity recorded in the central State archaeological survey files shall be sold, loaned, or otherwise lost or disposed of except pursuant to the authority of the Commission. However, nothing herein contained shall be construed as preventing a deputy custodian from providing for such use of objects and antiquities as is necessary and incidental to the educational programs of the institution at which such objects and antiquities are stored and maintained, or for any other use as a cultural and educational resource.

Chapter V. Program.

Section 1. Purpose. The provisions of Chapter V initiate and adopt a program of archaeology for the State of Louisiana as authorized and directed by R.S. 41:1607.

Section 2. Archaeological Program. The Commission, acting through its officers, staff, employees, committees, and contractors, in order to implement and supplement the directives of R.S. 41:1607, shall inaugurate a program of activities in archaeology which will include, but not be limited to, the following endeavors:

- (1) Revise, extend, improve, and promote the Registry of State Archaeological Landmarks.
- (2) Contribute to the public awareness and understanding of the State's historic and prehistoric resources by:
 - (a) Designing and maintaining a system of exhibits and interpretive displays;
 - (b) Issuing regular news releases to the public media;
 - (c) Providing a series of accurate and informative publications directed to the non-professional audience;
 - (d) Cooperating with State archaeological societies;
 - (e) Making Commission records, files, and expertise available to students from all institutions of higher education;
 - (f) Developing a lecture program and audio-visual aids suitable for use by civic and school groups within the State.
- (3) Encourage participation by private landowners in the process of conservation, preservation, and investigation of prehistoric and historic resources.

- (4) Undertake a comprehensive survey of the entire State and its offshore waters to determine the full extent of existing nonrenewable cultural resources.
- (5) Prepare and keep up-to-date a priority list of specific investigations that must be conducted in order to satisfy the objectives of the Commission's long range research strategy. Except in the case of sites threatened with immediate destruction, contracts should be assigned partially on the basis of what the proposed project can contribute to the solution of such overall research problems. Budget requests as well should reflect the order of priority investigations.
- (6) Undertake a legislative study exercise to determine the need, if any, for changes in State law to achieve the goals of the Commission's program as stated herein.
- (7) Investigate the need for additional regulations to implement Public Law 93-291, adopted May 24, 1974, by the Congress of the United States.
- (8) Standardize the State's archaeological data base by and after interaction and cooperation with all agencies and institutions of higher education actively investigating the history and prehistory of Louisiana. Through standardization of forms used in recording archaeological data and through development of a computer program to process such data, the results of all archaeology conducted within the State shall be made available to and be in a form utilizable by all other archaeologists participating in the system.
- (9) Inform State agencies, departments, and other instrumentalities including subdivisions, special districts, law enforcement officers, and other units of local government of all registered State archaeological landmarks and the regulations pertaining thereto.
- (10) Publish both popular and professional articles of scientific, historic, and prehistoric merit.
- (11) Inform all State agencies, departments, and other instrumentalities of the Commission's program, the benefits to be derived from such work, the law pertaining thereto, and the regulations adopted to execute such program.
- (12) Nominate through prescribed channels all State archaeological landmarks determined by the Commission to be of major scientific and educational value for inclusion on the National Register of Historic Places. The National Register program will be explained to landowners at the same time sites on private lands are being registered as landmarks.

- (13) Establish and maintain liaison with archaeological organizations in both the professional and amateur categories for the purpose of:
 - (a) Determining the need for action by the Commission;
 - (b) Identifying new items to include in the program;
 - (c) Assessing the need for amendment, repeal or rewriting of the regulations;
 - (d) Obtaining input of ideas for better carrying out the purposes, goals, and objectives of the Commission;
 - (e) Facilitating the preservation, conservation, and proper utilization of the archaeological resources of the State.
- (14) Support Federal, State, and private agencies, political subdivisions, and firms in determining the impact of proposed construction projects on all historic and prehistoric resources. The Commission may, at its discretion, accept an existing archaeological resource statement, provided that a recent ground survey has been conducted by a professional archaeologist in support of the statement. The Commission may also contract with another agency, political subdivision, or firm whose staff includes a professional archaeologist to survey the construction area and to prepare an archaeological resource statement.
- (15) Seek to establish and solicit private support for the Louisiana Archaeological Council. Membership in the Council will be open to all professional archaeologists located or working in the State of Louisiana. The Council will meet quarterly, whenever possible in conjunction with any other archaeological meeting. The Council will serve as an advisory body to the Louisiana Archaeological Survey and Antiquities Commission. It will contribute to a coordinated State archaeological program by providing a medium through which the fruition of on-going investigations can be shared and research assignments can be allocated on a voluntary basis.
- (16) Design, sponsor, and maintain a permanent storage and research facility to be called The Louisiana Center for the Study of Man. Such a building will:
 - (a) Serve as permanent headquarters for the Commission;
 - (b) Provide safe, atmospherically controlled, and perpetual storage for the State's historic and prehistoric resources;
 - (c) House the central State archaeological survey files;
 - (d) Contain efficient and adequate facilities for the treatment, preservation, and processing of recovered remains of all types;
 - (e) Be the center for uniform, up-to-date type collections of the State's historic and prehistoric artifacts;
 - (f) Supply exhibit space for outstanding archaeological specimens deserving of public viewing;
 - (g) Provide safe and accessible storage for photographs, books, records, maps, and documents pertaining to Louisiana history and prehistory;
 - (h) Facilitate the utilization of collections and field data in the custody of the Commission in a manner which encourages maximum analysis and interpretation;
 - (i) Serve as a primary research facility for all professional archaeologists, scientists, and students who are interested in and actively studying the history and prehistory of human settlement in the State of Louisiana.

Chapter VI. Underwater Investigations.

Section 1. Purpose. The provisions of Chapter VI constitute a supplement to the regulations pertaining to the special conditions for location and recovery of sunken treasure.

Section 2. Contract Requirements. Contracts for underwater investigations of all types will be issued by the Commission in strict compliance with the procedures set forth in the regulations. Due to the potentially high monetary value of the objects that conceivably will be recovered by underwater exploration, the following additional conditions must be satisfied before a contract will be initiated:

- (1) An applicant must be bonded and financially responsible;
- (2) Contracts for the recovery of sunken treasure will be issued for only one specific underwater site at a time;
- (3) The contractor must have suitable seaworthy motor vessels, diving apparatus, and related equipment to conduct the search and recovery in a proper and safe manner;
- (4) The professional underwater archaeologist in charge and all personnel involved in the underwater search and recovery operation must be covered by acceptable liability insurance which is procured at the expense of the contractor;
- (5) The contractor must bear the expense of

having a minimum of one representative of the Commission on board the motor vessel at all times;

- (6) Objects retrieved from underwater sites will be inventoried immediately by a representative of the Commission and thereafter deposited in a place of safekeeping which has a degree of security commensurate with their value;
- (7) The contractor must demonstrate the capability for immediate stabilization, treatment, and preservation of the recovered underwater remains, many of which are highly perishable upon exposure to the atmosphere.

Section 3. Title to Remains and Compensation. Superior title to all objects recovered from underwater sites located within the river systems, tidelands, submerged lands, or offshore waters falling under the jurisdiction of the State of Louisiana shall be retained by the State. Under certain conditions allowed by R.S. 41:1606 and as approved in advance by the Commission, a reasonable percentage of the recovered remains may be allocated to the contractor as fair compensation for their salvage.

Chapter VII. Indian Burial Sites.

Section 1. Purpose. The provisions of Chapter VII recognize the special nature of Indian burial sites as archaeological landmarks in accordance with the public policy of the State as enunciate in R.S. 8:651 et seq., R.S. 14:101, and laws supplemental thereto declaring that the site of interment of human remains is to be protected from disturbance. Chapter VII further recognizes the need to contribute to the knowledge, understanding, and appreciation of the cultural heritage of historic and prehistoric ethnic American Indian groups and to expand and document the history of such Indian groups by recovery of sufficient archaeological and anthropological evidence from Indian burial sites in proper cases.

Section 2. Indian Burial Sites - Contract Required. No person shall excavate, dig into, remove from, take, or alter an Indian burial site on State-owned lands, excluded public lands, or private lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage as set out in Chapter I, Sections 4 through 10 inclusive of the regulations. In addition to the requirements of Sections 4 through 10 inclusive, a contract for survey and salvage pertaining to an Indian burial site shall be found by the Commission to have the following special goals:

- (1) To achieve the purposes set out in Section 1 of this chapter;
- (2) To restrict excavation to that which is archae-

ologically necessary so as to not wantonly desecrate the Indian burial site.

Section 3. Use of Indian Burial Sites. The provisions of this chapter shall not be construed as preventing a landowner from utilizing an Indian burial site for purposes of farming, cattle raising, timber growing, and other similar surface uses that will not result in the disturbance of human remains through excavation or other activities.

Section 4. Burial Furniture and Physical Remains. All burial furniture and physical remains removed from an Indian burial site are the property of the State of Louisiana in the event that no person appears who is a legal heir entitled to inherit the property of the Indian who is interred. Such burial furniture and remains that become property of the State shall be placed in the care and custody of the Commission or a deputy custodian designated by the Commission.

Section 5. Indian Burial Sites as Landmarks. Indian burial sites and other cemeteries as defined in R.S. 8:1 et seq. may be declared to be and registered as State archaeological landmarks in accordance with the provisions of Chapter III, Sections 2 through 5 inclusive of the regulations. Failure of the Commission or the State Archaeologist to identify an Indian burial site or to designate an Indian burial site as a State archaeological landmark shall not alter the status of such site as a cemetery or burial ground within the meaning of R.S. 8:1 et seq. and other laws pertaining to places of interment of human remains.

Section 6. Emergency Landmark Designation. When it appears that an Indian burial site having extraordinary archaeological value has been excavated or is in imminent danger of being desecrated in violation of Louisiana law (particularly R.S. 8:653), the Commission may make an emergency designation of such Indian burial site as a State archaeological landmark.

(1) Emergency designations affecting private lands or excluded public lands shall be adopted by resolution of the Commission or by order of the State Archaeologist. Such resolution or order shall set out and include:

- (a) A map or description identifying the limits of the geographic area found, hereunder, to constitute an Indian burial site;
- (b) A statement specifying the archaeological evidence supporting such finding and declaration;
- (c) A description of the excavation or threatened desecration in violation of law on which the emergency action of

the Commission or the State Archaeologist is predicated.

- (2) The Commission may take such additional legal action in the conservation and preservation of an Indian burial site as is authorized by law, including the action authorized by R.S. 41:1612.
- (3) Notice of the designation of an Indian burial site on private lands or excluded public lands as a State archaeological landmark shall be communicated promptly to the landowner or appropriate agency head. Notice shall be executed by mailing or delivering a copy of the resolution or order making such designation.
- (4) Any landowner on whose property an Indian burial site has been designated a State archaeological landmark and who objects to such designation is entitled to a hearing and review as provided for under Chapter I, Section 10 of the regulations. Similarly, the head of any agency involved in such designation on excluded public lands is entitled to the due process procedures of Chapter I, Section 10.
- (5) Should no protest or application for a hearing be made by a private owner or an agency head within 120 days of the posting of a written notice designating an Indian burial site as a State archaeological landmark under this chapter, such designation shall be final and conclusive.

Section 7. Accidental Disturbance. Where construction, acquisition, or operation of a building, road, dam, pipeline, or similar improvement project unexpectedly uncovers human remains that appear to fall within the purview of these regulations, the owner, his agents, or other representatives shall delay temporarily, within the specific area where human remains are encountered, all construction or maintenance activity until the following conditions are satisfied:

- (1) The Commission is notified immediately;
- (2) The human remains and any vestments or other articles interred therewith be preserved and delivered to the Commission or a designated deputy custodian of the Commission;
- (3) The owner or person in charge of the construction or maintenance project cooperate with any designated representative of the Commission assigned to the site to recover archaeological evidence.

Section 8. Prior Archaeological Investigation. Excavation of Indian burial sites by predecessors of the Commission, its deputy custodians, the Lower Mississippi Survey, or any other professional archaeologists made prior to the

effective date of these regulations for the goals and purposes set forth in Section 1 of this chapter are hereby approved and ratified under the law. Nothing herein shall be construed as approving excavations of Indian burial sites made in violation of Louisiana law prior to the effective date of these regulations.

Section 9. Unlawful Removal of Burial Furniture. Whoever without authority of law knowingly excavates an Indian burial site with the intention and for the purpose of taking and removing burial furniture shall be subject to punishment as provided for in R.S. 8:653, R.S. 41:1611, and other applicable law.

William G. Haag
Chairman

RULES

Capital Area Ground Water Conservation Commission

(Editor's Note: The following rules were adopted on August 11, 1975, to be effective October 1, 1975.)

Section 1.0.0.0. Rules, Regulations and Procedures For Water Well Registration in the Capital Area Ground Water Conservation District

In accordance with the provisions of Title 38, Section 3076A (3) and 3076A (4) of Louisiana Revised Statutes enacted by Act 678 (1974) the following rules, regulations, and procedures for water well registration in the Capital Area Ground Water Conservation District were adopted on August 11, 1975. The Capital Area Ground Water Conservation District includes the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

The rules, regulations, and procedures stated herein were prepared in cooperation with the Louisiana Department of Public Works which is responsible for registering water wells in Louisiana as per Act 535 (1972). In order to avoid duplicate records and duplicate inquiries and visits, the registration procedures and activities of the Commission will be coordinated with the Louisiana Department of Public Works. Records of wells registered by either State agency will be made available to the other agency. When one agency considers that a well is registered, it shall be considered registered by both agencies.

**Section 1.1.0.0. Water Wells
That Shall Be Registered**

- A. All wells which supply a public water system, regardless of yield, must be registered with the State.
- B. All other water wells capable of producing more than 50,000 gallons per day must be registered. For wells in the District that are exempt from registration by the Commission, refer to Section 1.1.2.0. Refer to Section 1.1.1.0. for procedures for registering water wells used in connection with petroleum activities.
- C. Procedures for determining when a water well is considered registered and procedures for determining responsibility for registering water wells are given in Sections 1.2.0.0. and 1.3.0.0.

**Section 1.1.1.0. Registration of Water Wells
Used in Connection With Petroleum Production**

- A. Water wells producing fresh water for water flood activities permitted by the Department of Conservation must be registered according to the rules, regulations, and procedures stated herein.
- B. Water wells producing saline water in connection with petroleum production do not have to be registered. These wells are regulated by the Louisiana Department of Conservation.

Section 1.1.2.0. Exemptions

- A. As provided for by Section 3073 (3), and Section 3076D of Act 678 (1974), the following wells are exempt from the rules, regulations, and procedures for the registration of water wells in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes, but not capable of producing more than 50,000 gallons per day.
- B. Although the cited wells in the District are exempt from the Commission's rules and regulations for registration, they may not be exempt from the rules, regulations, and procedures for water well registration of other State agencies.

**Section 1.2.0.0. Registration of Water Wells
Completed on or After July 1, 1975**

The rules, regulations, and procedures as stated

herein shall be used for establishing responsibility for registering water wells in the Capital Area Ground Water Conservation District completed on or after July 1, 1975, for determining when such a well is considered registered.

**1.2.1.0. Responsibility for and Procedures
for Registering Water Wells**

- A. The water well contractor who drilled and constructed the well shall register the well by submitting to the Louisiana Department of Public Works, a completed Water Well Registration Form (LDPW-GW-1) for wells that must be registered in accordance with Section 1.1.0.0. and completed on or after July 1, 1975. Copies of the registration form for wells in the District will be made available to the Commission, after field check and verification.
- B. The registration form must be sent to the Louisiana Department of Public Works no later than 30 calendar days after the well has been completed. The Commission and the Louisiana Department of Public Works considers that the well is completed when the well is accepted by the well owner.
- C. Water Well Registration Form LDPW-GW-1, which will be provided by the Commission or the Louisiana Department of Public Works shall be used to register water wells in the District completed on or after July 1, 1975.
- D. When the Registration Form (LDPW-GW-1), which is submitted by the water well contractor, is assigned a local well number by the Department or Commission, the water well shall be considered registered. Upon request, the well owner and water well contractor will be informed of the fact of registration and of the assigned local well number.
- E. Copies of all attachments to the registration form will be sent by the Department to the Commission.

**Section 1.3.0.0. Registration of Water Wells
Completed Prior to July 1, 1975**

The rules, regulations, and procedures stated in this Section shall be used for establishing responsibility for registering a water well completed prior to July 1, 1975, the effective date of the rules, regulations, and procedures adopted by the Department of Public Works, and for determining when such a well is considered registered by the State. Because some of the water wells that have been completed have been inventoried, the procedures for registering wells completed prior to July

1, 1975, are dependent on whether or not the well has been inventoried and the records for the wells are available to the State agencies.

Section 1.3.1.0. Responsibility for and Procedures for Registering Inventoried Water Wells Whose Records are Available to the State

- A. The Commission shall obtain from available data a listing, by landowner or lessee, of wells with pertinent data. A copy of the list shall either be sent to the landowner or lessee for checking or shall be checked and verified by a representative of the Department.
- B. If the list is sent to the landowner or lessee for checking and updating, the landowner or lessee shall be responsible for updating and correcting the list, certifying the list as current, and returning the corrected and verified list to the Commission within 30 days after receiving the list.
- C. The list shall be updated by indicating the current status of each listed well, by adding wells not on the list, and by indicating the wells that have been abandoned.
- D. When the list, as corrected and certified by the landowner or lessee is received by the Commission or Department, the active wells on the list provided by the Commission or Department shall be considered registered. Wells added to the list by the owner shall be inventoried and registered by a representative of the Commission or Department in accordance with the procedures in Section 1.3.2.0.
- E. If in the opinion of the Commission or Department a visit or contact by a representative of the State is preferable and more convenient to the landowner or lessee than sending a list of wells, a field visit or contact shall be made by a representative of the State. This procedure will be used when the landowner or lessee is responsible for only a few wells. After the data is checked and the location verified, a local well number shall be assigned to the well. At that time the well shall be considered registered.
- F. Upon request, the landowner or lessee will be sent an updated listing of registered wells, by the Department or Commission, for which he is responsible.

Section 1.3.2.0. Responsibility For and Procedures For Registering Water Wells Which Have Not Been Inventoried

- A. The Commission's or Department's representative

shall contact the landowner or lessee to obtain well data and to check and verify the location of wells that have not been inventoried and whose records are not on file with a governmental agency. The landowner or lessee shall make available any needed data and shall permit access to the well site.

- B. After the Commission or Department assigns a local well number the well shall be considered registered. Upon request the landowner or lessee will be informed of the fact of registration and of the assigned local well number.

Section 1.4.0.0. Registration of Reworked Wells

- A. Registered wells that are reworked (e.g. development, replacing the screen) need not be registered a second time unless the screen is set in a shallower or deeper aquifer (sand). If the registered well, after reworking, obtains water from an aquifer different from that reported on the original Registration Form (LDPW-GW-1), another form shall be submitted by the contractor within 30 days after completion of work.
- B. If an unregistered well is reworked, deepened, changed in any manner, or a screen(s) is set in a shallower or deeper aquifer, a Registration Form (LDPW-GW-1) shall be submitted to the Department by the water well contractor within 30 days after the work is completed.

Section 1.5.0.0. Test Holes

Registration of test holes is not required. If a hole is converted after July 1, 1975, to a production well which is capable of producing 50,000 gallons per day, or is used to supply a public water system, a Registration Form must be filed with the Commission and/or Department.

Section 1.6.0.0. Observation Wells

Registration of wells used solely for observation purposes is not required. If converted after July 1, 1975, to a well capable of producing more than 50,000 gallons per day or used to supply a public water system, a registration form must be filed with the Commission and/or Department.

Section 1.7.0.0. Use of Information

- A. The registration of water wells is intended to complement and in no way void the requirements of the Louisiana Department of Public Works, Louisiana Division of Health, and the Louisiana Department of Conservation.

B. The information on the forms will be available to all persons upon request. The data will be coded and integrated with water data systems operated by other governmental agencies and research groups.

Definitions

For the purpose of the rules and regulations stated herein the following definitions shall apply.

Abandoned Well: A well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water.

Active Well: An operating augered, dug, driven, bored, or drilled well that is used to supply water.

Aquifer Test: Pumping tests are made in water wells for either one of two purposes or for both objectives: (1) to obtain information about the performance and efficiency of the well being pumped, or (2) to provide data from which the hydraulic characteristics of the aquifer can be calculated. The test made to determine hydraulic characteristics is usually referred to as "aquifer test."

Bacteriological Analysis: This analysis, usually for drinking water, generally consists of determining total coliform.

Biological Analysis: Biological analysis of ground water is made only when there is a possibility of contamination from a surface source and an examination for microorganisms is made.

Board: The Board of Commissioners of the Capital Area Ground Water Conservation District.

Chemical Analysis: Usually a report of dissolved minerals in the water and the water's physical properties, such as temperature. The minimum chemical properties that are usually determined are hardness, specific conductance, hydrogen-ion concentration (pH), dissolved solids, chloride, bicarbonate, iron, fluoride and nitrate.

Commission: The Capital Area Ground Water Conservation Commission.

Contaminant: Any physical, chemical, biological, or radiological substance or matter in water.

Contamination: Any introduction into water of microorganisms, chemicals, wastes, or wastewater in a concentration that makes the water unfit for its intended use.

Department: The Louisiana Department of Public Works.

Detritus: Unconsolidated sediment comprised of both inorganic and decaying organic material.

Director: The Director of Public Works of the State of Louisiana or his designated representative.

District: The Capital Area Ground Water Conservation District.

Drawdown: The difference, usually in feet, between the static (nonpumping) water level and the pumping level in a well for a stated period of pumping from the well.

Drill Cuttings: Samples of the material obtained during drilling which are the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

Driller's Log: The driller's description of the geologic strata encountered, their thickness and depth.

Electrical Log: A record of the resistivities of the subsurface formations and the contained fluid and the spontaneous potentials generated in the borehole, both plotted in terms of depth below the land surface. Other similar logs made in boreholes are the induction logs. Other borehole geophysical logs that may be also available are the gamma ray, caliper and neutron. Usually only an induction or electrical log is available for new wells.

Inactive Well: A well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

Lessee: See definition for water well owner.

Observation Well: A well used by the appropriate engineering or research group in studies of the water resources of an area.

Pollution: A condition created by harmful or objectionable material in water.

Potable Water: Water whose bacteriological, physical, and chemical properties make it suitable for human consumption and other beneficial purposes.

Public Water System: A system for the provision to the public of piped water for human consumption, if

such a system has at least 15 service connections or regularly serves at least 25 individuals.

Pumping Test: Pumping tests are made in water wells for either one of two purposes or for both objectives: (1) to obtain information about the performance and efficiency of the well being pumped, or (2) to provide data from which the hydraulic characteristics of the aquifer can be calculated. The test made to obtain information about the performance of the well is usually referred to as "pumping test".

Pumping Water Level: The water level, usually expressed in feet, in a well that is being pumped, above or below a specific datum, usually land surface.

Registered Well: An inventoried well that has been assigned a local well number by the State and whose records are available.

Saline Water: Water with a dissolved solids content of 1,000 milligrams per litre or more.

Seepage: The appearance and disappearance of water into the ground surface—a type of movement of water.

Specific Capacity: The rate of discharge of water from a well divided by the drawdown of water level within the well for a specified period of continuous pumping of the well. It is usually expressed as "gallons per minute per foot of drawdown after X hours of continuous pumping."

Standby Well: A well that is used in emergencies or occasionally as a replacement well for an active well.

Static Water Level: The water level usually expressed in feet, in a well that is not being pumped, above or below a specified datum, usually land surface.

State: State of Louisiana.

Test Hole: An augered, drilled, driven, or bored hole that is used for the collection of geologic, hydrologic, and water quality data.

Water Well Contractor: Any person, organization, or corporation who engages for compensation in the drilling, boring, construction of a water well. Does not include anyone who drills, bores, cores, or constructs a water well on his own property for his own use.

Water Well Owner: An individual, corporation, associa-

tion, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

Section 3.0.0.0. Rules, Regulations, Standards, and Methods for the Plugging and Sealing of Abandoned Water Wells and Holes in the Capital Area Ground Water Conservation District

Section 3076A (10) and (11) Act 678 (1974) authorized the Board of Commissioners of the Capital Area Ground Water Conservation District to establish standards for the sealing of abandoned wells, and to require that all abandoned wells be reported and sealed in accordance with such standards.

Section 3.1.0.0. Purpose

The rules, regulations, standards, and methods as stated herein for well and hole abandonment were prepared in response to this directive and were developed in coordination with other State agencies, which are also concerned with the wise use of the water resources of the State. The contents of these standards do not preempt but complement the Department of Public Works rules related to water wells, the Department of Conservation's rules and regulations related to oil, gas, and salt wells and the Division of Health's Sanitary Code requiring the protection of "freshwater sand". The Capital Area Ground Water Conservation Commission shall be responsible only for water wells in the Capital Area Ground Water Conservation District which is composed of the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

Section 3.2.0.0. General Rules and Requirements

The rules, regulations, standards, and methods stated herein apply to water wells that are drilled, bored, dug, augered, or driven. They are designed to provide for the restoration, as nearly as possible, of those subsurface and surface conditions that existed prior to drilling, boring, digging, or augering activities and for the installing of a well, taking into account any changes that may have occurred as a result of "natural stresses." The purpose of these regulations is to prevent contamination of aquifers by surface waters and the interchange of water between aquifers.

Section 3.2.1.0. Exemptions

The following wells, excavations, and holes are exempted from the provisions of rules, regulations, standards, and methods stated herein: seismic holes,

cathodic-protection holes, saline water wells associated with secondary recovery operations, brine wells, oil and gas wells and holes, geothermal and geopressured holes, brine-injection wells, water disposal wells, holes, and excavations used in the development and/or exploration of mineral resources, including but not limited to, gravel, salt, and sulphur, excavations, and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

Although the cited activities are not covered by Act 678 (1974), they are not exempted or excepted by State law. Therefore, persons, corporations, governmental agencies, etc., should take any and all action, and use all protective methods necessary to protect our water supply and to prevent contamination. The exclusion of these activities from Act 678 (1974) does not in any way remove or establish legal liability for health and safety hazards, contamination or pollution problems alleged to be caused by persons engaged in the cited activities in the first paragraph of this Section.

As provided for by Section 3073 (3) of Act 678 (1974) the following wells are exempt from the Commission's rules, regulations, standards, and methods for the sealing and plugging of abandoned water wells in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes but not capable of producing more than 50,000 gallons per day. Although the cited wells in the District are exempt from the Commission's rules and regulations, they are not exempt from the rules and regulations of other State agencies.

Section 3.2.2.0. Effective Date

All water wells and holes abandoned on and after October 1, 1975, the effective date of the rules, regulations, standards and methods stated herein, shall be sealed in accordance with the procedure and methods stated herein.

Section 3.2.3.0. Status of Wells Abandoned Prior to Effective Date

If production operations have ceased, or a well is in state of disrepair prior to the effective date of procedures stated herein, and the owner has not and does not intend to place the well in the inactive status, the well shall be considered abandoned. The responsible party shall have six months from the effective date of these standards to return the well to active status or inactive status. After that time the abandoned well shall

be plugged or sealed as provided for in the standards and methods stated herein.

Section 3.2.4.0. Filing of Water Well Abandonment and Plugging Form (LDPW-GW-2)

The contractor who plugs an abandoned well or hole after October 1, 1975, shall complete Louisiana Department of Public Works Water Well Abandonment and Plugging Form (LDPW-GW-2) within 30 days after the completion of the work and submit the form (LDPW-GW-2) to the Louisiana Department of Public Works, who will record and transmit a copy to the Commission. Copies of Form LDPW-GW-2 may be obtained from the Commission or the Louisiana Department of Public Works. The Commission considers the work completed when the work is accepted by the responsible party. Acceptance by the responsible party does not imply in any way acceptance and approval by the State of Louisiana. The Commission, after inspection of the site and records (refer to Section 3.2.6.0.), can cause the responsible party and/or contractor to do that additional work necessary to properly plug and seal a hole or well in accordance with the methods and standards stated herein. The expense for the additional work shall be borne by the responsible party.

The Louisiana Health and Human Resources Administration may also require additional information for wells used to supply public water systems. Abandoned drilled water wells and holes plugged and sealed prior to the effective date of the rules, regulations, standards, and methods can be reported to the commission, using Form LDPW-GW-2. For wells or holes abandoned and plugged and sealed, prior to the effective date, the landowner or lessee may be required to describe or provide information on the methods used to plug and seal the abandoned wells and holes. The location of abandoned wells and holes and those wells and holes plugged prior to October 1, 1975, should be known by the landowner or lessee so that the site may be readily inspected by a representative of the State.

Section 3.2.5.0. Adequacy of Plugging an Abandoned Water Well or Hole

To assure that an abandoned water well or hole is plugged and sealed properly, and that there has been no "jamming" or "bridging" of the material, verification calculations and measurements should be made by the contractor to determine whether the volume of the material placed in the well or hole at least equals the volume of the casing or hole plugged and/or filled. When bridge plugs are set, sufficient time shall be allowed for the material to set. After that time the location of the plugging shall be verified by "tagging", measuring, or

sounding. Any measurement and calculations, the results of which should be included on the Abandonment and Plugging Form (LDPW-GW-2), shall also be made available upon request by the Capital Area Ground Water Conservation Commission and/or the Department of Public Works. The Board of Commissioners shall be responsible for determining whether a well or hole is satisfactorily plugged or sealed.

Section 3.2.6.0. Inspection

The Board of Commissioners may order at any time the site of an abandoned water well or hole inspected, to determine whether the work has been satisfactorily completed in accordance with the standards and methods stated herein, and as stated on the Water Well Abandonment and Plugging Form (LDPW-GW-2). The landowner or lessee shall make all records available to the representatives of the State and Commission, and allow representatives to enter the property and visit site(s).

Section 3.2.7.0. Contractor

In addition to the responsibility for submitting Form LDPW-GW-2 (Section 3.2.4.0.) for wells or holes plugged and sealed after October 1, 1975, it shall be the responsibility of each water well contractor to inform a landowner, lessee, or person having a well or hole drilled or altered, that the well or hole drilled shall be plugged if abandoned, in accordance with standards stated herein. The water well contractor shall also inform the owner of the necessity of plugging and sealing all other wells that have been previously abandoned.

Section 3.2.8.0. Availability of Well Data

The drilling and construction records of a water well, if not in the owner's file, may be obtained from the water well contractor who installed the well and/or from one of the following governmental agencies:

Louisiana Department of Public Works
Post Office Box 44155, Capital Station
Baton Rouge, Louisiana 70804

or

U.S. Geological Survey, WRD
Post Office Box 66492
Baton Rouge, Louisiana 70806

Reports and/or information on hydrology, geology, the occurrence of saline water bearing and fresh water bearing sands, and quality of water, may also be obtained from the above named governmental agencies and/or from:

Louisiana Department of Conservation
Post Office Box 44275
Baton Rouge, Louisiana 70804

or

Louisiana Geological Survey
Post Office Box G
Baton Rouge, Louisiana 70803

Section 3.3.0.0. Regulations and Standards for Plugging and Sealing a Well or Hole and for Determining Responsibility

Following are regulations and standards for determining the status of a dug, drilled, bored, augered, or driven water well or hole and for determining the party responsible for properly plugging an abandoned well or hole.

Unless otherwise specified in the regulations and standards stated herein, the landowner or lessee shall be responsible for plugging and sealing an abandoned water well or hole. The individual or group responsible for plugging an abandoned water well or hole shall be known in the rules, regulations, standards, and methods as the responsible party. The responsible party shall take the necessary action to insure that an abandoned hole or well is plugged properly by a contractor qualified and experienced in plugging and sealing abandoned wells and holes, and in accordance with the methods and standards in Section 3.6.0.0.

Section 3.3.1.0. Active Well

An active well is an operating water well or a standby well that can be used with little effort and at any time, to supply water. When an oil or gas well has been converted to a fresh water well in accordance with the provisions of Section XIXG, Louisiana Department of Conservation's Amendment (3/1/74) to Statewide Order 29-B, the abandonment of the water well or hole is then regulated by the rules and regulations stated herein.

Section 3.3.2.0. Abandoned Well

Unless the landowner or lessee declares a well to be abandoned, the well is considered abandoned by the State of Louisiana when production operations have ceased for a period of one year or more and the well is in such a state of disrepair that the well cannot be placed in the active classification and there is no intent to use the well for observation purposes. For wells used for observation purposes, or those temporarily out of use, refer to Section 3.3.3.0. An abandoned water well shall not be used for disposal of any waste or any other purpose.

The landowner or the lessee of the land shall be responsible for plugging and sealing an abandoned water well within 90 days after abandonment, or after the well has been declared abandoned by a local or State agency in accordance with the regulations and standards stated herein. For the responsibility of plugging and sealing abandoned observation wells refer to Section 3.3.3.2.

Section 3.3.3.0. Inactive Status

Section 3.3.3.1. Inactive Well

A well considered inactive is one that is not presently operating but is capable of being pumped with a minimum of effort or one that is used as an observation well. The owner must give evidence of his intentions for continued use. As evidence of his intentions, the owner shall be responsible for properly maintaining the well in such a way that:

1. The well and the annular space between the hole and casing shall have no defects that will permit the seepage of water from outside the well.
2. The well is clearly marked and is not a safety hazard.
3. The well is covered or capped in such a manner as to prevent easy entry by other than the owner.
4. The area surrounding the well is kept clear of waste and debris.
5. If the pump has been removed for repair or replacement, the well shall be adequately covered to prevent the entrance of any contaminant or pollutant.
6. The well is not used for the disposal or injection of trash, garbage, sewage, waste water, and/or storm runoff.

Unless a well is used for observation purposes, a well shall not remain in the inactive status for more than one year. After that time, it will be considered abandoned. Upon written request by the responsible party, the Louisiana Department of Public Works or the Commission may permit, in writing, a well to remain in the inactive status for a specified period of time but not in excess of one additional year. The responsible party must satisfy the Commission or Department of his intent to use the well for observation purposes and/or return the well to the active well status within the specified time.

Section 3.3.3.2. Observation Well

An inactive well can be used as an observation well by the landowner or lessee, or with the landowner's permission by governmental agencies, appropriate engineering or research organizations engaged in studies of the water resources of the area. Observation wells shall be covered with an appropriate cap or cover to prevent use or entry except by personnel of the landowner or lessee, or the agency or organization making the observations. It shall be the responsibility of the owner, organization, or agency to prevent entry of any foreign materials or water into observation wells and to keep the surrounding area clear of waste, water, and debris.

A well shall not be used for any injection or recharge studies until a permit and permission are obtained in accordance with existing codes, orders, rules, and regulations of the Department of Conservation and/or the Louisiana Health and Human Resources Administration.

When a well, which was formerly an active well is no longer needed for observation purposes and the landowner or lessee of the land does not intend to use the well to supply water, the well shall be considered abandoned. The well then shall be sealed and plugged in accordance with these standards within 90 days after the initial date of abandonment. The responsibility for properly sealing and plugging an observation well, which formerly was an active well, shall be the landowner's or lessee's responsibility unless the agreement with the agency or organization to use the well for observation purposes clearly delegates the responsibility to the agency or organization.

Wells constructed solely for observation purposes by a landowner or lessee, a governmental agency, engineering or research organization, shall be converted to either active well status or abandoned well status when no longer needed for observation purposes. It shall be the responsibility of the landowner or lessee, agency, or organization who installed the well to plug and seal the well in accordance with these standards and methods stated within 90 days after the initial date of abandonment.

Section 3.3.4.0. Abandoned Hole

A pilot hole driven, drilled, augered, or bored with the intent to install casing and obtain water shall be considered an abandoned hole when the hole is not cased and a well is not developed or used for water supply or observation purposes within 30 days after drilling operations have been completed. Unless the owner has a prior agreement with the water well

contractor that states otherwise, it shall be the water well contractor's responsibility to plug and seal such an abandoned hole within 90 days after work is terminated or after the hole is considered abandoned.

An exploratory test hole drilled or excavated solely for the purpose of collecting geologic, hydrologic, and water quality data shall be considered an abandoned hole within 30 days after the completion of all testing operations. The agency or organization responsible for the exploratory work is responsible for plugging and sealing the hole unless the landowner or lessee of the land has agreed in writing to retain responsibility for plugging and restoration.

When the drilling of a hole is temporarily suspended and the rig moved away from the drilling site, the hole shall be considered an abandoned hole unless drilling operations are resumed within 90 days of the initial date of suspension of drilling operations. During the shut down period, a mud column of sufficient weight and height shall be maintained in the hole at all times to prevent seepage of water from or into the aquifers, or the interaquifer movement of water.

Section 3.4.0.0. Failure of Responsible Party to Plug and Seal an Abandoned Water Well or Hole

A. When the responsible party fails to comply within the time allowed for the plugging and sealing of an abandoned hole or well in accordance with the rules and regulations stated herein, the police jury of the parish where the hole or well is located, after being so appraised, may request the Commission to require the responsible party to plug and seal the hole or well within 30 days after receipt of the order from the Chairman, Capital Area Ground Water Conservation Commission.

B. Failure to comply with an order of the Commission may result in a civil penalty of not more than \$1,000 a day for each day of violation and each act of violation in accordance with the provisions of Act 678 (1974) Section 3083.

C. If the responsible party fails to comply within 30 days, the police jury of the parish where the well is located may petition the Louisiana Department of Public Works to plug the well or hole. The responsible party shall be required to reimburse the State the expense incurred for plugging the water well or hole or be considered in violation of Act 535 (1972), Section 7, which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

D. The landowner or lessee of the land at the time

of sealing and plugging the hole or well, shall be held liable for payment.

Section 3.5.0.0. Regulations and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes

Section 3.5.1.0. General

The plugging (or sealing) and filling of abandoned drilled water wells or holes shall be done by a contractor with experience in and knowledge of plugging and sealing procedures and the requirements of the rules, regulations, standards, and methods stated herein. The work shall be done in such a manner to prevent the interchange of water between aquifers, to prevent the entry of surface seepage by movement into the annular space and/or the well, and to remove all health and safety hazards.

Section 3.5.2.0. Preliminary Work

Before the water well or hole is plugged and filled, the responsible party and contractor should obtain and study drilling and construction records. An investigation of the well or hole shall be made to determine the well or hole's condition and whether any obstructions will interfere with plugging or drilling the well or hole properly. Any obstructions shall be removed, if possible, by an approved method and by a qualified contractor.

Section 3.5.3.0. Temporary Cover

When the work of plugging or sealing and filling an abandoned water well or hole is temporarily suspended, such as overnight or while awaiting material, the well or hole shall be covered and the immediate area conspicuously marked to protect and warn the public. The cover shall be sufficiently strong and anchored to prevent easy or unintentional entry. It shall be sealed well enough to prevent the seepage of water and the entry of any foreign material into the well or hole.

Section 3.5.4.0. Plugging and Fill Materials

Requirements or criteria for (1) plugging or sealing material and (2) fill material to be used in accordance with these standards are as follows:

A. **Plugging or Sealing Materials.** It is recognized that no material is completely impervious, however, experience and test show that neat cement or cement slurry has a low enough permeability to be preferred for use when plugging and/or sealing is required. Neat cement or slurry is a mixture consisting of one bag of cement to five to ten

gallons of water. Under certain conditions, other materials may be added to accelerate or retard the time of setting and to provide extra bulk. If a gel or bentonite is used, the quantity added should generally vary between one and four percent. Cement grout or concrete grout may be used in place of neat cement or cement slurry if the change is approved by the Louisiana Department of Public Works or the Commission. Following are definitions of cement grout and concrete grout:

1. Cement Grout. Cement grout is a mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to ten gallons of water.
2. Concrete Grout. Concrete grout is a mixture consisting of cement, sand and gravel, and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel, and five to ten gallons of water.

Unless specified otherwise, plugging material shall be placed in one continuous operation by the circulation or pump method. The grout or slurry shall not be poured or dropped through the water.

- B. Fill Materials. The following materials of low permeability (less than .001 millidarcies) are suitable for use as a filler when permitted by these standards: silt, sand and clay mixture, native soil, mud-laden fluid weighing not less than 9 pounds per gallon, a well-proportioned mixture of these materials or with those materials mentioned in paragraph 3.5.4.0.A. Fill material shall be free of foreign and organic additive material.

Section 3.6.0.0. Methods and Standards for Plugging Abandoned Drilled Water Well and Hole

The standards and methods discussed herein are intended to (1) prevent seepage from the surface into fresh water aquifers, (2) prevent the movement of fluids from one aquifer to another, and (3) remove all health and safety hazards. Because of variable hydrologic conditions, differences in well construction, depth and size, and the irregular occurrence of saline water sands, the contents of these standards and methods cannot cover every possible situation.

Section 3.6.1.0. Exceptions

Requests to vary from methods and standards stated herein or information on the proper methods to seal and plug a hole or well are anticipated. Such requests for variance and/or clarification on methods to be used for wells in the District should be addressed to:

Capital Area Ground Water
Conservation Commission
Post Office Box 64526
Baton Rouge, Louisiana 70806

Telephone: (504) 924-7420

Section 3.6.2.0. Plugging and Sealing

The well or hole shall be filled or plugged upward from the bottom of the hole or well with neat cement or fill material, preferably in one continuous operation. Fill and/or plugging material shall not be poured into the hole or well. The Commission may require under certain conditions, that the casing be perforated and cement forced under pressure into the surrounding formation to prevent movement of water in the annular space from one aquifer to another. Where the top of the casing is cut off below ground surface the excavation above the top of the casing shall be filled, after the surface plug is set, with enough soil or clay to compensate for compaction. All plugs shall be placed by the circulation or pump down method.

Section 3.6.2.1. Surface Plug

A surface plug is a 30-foot or more in length cement plug that is placed in the upper 30 feet of the well casing. The plugging material shall be allowed to spill over the top of the casing and into the annular space to a depth of about 10 feet completely sealing the annular space between the hole and casing. To assure no movement of water into the annular space the ground slab, if any, shall be removed before plugging and sealing operations begin.

Section 3.6.2.2. Bridge Plug

As used in the methods and standards stated herein the term, bridge plug refers to a cement plug not less than 50 feet in length that is either set at the bottom of the hole or well or at any depth interval in the hole or well.

Section 3.6.3.0. Methods of Plugging a Drilled Water Well

The following standards and methods shall be used under the stated conditions to plug and seal an abandoned drill water well. Although the conditions discussed include nearly all possible conditions, instances will occur that are not covered in the standards and methods. As specified in Section 3.6.1.0., the Commission shall be contacted for decisions on variance and changes.

**Section 3.5.3.1. Wells Less Than
50 Feet in Depth**

A well less than 50 feet deep shall be plugged completely with neat cement or fill material in sufficient amount to plug the hole and seal the annular space.

**Section 3.6.3.2. Wells Greater Than 50 Feet
in Depth and Where One or More Fresh
Water Aquifer is Penetrated**

A. The entire well shall be filled from the bottom up to the top of the casing with neat cement, or

B. Fill material shall be placed in the screen or in the open hole opposite the producing aquifer. A bridge plug of not less than 50 feet in length shall be set above the top of the screen. The remainder of the casing below the upper 30 feet shall be filled with fill material, above which the surface plug will be set. In addition, a bridge plug of not less than 50 feet shall be set and centered at the depth(s) where the size of the casing is reduced and the casing of different diameters are joined by a seal or reducer.

**Section 3.6.3.3. Wells Where One or More
Saline Water Aquifers Have Been Penetrated**

Because of the need to provide assurance that fresh water aquifers will not be contaminated, the entire well including casing and screen shall be plugged and sealed with neat cement or cement slurry.

**Section 3.6.3.4. A Well From Which Some of the
Casing Has Been Removed**

A. If the casing remaining is in the upper part of the hole, the well shall be sounded to determine the amount, if any, of "cave in." That part of the hole filled with "cave in" material shall be reamed or drilled out to the original depth of the well shall be plugged and sealed with neat cement or cement slurry to a height of not less than 50 above the bottom of the casing. The casing between top of this bridge plug and a depth of 30 feet below the top of the casing shall be filled with fill material if no saline water aquifers were penetrated. A 30-foot surface plug shall be set in the upper 30 feet of the casing. If saline water aquifers were penetrated, the casing and open hole shall be completely filled from bottom up to the top of the casing with neat cement.

B. If the casing (including the screen) remaining is in the lower part of the well, the well and hole shall be completely filled with neat cement from the bottom up to or near the ground surface.

C. If all the casing and screen is removed, the hole for the entire original depth of the well shall be filled with plugging material as specified in Section 3.7.0.0. related to abandoned holes.

Section 3.6.3.5. Gravel Packed Well

A gravel packed well will be plugged in accordance with Sections 3.6.3.2. or 3.6.3.3.

**Section 3.6.3.6. Well Where More Than
One Aquifer is Screened**

A. To provide assurance that the movement of water is not possible, a bridge plug shall be set in each screen. With the exception of the bottom screen, the plug shall extend 50 feet above and below each screen. The bridge plug in the bottom screen shall extend 50 feet above the top of the screen. The casing between each bridge plug may be filled with fill material. Surface plug shall be set in the upper 30 feet of casing, or

B. The entire well shall be filled with neat cement.

**Section 3.7.0.0. The Plugging of an
Abandoned Drilled Hole**

An abandoned hole shall be plugged from the bottom up to ground surface with neat cement (cement slurry).

Definitions

Abandoned Well: A well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water or for observation purposes.

Active Well: An operating augered, dug, driven, bored, or drilled well that is used to supply water.

Aquifer (Ground Water-Reservoir): A formation group of formations, or a part of a formation that contains sufficient saturated material to yield significant quantities of water to wells.

Board: The Board of Commissioners of the Capital Area Ground Water Conservation District.

Bridge Plug: A cement plug of not less than 50 feet in length set at the bottom of the hole or well or at any depth in the hole or well.

Casing: A tubular retaining structure, generally metal, which is installed in a drilled, bored, driven, or augered hole to maintain the well opening.

Cement Grout: A mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to ten gallons of water.

Commission: The Capital Area Ground Water Conservation Commission.

Commissioner: The elected board of Commissioners of the Capital Area Ground Water Conservation District.

Concrete Grout: A mixture consisting of cement, sand, gravel and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel and five to ten gallons of water.

Cement Slurry: See definition for neat cement.

Contaminant: Any physical, chemical, biological, or radiological substance or matter in water.

Contamination: Any introduction into water from outside sources of microorganisms, chemicals, wastes, or waste-water in a concentration that makes the water unfit for its intended use.

Department: The Louisiana Department of Public Works.

Director: The Director of Public Works of the State of Louisiana or his designated representative.

District: Capital Area Ground Water Conservation District.

Drill Cuttings: Samples of the material obtained during drilling and the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

Geopressured Aquifers: A term used for an aquifer, especially in the Gulf Coast Area, in which the fluid pressure exceeds the normal hydrostatic pressure of 0.465 pounds per square inch per foot of depth.

Geothermal: Pertains to the internal heat of the earth.

Ground Water: Water suitable for any beneficial purpose percolating below the earth's surface.

Gravel Packed Well: An underreamed well in which artificially selected gravel or coarse material is hydraulically placed in the area immediately surrounding the screen or slotted pipe used as a screen, to increase the effective diameter at the well.

Health Hazard: Any condition that may create a danger to public health and well being.

Inactive Well: A well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

Lessee: See definition for water well owner.

Neat Cement (Cement Slurry): A mixture consisting of one bag of cement to five to ten gallons of water.

Observation Well: A well used by the owner, an appropriate engineering or research group in studies of the water resources of an area.

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

Pilot Hole: A hole drilled or augered with the intent to install casing and supply water.

Pollution: A condition created by harmful or objectionable material in water.

Potable Water: Water whose bacteriological, physical, and chemical properties make it suitable for human consumption.

Public Water System: A system for the provisions to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

Registered Well: An inventoried well that has been assigned a local well number by the State and whose records are available.

Saline Water: Water with a dissolved solids content of 1,000 milligrams per litre or more.

Screen: A structural tubular retainer, usually metal, used to support the hole in unconsolidated material with openings in the form of slots, whose openings are selected on the basis of adopted standards and allows sand free water to flow freely into the well in ample quantities and with a minimum loss of head. In agricultural wells and in other wells from which the pumping of sand creates little or no problems slotted pipe is used.

Seepage: The appearance and disappearance of water into the ground surface—a type of water movement.

Standby Well: A well that is used in emergencies or occasionally as a replacement well for a supply well.

Surface Plug: A cement plug of not less than 30 feet in length, in wells or holes deeper than 30 feet, and set at or below the top of the casing in the well.

Water Well Owner: Individual, corporation, association, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

Leo V. Bankston
Chairman

RULES

State Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted by the State Board of Elementary and Secondary Education on August 28, 1975, to be effective on September 20, 1975.)

General Budgeting Procedures

5.00. General Policy on Budgets

With the exception provided in the Constitution of 1974 for parish and city school boards, all budget units of public elementary and secondary, vocational-technical, and special schools under the jurisdiction of the State Board of Elementary and Secondary Education including the State Department of Education will submit budgets (requests, operating and capital construction, etc.) for all funds (State, Federal, self-generated, etc.) to the State Board of Elementary and Secondary Education for review, approval and submission to the executive and legislative branches of government. Such budgets shall include all allocations, grants, and program support of all funding provided in Federal and State appropriations and all discretionary allocations provided therein.

5.00. Budget Submission

Dates will be set by the State Board of Elementary and Secondary Education for the submission of each budget for all budget units of elementary and

secondary education (except as excluded in the 1974 Constitution), vocational-technical education, and special schools.

5.00. Budget Adjustments

All changes to any budget submitted under policy number 5.00, General Policy on Budgets, must first be submitted for review and approval by the Board prior to incorporation of any such change within a budget. Excluded from review of such changes shall be the State Department of Education in its day-to-day operations and staffing. Budget adjustments under review by the Board shall include, but shall not be limited to, the following types of changes:

- A. Budget adjustments—(BA-7) changes from previously approved budget allocations.
- B. Increased or decreased funding from other sources.
- C. Prior to their submission, all requests for funds from other State agencies must be approved by the State Board of Elementary and Secondary Education. Such requests shall include those submitted to the Interim Emergency Board, etc.

5.00. Capital Projects

All changes to any physical facility under the jurisdiction of the State Board of Elementary and Secondary Education which change, add to, improve, or alter the utilization of, or that remove from use such facilities will first be submitted to the State Board of Elementary and Secondary Education for review, comment, and approval prior to the beginning of any such project.

5.00. Certification of Budgetary Allocations, Grants, etc.

All allocations, budget changes, grants, and funding of all programs, agencies, and budget units under the jurisdiction of the Board except those allocations excluded from the jurisdiction of the Board by law shall be made only on certification Board approval to the State Treasurer of the allocation, grant, or change. Such certification shall be made only over the signature of the President of the State Board of Elementary and Secondary Education or, in case of emergency, other such officer as shall be specifically designated by the Board.

* * * *

**Additions to Section 3.01.70 of
the State Board of Elementary and Secondary
Education's Policy and Procedure Manual:**

- l The last sentence of Paragraph 1, Page 1 of Bulletin 746 (1971, white) shall read as follows: "Based on these factors, the minimum requirements for the certification of teachers include the completion of the minimum requirements contained in Bulletin 746."
- m The first sentence of Paragraph 1, Page 9, Bulletin 746, (1971, white) shall read as follows: "The application shall show, over the signature of the registrar, that the applicant has graduated from or completed an approved curriculum in teacher education, and over the signature of the applicant's academic dean, the recommendation that the applicant be certified."
- n Item 2, Page 5 of Bulletin 746 (1971, white) relative to the temporary certificate shall read as follows: "That temporary certificates be issued only for persons who have a baccalaureate degree." This amendment will become effective for new applicants in September, 1976.
- o To Part IV, relative to early childhood education the following provision shall be added: "A kindergarten and nursery school certificate may be granted to a person with a master's degree in early childhood education who has been trained in an institution which has a nursery school and kindergarten program approved by the State Board of Elementary and Secondary Education."
- p Page 25, requirements for teachers of exceptional children, is amended as follows: Basic Requirements, part 1.b shall read "child and/or adolescent psychology, 3 semester hours."
- q Page 13, Section 3, Specialized Academic Education (for Elementary Teachers)—delete Item c. Geography (other than geography of a state) . . . 3 semester hours."
- r Page 12, Section 1, General Education, Item b., Social Studies—add 3 semester hours of geography (other than geography of a state) to the social studies requirements.
- s Page 13, Section 3, Specialized Academic Education, Item c.,—replace with the sentence "c. a course in nutrition education (2 semester hours)

or the competencies appropriate to such a course."

- t That in any certification requirements adopted by the Board the terms "Psychologist" or "school psychologist" shall denote only those individuals holding licenses as psychologists in accordance with law.

Earl Ingram
Director

RULES

**Louisiana Health and Human
Resources Administration**

The Louisiana Health and Human Resources Administration has adopted a comprehensive social services plan which will be put into effect October 1, 1975, and continue in effect until June 30, 1977. Its purpose is to provide to individuals and families social services which are directed toward 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.

Services to be provided include: adoption services, day care and education and training for adults and children, employment services, family counseling, family planning, foster care, health related services, home delivered meals, home management and homemaker services, housing improvement, information and referral, maternity services, protective services, and recreational and transportation services.

All Louisiana residents who are included in one of the following three categories are eligible:

- (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 benefits or State supplemental payments.
- (3) Persons whose family gross monthly income is not more than 48.38% 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 \$461 is eligible for services.

The Department of the State Register has determined that publication of the plan would be unduly cumbersome and has exercised its privilege to omit it from the Louisiana Register, as per R.S. 49:954.1C.

A copy of the plan may be obtained without charge by telephoning 1-800-272-9868 (the Governor's Public Assistance Line) between 8:00 a.m. and 12:00 noon, and 1:00 p.m. and 5:00 p.m., Monday through Friday; or by writing to:

Public Assistance Line
Division of Administration
P. O. Box 44095
Baton Rouge, Louisiana 70804

A copy of the plan is available for public review at each parish office of the Division of Family Services between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

Public comment on the plan should be sent to:

Mr. Ben Jeffers, Director
Division of Management
Louisiana Health and Human
Resources Administration
P. O. Box 44215
Baton Rouge, Louisiana 70804

Differences Between the Proposed Plan and the Final Plan

1. Eligibility criteria was increased to 48.38% of the State's median income for a family of four, adjusted for family size.
2. Family size ratios for determining eligibility were increased to be more equitable.
3. The program year was changed from 12 to 21 months to conform to the State's fiscal year.
4. Homemaker service was changed to homemaker and chore services to include home health aides' services.
5. Home delivered meals service was expanded to include congregate meal sites.
6. Maternity home care services was changed to maternity service to provide counseling and other services to women in their homes.
7. In protective services, homemaker and chore services, day care, use of public and private institutions, and transportation services are available only

to people eligible under Title XX as required by Federal regulations.

8. Foster Care Services was expanded to include adults.
9. Allowable percentages for room and board combined were increased from 30% to 40%. Percentages for each separately were increased from 20% to 25%.
10. Additional funds were allotted to the private sector because the proposed plan was based on State funds requests and the final plan reflects legislative appropriations.
11. Allocations to day care vendor payments were increased to provide sufficient funds should the child/staff ratios in the law be implemented.
12. Final determination of eligibility is to be made by the Division of Family Services to protect service providers.
13. Objectives for each of the goals at which a service is directed is identified for greater clarity.
14. Estimated people served and estimated expenditures for services for various parishes were changed due to revisions in State and local funding.

William H. Stewart, M.D.
Commissioner

RULES

Louisiana Health and Human Resources Administration

Division of Family Services

(Editor's Note: The following rule was adopted by the Health and Human Resources Administration on August 11, 1975, to be effective on September 20, 1975. It has been in effect on an emergency basis since July 1, 1975.)

In the Louisiana Medical Assistance Program for the remainder of this calendar year beginning July 1, 1975, payment will be made for up to 12 physician visits for the full calendar year. For those who have used from 6 to 12 visits and over, payment will be made for 6 visits between July 1, 1975 through December 31, 1975. Those who have used less than 6 visits will be allowed payment for the appropriate number of visits remaining.

For example, those who have used one visit, payment will be made for up to 11 more; 2 visits, 10 more, etc. This will be accomplished by the Data Processing Section counting the number of physician visits already paid for each eligible person and computing the number remaining. The medical eligibility card issued monthly will show on an ongoing basis the number of physician visits for which each client remains eligible.

Form 158-A shall be used by the physicians to request approval of the Division of Family Services for payment of additional physician visits during the calendar year when the 12 payable visits have been exhausted. Request by the physician for additional visits shall be based on his certification of the medical necessity of such visits. The physicians may request a supply of Form 158-A from the Division of Family Services.

Effective January, 1976, the number of payable physician visits will be limited to 12 medically necessary physician visits per calendar year with provisions for extensions as outlined above.

Payment over and above that for a physician's office visit will no longer be made for injections given in his office.

William H. Stewart, M.D.
Commissioner

RULES

State Licensing Board for Contractors

(Editor's Note: The following rules were adopted by the State Licensing Board for Contractors on August 12, 1975, to be effective October 10, 1975.)

Rule 6 c. Additional classification(s) may be applied for at any time provided:

1. the required additional fee is paid and the qualifying party as provided under subsection (b) successfully passes a written examination;
2. the classification(s) will not become effective for 30 days following application for same or until approved by the Board at a regular meeting, whichever is the lesser.

* * * *

Rule 26. All initial applicants for a Louisiana contractor's license are required to submit a financial statement. This statement shall be signed by the applicant. This statement shall be prepared by an outside independent auditor (accountant) and shall be signed by him before a notary public.

Horace Lynn Jones
Executive Director

RULES

Liquefied Petroleum Gas Commission

(Editor's Note: The following rules were adopted by the Liquefied Petroleum Gas Commission on August 28, 1975, to be effective on September 20, 1975.)

Amend Section IV, paragraph 4.9 by adding at the end thereof the following subparagraph:

(e) The responsibility of the dealer ends when the customer assumes custody of the cylinder after proper filling.

Amend Section V, paragraph 5.7, by deleting subparagraph (d) in its entirety and submitting in lieu thereof the following subparagraph:

(d) Dealer Responsibility: All new installations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services the installation with fuel for the first time. The subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

Lionel T. Ortego
Director

RULES

Board of Regents

2.2 Letters of Intent

The purpose of Letters of Intent is to strengthen the planning and coordination of academic programs by allowing the Board of Regents to review summaries of projected programs while they are still in the formative

stage. Accordingly, on and after February 2, 1976, the Board of Regents requires institutions of higher education to transmit Letters of Intent to the Commissioner of Higher Education for all academic programs to be proposed. A Letter of Intent must be filed separately for each program's submittal. Each Letter of Intent should be limited to three pages or less. It should provide the title, a brief description, and purpose of the projected program, and demonstrate that the program would:

- (1) Be within the role and scope of the institution.
- (2) Complement and strengthen existing programs at the institution.
- (3) Avoid unnecessary duplication of programs at other State supported institutions.
- (4) Supply present and future manpower needs.
- (5) Be within the institution's anticipated resources.

(a) Letters of Intent have no binding qualities. Institutions may later decide to alter or cancel plans for projected programs. Letters of Intent will not affect the authority of management boards to dispense with proposed programs as they deem appropriate. Communications and deliberations pursuant to a Letter of Intent will imply neither approval nor disapproval of the subsequent program by the Board of Regents.

(b) Under unusual circumstances, institutions may at any time request the Board of Regents to waive the requirement that Letters of Intent be filed at least 12 months in advance of the program's submittal.

(c) The staff will submit periodic reports to the Board of Regents summarizing both the Letters of Intent on file and deliberations with institutions pertaining to them.

2.3 Review of Proposed Academic Programs

Deadline for Submitting Requests	Board Reviews
February 1	April
September 1	November

2.4 Adequacy of Information in Program Proposals and in Requests for the Revision or Elimination of Existing Programs and Administrative Units

The Board of Regents shall return without action any proposal or request which fails to satisfy the Board's need for relevant information. Specific categories of inadequacy will be cited when a program is returned for lack of information. Such action is not to be considered disapproval, and any proposals or requests so returned may be resubmitted in accordance with regulations governing them. Due to the large number of requests at

the associate level, and to avoid unwarranted proliferation and duplication, the Board of Regents requires proposals for associate degrees to contain the additional information as requested in the Guideline for Request for Authority to Offer a New Program. Copies of the Guideline are obtainable upon written request from the Commissioner of Higher Education.

2.5 The Revision or Elimination of Existing Academic Programs and Administrative Units

The Board of Regents will periodically review and evaluate program quality and productivity at all levels of higher education. Affected institutions will be invited to participate in these reviews and evaluations. Interested persons will be given an opportunity to appear before the Board of Regents prior to decisions in each particular case. The Board of Regents further encourages institutions and their management boards to initiate self-evaluations leading to the revision or elimination of existing academic programs and administrative units which are underproductive or of marginal quality.

2.6 Resubmittal of Disapproved Academic Proposals and Disapproved Requests for the Revision or Elimination of Existing Academic Programs and Administrative Units

If the Board of Regents disapproves a proposal or a request, institutions should carefully weigh reasons for the disapproval prior to resubmitting the same or modified versions of the proposal or request. Since extended periods of preparation and study are required to correct deficiencies in proposals or requests found initially wanting, the Board of Regents requires the expiration of one year prior to reconsidering disapproved programs or requests.

2.7 Staff Information to Institutions

The Board of Regents shall keep institutions fully apprised of decisions pertaining to programs or requests they have submitted. Institutional representatives will be invited to participate in the sessions involving their proposals. They will also be informed by letter of decisions made regarding their proposals. Each letter will include an explanation of the reasons for the Board's action.

2.8 Request for the Revision or Elimination of Existing Academic Programs and Administrative Units

After receiving the approval of their management boards, institutions must submit to the Board of Regents all requests for the revision or elimination of existing academic programs and administrative units. Requests

may be submitted at any time, and a response will be given within three months of the date of receipt. Justifications should be included with each request. While no specific format is prescribed, institutions should be guided by the criteria outlined in the Guideline for Request for Authority for Offer a New Program. Copies of the Guideline are obtainable upon written request from the Commissioner of Higher Education.

* * * *

**State Appropriation Formula,
Revised 1976**

Section I - Authority

This formula is submitted in accordance with Article VIII, Section 5-(D)(5) of the Louisiana Constitution of 1974 which mandates the Board of Regents "to formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education." Additionally, there have been repeated requests in the past from the executive and legislative branches of State government and the institutions themselves for the development of an equitable method for determining funding levels for each institution.

Section II - Introduction

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax generated funds to

State institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurement as input for calculations to derive State appropriations to public colleges and universities. The number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that 25 states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of State funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine State appropriations. The formula method results in the accumulation of measurable data from institutions; it permits the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per-student credit hour (SCH) basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains a prerogative of that campus administration and its governing board. It should be explicitly understood that dollar values used in this formula do not in any way correlate to budgetary levels or actual expenditures in any program area.

Section III—Basic Factor Chart

A. Dollars Per Student Credit Hour

Effective for 1976-77 Fiscal Year

Program Area	Hegis Taxonomy Codes	Level of Offering			
		Lower Level Undergraduate	Upper Level Undergraduate	Master's	Specialist/ Professional Doctorate
Agriculture	0101-0199	\$ 24.00	\$ 38.24	\$104.62	\$210.26
Engineering	0901-0999	26.67	44.84	110.78	220.52
Fine Arts & Architecture	0201-0299 1001-1099	31.65	44.61	104.62	220.52
Law	1401-1499				\$ 61.54
Nursing	1203	123.08	123.08	174.36	
Allied Health & Pharmacy	1208,1211-1215 1220,1223-1225	26.67	44.84	110.78	220.52
Sciences	0401-0499 and 0700-0799 and 1901-1999	22.86	36.93	110.78	220.52
Technology	5300-5399	26.67			
All Other:					
1st 20,000 SCH's		28.84	25.18	104.62	138.47
All in Excess of 20,000 SCH's		19.24			210.26

B. Definitions and Interpretations

1. Values

The values in the chart are based upon assignments for average academic year (nine month) salaries, pupil/teacher ratios (P/T), and definitions of full-time equivalent students in SCH's per academic year. The value for veterinary medicine will not be determined or be effective until after the fiscal year in which a full complement of students has been accepted by the School of Veterinary Medicine. The value in the "all other" program area under the level of "specialist/professional," refers to SCH's produced by education specialist candidates only. The conversion of contact hours to credit hours for those laboratory courses offered in the vocational trades division of Delgado Junior College will be calculated on a 4:1 ratio (contact hours/credit hours). The values shown in the chart have been adjusted for the 5% salary increases that were granted on January 1, 1975.

2. Level

The assignments in the chart were stratified by level of offering and by program area. In the reporting of SCH productivity, the level of

offering for a given SCH will be determined by the classification of the student pursuing the course.

3. Student Classification Structure

Classification Structure	Earned Credits
Lower Level Undergraduate	0-59 semester hours
Upper Level Undergraduate	60 semester hours—graduation
Masters	Accepted for Graduate Study; Masters and Masters plus thirty
Specialist	Formally admitted to study toward Education Specialist
Doctorate	Formally admitted to study toward the Doctorate

4. Additional Student Classification Definitions

(a) A post-baccalaureate student enrolled in a State institution of higher learning, but not officially admitted to graduate school, is to be counted as "upper level undergraduate."

- (b) The categories presently recognized as "professional" are law (only those courses taught in a professional school of law), veterinary medicine, dentistry and medicine. Of these, only law is currently included in this formula.
- (c) "Deferred credit" is defined as credit earned by students when credit is granted at a later date, such as graduation from high school. These "deferred credits" may be counted in an institution's SCH production during the period in which the student is officially registered in the class, and must be recorded in the proper classification for that student.
- (d) SCH credit earned in courses taught out-of-state and out of the continental United States are to be counted for student classification purposes and are to be included on the SCH production report for formula purposes, also. Records must be kept by course and location indicating the students and the SCH's produced for each such course, and upon completion of that course be reported to the Board of Regents.
- (e) An institution may not count audits in its SCH production report.
- (f) Credit by examination, transfer credit, or correspondence study credit taken at another institution may be used only in the classification of the student and not in an institution's SCH production report. An institution may accept a provisional student's classification on the basis of the best knowledge available during the first semester of enrollment at the institution.
- (g) Credit earned in a cooperative institution (hospital, etc.) by a student enrolled in Medical Technology (or any curriculum requiring such arrangement) may not be counted in an institution's SCH production report.
- (h) Student classification must be updated each semester.

5. Program Area

The program areas and taxonomy codes used in the basic factor chart have not been expanded for this revision. The areas used are specific ones extracted from the taxonomy developed by the Western Interstate Commission for Higher Education (WICHE) for the United States Office of Education. Future revisions of the formula may utilize more program areas, but not to the extent of having a complicated or unwieldy formula.

Section IV - Salary Base

- A. After extensive examination of the levels of operation in Louisiana, a comparison of levels of operation in other states, and an analysis of average faculty salaries in the states comprising the Southern Regional Education Board and the Southern Association of Colleges and Schools, a structure for the assessment of salaries associated with instruction was evolved. It was recognized that the salary base is not supported from State appropriations alone; however, through the solution of some relatively simple algebraic relationships it can be used to derive the required State appropriation to fund the recognized functions of higher education.
- B. To determine the salary base, student credit hours (SCH) that remain scheduled on the 14th class day are separated into program areas and levels, using the HEGIS taxonomy and student classification, respectively. At the time legislative budget requests are prepared, summer and fall productivity data are complete. The approaching spring session production estimate should be based on the experience of the previous spring. Actual spring data will be available prior to the regular legislative session and all institutions must submit adjusted reports by February 23, 1976 (Louisiana Tech—April 7, 1976). The SCH's used for the three sessions shall be net, reflecting all transactions (drops, adds, resignations, etc.), occurring prior to the cutoff date. The resulting net SCH's are multiplied by the appropriate values on the basic factor chart (Section III), and the sum of the these products establishes the salary base, which is calculated on State budget request form BRC-1A. (For further details on SCH reporting dates, refer to Appendix B.)

Section V - State Appropriation

- A. For 1974-75 State appropriations represented 76.0% for the Louisiana State University System, 81.1% for the Southern University System, and 82.9% for the Board of Trustees System, of Educational and General expenditures. For 1975-76 the comparable figures are 75.5%, 82.1%, and 82.1% respectively. Previous analysis of a number of other statewide systems indicates corresponding percentages ranging from 49.5% to 75.1% with an average of 63.1%—generally much lower than Louisiana's figures. This formula derives 73% of E & G funds from the State.

In order to relate these factors to the previously determined salary base (Section IV), an additional factor has been established. This factor is the percent of expenditures for resident instruction and

related activities represented by faculty salaries (salary base).

Analysis of several statewide systems indicated a range from 58.1% to 71.5% with an average of 63.4%. The factor of 66% has been chosen for all institutions in Louisiana.

The solution of a set of relatively simple algebraic equations (Appendix C), simultaneously satisfying all of the relationships advanced in the previous statements, indicates that the formula generated State appropriation portion of the total budget is related to the salary base (faculty salaries) by the relationship:

$$\text{State Appropriation} = \text{Salary Base Plus } 62.65\% \text{ of the Salary Base}$$

- B. An adjustment factor of ten percent has been established to recognize the existence of certain overhead costs that are disproportionately higher in small two year institutions. To qualify as small, a two year institution shall have a fall full-time equivalent enrollment of 1,500 or less. This adjustment factor is to be incorporated into the algebraic equation so that the State appropriation portion of the total budget is related to the salary base (faculty salaries) by the relationship:

$$\text{State Appropriation} = \text{Salary Base Plus } 78.92\% \text{ of the Salary Base}$$

This will effectively recognize the higher overhead cost of small two year institutions and will allow one percentage level of implementation for all institutions.

Section VI - Functional Category Distribution

A. Allocations to Educational and General Expense

Dr. John Dale Russell* recommended allocations of expenditures to the eight functional categories of the educational and general function. These categories, in use until recently, were: (1) resident instruction; (2) organized activities related to instruction; (3) organized research; (4) extension and public service; (5) libraries; (6) general administration; (7) general expense; and (8) maintenance and operation of physical plant. If the first four are grouped under one heading his recommendations are reduced to four groups as follows:

Resident Instruction and Related Activities (RIRA)	At least 63%
Libraries	5% to 6%
General Administration	15% or less
Operation and Maintenance of Physical Plant	16% or less

Further analysis in conjunction with Dr. Russell's research led to the selection of the following suggested allocations of total educational and general expenditures:

Resident Instruction and Related Activities	68%
Libraries	5%
General Administration and General Expense (GAGE)	15%
Operation and Maintenance of Physical Plant (OMPP)	<u>12%</u>
	100%

Recent developments will have a definite impact on these allocations. Two such developments are: (1) The establishment of new functional categories within the educational and general function by the National Association of College and University Business Officers; and (2) The energy crisis has sent utility costs soaring which may change the physical plan allocation. Recognizing these disparities, but not having sufficient data to support new recommended allocations, the old percentages shall be retained as broad guidelines.

The new functional categories as established by NACUBO and how they should be converted for percentage allocation purposes are as follows:

NACUBO New Categories	Conversion to Russell's Percentage Allocations
(1) Instruction	RIRA
(2) Research	RIRA
(3) Public Service	RIRA
(4) Academic Support	RIRA
(Libraries)**	Libraries
(5) Student Services	GAGE
(6) Institutional Support	GAGE
(7) Scholarships and Fellowships	GAGE
(8) Operation and Maintenance of Plant	OMPP

*Russell, John Dale, "Budgetary Analysis," *College Self-Study*, Richard Axt and Hall T. Sprague, Eds. (Boulder, Colorado: Western Interstate Commission for Higher Education, 1959), p. 106.

**For comparative purposes, Libraries are to be extracted from Academic Support.

It should be noted that Staff Benefits (Related Benefits) costs are to be reported as a cost in the department (category) in which an individual is employed. This is as recommended by NACUBO in the most recent publication of the handbook, *College and University Business Administration*, 1974.

Section VII - Funding Requests

- A. Because the budgetary process requires considerable planning and effort, it is necessary that the requests be both reasonable and adequate to meet institutional needs and to be within the State's funding capabilities. Therefore, these requests are to be prepared as set forth in this formula document. The resultant budgets are to be reviewed and evaluated, and hearings conducted thereon in order to determine final recommendations to be made by the Board of Regents in its annual consolidated budget recommendations to the executive and legislative branches of State government.
- B. The 1976-77 budget requests for all institutions subject to the formula are to be based on an implementation rate of 92%. However, no institution has to request less than the 1975-76 amount of State appropriations.
- C.
 1. Funding requests for areas excluded from the formula shall be reached on an individual basis as set forth in Section X, Exclusions.
 2. The amount of increase to be requested for those exclusions funded by the overall percentage increase method (see Section X, B.1) is 10.55%. This percentage will be recalculated in the spring of 1976 when updated BRC-1 and BRC-1A forms are received indicating actual enrollments for the full academic year. Simultaneously, these reports will generate an adjusted State appropriation amount to be used in computing the new overall amount and percent of increase for the SCH producing units. The overall percent of increase will be applied to the appropriate exclusions.
- D. Funding requests for management boards and their staff, i.e., the Louisiana State University System, the Southern University System, and the Board of Trustees System will be as set forth in Section X, Exclusions.

The funds for the operations of these management boards are an actual cost allocable to each segment of the respective boards. Therefore, an institution's pro rata share of system costs plus that individual

institution's State appropriation shall be used to determine the attainment of the 100% level of implementation.

Section VIII - Special Requests

Justification for extraordinary expenditures, for a limited, predetermined period, should reference this section. The purpose of this section is to provide a means for requesting funds extraneous to the formula, for items particular and peculiar to a specific situation, e.g., a land purchase, large equipment purchase to meet accreditation requirements, etc. Each request is to be supported by a separate, concise report giving the purpose, the necessity, the expected results, the minimum amount needed, and the method of determining this amount. In addition, if the possibility exists that special funding will be required for more than one year, the expected duration shall be given with a complete explanation. Requests for unending continuous functions, to avoid inclusion in formula funding, will not be granted.

If a special request is granted for a program that will produce SCH's then the funds received will be included in calculating the level of implementation for the recipient institution.

Section IX - Other Means of Financing

All annually recurring revenues, regardless of source, shall be budgeted by each institution. There are several reasons for this requirement: (1) the 1974 Constitution requires the annual appropriation of all funds for budgetary purposes; (2) budgeting provides responsible fiscal control over funds; and (3) budgeting requires planning in advance which, if properly done, normally results in more efficient and economical use of available resources. Institutions are the recipients of revenues from many varied sources. Some examples of what should be included in the annual budgets, both the request and operating, are tuition and student fees; parking fees and fines; library fines; income from publications; income from sales and services; recurring Federal funds such as George Barden, Vocational Education, McIntire-Stennic, etc.; user fees in continuing education, correspondence study, and extension courses; and auxiliary income, if expenditures are made for auxiliary operations from State appropriations.

Section X - Exclusions

- A. Two Primary Reasons for this Section Providing Funding Outside Formula-Generated Appropriations
 1. A method of measurement has not been devised for those certain institutions or operations that

do not utilize student credit hours (SCH) as a determinant of productivity. These are the Louisiana State University Medical Center and the Louisiana State University Center for Agricultural Sciences and Rural Development. Research is underway to develop a method of formula funding for all components of the Medical Center.

2. Other exclusions consist of specific items that do not fall within the normal scope of operations of all institutions. For that reason they are separated from formula consideration to provide a more sound basis of comparison between institutions. Included in this category are bond service and special funds for capital outlay (for those institutions that include these funds in the operating budget), Louisiana State University retirement stipend liability, organized research and public service performed by Louisiana State University-Baton Rouge, and laboratory schools at Louisiana State University-Baton Rouge and Southern University-Baton Rouge.
3. Funding for the Louisiana State University retirement stipend liability shall be based on the current year's actual budget cost, adjusted for anticipated new retirements and deaths. The funds allocated for this expense shall be used exclusively for these stipends and direct administrative costs related to the program.
4. Louisiana State University has received dedicated revenues for a number of years which could be bonded and expended for capital facilities. Capital outlay in the Board of Trustees and Southern University Systems has been handled outside of operating budgets whereas the Louisiana State University System has used a combination approach. Because commitments are already made requiring the expenditures of annual appropriation funds to service these commitments, it is recommended that these funds be received by Louisiana State University above the formula amounts until these commitments are retired. In compliance with the Constitution and laws of this State, additional commitments can not be made without approval of the Board of Regents.
5. Laboratory Schools—It is recommended that each public college or university operating a public laboratory school receive the proper allocation of funds based on the minimum foundation formula of the State Department of Education. For LSU-BR and Southern-BR, these funds should be specifically appropriated to the institutions.

B. Method of Determining Recommended Funding Level

1. Funding of those exclusions that are not otherwise provided for will be the same percentage of increase as the overall average percent of increase for all units under the SCH formula funding provisions. (See Section VII, B.2)

In the following category are the units for this year:

- a. Southern University Board and system staff (less start-up costs)
 - b. Board of Trustees and staff (less start-up costs)
 - c. Louisiana State University Board and system staff
 - d. Louisiana State University Medical Center
 - e. Center for Agricultural Science and Rural Development
 - f. Organized Research and Public Service—Louisiana State University—Baton Rouge Campus*
2. The School of Veterinary Medicine is to prepare a budget request consistent with the actual needs for establishing the program, including anticipated costs relative to occupancy of their new facilities.

*Other justification and supporting details for funding above this level for these categories may be submitted for review and recommendations.

Section XI - Audit Procedure

The use of a State appropriation formula results in Student Credit Hours (SCH) becoming dollars through the conversion using the basic factor chart. The audit procedure previously established by the Coordinating Council, with the cooperation of the institutions involved, the State Budget Office, and the Legislative Auditor's Office will continue to be used for this revision. This will insure correct and consistent interpretation and application of the procedure for recording and receiving credit for SCH production and will facilitate the use of the State appropriation formula. Every affected institution shall be visited each year to provide any required assistance and to validate the methods and procedures used and the resultant data. The auditors shall use a predetermined audit outline including statistically proven record search patterns and those record areas requiring comparisons. Records to be examined shall include but not be limited to the following: class rolls; final grade reports; drop/add

records; transcripts; student schedules; withdrawals and resignations; and any other relevant data sources.

Discrepancies shall be noted and reconciled and the necessary corrective action shall be taken. Should a particular situation warrant it, the audit will be expanded so that the extent of the problem can be determined and the SCH production reports amended to indicate the correct production figures. Official notification of the adjustment shall be given to all concerned parties.

Appendix A

Standardized Reporting Forms

The student credit hour audit procedure as it exists presently takes 14th class day data (department, course, section, credit hours, number enrolled, student identification, and SCH's produced) and compares them to final grade reports. Any exceptions must be substantiated with support documentation, i.e., properly prepared drop, add, or resignation forms. This provides a uniform reporting system to put all institutions of higher education in the State on a common base, using three standardized report formats. These reports, the (1) class roster, (2) detail formula level report, and (3) summary formula area report, are to be prepared by all institutions.

The reports should be prepared as of the close of the 14th class day during the regular semesters and the 7th class day during the summer session, (Louisiana Tech—9th class day). Two copies of the summary formula area report should be sent to the Board of Regents by the 24th class day of each regular semester and the 17th class day of the summer session (Louisiana Tech—19th class day). For new classes beginning after the 14th (7th, 9th) class day, each institution will be required to file a supplementary report of SCH's produced. These classes are to be reported in the session in which they are completed or in the following session if they are conducted totally in an interim period. The SCH production is to be reported in keeping with the two preceding requirements. These supplemental reports will be due upon issuance of final grades in the reporting session. A class day is defined as a regular class schedule day; Saturday and Sunday are to be excluded as class days.

A common sequence arrangement of the various reports is to be used by all institutions; this method will simplify the audit procedure and provide for a uniform communication basis. The class roster, detail formula level report, and the final grade report are to all be

arranged in the same sequence, alpha by course name or title/or alpha by course name or title within college.

All exceptions between the 14th class day (9th class day for Louisiana Tech) and the final grade report must be supported by properly prepared and authorized drop, add, or resignation forms which are to be maintained for all courses by semester, filed in alphabetical order by student's last name. The summary formula area report is a summary report and should be arranged in alpha order and course number within each formula area breakdown.

All resident and extension courses taught off the main campus should be identified by a unique section number or the abbreviation "EXT" or "OC" should be placed in the section number column opposite each course in the detail formula level report.

Appendix B

Future Determination of SCH Production Reporting Date

The Board of Regents has elected to continue the use of the 14th class day (rather than final grades) for reporting the number of semester credit hours (SCH's) generated by each institution. This has resulted primarily from the lack of sufficient data upon which to base a choice between these alternatives. Also, the data received indicates a large deviation in the attrition experienced by the reporting institutions.

To facilitate further research and study for the possible conversion to final grade SCH production for formula purposes, each institution will be required to furnish annual reports. These reports, at a minimum, are to consist of recalculated BRC-1 and BRC-1A budget forms reflecting SCH production based on the final grade report.

Appendix C

Simple Algebraic Relationships and Special 10% Factor for Use by Qualifying Institutions Only

A. Represent Educational and General Expenditures as E & G; Represent Resident Instruction and Related Activities as RIRA

- (1) Salary Base = 66% of RIRA
- (2) RIRA = 68% of E & G
- (3) State appropriation = 73% of E & G

From Statement (2)

(4)
$$E \text{ \& G} = \frac{RIRA}{0.68}$$

From Statement (1)

(5)
$$RIRA = \frac{SALARY \text{ BASE}}{0.66}$$

Substituting in Statement (4) from Statement (5)

(6)
$$E \text{ \& G} = \frac{SALARY \text{ BASE}}{0.68} = \frac{SALARY \text{ BASE}}{0.4488}$$

Substituting in Statement (3) from Statement (6)

(7)
$$\text{State appropriation} = 0.73 \left(\frac{SALARY \text{ BASE}}{0.4488} \right)$$

State appropriation = 1.6265 salary base

State appropriation = salary base + 62.65% of salary base

B. Special 10% Factor

(1) State appropriation = 1.6265 salary base

(2) 10% (State appropriation) = special 10% factor

(3) State appropriation = 110% (1.6265 salary base)

(4) State appropriation = 1.7892 salary base

(5) State appropriation = salary base + 78.92 of salary base

William Arceneaux
Commissioner of Higher Education

RULES

Wildlife and Fisheries Commission

Oyster Regulations

Previous Shell Plants

Whereas, the Louisiana Wildlife and Fisheries Commission in the spring of 1973 and 1974 planted clam shell in order to provide setting material for oyster spat in the vicinity of Hackberry Bay, Le Petit Pass, Bay Gardene, and

Whereas, the Commission had closed these areas to

oyster fishing to permit suitable seed oyster catch and development, and

Whereas, the shell plants in 1974 were provided for by Federal disaster funds and production accountability is necessary,

Now, therefore be it resolved, the Louisiana Wildlife and Fisheries Commission will open the shell plants at Le Petit Pass, Bay Gardene and Hackberry Bay on October 1, 1975, with mandatory closing date of May 20, 1976, as provided for by law, and

Be it further resolved, that the Bay Gardene shell plant will be fished under a daily permit system to allow for a determination of the production from this area, and

Be it further resolved, that the Director is hereby authorized and empowered to close said areas, if biologically necessary, and Louisiana Law Title 56, Section 433 authorizes the Louisiana Wildlife and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on State-controlled grounds.

**Oyster Seed Grounds and
Bay Junop Seed Reservation**

Whereas, the natural oyster reefs ("oyster seed grounds") under the managerial supervision of the Louisiana Wildlife and Fisheries Commission must open on the first Wednesday following Labor Day and a mandatory closing date of May 20 of the following year as provided for by Louisiana Statute Title 56, Section 433, and

Whereas, "oyster seed reservations" are small portions of the "oyster seed grounds" managed and controlled for seed oyster production which are opened on alternate years,

Now, therefore be it resolved, the natural oyster reefs and the Bay Junop "oyster seed reservation" will be open on September 3, 1975,

Be it further resolved, the Caillou (Sister) Lake "oyster seed reservation" will be closed during the 1975-76 oyster season.

Be it further resolved, that Louisiana Law Title 56, Section 433 also authorized the Louisiana Wildlife and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on State-controlled grounds if conditions dictate it.

Calcasieu Lake

Whereas, the Commission biologists and the Chief of the Oysters, Water Bottoms and Seafoods Division have recommended the fishing of the oysters of Calcasieu Lake including the West Cove area with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou, and

Whereas, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

Now, therefore be it resolved, by the Louisiana Wildlife and Fisheries Commission, at its regular public monthly meeting held in New Orleans, on Tuesday, July 22, 1975, does hereby declare that the Calcasieu Lake Oyster Season for 1975-76 be set in accordance with the following rules and regulations:

- (1) That the oyster season in Calcasieu Lake be fixed to extend from ½ hour before sunrise November 15, 1975, through ½ hour after sunset March 31, 1976, with the right being reserved to extend said season or close it sooner if biologically justifiable.
- (2) That oyster fishing be limited only to the use of tongs and to daylight hours.
- (3) The open areas shall be confined to the area of Calcasieu Lake, west of the Ship Channel, including the East and West Cove area, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou which shall be closed.
- (4) The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter of the reefs to provide for expansion and future harvesting.
- (5) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.
- (6) The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day.
- (7) All commercial fishing of oysters shall be done only with proper licenses.

Be it further resolved, that the Director be and is hereby authorized and empowered to extend or close said season, if biologically sound.

* * * *

Alligator Season

Whereas, Louisiana's efforts to manage the resident population of alligators for the past 15 years has substantially increased the total population, and

Whereas, the Louisiana Wildlife and Fisheries Commission has, during 1972 and 1973, successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled and

Whereas, data collected during the 1972 and 1973 seasons and from aerial inventory during July, 1975, reflects that the seasons were beneficial in all respects, and

Whereas, population levels in the marshes of Cameron, Vermilion, and Calcasieu Parishes now warrant the establishment and continuation of an experimental season in this region of the State, and

Whereas, it has been determined from the past two experimental seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked out extremely well, and

Whereas, no evidence was found that the opening of an experimental season encouraged illegal killing of these reptiles, and

Whereas, alligators are a renewable resource and should be managed on a sustained yield basis thereby providing economic incentive for preserving marshlands, and

Whereas the Alligator Committee of the Southeastern Association of Game and Fish Commission has promulgated an alligator recovery plan for Louisiana and the Southeastern United States, and

Whereas, the director, U. S. Fish and Wildlife Service, issued a notice of proposed rulemaking to remove the American alligator from endangered or threatened status entirely in Cameron, Vermilion, and Calcasieu Parishes,

Now, therefore be it resolved, that another experimental alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973:

1. Open Area—Coastal marshes including converted marshland. Alligators may be taken in Cameron Parish: in Vermilion Parish south of State Highway 14; in Calcasieu Parish south of Interstate Highway 10 and State Highway 108 to the junction with State Highway 27, thence south and west of a line between Highway 27 and Calcasieu Locks, then south on Intracoastal Canal to the Cameron Parish line. An estimated 95,000 alligators are present in this area outside the refuges. No more than eight percent of this population may be taken during the season.
2. Harvest Season—The open season shall run for a 30-day period beginning on Saturday, September 20, 1975, and continue through Sunday, October 19, 1975. Size—no alligators under four feet in length may be taken.
3. Harvest Methods—Alligators may be taken only during the daylight hours between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Commission will be considered illegal. Pole hunting is prohibited to protect nesting female populations.
4. Licenses—An alligator hunter must have a valid commercial alligator hunter license to take, transport or sell alligators or their skins. The fee for the license is \$25.00 per year and is nontransferable. In order to obtain the license, he must have resided in Louisiana for one year preceding the season. He must complete application forms provided by the Commission and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted between the dates August 25 and September 19, 1975. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. An exact copy of the approved application form must be carried while in the act of hunting alligators. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators and/or parts in interstate commerce in the course of a commercial activity must be licensed in accordance with State and Federal regulations.
5. Tagging—In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Commission, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags and tagging pliers will be issued to license holders for a sum of \$5.00. The tags must be attached approximately six inches from the tip of the tail end of the skin. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Commission. Lost or stolen tags will not be replaced, but must be reported. Tags can be used only on the lands applied for and approved on the application.
6. Alligator Farmers and Breeders—Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators. No alligators on breeding farms may be killed without such a permit. Tagging validation is required on skins taken. Alligator farmers and breeders must comply with Federal regulations governing captive raised alligators.
7. Harvest Rates—Only eight percent of overall population in open season area may be taken. Tags will be issued on the following basis. Cameron and Calcasieu Parishes—Brackish Marsh, 1 per 400 acres; Intermediate Marsh, 1 per 100 acres; Fresh, 1 per 150 acres, Pump-off districts—regardless of marsh type, 1 per 500 acres. Vermilion Parish—Intermediate Marsh, 1 per 100 acres; Fresh, 1 per 500 acres; Brackish Marsh, 1 per 150 acres, Pump-off District, 1 per 500 acres.
8. Validation of alligator skins—All alligator skins taken during the experimental alligator season shall be checked and a second tag fixed by personnel of the Louisiana Wildlife and Fisheries Commission at the headquarters of the Rockefeller Refuge on October 20, 21, 22, 1975. Any skin not processed by this validation system on one of these dates shall be considered to be illegal. The holders of alligator hunting licenses must bring their skins to Rocke-

feller for validation on one of these three dates between the hours of 8 a.m. and 5 p.m. Special dressing instructions will also be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin until finally processed by the fabricator.

9. Shipment—All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Commission. Forms provided must be filled out completely and returned to the Commission within 15 days following the close of each season. No raw alligator skins may be shipped from the State after 60 days following the close of the season without first obtaining a permit from the Commission. Raw alligator skins and parts transported in the course of a commercial activity, shipped or transported within the State must be labeled with tags issued by the Commission describing the number of skins/parts, the consignor, shipping point, consignee and destination. All parts of alligators, other than the raw skins, shipped or transported within or out of the State must be clearly labeled with the license number of the alligator hunter and the number of the official tag which was attached to the alligator skin.

Therefore be it further resolved, that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Director of the Louisiana Wildlife and Fisheries Commission.

* * * *

Lake Bistineau Regulations

Whereas, intensive use by persons boating, swimming, skiing and fishing on Lake Bistineau is creating conditions hazardous to the users of this lake, and

Whereas, the Louisiana Wildlife and Fisheries Commission has been delegated administrative authority over Lake Bistineau.

Therefore be it resolved, the following rules and regulations are adopted and are to become effective January 1, 1976:

1. The discharging of rifles or handguns into, across, or upon Lake Bistineau is prohibited.
2. Water skiing will be allowed in designated areas only. These areas will be marked as ski areas and are as follows:

- A. Main channel as marked
- B. Man-made ski road
- C. Hard Pond
- D. Blue Pond
- E. Catfish Pond
- F. Gregg Lake
- G. Shreveport Pond
- H. Teal Slough

3. Ski Platforms: No new permanent ski platforms may be constructed. All existing structures will be removed within one calendar year. All ski platforms will be of a floating nature and will not be permanently attached to trees (nails, spikes, etc.).

Name and address of platform owner or owners will be attached to platform for identification purposes. Parking of platforms in an area does not give owner exclusive rights to useage of this section of the lake. Platforms may not be parked in a manner which will obstruct normal boat traffic.

4. Piers and boat houses extending into Lake Bistineau will be approved by the Louisiana Wildlife and Fisheries Commission prior to construction.
5. Gill nets, flag nets, and trammel nets, size restriction: all flag nets, gill nets, and trammel nets must be at least four-inch square mesh or eight-inch stretch.
6. Duck Blinds: All new duck blind construction will be of a floating nature. Attaching blinds to trees using nails, spikes, or any device driven into the tree is prohibited.

J. Burton Angelle, Sr.
Director

Notices of Intent

NOTICE OF INTENT

Louisiana Air Control Commission

The Louisiana Air Control Commission proposes to adopt Guideline No. 5, entitled "Sulfur Dioxide Emissions from Oil and Gas Production," at a hearing scheduled for 10:00 a.m., October 29, 1975, in the

Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans, Louisiana. Reasonable opportunity for oral comment will be permitted at the meeting. Written comments may be mailed to the Louisiana Air Control Commission, P. O. Box 60630, New Orleans, Louisiana 70160, prior to the meeting.

The Commission also proposes to adopt compliance statements, emission reduction plans, requests for variances to the Commission's regulations, applications for "approval of emissions," and any other pertinent items of consideration necessary.

James F. Coerver
Technical Secretary

NOTICE OF INTENT

Louisiana Cemetery Board

Notice is hereby given that the Louisiana Cemetery Board will meet at 8:00 a.m., November 12, 1975, at the Marriott Hotel, New Orleans, Louisiana to adopt rules of practice setting forth: (1) the nature and requirements of all formal and informal procedures to be used and/or followed by the Board in the conduct of its business and the performance of its duties; (2) the form for petitions by an interested person to the Board requesting the promulgation, amendment or repeal of a rule and the procedure for their submission, consideration and disposition; and (3) the form and procedure for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the Board.

All interested persons will be afforded a reasonable opportunity to submit data, views, and arguments orally or in writing. Written comments prior to the meeting may be forwarded to:

Louisiana Cemetery Board
P. O. Box 19925
New Orleans, Louisiana 70179

John M. Ellis, Jr., Chairman
Louisiana Cemetery Board

NOTICE OF INTENT

Commissioner of Insurance

Act 817 of the Louisiana Legislature provides that proof of financial responsibility as provided for in this

section shall be determined by the Commissioner of Insurance in accordance with regulations enacted under the Administrative Procedures Act of Louisiana.

Notice is hereby given to all interested persons that a hearing will be held on October 7, 1975, at the Insurance Building, 950 North Fifth Street, Baton Rouge, Louisiana in the Conference Room, 7th Floor at 10:00 a.m. The purpose of this hearing will be to adopt rules and regulations relative to the requirement necessary to become a self-insured health care provider under Act 817 of the 1975 Louisiana Legislature. The Act provides that the health care provider must furnish proof of financial responsibility in the amount of \$100,000. The purpose of this hearing is to determine what evidence will be necessary in order to show proof of financial responsibility required under the law.

Written comments should be mailed to:

Commissioner of Insurance
P. O. Box 44214
Baton Rouge, Louisiana 70804

Reasonable opportunity for oral comments will be permitted at the hearing.

Sherman A. Bernard
Commissioner of Insurance

NOTICE OF INTENT

Department of Conservation

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended by Act 16 of the Extraordinary Session of 1973, being Chapter 7 of Title 30, and particularly Section 542(A) of said Act, a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625, North 4th Street, Baton Rouge, Louisiana at 9:00 a.m., October 7, 1975.

At such hearing the Commissioner will consider evidence relative to the issuance of regulations implementing the Natural Resources and Energy Act of 1973—Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950.

The proposed regulations referred to hereinabove are appended hereto. These regulations represent the views of the Commissioner as of this date; however, the Commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

Comments and views regarding the proposed regulations should be directed in written form to be received not later than 5:00 p.m., October 6, 1975. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to:

R.T. Sutton
Commissioner of Conservation
P.O. Box 44275, Capitol Station
Baton Rouge, Louisiana 70804
RE: Comments—Regulations 3 and 8—Act 16

All parties having interest in the aforesaid shall take notice thereof.

A copy of this notice is being sent to all concerned parties after a diligent effort has been made to obtain a complete list of same. However, all concerned will undoubtedly take notice of publication of this notice of hearing in The State-Times, Baton Rouge, Louisiana, and the Louisiana Register.

Regulation No. 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 and for Connections Under Section 555(H) of the Act

a. This regulation shall apply to requirements of a 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; and for requirements of an intrastate natural gas transporter to effect connections in accordance with the provisions of Section 555(H) of the Act.

b. For the purposes of this Regulation No. 3, the word "facilities" as used herein shall be interpreted to exclude:

(1) Auxiliary Installations. Installations (excluding gas compressors) 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, cooling and dehydration equipment; residual refining equipment; water pumping treatment and cooling 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 transmission pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas from a producer.

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 or persons to whom communications concerning the notice are to be addressed.
- (b) Date of contract.
- (c) Term of contract.
- (d) Quantities of gas, including the daily quantity of gas that seller is obligated to deliver and the minimum daily quantity that buyer is obligated to receive, as well as measurement pressure base and service if firm or interruptible/curtailable.

- (e) Type of sale.
- (f) Point of delivery.
- (g) The minimum and maximum delivery pressure.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

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

d. If no opposition to the application of the intrastate natural gas transporter, filed pursuant to Section 555(B), is submitted to the Commissioner by an interested party in writing within 15 days of the notice thereof, the Commissioner may permit and approve abandonment without the necessity of holding a public hearing in connection with the application.

e. 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 intrastate natural gas transporter shall make application for said abandonment to the Commissioner on such forms as provided by the Commissioner. The application shall be accompanied by a letter or agreement signed by the parties or an authorized agent of the parties, verified under oath and containing the information specified on the abandonment application. The Commissioner shall have 15 days after receipt of the notice thereof to take action on the application. Failure to act within this 15 day period shall constitute a finding by the Commissioner that all requirements of the regulations and of Section 555(B) have been met, and he shall be deemed to have granted his permission and approval of the abandonment of either the facilities or services rendered thereby or both in accordance with and pursuant to the terms and conditions of the agreement. Provided however, the Commissioner may defer action on the application upon his own motion for an additional 15 days if cause exists and the applicant is so notified of such action.

f. An intrastate natural gas transporter desiring to obtain pregranted permission and approval of the Commissioner for the abandonment of all or any portion of its facilities subject to the jurisdiction of the Commissioner, or any services to be rendered by means of such facilities, may at any time make application for said abandonment to the Commissioner on such forms as provided by the Commissioner. The application shall be

accompanied by a letter or agreement signed by the transporter and the person or persons who are parties to a contract relating to the use of the subject facilities or services or an authorized agent of the parties evidencing the concurrence and agreement of the parties, verified under oath and containing the information specified on the abandonment application.

The Commissioner shall have 15 days after receipt of the notice thereof to take action on the application. Failure to act within this 15 day period shall constitute a finding by the Commissioner that all requirements of the regulations and of Section 555(B) have been met, and he shall be deemed to have granted his permission and approval of the abandonment of either the facilities or services rendered thereby or both in accordance with and pursuant to the terms and conditions of the agreement. Provided however, the Commissioner may defer action on the application upon his own motion for an additional 15 days if cause exists and the applicant is so notified of such action.

g. Applications for the approval of any abandonment of facilities, or of any service rendered by means of such facilities, subject to the provisions of Section 555(B) of the Act, which occurred subsequent to December 8, 1973, and prior to the effective date of these regulations, shall be filed with the Commissioner within 30 days after the effective date of these regulations, and shall be deemed approved by the Commissioner, if no objection thereto is filed with the Commissioner by any interested party, or if the Commissioner does not otherwise notify the applicant within 25 days subsequent to receipt of the application.

h. All applications to the Commissioner 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, shall be made in writing, executed under oath by an individual having authority and shall include 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 Power Commission.

(3) In the event either pipeline involved carries interstate gas then in such event a statement shall also be included as to whether or not each such pipeline has been exempted from jurisdiction under the Natural Gas Act by the Federal Power Commission.

(4) Applicant will include a statement that the owner of any other intrastate natural gas pipeline connected with either of the pipelines proposed for connection has been notified of the proposed new connection.

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

(6) Term of exchange or transfer.

(7) Reasons for interconnection.

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

i. 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 paragraph, and the anticipated period of the stated emergency. Emergency operations undertaken without order pursuant to this paragraph 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 pursuant to this paragraph. Every person undertaking any such action pursuant to this paragraph desiring to continue such action shall file application with the Commissioner prior to the expiration of the exempt period provided herein. No such temporary or emergency action shall be undertaken by any intrastate natural gas transporter with respect to making a connection with another intrastate natural gas pipeline then connected with either of the pipelines proposed for connection. Said notice may be verbal, to be immediately confirmed in writing, or in writing initially, but shall be given to the aforesaid parties prior to making the connection.

Regulation No. 8—Regulations 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 Natural Resources and Energy Act of 1973 Chapter 7, Title 30 of the Louisiana Revised Statutes of 1950, As Amended

a. All definitions in this regulation are in accordance with those of Regulation No. 1.

b. This regulation shall apply to the rights of the Commissioner 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 20% 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 corporation, state:

(i) The name and address of each shareholder owning 20% 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 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 (1-inch and 5-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 Power 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 Commissioner 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 applicants 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, conditions, 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 Power 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 pipelines.

(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 30 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 30 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 capa-

city, 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 Power 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 Power 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 of 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 here-

under 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 90 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 90 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 30 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 therefore, 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.

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. — 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 provision 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 hearings, as provided for in Title 30, Chapter 1, Section 6 of the Louisiana Revised Statutes of 1950, as amended.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to hold a public hearing for the purpose of inquiring into the facts surrounding and ascertaining the truth concerning the following trade and commercial practice:

The problems existing between landlords and tenants in the leasing for occupancy of residential property.

Any interested person may appear and present testimony and other related evidence concerning the hereinabove mentioned subject by personally appearing at the public hearing to be held on October 14 and 15, 1975, at 9:30 a.m., at the Rivergate, Rooms 9 and 10, 4 Canal Street, New Orleans, Louisiana, convened pursuant to R.S. 51:1401 et seq. and Consumer Protection Rules Title 2:40-50.

Charles W. Tapp
Director

NOTICE OF INTENT

Governor's Consumer Protection Division

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval of the following rule and regulation proposed for adoption by the Director of the Governor's Consumer Protection Division at its public meeting on October 29, 1975, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of, or in opposition to, this intended approval of the Director's adoption of this rule by personally appearing at the above public meeting at the above designated time, day and place and submitting same.

TITLE 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II—Unfair and Deceptive Acts or Practices

Section 5011. Disclosure Requirements and Prohibitions Concerning Franchising

A. Definitions—For the purpose of this rule the following definitions shall apply:

(1) "Franchise" means any continuing commercial relationship created by written agreement or understanding where:

(a) The franchisee is granted the right or is permitted to offer, sell, or distribute goods or commodities manufactured, processed, or distributed by the franchisor; or the franchisee is granted the right or is permitted to offer or sell services established, organized, approved, or directed by the franchisor; and

(b) The franchisor directly or by implication represents, either orally or in writing, that it will more than nominally assist the franchisee in the latter's organization, promotional activities, management, marketing plan, method of operation, or other business affairs; or

(c) The operation of franchisee's business is substantially associated with the fran-

chisor's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchisor.

(2) The term "franchise" shall not be deemed to include any continuing commercial relationship where:

- (a) The relationship solely involves licensing the use of a trademark or service mark; or
- (b) The relationship constitutes a fractional franchise; or
- (c) The relationship involves nothing more than that of employer/employee or business partner; or
- (d) The commercial relationship created requires a payment or commitment of \$100 or less to the franchisor, or a person having a substantial connection with the franchisor, by the franchisee before or within six (6) months of commencing operation; or
- (e) The relationship involves the operation of a gasoline, filling, or service station.

B. In connection with the advertising, offering, contracting, sale, or other promotion of any franchise in Louisiana, it shall be an unfair method of competition and an unfair or deceptive act or practice:

- (1) To fail to furnish any prospective franchisee with the following information in a legible, written document at the time when the first personal meeting for the purpose of discussing the possible sale of a franchise occurs between the prospective franchisee and the franchisor or its sales representative; however, the required disclosure must be furnished at least 15 business days prior to the execution by the prospective franchisee of any franchise agreement or other binding agreement or to the payment by the prospective franchisee of any consideration in connection with the sale of a franchise:
 - (a) The trade name(s) or trademark(s) under which the franchisor and the prospective franchisee will be doing business; the official name(s) and address(es) and principal place(s) of business of the

franchisor, the parent firm or holding company of franchisor, if any; and all persons the franchisee is required or is suggested to do business with by the franchisor which has a substantial connection with the franchisor.

- (b) The business experience stated individually of each of the franchisor's directors and chief executive officers including the biographical data concerning all such persons; except, however, that the information required by this subparagraph need not be disclosed where the franchisor is a listed company on a national stock exchange, although such fact shall be disclosed.
- (c) The business experience of the franchisor, including the length of time and the dates during which the franchisor has conducted a business of the type to be operated by the franchisee, has granted franchises for such business, and/or has granted franchises in other lines of business.
- (d) A certified balance sheet for the most recent year, a certified profit and loss statement for the most recent three year period, and a statement of any material changes in the financial soundness of the franchisor since the date of such financial statements.
- (e) A statement that the franchisor or any of its current directors or chief executive officers:
 - (i) has or has not been held liable in a civil action by final judgment, convicted of a felony or plead nolo contendere to a felony charge if such felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property for the most recent seven year period; or
 - (ii) is or is not subject to any currently effective state or federal agency injunctive or restrictive order relating to or affecting franchise activities or the franchisor/franchisee relationship; or

- (iii) has or has not filed in bankruptcy or has been associated as a director or a chief executive officer of any company that has filed bankruptcy or reorganization proceedings for the most recent seven year period; or
- (iv) has or has not been a party to any cause of action brought by franchisees against the franchisor for the most recent seven year period which resulted either in an out of court settlement or a judgment against the franchisor; or
- (v) is or is not presently a party to any cause of action brought by a franchisee against the franchisor.

Such statement shall set forth the identity and location of the court, date of conviction or judgment, and penalty imposed or damages assessed, and the date, nature, and issuer of each such order or ruling.

- (f) A factual description of the franchise offered to be sold.
- (g) A statement of the total funds which must be paid by the franchisee to the franchisor, or to a person having a substantial connection with the franchisor, in order to obtain or commence the franchise operation, such as deposits, down payments, and fees. If all or part of these fees or deposits are returnable under certain conditions, these conditions shall be set forth; and if not returnable such fact so disclosed.
- (h) A statement describing the recurring fees required to be paid by the franchisee to the franchisor, or to persons having a substantial connection with the franchisor, in connection with carrying on the franchise business, including but not limited to royalty, lease, advertising, training, and sign rental fees.
- (i) A statement disclosing the number of franchises and company-owned outlets operating at the end of the last calendar year, and the names and addresses of the ten franchises and/or company-owned

outlets nearest the prospective franchisee's intended location, indicating which units are company-owned outlets.

- (j) A statement describing any real estate, services, supplies, products, signs fixtures, or equipment relating to the establishment or to the operation of the franchise business which the franchisee is required to purchase, lease, or rent directly or indirectly from the franchisor or persons having substantial connection with the franchisor.
- (k) A description of the basis and the amount of any revenue or other consideration to be received by the franchisor, or persons having a substantial connection with the franchisor, from suppliers to the prospective franchisee in consideration for goods or services required or suggested to be purchased by the franchisee.
- (l) A statement of the terms and conditions of any financing arrangement offered directly or indirectly by the franchisor or any person having a substantial connection with the franchisor; and a description of any payments received by the franchisor from any person for the placement of financing with such person.
- (m) A statement whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services he may offer for sale, or limited in the customers to whom he may sell such goods or services.
- (n) A statement of the extent to which the franchisor requires the franchisee to participate personally in the direct operation of the franchise.
- (o) A statement disclosing:
 - (i) the conditions and terms under which the franchisor allows the franchisee to sell, lease, assign, or otherwise transfer his franchise, or any interest therein; and
 - (ii) the amount of consideration which

must be paid to the franchisor for such sale, lease, assignment, or transfer, if any.

(p) A statement disclosing:

- (i) the conditions under which the franchisor, at its option, may terminate, may repurchase, or may refuse to renew the franchise agreement;
- (ii) the number of franchises, stated for each category, which the franchisor has terminated, has repurchased, or has refused to renew during the preceding calendar year, together with a complete explanation thereof; and
- (iii) the conditions under which the franchise agreement may be terminated by the franchisee and the number of franchises voluntarily terminated by franchisees during the preceding calendar year.

(q) If site selection is involved, a statement disclosing the range of time that has elapsed in the preceding calendar year, between the signing of a franchise agreement and selection of sites. If, in addition, operating units are to be provided, a statement disclosing the range of time that has elapsed in the preceding calendar year between the signing of the franchise agreement and the opening of the franchise outlet.

(r) If the franchisor offers a training program or informs the prospective franchisee that it intends to provide him with training, the franchisor must specify the specific type and nature of the training, the number of hours or days of instruction, and the cost to the franchisee, if any.

(s) If a franchisor uses the name of a "public figure" in connection with the recommendation of the franchise or as a part of the name of the franchise operation, a statement disclosing:

- (i) the nature and extent of the public figure's involvement and obliga-

tions to the franchisor, including but not limited to the promotional assistance the public figure will provide to the franchisor and to the franchisee;

- (ii) the total investment of the public figure in the franchise operation; and
- (iii) the amount of any fees the franchisee will be obligated to pay for such involvement and assistance provided by the public figure.

(t) A statement explaining clearly the terms and conditions of any covenant not to compete which a franchisee may be required to enter into.

All the foregoing information (a) to (t) is to be contained in a single disclosure statement, which shall not contain any promotional claims or other information not required by this rule or required by state law. This does not preclude franchisors from giving explanatory data in separate literature so long as such explanatory data are not inconsistent with the disclosure statement required by this rule. This disclosure statement shall carry a distinctive and conspicuous cover sheet with the following notice (and no other) imprinted thereon in bold-face type of not less than 10 point size:

INFORMATION FOR PROSPECTIVE FRANCHISEES

While the attached disclosure is required by rules promulgated by the Governor's Consumer Protection Division, State of Louisiana, the information contained therein has not been reviewed or approved by that agency. The franchisor bears responsibility for the truth or accuracy of the information contained therein.

This information is provided for your own protection. It is in your best interest to study it carefully before making any commitment.

(2) To make any oral or written representation of a prospective franchisee's potential sales, income, gross, or net profit unless:

- (a) Such sales, income or profits are reasonably likely to be achieved by the person to whom the representation is made;

- (b) The basis and assumptions for such representation are set forth in detail;
- (c) Such representation and the underlying data have been prepared in accordance with generally accepted accounting principles;
- (d) In immediate conjunction therewith, the following statement is clearly and conspicuously disclosed:

“The cited income and profit projections are merely estimates. There is no assurance that such projections will be attained by any specific franchisee.”

- (e) The amounts represented are not in excess of sales, income, or profits actually achieved by existing franchises. If franchises have not been in operation long enough to indicate what sales, income, or profits may result, then representations of such to a prospective franchisee are prohibited.
- (3) To make any representation with respect to sales, income, or profits made by franchises, unless such sales, income, or profit amounts are reasonably likely to be achieved by the person to whom the representation is made.
 - (4) To make any claim with respect to past or potential sales, profits, or earnings in any advertising, promotional material, or discussion between a franchisor’s representatives and prospective franchisees, for which the franchisor does not have substantiation in its possession, which substantiation shall be made available to prospective franchisees or to the Governor’s Consumer Protection Division, State of Louisiana, or to the Attorney General, State of Louisiana, or to any District Attorney in Louisiana, or to their staffs upon demand.
 - (5) To make any claim or representation in advertising or promotional material, or in any oral sales presentation, solicitation, or discussion between a franchisor’s representatives and prospective franchisees, which is inconsistent with the information required to be disclosed by this rule.
 - (6) To fail to furnish the prospective franchisee with a copy of the completed franchise

agreement proposed to be used at least fifteen business days prior to the date the agreement is to be consummated.

- (7) To fail to return funds or deposits in accordance with the conditions stated pursuant to paragraph (1)(g) of this rule.
- C. Whoever engages in these practices violates R.S. 51: 1405 (A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
 - D. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.
 - E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

Charles W. Tapp
Director

NOTICE OF INTENT

State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to consider at its regular October meeting the adoption of a codification of its policies on high school diplomas as follows:

3.06.11 Diplomas

3.06.11.a The State Superintendent shall issue diplomas to graduates of private schools when requested by the proper officials.

3.06.11.b All high school diplomas issued by the State Department of Education shall bear the signature of the President of the State Board of Elementary and Secondary Education, the State Superintendent of Education, the local school superintendent, and the principal of the school issuing the diplomas.

In addition, the State Board of Elementary and Secondary Education will consider at the October meeting changes to section 1.00.00, Policy and Procedure Manual as follows:

- 1) That the Vocational-Technical Committee of the Board serve as the body for reviewing applications for directorships of vocational-technical schools,

- 2) That the Adult Education Council of the Board serve as the Advisory Council for Community Education,
- 3) The constitution of a Superintendents Advisory Council,
- 4) The formation of a Regional Directors Advisory Council to replace the Vocational Directors Advisory Council,
- 5) Fixing the agenda of the Board and limiting changes in the agenda to those proposed by a majority vote of the members of the Board,
- 6) Limiting the number of individuals who may place items on the agenda of the Board,
- 7) A policy on poll votes to replace 1.00.60, current policy on poll votes,
- 8) Other procedural matters affecting the public.

The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., Monday, October 6, 1975, at the following address:

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

The public is made aware of the above proposed rules in compliance with R.S. 49:951-966.

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

Earl Ingram
Director

NOTICE OF INTENT

Livestock Sanitary Board

The Livestock Sanitary Board proposes to amend its brucellosis testing requirements for cattle offered for sale in livestock auction markets. Interested persons may submit written comments by October 10, 1975 to the following address:

Livestock Sanitary Board
P. O. Box 44003, Capitol Station
Baton Rouge, Louisiana 70804

Forrest E. Henderson, D.V.M.
State Veterinarian and
Executive Secretary

NOTICE OF INTENT

Department of Public Safety

Louisiana State Police

The State of Louisiana through the Department of Public Safety hereby gives notice of its intention to adopt the following administrative rules pursuant to the Louisiana Administrative Procedures Act. These administrative rules are for the purpose of regulating the issuance of special officers commissions and concealed handgun permits under the authority of the Louisiana Revised Statute 40:1379.1. Notice is hereby given of a public hearing to be held in the class room of the Training Academy located at the Louisiana State Police Headquarters at 265 South Foster Drive, Baton Rouge, Louisiana on October 13, 1975, at 9:00 a.m.

Those persons wishing to submit oral or written views with respect to the following regulations covering special officers commissions or concealed handgun permits may do so either by addressing the same to Louisiana State Police, Post Office Box 1791, Baton Rouge, Louisiana 70821, Attention: Captain Coleman Vidrine, or by expressing their views at the public hearing.

These rules are scheduled to be effective October 20, 1975.

The proposed rules are stated below as follows:

Concealed Handgun Permit

Regulations governing the issuance of concealed handgun permits.

1. Purpose

The purpose of this regulation is to set forth the policies and procedures applicable to the issuance of concealed handgun permits to persons showing need for such permits in accordance with the provisions of Title 40, Section 1379.1 of the Louisiana Revised Statutes.

2. Applicability

The policies and procedures provided herein shall be

applicable to all Louisiana citizens who display a need for a statewide concealed handgun permit, provided however, that before an applicant makes application to the Superintendent of State Police, he must have been granted a concealed handgun permit by the chief law enforcement officer of the parish in which he is officially domiciled.

3. Handgun Defined

For the purpose of issuing concealed handgun permits, a handgun is defined as any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridge ammunition.

4. Duties and Responsibilities

Persons issued concealed handgun permits have the authority only to carry a concealed weapon and are regarded as private citizens in all matters of law with no special powers or authority accruing by virtue of the concealed handgun permit.

5. Application

Eligible persons shall be entitled to receive the concealed handgun permit, as set forth above; provided, that all requirements of the Superintendent of State Police, relating to application shall be satisfied. Applications shall be submitted in the manner prescribed by the Superintendent of State Police and will include the submission of such documents and materials establishing eligibility as the Superintendent may deem necessary.

6. Revocation

The Superintendent of State Police may revoke concealed handgun permits when conditions and/or circumstances are such that the holder of such permit can no longer show need or when the holder commits acts contrary to law or uses the permit for self aggrandizement or in an unreasonable and imprudent manner.

7. Penalty

Holders of concealed handgun permits issued by the Superintendent who use a handgun in a task or manner not directly related to the stipulations contained herein or set forth in the permit shall be subject to a fine of not more than five hundred dollars, or imprisoned for not more than six months, or both.

8. Termination

Concealed handgun permits will automatically expire one year from the date of issue.

9. Qualifications and Requirements

The following qualification and requirements must be met before a concealed handgun permit is issued:

- a. Applicant must have been issued a concealed handgun permit from the chief law enforcement officer of the parish in which he is officially domiciled.
- b. Applicant must submit a letter which details the need for a statewide concealed handgun permit. If the applicant is employed and the nature of the employment is the basis for need of a permit, then, in addition to his letter, a detailed letter from his employer stating such need is necessary.
- c. Applicant must complete and personally present a detailed application along with the following documents:
 1. Complete fingerprint file which has been prepared by a law enforcement agency.
 2. A certificate or true copy of birth certificate.
 3. 4 color photos 2" by 2"—2 side views and 2 front views.
- d. Must have a notarized statement from a Louisiana law enforcement agency that he has demonstrated the ability to use a handgun in a safe and competent manner.
- e. Show proof of faithful service bond in the minimum amount of \$500,000.
- f. If the applicant has an arrest record, he must present a notarized statement from the Clerk of Court and District Attorney of the parish in which the arrests were made which specifies the disposition on all charges.

Special Officer's Commission

Regulations governing the issuance of the special officer's commission.

1. Purpose

The purpose of this regulation is to set forth the policies and procedures applicable to the issuance of special officer's commission to persons showing need for such commissions as required in accordance with the provisions of Title 40, Section 1379.1 of the Louisiana Revised Statutes.

2. Applicability

The policies and procedures provided herein shall be applicable to all officers, agents, and employees of agencies, boards and commissions of the State of Louisiana; of local government subdivisions; of private

institutions or others who display a need for statewide police power and power to arrest, are bonded and meet other restrictions as required.

3. Duties and Responsibilities

Authorized persons commissioned as special officers shall have the direct authority to perform those activities specified on the special officer's commission card. However, when the holder of a special officer's commission is not performing those tasks specified on the commission card, he shall be regarded as a private citizen and his commission shall not be in effect.

4. Application

Eligible persons shall be entitled to receive the special officer's commission, as set forth above; provided, that all requirements of the Superintendent of State Police, relating to application shall be satisfied. Applications shall be submitted in the manner prescribed by the Superintendent of State Police and will include the submission of such documents and materials establishing eligibility as the Superintendent may deem necessary.

5. Revocation

The Superintendent of State Police may revoke special officer's commission when conditions and/or circumstances are such that the holder of a special commission can no longer show need or when the holder commits acts contrary to law or to the jurisdictional stipulations of the commission or through his actions or lack of action brings discredit upon the State of Louisiana; its departments, agencies or commissions or its political subdivisions. Persons holding special officer's commissions are subject to the same statutory responsibilities and liabilities as are all other local and State law enforcement officers.

6. Termination

Special officer commissions will automatically expire one year from the date of issue.

7. Qualifications and Requirements

The following requirements must be met before a special officer's commission will be issued, all applicants:

- a. Must submit a letter which details the need for statewide police power and the power to arrest. If the applicant is employed and the nature of the employment is the basis for need of a special officer's commission, then, in addition to his letter, a detailed letter from the employer stating the need is necessary.
- b. Must complete a detailed application and sub-

mit application along with the following documents:

- a. Complete fingerprint file which has been prepared by a law enforcement agency
- b. Copy of birth certificate
- c. 4 color photos 2" by 2"—2 side views and 2 front views
- c. Must have completed a minimum 240 hours of basic law enforcement training or possess related experience or ability equal to such training.
- d. Submit to and pass a comprehensive background investigation, said investigation to be conducted by the Louisiana State Police.
- e. Show proof of faithful service bond in the minimum amount of \$500,000.
- f. If the applicant has an arrest record, he must present a notarized statement from the Clerk of Court and the District Attorney of the parish in which the arrests were made which specifies the disposition on all charges.

Hickley M. Waguespack
Director

NOTICE OF INTENT

Board of Regents

October 9, 1975

Pursuant to R.S. 49:953 notice is hereby given that the Board of Regents intends to hold public hearings concerning the subjects of off-campus instruction and tenure policy for higher education on Thursday, October 9, 1975, in the Mineral Board Hearing Room, Natural Resources Building, Baton Rouge, Louisiana. Persons interested in presenting their views on off-campus instruction may be heard between the hours of 8:00 a.m. and 12:00 Noon. Persons interested in expressing their views on a statewide tenure policy for higher education in Louisiana may be heard after the hour of 1:00 p.m. All persons will be afforded a reasonable opportunity to submit views, data or arguments orally on October 9, 1975, or in writing before that date.

October 24, 1975

Pursuant to R.S. 49:953, notice is hereby given that

the Board of Regents is considering for adoption the below listed policies. Final passage will be acted upon on October 24, 1975.

2.9 Conditional Approval for all Programs to be Implemented

All degree programs—associated, certificate, baccalaureate, masters, specialist, doctorate—which the Board of Regents deems worthy of implementation shall initially be given “conditional approval.” After the program has been in operation for four years, or after the program graduates its first class, whichever occurs first, a review of the program by the submitting institution will be required by the Board. The reviews shall include the following information:

- (1) Demonstration that requirements of quality education are met in the program.
- (2) Evidence that the submitted need is met by the program.
- (3) Evidence that the program has served the number of students projected in the original application.

If the first review of the program is unsatisfactory, the program will either be discontinued, or a second review will be required. Should a second review prove unsatisfactory to the Board, conditional approval will be withdrawn and the program terminated. A satisfactory review will lead to approval of the program. Following approval, all programs should be reviewed every five years by the institution and a report addressing itself to the same considerations as earlier reviews should be submitted to the Board for its evaluation. If serious weaknesses are revealed as a result of this evaluation, the program may be placed on probation or discontinued.

* * * *

3.9 Honorarium for Board Members and Staffs

No public institution of higher learning shall pay or give honoraria or other remunerations to any member or staff of a public higher education board for services when the suitability and/or qualifications of the board of staff member to render such services is determined by his or her affiliation with a public higher education board.

Interested persons may submit their views and opinions in writing by October 17, 1975, to the Board of Regents at their offices at One American Place, Suite 1530, Baton Rouge, Louisiana 70825 or mail to P. O. Box 44362, Capitol Station, Baton Rouge, Louisiana 70804. Oral comments may be presented at the Board's

meeting at 10:00 a.m., October 24, 1975, in the Garden Level Auditorium, One American Place, Baton Rouge.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission will adopt at its regular October meeting permanent rules for the administration of the Commercial Shrimp Fisherman Loan Guarantee Fund. The proposed permanent rules are currently in effect on an emergency basis. The complete text is printed in the Emergency Rule section of this issue. Interested persons who wish to make their views known prior to adoption of the permanent rules may do so by submitting them in writing to:

Wildlife and Fisheries Commission
400 Royal Street
New Orleans, Louisiana 70130

Comments should be mailed in time to arrive at the above address no later than October 10, 1975.

J. Burton Angelle, Sr.
Director

Potpourri

Commonly Used Acronyms

(Editor's Note: The following acronyms are frequently used in lieu of the full names of Federal and State agencies and programs. They are published here solely for informational purposes. The list was compiled by OSSP of OPPE, LHHRA, at the request of DSR.)

AAA	Area Agency on Aging
AFDC	Aid to Families with Dependent Children
APWA	American Public Welfare Association
BOAS	Bureau on Aging Services
CAI	Community Advancement Incorporated
CAP	Community Action Programs
CDA	Community Development Act
CETA	Comprehensive Employment Training Act

CHP Comprehensive Health Planning
 CMS Case Management System
 CSA Community Service Administration
 CSWE Council on Social Work Education
 DSR Department of the State Register
 DD Developmental Disability
 DFS Division of Family Services
 DHEW Department of Health, Education & Welfare
 DYS Division of Youth Services
 ECA Exceptional Children's Act
 ED Evaluation and Development
 EPSDT Early and periodic screening, diagnosis, and treatment
 FFP Federal Financial Participation
 4-C's Community Coordinated Child Care
 FP Family Planning
 FS Food Stamp
 GA General Assistance
 HEAL Health Education Association of Louisiana
 HMO Health Maintenance Organizations
 HSA Health Services Area
 HSDS Health Services Delivery System
 I & R Information and Referral
 IGR Inter-Governmental Relations
 LEA Law Enforcement Administration
 LETA Louisiana Education Television Authority
 LHHRA Louisiana Health and Human Resources Administration
 LSES Louisiana State Employment Security
 MH Mental Health
 MR Mental Retardation
 NASW National Association of Social Workers
 NIH National Institute of Health
 NIMH National Institute of Mental Health
 NOCH New Orleans Charity Hospital
 OAA Older Americans Act
 OCR Office of Civil Rights
 OIS Office of Information Service
 OMAP Office of Medical Assistance Policy
 OPPE Office of Policy, Planning & Evaluation
 OSSP Office of Social Services Policy
 PA Public Assistance
 PAR Public Affairs Research Council
 PCR Policy Community Relations
 RO Regional Office
 SHCC Statewide Health Coordinating Council
 SHPD State Office of Health Planning and Development
 SOCHP State Office of Comprehensive Health Planning
 SRS Social and Rehabilitation Service
 SSA Social Security Administration
 SSI Supplemental Security Income
 SSMEU Social Services Monitoring and Evaluation Unit
 SSMS Social Services Management System
 TAC Technical Advisory Committee
 314 (a) State Office of Health Planning

USDA United States Department of Agriculture
 VR Vocational Rehabilitation
 WIN Work Incentive Program

Social Security Act

Title IV-A (Aid to families with dependent children)
 Title IV-B (Child Welfare Services)
 Title IV-C (Work Incentive Program)
 Title IV-D (Child Support Program)
 Title V-(Maternal and Child Health and Crippled Children's Services)
 Title XVI-(Supplemental Security Income for the Aged, Blind, and Disabled)
 Title XVIII-Medicare (Health Insurance for the Aged and Disabled)
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