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Executive Orders

EXECUTIVE ORDER NO. EWE-76-11

WHEREAS, the Louisiana Higher Education Assistance Commission is authorized by Section 3021 through Section 3030, inclusive, of Title 17 of the Louisiana Revised Statutes of 1950 to guarantee student loans on the basis of financial need; and

WHEREAS, an individual enrolled as a full-time student may be provided such financial assistance; and

WHEREAS, R.S. 17:3024.1 provides that the term, "full-time student," means a person enrolled or having applied for enrollment as a post-secondary student in a course of vocational, business or technical education at any publicly supported or Commission-approved privately governed school in this state; and

WHEREAS, said law in no way qualifies or limits this definition; and

WHEREAS, neither the intent of nor the purpose of R.S. 17:3024 (1)(b) and R.S. 17:3024.1(A) and (B), excludes a student attending a proprietary business school who is enrolled in at least a six-month course and who is employed while attending classes; and

WHEREAS, in the case of a student applicant in a proprietary school it is appropriate that the loan should be guaranteed and the loan application processed at any time during the Commission's fiscal year; and

WHEREAS, the Commission should guarantee the loan of any eligible student at any time during the fiscal year; and

WHEREAS, such loan may be for the full amount allowable under the above statutes regardless of the time of the year the student enters school; and

WHEREAS, a student applying to attend a proprietary business school shall be eligible for a loan guaranteed by the Commission if he is a high school graduate or the equivalent:

NOW, THEREFORE, I, Edwin W. Edwards, Governor of the State of Louisiana, by virtue of the authority vested in me under the laws of this State, in order to assist deserving students to obtain an education and the skills to better their lives, and provide them with the opportunities contemplated and provided for in R.S.

17:3021 through 3030, inclusive, of the Louisiana Revised Statutes, hereby authorize and direct the Louisiana Higher Education Assistance Commission to implement the purposes of this Executive Order as follows:

1. A "full-time student," with respect to a person enrolled in a proprietary business school, shall mean a student enrolled in at least a six-month course;
2. Such student shall not be disqualified because he may be employed while attending classes;
3. A loan shall be guaranteed and the loan application processed at any time during the Commission's fiscal year;
4. A loan may be for the full amount allowable under the applicable law regardless of the time of the year the student enters school;
5. Each student applying to attend a proprietary business school shall be eligible for a loan guaranteed by the Commission if he is a high school graduate or has the equivalent thereof.

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 16th day of July, 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER NO. EWE-76-12

This Executive Order amends Executive Order No. 49, dated August 23, 1973.

WHEREAS, the full potential of Louisiana as a filmmaking site is not being fully realized, and a program is needed to project an image of this state as a pleasant, economical and feasible place to produce motion pictures; and

WHEREAS, Louisiana's natural and man-made attributes must be sold to prospective filmmakers, and an aggressive program is needed to induce and facilitate filmmakers in accomplishing their work within our state; and

WHEREAS, the Department of Commerce and Industry is one of only two State agencies responsible

for bringing revenues into this state through the attraction of industry and the promotion of Louisiana's advantages and resources; and

WHEREAS, the program should operate under the authority of the Executive Director of the Department of Commerce and Industry and as a division of the Department of Commerce and Industry utilizing the existing advertising, promotion, and administrative services of the Department of Commerce and Industry; and

WHEREAS, the State of Louisiana should determinedly seek out its share of the millions expended annually on filmmaking in the Southern states;

NOW, THEREFORE, I, Edwin Edwards, Governor of Louisiana, by virtue of the authority vested in me under the laws of this State, do hereby create and establish the Louisiana Film Industry Commission, whose duty it shall be to handle the public relations aspects and serve in an advisory capacity to the Executive Director of the Department of Commerce and Industry and the staff of the Louisiana Film Commission who shall administer a program designed to develop, create, and execute plans, programs and events in connection with promoting Louisiana as a filmmaking location; to provide free location scouting, to provide information on available facilities, to offer assistance in obtaining permission to film, to provide complete background information on all cultural and historical aspects of Louisiana, and to maintain a cooperative working relationship with filmmakers coming into Louisiana.

The membership of the Louisiana Film Industry Commission shall be composed of the Governor of Louisiana, who shall serve as chairman; the Lieutenant Governor of Louisiana; the Executive Director, Department of Commerce and Industry; the Chairman of the Board of Commerce and Industry; the Executive Director of the Louisiana Tourist Development Commission; the Chairman of the Louisiana Tourist Development Commission; one member appointed by the Governor who can provide an entree to the film industry, probably a major film distributor; and such additional members as may be appointed, from time to time, by the Governor.

To carry out the provisions of this Order, the Louisiana Film Industry Commission under authority of the Executive Director of the Louisiana Department of Commerce and Industry shall establish and maintain a staff for the Louisiana Film Industry Commission composed of, but not limited to: the Director of the Louisiana Film Industry Commission, who shall be appointed by and serve at the pleasure of the Governor of Louisiana; a Stenographer Clerk III, who will be

appointed under the regulations of the Louisiana Department of Civil Service and serve in accord with those regulations; and the reigning "Miss Louisiana" or other appropriate designee of the Governor of Louisiana, who will be appointed by the Governor of Louisiana and serve until the expiration of her duly constituted term as Miss Louisiana or other time deemed appropriate by the Governor of Louisiana and who will act as a special envoy of the State of Louisiana with the film industry. The staff of the Louisiana Film Industry Commission shall operate as a division of the Louisiana Department of Commerce and Industry and report directly to the Executive Director of the Department of Commerce and Industry.

The Department of Commerce and Industry is authorized to continue operating the Louisiana Film Industry Commission as a division under the budget currently authorized for it under law and under the budget for 1975-76, pursuant to final action by the Louisiana Legislature, and to resubmit a projected budget for this division for 1976-77 and subsequent fiscal years.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of July, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency rules were adopted on July 22, 1976, by the State Board of Elementary and Secondary Education as an immediate response to a need in the special education schools for special education resource teachers and special education itinerant resource teachers, and a need in the local school systems for sufficient time to prepare for the 1976-77 school year.

Rule 6.00.70

Exceptional children shall be provided special education

services, upon recommendation of a competent authority team, either in self-contained special education classrooms or in special education resource rooms or through the services of an itinerant special education resource teacher.

Exceptional students receiving special educational services in special education resource rooms or from itinerant special education resource teachers shall be counted in the regular education average daily attendance records. Exceptional students assigned to self-contained special education classrooms shall be counted in the special education average daily attendance report.

Special education self-contained classroom teachers, resource teachers, and itinerant resource teachers shall be certified in special education. Self-contained classroom teachers shall be certified in special education. Self-contained classroom teachers shall be certified in the exceptionality of the children assembled in the class under the provisions of Act 368 of 1972. Resource and itinerant resource teachers shall, if possible, be certified in more than one area of exceptionality but shall be required to be certified in the exceptionality of the greatest number of children assigned in the caseload.

Resource and itinerant resource teachers shall be required to spend a complete school day on duty at school. Resource and itinerant resource teachers shall each have at least one period each day to consult with regular classroom teachers, observe students, plan work and activities for assigned students, and so forth. Itinerant resource teachers shall be allowed one additional period per day for travel.

In order to carry out their duties, resource and itinerant resource teachers shall have a flexible schedule but under no circumstances shall any such teacher work less than a full school day. Not less than fourteen nor more than twenty-seven students, recommended by a competent authority team, shall be assigned on a caseload basis to resource and itinerant resource teachers, except that itinerant resource teachers of severely sensorially handicapped students shall be permitted a reduced caseload of not less than five nor more than ten students.

Rule 6.00.70.a

1. During 1976-77, the implementation of this regulation shall be limited to two million dollars of the additional funds appropriated for special education teachers and aides.
2. Teachers shall be allotted to each local school system on the basis of the number of students enrolled in special education classes and programs,

exclusive of those in speech and hearing therapy, at the last reporting period.

3. Each system shall be allotted one teacher initially, with additional teachers allotted on the basis of special education enrollment as in item number 2 above.
4. The State Department of Education shall calculate the entitlement for each system and immediately notify all systems of the entitlement.
5. This limitation shall apply only to new resource/itinerant special education teachers.
6. For resource teachers of gifted and talented, the teacher shall be certified in the appropriate subject.

* * * *
Rule 3.01.51.f

The high school graduation requirements in Bulletin 741, amended page 2, paragraph 2, will now apply to all students who enter the eleventh grade in the fall of 1976 and who will graduate in the spring of 1978 and all subsequent classes. (The earlier effective date of the amended graduation requirements was to have been applied to the incoming freshmen of the 1976-77 school year.)

Earl Ingram
Director

DECLARATION OF EMERGENCY

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services (DFS), has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to revise the eligibility criteria for day care services for children provided through vendor payments, effective August 3, 1976.

Title XX Social Services Program for Individuals and Families implemented on October 1, 1975, required more stringent day care staffing ratio standards for day care centers. This requirement resulted in financial hardship for day care centers participating in the vendor payment day care program. Louisiana Health and Human Resources Administration, Division of Family Services, finds it necessary to provide a more equitable

payment reimbursement to those day care providers participating in the vendor payment day care program. To effect the payment increase and remain within the budget appropriation of \$4,299,210, it is necessary to revise eligibility criteria for day care in order to continue serving those Title XX eligible children determined to be in most need of day care services.

The revised policy for day care eligibility shall be as follows.

To provide day care as a preventive measure when the child's family is unable to provide adequate care and supervision. This shall include only the following case situations.

1. Protective care situations in which a certified protective service case is active with a child protection center or DFS protective service unit, or there are indications of borderline neglect.
2. A parent or caretaker because of mental or physical illness or mental retardation is unable to care for child and no other caretaker is available or willing to provide care and supervision.
3. A referral recommending day care services is received from another agency such as Mental Health, Parish Health Unit (Early and Periodic Screening, Diagnosis, and Treatment Program), hospital, or physician because of developmental, emotional, or behavioral difficulties observed in the child; or these difficulties are observed by the DFS service worker and a service plan is developed in cooperation with an agency such as the above.

This revision does not affect present policy which makes provision of day care services available to AFDC (Aid to Families with Dependent Children) recipients engaged in a work or training program, and to the Title XX eligible parent or caretaker who is employed.

Those persons adversely affected by this revised eligibility criteria will be provided timely notice of the intended action.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Office of the Governor
Division of Administration
Property Control Section

(Editor's Note: These regulations are being reproduced in booklet form for distribution to all State agencies. In that format they will include two sections which are not printed here, as per R.S. 49:954.1C. The omitted portions are Section IV, which consists of the Revised Statutes affecting State surplus property, and Section V, which is a listing of the inventory classification codes.)

Section I State Property Inventory Regulations

1.0 Definitions

- 1.1 "Agency" means any State office, department, board, commission, institution, division, officer, or other person, or functional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the State, excluding, however, any governing body or officer of any local government or subdivision of the State or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.
- 1.2 "Commissioner" means the Commissioner of the Division of Administration.
- 1.3 "Division" means the Division of Administration.
- 1.4 "Property" means all tangible nonconsumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner.
- 1.5 "State Property Control Director" means the individual in the State Property Control Section of the Division of Administration who has been designated by the Commissioner as the person responsible to the Commissioner for the administration of the State Property Inventory Regulations.

1.6 “Head of the agency” means the individual responsible for the administration and operations of the agency.

1.7 “Agency property manager” means the officer or employee designated by the head of the agency as property manager for the agency.

2.0 Appointment of Property Managers

2.1 The head of the agency shall designate one of its officers or employees as agency property manager. In cases where an agency owns a large amount of property situated in more than one location, the Commissioner may authorize the appointment of more than one agency property manager with an agency. This authorization shall be in writing and granted only upon the request of the head of the agency. The head of the agency shall notify the Commissioner, through the State Property Control Director, in writing of the appointment of each agency property manager, giving his name and domicile.

2.2 The head of the agency shall notify the State Property Control Director in writing prior to the date any agency property manager ceases to function in that position. The State Property Control Director shall conduct an examination of the property inventory records under the jurisdiction of the agency property manager. On the basis of the report of the examiners, the Commissioner shall approve the release of the agency property manager from responsibility and liability or shall make a written report of any defects in the records or damage to, or shortages of, property. In cases of damage to, or shortages of, property, the Commissioner shall take steps as are necessary to satisfy the claims of the State, as provided by R.S. 39:330.

3.0 Faithful Performance of Duty Bond

3.1 Each agency property manager shall file with the State Property Control Director a copy of the paid annual invoice to the insurer of the State’s blanket policy for the faithful performance blanket position bond coverage. This coverage is for \$25,000 and serves as a guarantee or indemnity that the agency property manager will faithfully perform his duties under the provisions of these regulations. Where the Commissioner has approved the appointment of more than one property manager within an agency, each property manager shall be covered by the premium paid by the agency.

4.0 Responsibility for Property

4.1 Each agency property manager shall be the custodian of and shall be responsible for all the property within his agency until his release from responsibility is approved by the Commissioner. When any property is entrusted to any other officer or employee of the agency, the agency property manager shall secure a receipt for such property from the person receiving the property, and in such event the agency property manager shall be relieved of responsibility for the property but shall continue to maintain accountability for the property. Upon the return of the property to the agency property manager, he shall return the person’s receipt, or issue acknowledgement of the return of the property, and resume responsibility.

4.2 Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, windstorm, or other acts of God, he shall immediately notify the head of his agency. The head of the agency shall immediately notify the Commissioner, through the State Property Control Director, and follow up with a written report. The State Property Control Director shall make an investigation and take necessary action as provided for in R.S. 39:330.

4.3 The agency property manager, and each person to whom property is entrusted and receipted for as provided in these regulations, shall be liable for the payment of damages whenever his wrongful or negligent act or omission causes any loss, theft, disappearance, damage to, or destruction of, property of his agency for which he is responsible as provided herein, and such damages shall be recoverable in a civil suit therefor prosecuted on behalf of the State by the Attorney General.

4.4 The head of the agency shall allow the agency property manager(s) the necessary time and provide them with the necessary supplies and assistance for performance of their duties under these regulations, and the head of the agency shall be responsible for seeing that the provisions of these regulations are carried out.

5.0 Items of Property to be Inventoried

5.1 All items of movable property having an ac-

quisition cost of seventy-five dollars or more, and certain gifts and other property having an appraised value of seventy-five dollars or more must be placed on inventory. The term "movable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. All acquisitions of qualified items must be tagged with a State of Louisiana identification tag and all pertinent information forwarded to the State Property Control Director within ten days after receipt of the items.

- 5.2 The head of the agency, at his discretion, may include such items as electronic calculators, chairs, desks, file cabinets, tables, and other property having an acquisition cost of less than seventy-five dollars in the inventory.
- 5.3 Gifts of movable property must be given an appraised fair market value and recorded in the inventory if the fair market value is seventy-five dollars or more.
- 5.4 Agencies manufacturing movable property for use within the agency must determine the estimated cost, based on the cost of labor and materials, and include such items in the inventory provided that cost is seventy-five dollars or more.
- 5.5 Agencies which are eligible to receive Federal surplus property must place on the inventory all items acquired from Federal surplus which would ordinarily be classified as movable property. (There are Federal regulations regarding the accountability of Federal surplus. If not familiar with these contact: Director, State Surplus Property Agency, Baton Rouge, Louisiana.)
- 5.6 Livestock acquired for breeding, dairy, and experimental purposes are classified as property and must be recorded in the inventory regardless of the value per animal. Animals acquired for slaughter need not be placed on inventory. When an agency acquires livestock by birth and determination is made that such animals will be used for breeding, dairy, or experimental purposes, the animals shall be included in the inventory, and noted as having been acquired by birth, and given an appraised fair market value. At each annual inventory, livestock acquired by birth and used for breeding, dairy, or experimental purposes will be reappraised and the fair market value adjusted on the

inventory. When an agency acquires livestock by birth and determination is made that such animals will be slaughtered for food, the animals shall not be included in the inventory.

6.0 Marking and Identifying Items of Property on Inventory

- 6.1 Each item which meets the definition of items of property to be inventoried (5.0) must be identified with the uniform State of Louisiana identification tag which shall bear a unique identification number.
- 6.2 Agencies shall submit their purchase order requisitions for State of Louisiana identification tags to the State Property Control Director. The tags are purchased in large quantities on State contract and shall be issued at actual cost.
- 6.3 The agency property manager shall be responsible for the tagging, location, and maintenance of property identification tags as prescribed in these regulations.
- 6.4 Livestock may be tagged in the ear with a metal tag, provided that tag number is set aside. If there is any type of identification mark or tag already on the animal, such as bangs, brucellosis, etc., then the last five numbers of such identification shall be entered as the tag number, provided the number has not been used before. Use the complete number if it is five digits or less.
- 6.5 If the item cannot have a State of Louisiana identification tag placed on it for physical reasons, the identification number should be set aside and the identification number written on the item with indelible ink (in case of items of cloth), or the number inscribed on the item with a small engraving tool. Authorization must be given in writing by the State Property Control Director for any item which does not have a State identification mark due to extenuating circumstances.

7.0 Inventory of Property

- 7.1 The agency property manager shall establish and maintain a property location index. This index may have up to four numbers and shall be used to keep track of the location of the property of the agency.

The agency property manager shall keep the property location index for the agency current and shall submit to the State Property Control Director an up-to-date index each time a change or modification is made in the property location index.

7.2 The agency property manager shall submit all pertinent information on items acquired by the agency and defined in these regulations as items to be inventoried. The means of submitting the information shall be the Louisiana Property Control transmittal form (Div. of A. form No. 002-7/76). This form shall be sent to the State Property Control Director each Friday listing the transactions of the agency for the week. The Louisiana Property Control transmittal form replaces the mark sense card system. The data submitted on the transmittal form will be forwarded to the Baton Rouge computer center by the State Property Control Director where it will be keypunched into the agency's inventory master file. It is very important that the information submitted on the transmittal form be submitted in the following form for acceptance.

7.2.1. Agency No. (Columns 1-3)
This three digit number shall be filled in with the number assigned to the agency by the State Property Control Section. This same number is the first three digits on all of the agency's State of Louisiana identification tags.

7.2.2. Agency Sub. (Columns 4-5)
This two digit number may be used by an agency for divisions, sections, areas, etc., upon written approval of the State Property Control Director. Leave the agency sub. blank if approved subagency numbers have not been assigned. If an agency is assigned "00" then "00" should be put in the columns. This number is the middle group of numbers or blank that occurs on all of the agency's State of Louisiana identification tags. (Do not fill in column 4 and leave column 5 blank.)

7.2.3. Tag Number (Columns 6-10)
The agency property manager shall record the tag number (last group of numbers appearing on the State of Louisiana identification tag) which is placed on the acquired item. (If the tag number has less than five digits, the column(s) to the left in this group must be left blank.)

7.2.4. Transaction: Acquisition (Tran. Acq.) (Column 11)

The agency property manager shall fill in the appropriate acquisition code for those items acquired as described in 5.0.

Code 0—Acquired new—This is for items acquired new by the agency regardless of the source of funds.

Code 1—Acquired by transfer—This is for items acquired by permanent transfer from State surplus property or other agencies.

Code 2—Acquired by birth—This is for livestock which, at birth, become State-owned property, as defined in 5.6.

Code 3—Acquired from Federal surplus—This is for items acquired or transferred to the agency from Federal surplus.

Code 4—Acquired by donation—This is for items acquired by the agency through donation regardless of the source (see 5.3).

Code 5—Agency manufacture—This is for items manufactured by the agency where the material and labor costs for an item exceed seventy-five dollars.

Code 6—Omitted from previous inventory—This is for items omitted from the previous inventory where the source of an item cannot be determined.

Code 7—Record adjustment—This is to be used to correct an existing record other than the acquisition code. (Note: column 44 (action code) must show a code 2 to correct the record.)

Code 8—Loaned in—This is to be used when items are in the possession of the agency on a temporary basis.

Code 9—Return of loan—This is for items which have been on loan and are now returned to the possession of the agency.

7.2.5. Transaction: Disposition (Tran. Disp.) (Column 12)

This is covered in the State Property Disposition Regulations (Section II).

7.2.6. Classification Code (Columns 13-19)
The agency property manager shall fill in the appropriate seven-digit number which describes the item to be inventoried. The descriptive items and their corresponding codes are found in Section V-Inventory Classification Codes. When an item has not been assigned an inventory classification code number, the agency property manager must contact the State Property Control Section for assignment of a new code number. All the seven-digit columns must be filled in on Classification Code.

7.2.7. Serial Number (Columns 20-23)
The agency property manager shall fill in the last four numbers of the manufacturer's serial number. Use only consecutive numbers omitting all alphabetical characters. If there is no serial number on the item, leave all four spaces blank. Do not leave blanks in between the numbers and if the numbers are less than four, the column(s) on the left must be left blank under this heading.

7.2.8. Property Location (Columns 24-27)
The agency property manager shall fill in the property location code from the property location index (7.1), which describes where the item is located within the agency. If the numbers are less than four, the column(s) on the left must be left blank.

7.2.9. Acquisition Date (Columns 28-31)
The agency property manager shall complete the month and year the item was acquired regardless of the source. If the month cannot be established, an estimate will be satisfactory. If the month is less than two digits, place a zero in the column to the left under the heading. (Example: May, 1976=0576.)

7.2.10. Acquisition Cost (Dollars Only) (Columns 32-37)
The agency property manager shall fill in the item's acquisition cost rounded off to the nearest dollar. Do not fill in cents or ".00" for cents. If the dollars are less than six digits, leave the column(s) to the left blank under this heading.

7.2.11. Tag Location (TAG LOC) (Column 38)
The agency property manager shall use the single-digit code number which most closely describes the location of the tag on the item.

Code 0—Under cover—This is when the tag is

placed under the housing of the item or when written permission has been granted by the State Property Control Director not to put a state identification mark on the item due to extenuating circumstances (6.5).

Code 1—Top—This is when the tag is placed on the item and faces the ceiling.

Code 2—Bottom—This is when the tag is placed on the item and faces the floor.

Code 3—Back—This is when the tag is visible only from behind the item.

Code 4—Left side—This is when the tag is placed on the item and is on the left side when facing the item.

Code 5—Right side—This is when the tag is placed on the item and is on the right side when facing the item.

Code 6—Door post—This is when the tag is placed on the door post such as the door post of a vehicle.

Code 7—Desk panel—This is when the tag is placed on the inside panel such as the upper, front part of the right inside panel.

Code 8—Leg—This is when the tag is placed on the leg of an item.

Code 9—Front—This is when the tag is placed on an item so it is visible when facing the front of the item.

7.2.12. Agency Use (Columns 39-43)
The agency property manager may use this five-digit heading for any intra-agency system and code desired. Some of the different systems in use are: purchase order numbers, requisition numbers, insurance schedules, or maintenance schedules. If using less than five digits, leave the column(s) on the left under this heading blank.

7.2.13. Action Code (ACT CD) (Column 44)
The agency property manager shall fill in the appropriate action code number for the action to be taken on the data for the item. Code 3—disposition (all types) is covered in the State Property Disposition Regulations (Section II).

Code 1—Acquisition (all types)—The agency property manager shall complete all the head-

ing(s) as described in 7.2–7.2.13. on the Louisiana Property Control transmittal form. This code must appear in column 44 for the information to be put on the agency’s inventory master file.

Code 2—Changes (to existing record)—The agency property manager shall fill in this code when it is desired to correct or make a change to an existing record on an item. Only columns 1-10, the appropriate code in column 11 or 12, plus the revised entry in the heading involved need to be completed.

8.0 Annual Inventory Requirements

8.1 The agency property manager shall conduct a complete physical inventory of the property owned by the agency each fiscal year and not more than twelve calendar months since the last physical inventory. The agency property manager is responsible for recording the true and actual results of the physical inventory.

8.2 The agency property manager shall notify the Commissioner through the State Property Control Director in writing thirty days prior to the date(s) inventory is to begin. Agencies inventoring on a rotating basis shall submit their schedule and shall notify the Commissioner through the State Property Control Director of any changes to be made in that schedule. The Commissioner, State Property Control Director, or their representatives may supervise or observe all or any part of any inventory.

8.3 Each agency property manager whose head of the agency elects to use Inventory Procedure I (8.6) shall utilize the second half of the notification of inventory request for printout, to also request an annual printout (BF-12) of the agency’s inventory master file. This request is the only means for an agency to receive an annual printout of their inventory master file.

8.4 The Commissioner shall cause periodic observations of inventories and examinations of records to be made and shall cause reports submitted to the State Property Control Section to be compared periodically with records of the agencies and with the physical property of the agencies for the purpose of testing the completeness and accuracy of inventories, records, and reports.

8.5 The head of the agency shall determine which

of the two methods of inventory shall be used by the agency property manager in the annual physical inventory of the agency’s property. The agency property manager shall be responsible for using the method determined by the head of the agency to be the best for the operations of his agency. Any procedure used other than the ones prescribed in these regulations (8.6 and 8.7) must have prior written approval of the State Property Control Director.

8.6 Inventory Procedure I.

8.6.1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency but not more than twelve months since the last annual physical inventory.

8.6.2. The agency property manager shall complete and submit to the State Property Control Director the notification of inventory/request for printout at least thirty days prior to the date(s) inventory is taken.

8.6.3. The agency property manager, under the direction of the head of the agency, shall designate the personnel who will conduct inventory by areas indicated in the agency’s property location index (7.1).

8.6.4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.

8.6.5. The agency property manager shall provide each person participating in the physical inventory a copy of the BF-12, agency inventory master file, for the area to be inventoried.

8.6.6. The persons participating in the inventory shall be instructed on the use of the inventory check code (on the right side of the BF-12) and shown the column in which to place the appropriate code. The agency property manager shall also instruct those persons on the method to be used to conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the item should or should not be tagged and submitted to the inventory master file based on these regulations.

- 8.6.7. The physical inventory shall be taken on the date(s) preselected. The agency property manager shall notify the State Property Control Director if, for some unforeseen reason, it is necessary to alter the date(s).
- 8.6.8. The agency property manager shall compile the true results of the physical inventory and shall submit a discrepancy report (if applicable) to the State Property Control Director, with a copy to the Legislative Auditor, containing all exceptions or discrepancies found in relating physical inventory results and the agency inventory master file.
- 8.6.9. The discrepancy report shall list each of the missing items, the data on the items, and an explanation of what is believed to have happened to the items not located. A copy of the police report shall be enclosed when theft has occurred. The Commissioner shall cause an investigation to be made upon receipt of a discrepancy report, according to 4.2 of the regulations.
- 8.6.10. The Commissioner, through the State Property Control Director, shall advise the head of the agency how to effect the appropriate disposition, using a BF-11 request to remove the missing items from the agency inventory master file after reconciliation.
- 8.6.11. The agency property manager shall submit the certification of annual property inventory to the State Property Control Director, with a copy to the Legislative Auditor, after the physical inventory and the agency inventory master file have been reconciled according to these regulations.
- 8.7 Inventory Procedure II
- 8.7.1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency, but not more than twelve months since the last annual physical inventory.
- 8.7.2. The agency property manager shall complete and submit to the State Property Control Director, the first part (notification) of the notification of inventory/request for printout at least thirty days prior to the date(s) inventory is to be taken.
- 8.7.3. The agency property manager, under the direction of the head of the agency, shall designate the personnel who will conduct inventory by areas indicated in the agency's property location index (7.1).
- 8.7.4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.
- 8.7.5. The agency property manager shall provide each of the persons participating in the inventory with the Inventory Procedure II forms and instruct each with their use and data entry.
- 8.7.6. The agency property manager shall also instruct those persons in the method to be used to conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the item should or should not be tagged and submitted to the inventory master file based on these regulations.
- 8.7.7. The physical inventory shall be taken on the date(s) selected. The State Property Control Director shall be notified by the agency property manager if, for some unforeseen reason, it is necessary to alter the date(s).
- 8.7.8. The agency property manager shall make a copy (for the agency's file) of each of the completed true results on the Inventory Procedure II forms and submit the originals to the State Property Control Director. The State Property Control Director shall submit the results to the Baton Rouge computer center where the tag numbers and location codes will be compared to the agency's inventory master file. A report will be generated and sent to the agency listing: (a) Those items on the agency inventory master file that were not found during the physical inventory, (b) those items that were submitted on the physical inventory forms for which there are no records on the agency inventory master file (by tag number and location).
- 8.7.9. The agency property manager shall submit a discrepancy report (if applicable) to the State Property Control Director, with a copy to the Legislative Auditor, containing all exceptions or discrepancies found in relating physical inventory results and the agency inventory master file.

8.7.10. The discrepancy report shall list each of the missing items, the data on the items, and an explanation of what is believed to have happened to the items not located. A copy of the police report shall be enclosed when theft has occurred. The Commissioner shall cause an investigation to be made upon receipt of a discrepancy report, according to 4.2 of these regulations.

8.7.11. The Commissioner, through the State Property Control Director, shall advise the head of the agency how to effect the appropriate disposition, using a BF-11 request to remove the missing items from the agency inventory master file after reconciliation.

8.7.12. The agency property manager shall submit a request for the agency annual printout (request for printout and the certification of annual property inventory) after the physical inventory and the agency inventory master file have been reconciled according to these regulations. A copy of the certification of annual property inventory shall be sent to the legislative auditor.

9.0 Card File Requirements

9.1 Each time an item is properly submitted into the agency inventory master file, a copy of the information submitted will be sent to the agency property manager on a file card: BF-13. These cards are in addition to the monthly records updated report. There will be an individual card for each item that is acquired.

9.2 The agency property manager shall maintain a current file card system utilizing the BF-13 file cards. The "location changes" section must be maintained by the agency property manager as location changes occur. The disposition section must be completed when the item's disposition has been approved by the State Property Control Director and the item is no longer in the physical possession of the agency. These cards must be maintained as a permanent record of each item of inventory for audit purposes and traceability.

10.0 Reports from State Property Control Section

10.1 The agency property manager submits the Louisiana Property Control transmittal form each week to the State Property Control Director listing the transactions for the week.

Each month two reports will be sent to the agency property manager: 10.1.1. and 10.1.2.

10.1.1. Records Submitted Report—This monthly report shows all the transactions submitted by the agency regardless of whether or not there were errors made on the input data submitted. If errors are made, the item in question will have five asterisks (*****) in the extreme right hand column under "Flag." Asterisks will also appear in the heading where the error was made. The items which are in error will not be accepted into the agency inventory master file. The data on the individual items must be resubmitted correctly on the Louisiana Property Control transmittal form to be accepted into the agency inventory master file.

10.2 Records Updated Report—This monthly report lists all the agency transactions for the past four weeks which were input correctly into the agency inventory master file. There are three exceptions when items will be listed on this report but will not go into the agency inventory master file (See 10.2.1, 10.2.2, 10.2.3). These exceptions will appear in the extreme right heading "Explanation." The data on the individual items must be resubmitted correctly on the Louisiana Property Control transmittal form to be accepted into the agency inventory master file.

10.2.1. Duplicate item—This is when the item being submitted was once on the file and was permanently removed, or the data being submitted is an exact duplicate of an item already on the master file.

10.2.2. Duplicate tag—This is when an item is submitted using a tag number which has already been used.

10.2.3. Missing record—This is when a change is requested on an item which is not on the agency inventory master file.

10.3 BF-13 file cards—These cards will be sent to the agency property manager as a by-product of the records updated report. One card will be issued for each acquisition. (See 9.0).

10.4 Agency inventory master file report (BF-12)—This report contains all the current and updated items on the agency inventory master file and is received upon request from

the agency property manager to the State Property Control Director, before using Inventory Procedure I and after using Inventory Procedure II. If many transactions have occurred during a period of time, a special request may be submitted for this report other than annually (See 8.6.5).

10.5 Special reports—The agency property manager may request one or more of the special reports as deemed necessary to meet these regulations: printout by property location, printout by tag number, printout by classification code, and a special printout of selected classification code(s).

10.6 Inventory classification codes—The State Property Control Section sends an updated copy of Section IV of this manual to all agency property managers of record once each year.

11.0 Agency Reporting Requirements: Summary

11.1 Reports from head of agency.

11.1.1. New agency or agency reorganization—notification of new property manager and domicile (2.1).

11.1.2. Request for more than one agency property manager (2.1).

11.1.3. Notification when agency property manager ceases to function/replaced (2.2).

11.1.4. Notification when property is not located or destroyed, etc. (4.2).

11.2 Reports From Agency Property Manager.

11.2.1. Receipt for annual premium for faithful performance of duty bond (3.1).

11.2.2. Requisitions for State of Louisiana identification tags (6.2).

11.2.3. Authorization not to tag an item (6.5).

11.2.4. Copy of current agency property location index (7.1).

11.2.5. Louisiana Property Control transmittal—weekly (7.2).

11.2.6. Request for Louisiana Property Control transmittal forms (7.2).

11.2.7. Request for agency code number or subagency numbers (7.2.1. and 7.2.2.).

11.2.8. Request for new classification code number (7.2.6.).

11.2.9. Thirty days notice prior to annual inventory (8.2).

11.2.10. Request for BF-12 using Inventory Procedure I (8.6.2.).

11.2.11. Discrepancy report using Inventory Procedure I (8.6.8.).

11.2.12. Certification of annual property inventory using Inventory Procedure I (8.6.11.).

11.2.13. Request for Inventory Procedure II forms (8.7).

11.2.14. Discrepancy report using Inventory Procedure II (8.7.9.).

11.2.15. Certification of annual property inventory using Inventory Procedure II (8.7.12.).

11.2.16. Request for BF-12 using Inventory Procedure II (8.7.12.).

12.0 Acquisition by Transfer From State Property Control Section

12.1 Surplus property from State agencies is normally retained for the inspection of State agencies at least forty-five days before it is sold at public bid or scrapped.

12.2 The purpose for displaying surplus and idle items at the State Property Control Section is for transferring those items to an agency where a need exists, thereby reducing expenditures for additional items.

12.3 The agency property manager or his designated representative shall select the item which their agency needs. A value less than the fair market price shall have been established for each item in the possession of the State Property Control Section and the agency shall be billed for that value when the item has been received by the receiving agency. Payment to the State Property Control Section shall be within thirty days.

12.4 The agency property manager shall use the Louisiana Property Control transmittal form to

input acquisitions by transfer from the State Property Control Section into the agency inventory master file.

13.0 Responsibility of the Budget Office

13.1 The Division of Administration Budget Section shall provide the State Property Control Section with the name and budget number of each new agency, each abolished agency, and consolidation or other change of status of an agency. The status change of an agency shall also include those agencies that operate with revolving funds as nonbudget units. This information shall be provided on a timely basis so that the inventory of State-owned property can be kept accountable.

14.0 Regulations and Orders by the Commissioner

14.1 The Commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the State, in addition to specific authorization contained in this section.

Section II

State Property Disposition Regulations

1.0 Definitions

1.1 "Agency" means any State office, department, board, commission, institution, division, officer, or other person, or functional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the State, excluding, however, any governing body or officer of any local government or subdivision of the State or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.

1.2 "Commissioner" means the Commissioner of the Division of Administration.

1.3 "Division" means the Division of Administration.

1.4 "Property" means all tangible nonconsumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner.

1.5 "State Property Control Director" means the

individual in the State Property Control Section of the Division of Administration who has been designated by the Commissioner as the person responsible to the Commissioner for the administration of the State Property Disposition Regulations.

1.6 "Head of the agency" means the individual responsible for the administration and operations of the agency.

1.7 "Agency property manager" means the officer or employee designated by the head of the agency as property manager for the agency.

1.8 "Surplus property" means any movable State property which is deemed to be of no further use to an agency.

2.0 Inventory Disposition Authority

2.1 No property of any agency shall be sold to any person or legal entity or otherwise alienated, or be transferred, assigned or entrusted to any other agency or to any officer or employee or any other agency without the written permission of the Commissioner through an approved State Property Control transaction form—BF-11.

2.2 An approved State Property Control transaction form BF-11 shall be used as the authority to sell, transfer, scrap, dismantle, loan out, or otherwise remove an item from the agency inventory master file of State agencies.

2.3 The State Property Control transaction form BF-11 must be approved by the State Property Control Director prior to any transfer or disposition of State-owned property. In no case shall property be destroyed prior to the approval of the Commissioner.

2.4 No agency property manager or head of the agency shall authorize the transfer of any items of surplus property to the State Property Control Section without a prior approved BF-11 for each item and a scheduled delivery date from the State Property Control Section. Items which arrive with unapproved BF-11s at the State Property Control Section for disposition will be returned to the shipping agency for proper compliance to these regulations.

2.5 Whenever an agency property manager has

knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, windstorm, or other acts of God, he shall immediately notify the head of the agency. The head of the agency shall immediately notify the Commissioner, through the State Property Control Director, and follow up with a written report. The State Property Control Director shall make an investigation and take necessary action as provided for in R.S. 39:330.

2.6 The Commissioner, through the State Property Control Director, shall advise the head of the agency how to effect the appropriate disposition, using the State property transaction form BF-11 to remove missing items from the agency inventory master file.

2.7 The Commissioner shall exercise control of all surplus property and may assign such property for use in other agencies or political subdivisions when it serves the best interest of the State.

2.8 These regulations shall govern condemnation and disposition of State property when it is determined that certain items of property are of no use to any agency or the State.

3.0 State Property Transaction Form BF-11 (Revision of 07/76)

3.1 This BF-11 is the means of an agency receiving written approval for the disposition of any and all items of State property from an agency. Use only the BF-11 revised 07/76.

3.2 The BF-11 is the request from an agency property manager and is not, in any case, to be considered an approval for any action until a copy is received by the agency property manager with Section II—Approval, completed and signed as approved.

3.3 Section I—Report and Evaluation

3.3.1. The reporting agency shall be typed in with the complete title and mailing address.

3.3.2. The agency property manager shall complete (check) one of the boxes indicating his recommendation for disposal of the item.

3.3.3. The common name of the article and the manufacturer, if known, shall be completed. Do

not use the BF-11 for more than one item unless prior written approval has been given by the State Property Control Director. If received, quantity may be completed.

3.3.4. When the item is a motor vehicle, a motor vehicle condition report form DA 121 (Rev. 6-76) must accompany the BF-11.

3.3.4.1. The certificate of title must be endorsed and notarized and attached to the BF-11 request. The registration certificate (pink slip) shall also be attached to the BF-11 request.

3.3.4.2. Summary—The agency property manager shall enclose with the BF-11 request for transferring vehicles and trailers to the State Property Control Section:

- a. Motor vehicle condition report DA 121 (Revised 6-76).
- b. Certificate of title (endorsed and notarized).
- c. Registration certificate (pink slip).

3.3.5. The complete serial number and make and model number of the item should be filled in on the BF-11 form when it is known.

3.3.6. The following headings on the information form shall be completed utilizing the agency inventory master file in accordance to the regulations in Section I-7.2.1. through 7.2.11. Do not complete columns 11, 12, 39-43, 44, or 45-50 when submitting the data on a BF-11. These headings must be left blank for use by the State Property Control Section.

3.3.7. The description of the physical location of the item shall be explicit.

3.3.8. The section on reimbursement request should be checked if applicable. Note: specific Federal documentation should be attached to the BF-11 showing the specific item was purchased with participating Federal funds and the percentage, before State Property Control may release the reimbursement to the agency. Normally, State agencies are not eligible for any reimbursement for surplus property proceeds.

3.3.9. This section should be signed by the agency property manager with the name and title typed.

3.4 Section II—Approval

3.4.1. The disposition stated in this section is binding upon the agency property manager. If it is different than that requested by the agency property manager, the BF-11 will be returned to him, disapproved, and the item shall be resubmitted in the manner prescribed by the State Property Control Director under the remarks section.

3.5 Section III

3.5.1. This section is completed when the item is received at the State Property Control Warehouse.

3.6 Section IV

3.6.1. This section is completed by the State Property Control Section when the item is transferred to another agency. The receipt of the receiving agency is completed by that agency when the item is physically received at that agency.

3.7 The section for the Division of Administration use only is for recordkeeping purposes of the State Property Control Section.

4.0 Agency Inventory Item Removal

4.1 The agency property manager shall use the disposition headings of the Louisiana Property Control transmittal form to remove any item from the agency inventory master file after the item has been approved on a BF-11 by the State Property Control Director.

4.2 Any item to be removed from the agency inventory master file must meet both the following criteria (4.2.1. and 4.2.2.).

4.2.1. The disposition shall have been approved on a State Property Control transaction form BF-11 by the State Property Control Director.

4.2.2 The item to be removed from the agency inventory master file shall no longer be in the physical possession of the agency.

4.3 Disposition use of the Louisiana Property Control transmittal form—Div. of A. form 022-7/76

4.3.1. Agency No. (Columns 1-3)
This three-digit number shall be filled in with the number assigned to the agency by the State Property Control Section. This same number is

the first three digits on all of the agency's State of Louisiana identification tags.

4.3.2. Agency Sub. (Columns 4-5) This two-digit number may be used when it appears as the middle group of numbers on the State of Louisiana identification tag. If it is blank, leave the columns blank. Do not fill in column 4 and leave column 5 blank. If one number, place it in column 5.

4.3.3. Tag Number (Columns 6-10)
The agency property manager shall record the tag number (last group of numbers appearing on the State of Louisiana identification tag) which is on the item that has been disposed. If the tag number has less than five digits, the column(s) to the left in this heading must be left blank.

4.3.4. An example of how to complete the numbers on the State of Louisiana identification tag is shown in Section I, 7.2.3., of this manual.

4.3.5. Transaction: Disposition (Tran. Disp.) (Column 12)
The agency property manager shall fill in the appropriate disposition approved by the State Property Control Director on the BF-11 as described in Section II, 3.0. The following code number should be selected which best describes the approved action requested.

Code 0—Sold—Currently, this code is to be used only by the State Property Control Section.

Code 1—Transfer out—This code is to be used when an item is transferred to the State Property Control Warehouse or another agency after approval is received using a BF-11 and the item has been physically removed from the agency.

Code 2—Traded in—This code is to be used when prior special written approval has been granted by the State Property Control Director and a BF-11 has been received approved and the item has been traded in.

Code 3—Scrapped—This code is to be used when prior permission has been received on a BF-11 for the agency to scrap the item at their location and the item has been removed. If an item is believed to be scrap but is transferred to State Property Control Warehouse, then code 1—transfer out should be used.

Code 4—Dismantled for parts—This code is to be used when prior permission has been received using a BF-11 and the item has been dismantled.

Code 5—Loaned out—This code is to be used when prior permission has been received on a BF-11 and the item has been physically removed.

Code 6—Slaughtered for food—This code is to be used when prior permission has been received using a BF-11 and the animal has been slaughtered. This applies only to animals on inventory master file. See Section I, 5.6.

Code 7—Not located—This code is to be used when prior permission has been received on a BF-11 and after the regulations in either Section I, 4.2, Section I, 8.6.8—8.6.10, or Section I, 8.7.9—8.7.11 have been complied with and satisfied.

Code 8—Not for agency use—This code is not to be used at this time.

Code 9—Loan return—This code is to be used when an item is returned to another agency from which it was borrowed temporarily and prior permission was received using a BF-11.

4.3.6. **Action Code (ACT CD) (Column 44)**
The agency property manager shall fill in code 3 to remove any item from the agency inventory master file. The agency property manager shall be responsible for having in his possession an approved BF-11 for the disposition requested and for ascertaining that the item is no longer in the physical possession of the agency.

4.3.7. **Approved BF-11 Number**
This heading must be filled in by the agency property manager with the approved BF-11 number (each number is unique) when taking disposition action on any item which would remove the item from the agency inventory master file. If the BF-11 number is less than six digits, leave the columns to the left under this heading blank.

4.3.7.1. The State Property Control Director shall cause an immediate investigation into any case where an item is removed from the agency inventory master file without written approval using a BF-11. When the investigation results do not satisfy the requirements of these regulations the

case shall be turned over to the Legislative Auditor and/or the Attorney General.

4.3.8. The only headings which must be filled in by the agency property manager for disposition of an item from the agency inventory master file are: agency number, sub, tag numbers (columns 1-10), transaction: disposition (column 12), action code (code 3 must be in column 44), and the approved BF-11 number.

5.0 **Surplus Property Disposition**

5.1 The agency property manager shall submit, within the week it becomes known, each idle or surplus item within his agency for disposition request utilizing a State Property transaction form BF-11.

5.2 These regulations of the Commissioner shall govern the condemnation and disposition of State property when it is determined that certain items of property are of no use to the agency or to the State.

5.3 Property transferred to the State Property Control Section of the Division of Administration may be assigned for use in other agencies or political subdivisions when the Commissioner deems it to be in the best interest of the State.

5.4 The Commissioner shall, after allowing a reasonable amount of time for examination by other agencies, sell State surplus property at public bid when it is determined to be in the best interest of the State.

5.5 The State Property Control Director shall deposit the proceeds from the transfer or sale, at public bid, in the State Property Control Section revolving fund. There are a few instances where an agency may receive partial reimbursement for surplus property.

5.5.1. **Originating purchase from participating Federal funds**—The agency transferring the item shall be reimbursed ninety percent of the percentage of Federal funds used for the original purchase. A copy of supporting Federal documentation must be enclosed with the BF-11 request for transfer to the Property Control Section. Example: if an item was purchased with 75/25 Federal funds and was sold at surplus public bid for \$100.00 the amount reimbursed would be 90% of \$75.00, or \$67.50. Note: The use by

the agency of the reimbursed percentage of Federal funds must be documented for the Legislative Auditor.

- 5.5.2. Originating purchase from State revolving fund—The agency transferring the item shall be reimbursed up to ninety percent of the proceeds received by State Property Control for the item.
- 5.5.3. Sale of farm produce—The cost to the agency shall be up to five percent of the proceeds of the sale.
- 5.5.4. Sale of State-owned timber—The cost to the agency shall be up to five percent of the proceeds of the sale.
- 5.5.5. Other on-site sales—The cost to the agency shall be up to five percent of the proceeds of the sale. These sales cover such items as old buildings, etc.

6.0 Regulations and Orders by the Commissioner

- 6.1 The Commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the State, in addition to specific authorizations contained in this part.

Section III

Agencies With Integrated Inventory Control Systems

1.0 Definitions

- 1.1 “Agency” means any State office, department, board, commission, institution, division, officer, or other person, or functional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the State, excluding, however, any governing body or officer of any local government or subdivision of the State or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.
- 1.2 “Commissioner” means the Commissioner of the Division of Administration.
- 1.3 “Division” means the Division of Administration.
- 1.4 “Property” means all tangible nonconsumable

movable property owned by an agency with the exception of property specifically exempted by the Commissioner.

- 1.5 “State Property Control Director” means the individual in the State Property Control Section of the Division of Administration who has been designated by the Commissioner as the person responsible to the Commissioner for the administration of the State Property Control Regulations.
- 1.6 “Head of the agency” means the individual responsible for the administration and operations of the agency.
- 1.7 “Agency property manager” means the officer or employee designated by the head of the agency as property manager for the agency.

2.0 Qualifications

- 2.1 The Commissioner shall have the authority to allow certain agencies which have utilized their own data processing facilities for their inventory control systems to continue to maintain and use those systems, provided those inventory systems can meet the requirements of R.S. 39:321 through 332 and these State Property Control Regulations.
- 2.2 A prerequisite to receive written permission from the Commissioner is that the existing system must be integrated into other systems within the agency through data processing interfaces and not be a “stand alone” system. “Stand alone” inventory systems shall be converted to the State Property Control AM07 system. The Louisiana Information Processing Authority shall make that determination through an examination of those agencies which apply with the Commissioner for permission to continue to use their own data processing facilities for agency inventory control.
- 2.3 Those agencies which receive written permission to utilize their own data processing facilities for inventory control are excluded from utilizing the Louisiana Property Control transmittal form Div. of A. 002-7/76.
- 2.4 These regulations must be met in full unless the head of the agency applies to the Commissioner for a specific exclusion from a requirement and receives written permission from the Commis-

sioner when he deems it to be in the best interest of the State.

3.0 Agency Inventory Master File Interface

3.1 Those agencies which receive written permission from the Commissioner to utilize their own data processing facilities for inventory control shall have until January 1, 1977, to coordinate through the Louisiana Information Processing Authority and complete the following conversion programs for transferring the agency master file information into the State Property Control inventory control system AMØ7.

3.1.1. The agency shall transfer to the Division of Administration State Property Control inventory control system (AMØ7) at the Baton Rouge computer center the agency's inventory master file with the same data and field length as required when using the Louisiana Property Control transmittal form Div. of A. 002-7/76 through a computer tape-to-tape conversion.

3.1.2. Each subsequent month the agency shall submit a computer tape showing all transactions for the preceding month involving the agency inventory master file.

4.0 Inventory Classification Code System

4.1 All State agencies shall utilize the inventory classification code system in Section V of this manual for the coded numbers which identify each item of inventory. Those agencies currently not utilizing the State Property Control inventory classification code system shall have until January 1, 1977, to convert the items on the agency inventory master file to the classification code utilized by all other State agencies. This conversion shall be coordinated by the Louisiana Information Processing Authority between the agency and the State Property Control Section.

5.0 Reporting Requirements

5.1 The head of the agency and the agency property manager(s) shall comply to the reporting requirements of these regulations with the exception of Section I, 11.2.5. and 11.2.6., which relate to the use of the Louisiana Property Control transmittal form which would not be used when an agency has received permission in writing to utilize their own data

processing facilities and submit computer tapes instead of the transmittal form.

6.0 Nonexclusion From State Property Control Regulations

6.1 These regulations, effective 8/20/76, Sections I through V supercede all previous regulations, both written and verbal. Any exclusion request shall be submitted to the Commissioner, through the State Property Control Director, for consideration. Any exclusion from these regulations must be approved, in writing, by the Commissioner.

Charles E. Roemer, II
Commissioner of Administration

RULES

Board of Trustees for State Colleges and Universities

(Editor's Note: The following rules were adopted by the Board of Trustees for State Colleges and Universities on June 25, 1976, to be effective August 20, 1976.)

Article V

Committees

Section 1. Executive Committee

There shall be an Executive Committee consisting of the President, the Vice President and seven other members appointed by the President from among the Chairmen of the standing committees. The Executive Committee shall consider matters referred to it by the Board, shall execute orders and resolutions assigned to it by the Board, and shall take immediate action if an emergency requiring such action arises between Board meetings. All acts of the Executive Committee shall be submitted to the Board for ratification, or rejection, at its next meeting, except in matters in which the Board shall have delegated to the Executive Committee full power to act. Whenever the Board delegates to the Executive Committee full power to act with respect to any matter, affirmative action by a majority of the entire membership of the Executive Committee shall be required.

Section 2. Standing Committees

Unless and until otherwise decided by the vote of a

majority of the membership of the Board, the standing committees of the Board shall consist of the following: a. Finance, b. Physical Plant, c. Academic Affairs, d. Student Affairs, e. Athletic, f. Grievance, g. Legislative.

* * * *

Section 12. Grievance Committee

The Grievance Committee shall consist of at least five members of the Board. To this committee may be referred grievances brought to the Board by personnel of the colleges and universities under its jurisdiction.

Section 13. Legislative Committee

The Legislative Committee shall consist of at least five members of the Board. To this committee may be referred all matters of legislative nature brought before the Board.

Section 14. Special Committees

As the need arises, the Board may create special committees with such function, powers, and authority as it may determine. Special committees shall be established for temporary periods not exceeding the term of the President. Unless otherwise provided by the action of the Board for such a committee, the President of the Board shall determine the number of its members, shall appoint the members, and shall designate the chairman.

* * * *

Part VII

Faculty and Staff Personnel Policies and Procedures

Section 7.1 Age

A. Administrative Personnel

Presidents of colleges and universities and anyone holding a position in an administrative capacity under the Board shall be retired at the age of sixty-five years, with the provision that a person attaining age sixty-five in a fiscal year will be permitted to continue until the end of the year.

* * * *

C. Termination of Extensions Beyond Age Sixty-five

The policy of the Board which allows each college and university president to exercise his judgment in individual request shall be con-

tinued until June 30, 1977, in accordance with present policy. On June 30, 1977, the termination of employment will be mandatory at age sixty-five, with the provision that a person attaining age sixty-five in a fiscal year will be permitted to continue until the end of the year.

D. Extensions through Summer Sessions

Persons reaching age sixty-five before June 30 who are currently teaching summer school shall be allowed to continue teaching the remainder of that summer session only.

Bill Junkin
Executive Director

RULES

Board of Elementary and Secondary Education

The following rules were duly advertised for consideration, and, after the appropriate waiting period, acted upon favorably by the Board at the regularly scheduled meeting of July 22, 1976.

Rule 3.01.70.v(8)

In Bulletin 746 (1971, white) page 5, Section 1, the insertion of "certified" between the words "competent" and "suitable" in the superintendent's request for a temporary teaching certificate.

* * * *

Rule 3.01.70.z

Certification requirements for reading specialists as follows:

1. The applicant must hold a valid standard Louisiana teaching certificate.
2. The applicant must have had three years of instructional, administrative, or supervisory experience within the past five years.
3. The applicant must hold an advanced degree from a regionally-accredited institution.
4. Included in or beyond the advanced degree program of study must be twelve graduate hours of course work in reading education including:
 - a. Three credit hours in foundations or survey of reading instruction.

- b. Six credit hours in the diagnosis and correction of reading difficulties including a testing/tutorial practicum under the supervision of qualified personnel.
 - c. Three credit hours of reading elective or linguistics.
5. Reading specialist certification will be valid in the teaching and/or supervision areas in which one is certified, i.e., elementary, secondary, etc.

* * * *

Rule 3.01.78

Revision of certification requirements for supervisor of parish or city materials and/or media centers as follows:

The applicant must hold a valid Type A Louisiana certificate.

The applicant must have had five years of successful teaching experience.

The applicant must hold an advanced degree from a regionally-accredited institution.

Included in or beyond the advanced degree program of study must be fifteen semester hours of graduate course work in nonbook media including:

- 1. Utilization of audiovisual materials, three semester hours
- 2. Media design and production, three semester hours
- 3. Administration of media programs, three semester hours
- 4. Electives from courses such as photography, educational television, programmed instruction, individualized instruction, media research, advanced production techniques, and communication theory, six semester hours.

* * * *

Rule 3.03.01

Approval of the Louisiana State Plan for Administering Vocational Education, 1977.

Rule 3.03.02

Vocational-technical student attendance policy established as follows:

Attendance Requirements

- 1. Four days of attendance following enrollment is required before a student is counted for reporting purposes. The effective date of enrollment shall be the first day of attendance.
- 2. The effective date of enrollment will be the students' anniversary date of enrollment, and the attendance records will be maintained on this basis.
- 3. If a student has three consecutive absences or five intermittent absences during a two-month school period (approximately forty-four days), he will be suspended for a three-month period.

Reentry

- 1. Any student dismissed under this policy who re-enrolls in school must follow the required enrollment procedure followed by all other students, excluding testing requirements. The student must give reasonable assurance that the causes of his or her excessive absences have been removed.

Tardiness and Interruptions

- 1. Time factors relating to tardiness will be established by each school.

Exceptions:

- 1. Absences due to extended serious illness or injury, civil reasons, military duty, death in the immediate family, or acts of God are to be carried as any other absence. However, the student may reenter immediately on returning to the school. Validity and approval of these types of absences will be determined by the Director of the school.

* * * *

Rule 3.07.10.a

Approval of the Louisiana State Plan for Adult Education, Parts I and II, 1976-77.

* * * *

Rule 5.00.30.a

In compliance with Title IX, there shall be no sex discrimination in any institution under the jurisdiction of the Board. Title IX, or the Prohibition of Sex Discrimination Act, is part of the Educational Amendments of 1972; 45C.F.R. Part 86 (20 U.S. Cong., sect.

Earl Ingram
Director

RULES

**Board of Registration for Professional Engineers
and Land Surveyors**

(Editor's Note: This amendment to Section III-B-5 was adopted by the Louisiana State Board of Registration for Professional Engineers and Land Surveyors on July 28, 1976.)

Graduation Plus Engineering Registration

Any person who has been granted a license as a professional engineer by this Board on the basis of having earned a Bachelor of Science degree in engineering from an accredited college requiring surveying in the curriculum and having successfully completed no less than six semester hours or equivalent quarter hours of surveying may be granted a license by the Board to practice land surveying without further written examination. An applicant for registration on this basis must have had at least two years of combined office and field experience in land surveying as defined in Paragraph 37:682(6) of the Statutes and must appear before the Board for an oral interview and/or examination. Applicants who have acquired less than this minimum amount of experience in land surveying may be permitted to demonstrate their abilities in land surveying by passing a four-hour written examination in the principles and practice of land surveying and a four-hour written examination in the laws and procedures of land surveying in Louisiana. Approval to take these examinations will be granted only after an oral interview and examination administered by the Board.

Daniel H. Vliet, P.E.
Executive Secretary

RULES

**Health and Human Resources Administration
Division of Mental Health**

On August 4, 1976, the Division of Mental Health, Louisiana Health and Human Resources Administration,

adopted the Louisiana State Plan for Comprehensive Mental Health Services for 1977 and the Standards for Community Health Centers and Clinics pursuant to Public Law 94-63 and to Federal regulations promulgated in the Federal Register, Volume 41, Number 127, page 26,909. The plan will become effective October 1, 1976.

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.

Copies of the plan are available for public inspection at Room 301, 655 N. 5th St., Baton Rouge, and at the various Community Mental Health Centers throughout the state.

William H. Stewart, M.D.
Commissioner

RULES

Higher Education Assistance Commission

(Editor's Note: The following rules were adopted by the Higher Education Assistance Commission on August 4, 1976, to become effective August 20, 1976.)

**Amendments to Louisiana
State Student Incentive Grant Program
Policies and Procedures**

Rule 1. Who May Apply for Grants

Paragraph a has been changed to read:

- a. Persons who are bona fide residents of Louisiana and U.S. citizens who enroll or who are accepted for enrollment as full-time postsecondary students in eligible institutions as defined in Rule 4 may apply for Louisiana State student incentive grants (SSIG). (Note: During the 1976-77 school year, because of limited funds, the SSIG assistance will be available only to eligible undergraduate college and university students in Louisiana, and to those students eligible for continuation awards.)

* * * *

Rule 4. Eligible Institutions

Rule 4 has been changed to read:

Eligible institutions include publicly governed and Commission approved privately governed colleges, universities, and business, vocational, and technical schools in Louisiana. (Note: During the 1976-77 school year, because of limited funds, SSIG will not include business, vocational, and technical schools.

Rule 5. Allocation of Funds to Education Institutions

Rule 5 has been changed to read:

- a. SSIG fund allocations for initial awards will be assigned to each eligible institution on a pro rata percentage determined by the number of first year full-time undergraduate students in that institution as of the previous year's fall enrollment.
- b. SSIG fund allocations for continuation awards will be assigned to each eligible institution on the basis of prior year use of funds and the formula described in 5c.
- c. An annual formula for allocation of initial and continuation award funds shall be recommended by the Louisiana Association of Student Financial Aid Administrators, to be used for all schools, and may be readjusted on an annual basis. The formula shall be submitted annually for review and approval by the Commission.
- d. Actual SSIG checks for students will be prepared by the Commission upon certification of the school student aid officer (SAO) and forwarded to the school for distribution to the student.
- e. Reallocation of unused funds, if any, will be made during the academic year, so that efficient administration of all available funds may be accomplished.

* * * *

Rule 9. Resident of Louisiana Defined

Rule 9 has been changed to read:

- a. A dependent student whose parents are bona fide U.S. citizens and voter residents of Louisiana. Student must also be bona fide U.S. citizen.

- b. An independent student who has resided in the State of Louisiana for at least twelve consecutive months immediately preceding the date of registration for the school term at the institution for which the SSIG is sought. Certification of voter registration is required when applicable.
- c. Others who may be approved by the Commission based upon documentary evidence to consider waiver of the above requirements consistent with statutory intent.

* * * *

Rule 11. Substantial Financial Need

Paragraph b has been changed to read:

- B. A self-supporting student is considered as having substantial financial need when the contribution from the income and assets of the student and/or his spouse, determined by an acceptable needs analysis system as defined in 8a(2) of these regulations does not exceed fifty percent of his cost of education.

* * * *

Rule 13. Full-Time and First Year Student Defined

Paragraph b has been changed to read:

- b. A first year student in higher education for any year shall be one who has not attended a postsecondary institution prior to April 1 of that school year.

* * * *

Rule 15. Refund

Rule 15 has been changed to read:

Use the same formula for refund as is used in the basic educational opportunity grant program, calculated to the nearest dollar.

* * * *

Amendments to Louisiana Student Loan Program Policies and Procedures

Rule 9. Resident of Louisiana Defined

Rule 9 is changed to read:

- a. A dependent student whose parents are bona fide U.S. citizens and voter residents of Louisiana. Student must also be a bona fide U.S. citizen.
- b. An independent student who has resided in the State of Louisiana for at least twelve consecutive months immediately preceding the date of registration for the school term at the institution for which the loan is sought. Certification of voter registration is required where applicable.
- c. Others who may be approved by the Commission based upon documentary evidence to consider waiver of the above requirements consistent with statutory intent.

Richard W. Petrie
Executive Director

RULES

Offshore Terminal Authority

Rules and Regulations of the Offshore Terminal Authority Applicable to Fees, Costs, and Charges

I. Statutory Provisions

A. State law

1. Section 3101B(6) of Louisiana Act 444 of 1972, as amended by Act 358 of 1974 (hereinafter "the Act"), provides that it is the purpose of the Authority "to assert and protect Louisiana's economic, social, and environmental interests in the development of any offshore terminal facilities outside the State of Louisiana where such development may have an impact upon the State of Louisiana."
2. Section 3103A of the Act gives the Authority "exclusive jurisdiction over the Authority development program within the coastal waters of Louisiana, the areas of the state extending seaward thereof to the extent of the State's rights thereto, and over such other waters, water bottoms, wetlands, and lands within the territory or boundaries of

the State necessary to effectuate the purposes" of the Act.

3. Section 3103C of the Act gives the Authority "exclusive power to own, operate, license or otherwise regulate all offshore terminal facilities within its jurisdiction."
4. Section 3109A(4) empowers the Authority to "take such actions, promulgate such rules and regulations, and issue such orders, as necessary or appropriate" to carry out the provisions of the Act.
5. Section 3109A(8) of the Act empowers the Authority "to fix reasonable and just rates, fares, tolls, or charges for the services and facilities within the Authority's jurisdiction."
6. Section 3109C(6) of the Act empowers the Authority "to collect tolls and fees."
7. Section 3109G of the Act gives the Authority "exclusive and plenary power to issue licenses, certificates, and permits, and otherwise regulate all phases of the construction and operation by any person of offshore terminal facilities within the jurisdiction of the Authority."
8. Section 3114D of the Act provides that the Authority "may impose reasonable filing fees and may require the applicant [for a license from the Authority] to reimburse the Authority for all expenses incurred in processing the application."

B. Federal law

1. Section 2(a)(3) of the Deepwater Port Act of 1974, P.L. 93-627 (33 USC 1501, et seq.) (herein called the "Deepwater Port Act") declares that it is the purpose of that Act to "protect the interests of . . . adjacent coastal states in the location, construction, and operation of deepwater ports."
2. Section 5(h) (1) of the Deepwater Port Act provides that each person applying for a license under that Act "shall also reimburse . . . the appropriate adjacent coastal state for any additional costs incurred in processing an application."
3. Section 5(h)(2) of the Deepwater Port Act

provides that an adjacent coastal state may fix reasonable fees for the use of a deepwater port facility and directly related land-based facilities as compensation for any economic, administrative, or environmental costs attributable to the construction and operation of such deepwater port and such land-based facilities. Such fees "shall not exceed such economic, environmental, and administrative costs of such state" and shall be subject to the approval of the Secretary of Transportation.

II. Definitions

As used in these rules and regulations:

- A. "Act" means Act 444 of 1972, as amended by Act 358 of 1974 (R.S. 34:3101 et seq.), which establishes the Offshore Terminal Authority, and any amendments thereto.
- B. "Adjacent coastal state" has the identical meaning given that term in the Deepwater Port Act.
- C. "Administrative costs" include: (1) the wages and salaries of the Authority's staff and employees; (2) the engineering, legal, and operating costs incurred by or on behalf of the Authority; (3) the equipment, supplies, and overhead required for the Authority to carry out its functions; and (4) any other similar administrative costs reasonably required for the operation and management of the authority.
- D. "Application processing fees" means all fees or charges imposed by the Authority pursuant to Section III of these rules and regulations.
- E. "Authority" means the Offshore Terminal Authority as established by the Act.
- F. "Deepwater port" has the identical meaning given that term in the Deepwater Port Act.
- G. "Deepwater Port Act" means P.L. 93-627 (33 USC 1501 et seq.), and any amendments thereto.
- H. "Economic costs" shall include, but not be limited to, costs for facilities and services related to transportation, education, health, highways, roads and streets, police protection, fire protection, sewerage and water facilities and services, sanitation, flood protection, parks and recreation, libraries, and other similar types of community services.
- I. "Environmental costs" means those costs described as environmental costs in the Authority's Environmental Protection Plan.
- J. "Federal application" has the identical meaning given the term "application" in the Deepwater Port Act.
- K. "Licensee" means any person holding a valid license from the Authority for the construction and operation of offshore terminal facilities within the Authority's jurisdiction.
- L. "Offshore terminal facilities" has the identical meaning given that term in the Act.
- M. "Person" has the identical meaning given that term in the Act.
- N. "State application" means an application submitted under the Authority's rules and regulations applicable to licensing (1) for a license to construct or operate offshore terminal facilities within the jurisdiction of the Authority; (2) for transfer or renewal of any such license; or (3) for any substantive change in any of the conditions or provisions of any such license.

III. Application Processing Fees

- A. Any person who files a State application with the Authority, shall reimburse the Authority, in accordance with these rules and regulations, for all costs incurred by or on behalf of the Authority in processing any such application.
- B. Any person who files a State application with the Authority for a license to construct or operate offshore terminal facilities within the Authority's jurisdiction shall remit to the Authority at the time such application is filed an initial application processing fee of \$100,000, represented by a certified or cashier's check drawn on a bank or trust company doing business under the laws of the State of Louisiana or the United States, payable to the Board of Commissioners of the Authority.
- C. The application processing fee provided for in the preceding paragraph, and all interest accrued thereon, shall be used by the Authority to compensate the Authority for costs incurred by or on behalf of it in processing both State and Federal applications. An applicant shall also reimburse the Authority in accordance with these rules and regulations for all costs incurred by or on behalf of the Authority in processing

such applications, which are not covered by the initial application processing fee.

- D. Should the State and Federal applications be withdrawn by the applicant before the issuance by the Authority and Federal authorities to the applicant of licenses to construct or operate offshore terminal facilities, the Authority shall refund to the applicant any portion of the application fee remaining after payment by the Authority of all costs incurred by or on behalf of it in processing such applications through the the date of such withdrawal.

IV. Procedure for Determination, Assessment and Collection of Application Processing Fees

- A. The Authority shall periodically make a determination of the amount of all costs incurred by or on behalf of the Authority in processing any Federal or State applications.
- B. The Authority shall assess, as application processing fees, all such costs against the person or persons whose applications have given rise to the costs incurred and sought to be recovered, and shall serve on each such person a "notice of assessment." Such person or persons shall thereafter make full payment of such fees to the Authority within thirty days from receipt of notice of assessment.
- C. Any person on whom a notice of assessment is served under these regulations shall be entitled to a hearing before the Authority on such assessment provided a written request for a hearing is filed with the Authority within thirty days after receipt of the notice of assessment.
- D. The Authority's general rules and regulations and the Louisiana Administrative Procedures Act (R.S. 49:951 et seq.) shall apply to any hearing held in connection with any notice of assessment under these rules and regulations.
- E. Should any person fail to pay any application processing fees when due, such person shall pay interest at the legal rate per annum on the unpaid balance of such assessment from the date the assessment is due until paid.
- F. The Authority shall maintain such records as may be necessary in order to identify, determine, and recover all application processing fees pursuant to these rules and regulations, and the Authority shall make such records available to

interested persons in accordance with applicable law.

- G. Application processing fees recovered by the Authority pursuant to these rules and regulations shall be limited to the amount necessary to compensate the Authority for the actual costs incurred by or on behalf of it in processing Federal and State applications.
- H. This section shall not be interpreted to enlarge or diminish the right of the State of Louisiana, or any political subdivision thereof, to impose any other valid tax, fee, or charge.

V. Compensation Fees for Administrative, Economic, and Environmental Costs

- A. The Authority may impose on a licensee reasonable compensation fees for the use of any deepwater port and directly related land-based facilities subject to the Authority's jurisdiction as compensation for the administrative, economic, and environmental costs of the Authority attributable to the construction and operation of such deepwater port and directly related land-base facilities. Such compensation fees shall be fixed, assessed, and collected by the Authority in accordance with these rules and regulations.
- B. Such compensation fees may not exceed the actual administrative, economic, and environmental costs of the Authority as determined in accordance with the Deepwater Port Act and regulations, and orders issued pursuant thereto.
- C. In no event shall the Authority recover administrative, economic, or environmental costs which are otherwise reimbursed by application processing fees paid to the Authority pursuant to these rules and regulations.
- D. It is the intention of these rules and regulations that the Authority be compensated for all costs incurred by or on behalf of it which are attributable to the construction and operation of any deepwater port and directly related land-based facilities for which the State of Louisiana is designated an adjacent coastal state under the Deepwater Port Act. However, it is not the intention of these rules and regulations that the Authority be compensated for any costs incurred prior to the filing of the State application.

- E. Interest at the legal rate per annum shall apply to any compensation fees imposed pursuant to these rules and regulations from the date payment of such fees is due until paid; provided that no interest shall be due on amounts payable to reimburse the Louisiana environmental protection fund.
- F. The Authority shall maintain such records as may be necessary in order to determine, assess, and collect all administrative, economic, and environmental costs.
- G. The provisions of the Authority's general rules and regulations and the Louisiana Administrative Procedures Act shall apply to any hearing held in connection with the imposition of compensation fees under these regulations.
- H. This section shall not be interpreted to enlarge or diminish the right of the State of Louisiana, or any political subdivision thereof, to impose any other valid tax, fee, or charge.
- I. Compensation fees for administrative, economic, and environmental costs imposed pursuant to these rules and regulations shall be subject to the approval of the Secretary of Transportation to the extent required under the Deepwater Port Act. Payment of any compensation fees by the licensee shall not be construed as a waiver of any right which the licensee may have to seek review of such fees by the Secretary of Transportation, provided that the licensee exercises any such right within a reasonable time.

VI. Procedure for Determination, Assessment, and Collection of Compensation Fees

A. Compensation Fees for Economic Costs

- 1. The Authority finds that there is no present need to impose any compensation fees for the recovery of economic costs. However, the Authority will review, when appropriate, whether the Authority has incurred any such economic costs for which compensation fees may be warranted.

B. Compensation fees for administrative costs

- 1. Prior to the commencement of each fiscal year, the Authority shall determine, to the fullest extent practicable, the total amount of administrative costs to be incurred by the Authority during such fiscal year which

it intends to recover hereunder, and the Authority shall thereafter immediately give written notice to the licensee of such determination.

- 2. After receiving notice of the Authority's determination of administrative costs, the licensee shall be afforded an opportunity to confer with representatives of the Authority to review and the amount of such costs and the basis for the Authority's determination.
- 3. The licensee shall thereafter reimburse the Authority monthly for such actual costs as have been incurred by or on behalf of the Authority upon presentation by the Authority to the licensee of an appropriate invoice or statement therefor; provided that, any amounts paid by the licensee to the Authority which the Secretary of Transportation determines should not have been paid shall be returned to the licensee.

C. Compensation fees for environmental costs

- 1. After the issuance of a license by the Authority, but prior to the commencement of construction of the licensed facilities, the licensee shall pay an initial compensation fee of \$500,000 into the "Louisiana environmental protection fund" to be used only for the purposes, and subject to the limitations, set forth in the Authority's environmental protection plan.
- 2. Payment of the initial compensation fee provided in the preceding paragraph shall be made sufficiently in advance of commencement of construction to permit appropriate environmental monitoring programs, conducted by or on behalf of the Authority, covering the deepwater port and related land-based facilities, to be in operation at the time construction of such facilities begins.
- 3. After payment of the initial compensation fee, the licensee shall reimburse the fund on a monthly basis for expenditures from the fund aggregating more than fifty thousand dollars, and shall reimburse the fund quarterly for such expenditures aggregating less than fifty thousand dollars, upon presentation by the Authority to the licensee of an appropriate invoice or statement therefor;

provided that, any amounts paid by the licensee to the Authority which the Secretary of Transportation determines should not have been paid shall be returned to the licensee.

4. Except in the case of an emergency, the Authority shall make no expenditure of monies in the fund for which the Authority intends to seek reimbursement from the licensee, without first giving the licensee written notice of such proposed expenditure, and affording the licensee an opportunity to confer with representatives of the Authority to review the amount of the proposed expenditure and basis for the Authority's determination of its necessity or reasonableness.

VII. Remedies and Enforcement

When enforcement of any provision of these rules and regulations is warranted, the Authority may initiate and pursue appropriate administrative procedures and may issue such orders and decrees as may be necessary and authorized by the Authority's general rules and regulations, and the Authority may initiate and pursue all appropriate judicial remedies to assure compliance with these rules and regulations.

Amendment to the Environmental Protection Plan of the Offshore Terminal Authority

At a meeting of the Board of Commissioners of the Offshore Terminal Authority held on Tuesday, August 3, 1976, at 2:00 p.m. in the Library Conference Room of the Executive Suite, 29th Floor, International Trade Mart, New Orleans, Louisiana, the environmental protection plan of the Offshore Terminal Authority (hereinafter called the "plan") was amended. The original plan was adopted by the Board of Commissioners of the Authority on January 15, 1974, and was filed that same date in the office of the Secretary of State. The entire text of the plan was also published in the Official Journal of the State of Louisiana. The plan was amended for the first time on September 30, 1975. The general subject matter of the August 3, 1976 amendments to the plan is as follows:

Chapter 1 of the plan has been amended to add a reference to the requirements of Section 4(c)(10) of the Deepwater Port Act of 1974 pertaining to coastal zone management; to add definitions of "brine," "brine

storage area," "cap rock," "safety zone," "salt cavern," "salt dome," and "solution mining;" to revise the definition of "mooring master" to include individuals who are responsible for unloading bulk cargo; to revise the definition of "person in charge" to include persons who have operational responsibility for a platform complex; to revise the definition of "receiving terminal" to include facilities for the receipt and storage of liquid hydrocarbons and to provide that such facilities may include above-ground steel tanks and/or storage caverns in salt domes; and, to revise the definition of "service vessel" to include vessels delivering personnel to deep-water port and onshore facilities.

Chapter 2 of the plan has been amended to include, in paragraph a of subsection 1 of Section 3, a reference to steel tanks and salt cavern storage; to add new paragraphs to subsection 1 of Section 3 stating that major brine spills or chronic brine discharges could disrupt salinity patterns and estuarine life, and stating that the construction of the receiving terminal could cause localized land subsidence which could change drainage and salinity patterns; and, to revise paragraph b of subsection 2 of Section 3 to state, in part, that construction activities related to offshore terminal facilities may include solution mining and brine disposal.

Chapter 3 of the plan has been amended to enlarge footnote 3 to provide that it is anticipated that the Environmental Protection Plan will be incorporated into the coastal zone management program of the State of Louisiana as special management guidelines applicable to offshore terminal facilities, as a segment of that program in the area directly impacted by air and water development in the coastal zone resulting from such facilities; to revise paragraph a of subsection 1 of Section 3 to include, as part of the Authority's finding, that all offshore terminal facilities shall, to the fullest extent possible, be placed in alignment with onshore development corridors; to add to paragraph a(1) of subsection 2 of section 3 a finding by the Authority that a deepwater port shall be located where the natural depth of water is sufficient to minimize the need for dredging; to restate paragraph a(2) of subsection 2 of Section 3 as a finding of the Authority based on the fact that vessel groundings represent a major potential source of oil spills; to revise paragraphs b, c, d, e, f(3), g, and h of subsection 2 of Section 3 as findings of the Authority; to substitute "offshore terminal facilities" for "a deepwater port and connecting pipelines" in paragraph d of subsection 2 of Section 3; to add, to paragraph h of subsection 2 of Section 3, a reference to onshore facility, and to delete therefrom the phrase "if it reached the shoreline and entered the estuarine system;" to provide in paragraph a of subsection 3 of Section 3 that the location of onshore facilities shall not impinge upon or otherwise disturb

historic or archaeological sites, except with the approval, and under the conditions imposed by, the Louisiana Archaeological Survey and Antiquities Commission; to revise paragraph b of subsection 3 of Section 3 to provide that because poor foundation conditions could cause facilities to buckle, rupture, or subside, onshore facilities shall be located in an area in which a stable foundation exists or can be developed, and in which adequate containment and flood protection can be provided; to revise subsection 2 of Section 4 to provide that the projection of economic costs shall include known and predictable costs associated with the construction and operation of the facility under construction, but exclude environmental costs otherwise required to be stated, and to provide with respect to the purpose and uses of the projection; to revise paragraph b of Section 5 to provide that the sufficiency of site selection data be commented upon by the three Directors; to add a new paragraph to Section 5 to provide that in evaluating the proposed location of offshore terminal facilities, the three Directors shall coordinate and cooperate with the governing authority of any parish in which the proposed facilities are to be located, and shall make available to such governing authority, in accordance with applicable law, all relevant information available to the Authority; to revise paragraph g (to become paragraph h) of Section 5 to provide that the three Directors shall also consider any comments received from the governing authority of any parish in which the proposed facilities are to be located; and, to revise paragraph h (to become paragraph i) of Section 5 to provide that the Board's decision shall be made, in no event longer than one hundred twenty days after receipt of the recommendations of the three Directors.

Chapter 4 of the plan has been amended to add "to the extent possible" at the beginning of paragraph m of subsection 2 of Section 3; to delete the term "fullest" in paragraph n of subsection 2 of Section 3; to revise paragraph a(10) of subsection 3 of Section 3 to provide that purging of the hose system of oil be without release of contaminants; to revise paragraph c(4) of subsection 3 of Section 3 to make it applicable to any other body of water; to replace paragraph d of subsection 6 of Section 3 with a requirement that liquid discharges meet the most stringent requirements of applicable law; to revise paragraph e(2) of subsection 6 of Section 3 to refer to oil tanks and to provide that enclosures be designed to provide maximum feasible protection against penetration of the ground by oil; to delete paragraph e(4) of subsection 6 of Section 3; to revise paragraph f of subsection 6 of Section 3 to provide that all oil storage tanks be designed with roof tank tops required by applicable law; to replace "stresses on" with "damage to" in paragraph g of subsection 6 of Section 3; to delete "physically and economically" in paragraph a(1) of

Section 4; to add a new paragraph to Section 4 requiring that all components of offshore terminal facilities within the Authority's jurisdiction be designed to provide for the maximum use of existing facilities to the extent practicable; to add a new paragraph to Section 4 stating that the provisions of the Plan shall not be construed to require uses of facilities which would be inconsistent with the provisions of subsection 6g of Section 3 of the plan; to revise paragraph a(3) of Section 5 to require the Authority's approval only when additions, expansions, or changes are substantial; to enlarge paragraph a(4) of Section 5 to provide for consideration by the Authority when changes would utilize technological advancements; to revise paragraph c(1) of Section 5 stating the Authority's policy of taking no action to support the establishment of incompatible or excessive secondary industrial and urban development in the wetlands of the Louisiana coastal zone which is not consistent with the environmental objectives of the State of Louisiana; to revise paragraph c(4)(c) of Section 5 to provide that the Authority will not approve any connection with, or tap into, the facilities under its jurisdiction if such connection or tap may result in a new feeder pipeline being located in the wetlands, or which would violate the environmental objectives of the State of Louisiana, and to provide that connections or taps for new feeder pipelines which are adjacent to existing lines, structures, or modifications may be considered if they do not significantly increase the environmental stresses in the wetlands.

Chapter 5 of the plan has been amended to add to paragraph c of subsection 1 of Section 2 a requirement that the environmental director be familiar with, and sensitive to, the needs and characteristics of the area in which the offshore terminal facilities are to be located; to replace paragraph a of subsection 2 of Section 2 with expanded provisions concerning operational and contingency plans; to provide in paragraph b of subsection 2 of Section 2 for approval by the Authority of an operational and contingency plan incident to the issuance of a license by the Authority; to add a new paragraph to subsection 2 of Section 2 providing for submission to the Authority of copies of the operations manual, contingency plan and other documents submitted to Federal authorities in connection with an application for a license under the Deepwater Port Act; to delete footnote 3; to revise paragraph b of Section 3 to include a finding by the Authority that there is no present need to require the posting of additional evidence of financial responsibility; to revise paragraph c of Section 3 to provide for periodic review by the Authority of the need for security; to delete the first and last sentence of present paragraph c; to revise paragraph g of Section 4 to require persons to obtain all necessary Federal and State permits prior to commencing work and to follow certain

guidelines in the performance of such work; to revise paragraph g(5) of Section 4 to require avoidance of changing the configuration of existing tidal passes; to delete from paragraph g(10) the term "aquatic;" to delete the words "licensed pilots and/or" in paragraph b(5) of subsection 3 of Section 5y to revise paragraph b of subsection 5 of Section 5 to provide that no owner or operator shall permit any outdoor burning of waste materials, including oil, except as permitted under provisions of the Louisiana Air Control Commission regulations, and as specifically approved by the Authority; to replace "Section 11 of this Chapter" with "this Protection Plan" in paragraph c of Section 7; to revise paragraph f of Section 7 to require any person making application to the Authority for a license to provide the Authority with a copy of any environmental assessment relating to the proposed project; to revise paragraph j of Section 7 by providing that the statement required by that paragraph be similar in form and content to the notice published in the Federal Register in connection with an application for a license under the Deepwater Port Act; to revise paragraph k of Section 7 to exclude information designated by an applicant as involving trade secrets or confidential information; to revise paragraph m of Section 7 to provide that any contract for the construction and operation of an oil terminal as an interstate common carrier contain a provision making all parts of the plan applicable to such contract; to revise paragraph b of subsection 2 of Section 9 to provide that the Authority may institute a civil or criminal action in a court of competent jurisdiction to enforce the provisions of the plan; and to delete Section 11.

Chapter 6 has been amended in its entirety to add appropriate references to the provisions of Louisiana Act 444 of 1972, as amended, and the Deepwater Port Act; to contain a finding by the Authority that there is presently no need for the Authority to impose additional liability with respect to those discharges of oil prohibited by the Deepwater Port Act; to provide for the Louisiana Environmental Protection Fund to which will be credited certain amounts including environmental compensation fees collected by the Authority pursuant to its rules and regulations applicable to fees, costs, and charges; to define "environmental costs;" to provide for environmental compensation in the event of loss or damage to the Louisiana environment attributable to the construction and operation of deepwater port and related land-based facilities; and, to provide for the Authority to establish and maintain, either alone or in cooperation with other appropriate State or Federal agencies, research projects related to construction and operation of deepwater port and related land-based facilities.

Copies of the Authority's environmental protection plan, as amended, are available and may be obtained

from the Offshore Terminal Authority, 1130 International Trade Mart, New Orleans, Louisiana 70130.

The Department of the State Register has determined that the publication of these rules and regulations, as amended, would be unduly cumbersome, expensive and otherwise inexpedient, and has accordingly exercised its right to omit them from the Louisiana Register pursuant to R.S. 49:954.1C, and has published instead this notice stating the general subject matter of the omitted rules and stating how a copy thereof may be obtained.

Shepard F. Perrin, Jr.
Executive Director

RULES

Board of Regents

(Editor's Note: The following rules were adopted by the Board of Regents on July 22, 1976.)

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. Justification should be included with each request. The Commissioner of Higher Education may, without Board review, approve those requests for revisions of existing academic programs and administrative units which would not affect the nature of the program or degree being offered. While no specific format is prescribed, institutions should be guided by the criteria outlined in the Guideline for Request for Authority to Offer a New Program. Copies of the guideline are obtainable upon written request to the Commissioner of Higher Education.

* * * *

4.2 Guidelines for the Conduct of Off-Campus Activities

Amendment: Part D, Section IX,
Paragraph 3

3. Any course may be offered by a parent institution on a multipurpose resident center campus as identified above provided that the course is

not offered by the resident center in its own right or by another public institution of higher education located in the same parish as the multipurpose resident center.

William Arceneaux
Commissioner of Higher Education

RULES

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission on July 13, 1976, adopted, by resolution, the following rules:

Oyster Seed Reservations

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, September 8, 1976, as provided for by Louisiana law, Title 56, Section 433, which also authorizes the Commission to regulate the size limit and area closures after January 1 of each year on State-controlled grounds, 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 that the Louisiana Wildlife and Fisheries Commission does hereby open the Hackberry Bay (Du Chene) Oyster Seed Reservation and the Sister Lake Oyster Seed Reservation, in accordance with Louisiana law, Title 56, Section 433, which opens said seasons one-half hour before sunrise on the first Wednesday following Labor Day, September 8, 1976. Said seasons shall remain open with the same regulations as the regular oyster season; however, the Director shall be authorized and empowered to close the two areas if it is deemed necessary by biological investigations and sampling.

Be it further resolved that the Bay Gardene Oyster Seed Reservation shall open on Tuesday, October 5, 1976, and close on Sunday, October 31, 1976, with the reservation being fished on a daily permit system to allow for a determination of the production from this area. The Director shall be authorized and empowered to close the season if it is deemed necessary by biological investigation and sampling.

Calcasieu Lake Oyster Season

Whereas, the Commission biologists and the Chief of the Oysters, Water Bottoms and Seafoods Division have recommended the fishing of the oysters in Calcasieu Lake 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 that the Calcasieu Lake Oyster Season for 1976-77 be set in accordance with the following rules and regulations:

1. That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 15, 1976, through one-half hour after sunset on Thursday, March 31, 1977, 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, 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 fifteen 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 sixteen years has substantially increased the total population, and

Whereas, the Louisiana Wildlife and Fisheries Commission has, during 1972, 1973, and 1975 successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled, and

Whereas, data collected during the 1972, 1973, and 1975 seasons and from aerial inventory during July, 1976, reflects that the seasons were beneficial in all respects, and

Whereas, increasing population levels in Cameron, Vermilion, and Calcasieu parishes now warrant the establishment and continuation of a season in this region of the state, and

Whereas, it has been determined from the past three 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 the three previous seasons 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,

Now, therefore be it resolved, that an 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--Parishes of Calcasieu, Cameron, and Vermilion. An estimated 110,000 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 thirty-day period beginning on September 9, 1976, and continue through October 8, 1976.

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 requirement 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 twenty-five dollars per year and is non-transferable. In order to obtain the license, he must reside 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 of (August 16 and September 8, 1976). The alligator hunter license will be issued only after the hunter has complied with the above requirements. 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 in the last six inches of the tail. 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 farmers and only to those who have approved 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.

7. Harvest Rates—Maximum of 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, one per four hundred acres; intermediate and fresh marsh, one per one hundred twenty five acres; pump-off districts, regardless of marsh type, one per five hundred acres. Vermilion Parish: intermediate marsh, one per one hundred acres; fresh, one per five hundred acres; brackish marsh, one per one hundred fifty acres; pump-off district, one per five hundred 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 11, 12, 13, 1976. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8:00 a.m. and 5:00 p.m. Special skinning instructions will 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 in Louisiana.
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 fifteen days following the close of each season. No raw alligator skins may be shipped from the state after sixty days following the close of the season without first obtaining a permit from the Commission. Raw alligator skins 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, 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.

Resident Game Hunting Seasons and Wildlife Management Area Regulations

The Louisiana Wildlife and Fisheries Commission has adopted rules and regulations concerning the 1976-77 hunting seasons for resident game birds and animals, and rules and regulations concerning its wildlife management areas. The Department of the State Register has determined that publication of these rules would be unduly cumbersome and has exercised its privilege to omit them from the Louisiana Register as per R.S. 49:954.1C.

These rules are available for public inspection at Wildlife and Fisheries Commission offices, 400 Royal Street, New Orleans, Louisiana. They will be published in pamphlet form and made available, free, throughout the state on or about September 1, 1976.

J. Burton Angelle
Director

Notices of Intent

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950 as amended, a public hearing will be held in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana, beginning at 9:30 a.m., September 10, 1976.

At such hearing the Board will consider amendment to:

A. Part IX, Athletic Policies, and specifically:

The second paragraph of the opening statements	
Section 9.1C(3)	Faculty Commission
Section 9.2A(1)	National Associations
Section 9.2A(2)	National Associations
Section 9.4A(1)	Full Athletic Scholarships
Section 9.4E	Out-of-State Scholarships
Section 9.4F(1)	Penalties Related to Scholarships
Section 9.5A	Eligibility Rules
Section 9.5B(3)	Eligibility Rules
Section 9.5B(9)	Eligibility Rules