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Executive Orders

EXECUTIVE ORDER EWE-77-13

WHEREAS, this administration has done more to increase the representation and participation of women than any previous administration and has set a precedent for appointing talented women in responsible positions, not only as Cabinet members, but also as members of numerous boards and commissions, the Constitutional Convention, and as Director of the Department of Corrections; and

WHEREAS, I support the strong belief that women do make invaluable contributions when they are entrusted with responsible positions, both in the public and private sector; and

WHEREAS, under the Edwards Administration, Louisiana should be foremost among the states in providing opportunities for women; and

WHEREAS, there is a need for a method to provide opportunities for increasing the number of women in responsible positions, and the establishment of a Louisiana Task Force for a Talent Bank of Women will fill that need; and

WHEREAS, the staff of the Bureau for Women is capable of maintaining and administering the files of the Talent Bank of Women; and

WHEREAS, coordination and leadership, combining both public and private interests on State and local levels, is essential to assist the Bureau for Women in planning an effective program for the benefit of the citizens of this State; and

WHEREAS, the responsibility for developing these advantages should be drawn from many areas; and

WHEREAS, it is required that these responsibilities be coordinated in a concentrated planning program to insure the formulation of a single policy including all interested agencies and groups, providing optimum benefit to the citizens of the State; and

WHEREAS, it is essential that cooperation and input to the planning program be secured from the private sector whose contributions are vital to the success of the resulting program; and

WHEREAS, Federal funds should be requested as deemed appropriate and desirable to assist this effort,

NOW, THEREFORE, in order to promote and assist in the development of a program to encourage more utilization of women in responsible positions and in the coordination of all levels of government and all private interests in this venture, I, Edwin Edwards, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The establishment of the Louisiana Task Force for the purpose of assisting in the development of a comprehensive policy for identifying qualified women for responsible positions.

2. The Task Force shall assist the Bureau for Women in the accumulation of a Talent Bank of Women.

3. The Task Force shall establish guidelines to follow in establishing a talent bank.

4. The Task Force shall consist of membership as shown in Document No. 1, attached hereto, which is made a part hereof.

5. The Task Force shall secure information concerning needs and opportunities and shall organize meetings for the purpose of informing interested groups and individuals of the purposes of this program. The information gathered will be submitted in report form, and shall form the basis of the Task Force's preliminary and final reports.

6. The Task Force shall be headed by a chairperson, a coordinator and ten members appointed by the Governor, and who will serve without pay or other compensation. The Coordinator shall select a working staff to assist the Task Force in the performance of these duties.

7. The Task Force shall establish bylaws and rules of procedure for its operation.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of September, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

* * * *

DOCUMENT NO. 1

Task Force for Talent Bank of Women

Chairperson

Sandra S. Thompson, Secretary
Department of Culture, Recreation and Tourism
Box 44361
Baton Rouge, Louisiana 70804

Coordinator

Pat Evans, Program Administrator
Louisiana Bureau for Women
Department of Health and Human Resources
530 Lakeland Street
Baton Rouge, Louisiana 70802

Members

Fran Bussie
Box 3477
Baton Rouge, Louisiana 70821

Susan Eddington
Total Community Action
1770 Tchoupitoulas Street
New Orleans, Louisiana 70130

Lynne Hair
State Planning Office
4528 Bennington Avenue
Baton Rouge, Louisiana 70808

Ellen Bryan Moore
2222 Government Street
Baton Rouge, Louisiana 70806

Shirley McNamara, Secretary
Department of Revenue and Taxation
State Capitol Annex
Baton Rouge, Louisiana 70801

Ollie Osborne
124 University Row
Lafayette, Louisiana 70503

Mary Evelyn Parker
Treasurer, State of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Evelyn Sisco
American Association of University Women
108 Hilltop Circle
Pineville, Louisiana 71360

Margaret Surlis
East Carroll Delta News
Box 828
Lake Providence, Louisiana 71254

Shirley Temple
Kentwood, Louisiana 70444

EXECUTIVE ORDER EWE-77-14

This executive order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Sections 1 through 238 as amended by Act 91 of the 1964 Legislature, with reference to the subject matter covered herein. Effective as of the date of my signature below, this order revokes and supersedes all other executive orders with reference to the following, and particularly as required by Sections 184 and 189 of Title 39, R.S. 1950.

R.S. 39:184: Emergency, Out-of-Schedule, and Revolving Fund Purchasing: "The procedure for the purchase of commodities and services not scheduled in this Chapter and for emergency purchases, as well as purchases financed by revolving fund appropriations and definitions of the emergencies and conditions under which emergency purchases may be made, shall be provided by executive order of Governor."

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State statutes, it is hereby ordered that all State of Louisiana agencies shall observe and abide by the following rules and regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

Emergency purchasing: Extreme public emergency involving jeopardy to life and property shall be certified to the Commissioner of Administration, in writing, in duplicate, signed by the head of the State agency, stating the nature of the emergency, cause, amount of damage estimated, cost to replace or repair, availability of funds, with the recommendations of the governing authority. The Commissioner of Administration through the State Purchasing Officer may secure quotations and let contracts on an emergency basis; or, if time does not permit, authorize the head of the State agency to let a contract at the agency level. Every effort shall be made to secure maximum competitive bidding under the circumstances. The Commissioner may authorize an expenditure of funds in extreme emergency cases by telephone or telegram, to be confirmed by letter, with justification of the emergency where time does not permit an exchange of letters.

Out-of-schedule purchasing is defined to mean any purchase not certified as an emergency, not suitable for scheduled quantity buying or placing under a commodity contract, nonrecurring items, and is interpreted to mean, but is not limited to, specific items of capital outlay equipment, materials and supplies needed for repair and maintenance, and /or all items where the estimated cost is less than one thousand dollars, which by its nature is not suitable for quantity buying, and any others as may be designated by the Commissioner from time to time.

Therefore, pursuant to the authority vested in me by R.S. 39:184, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the State government, except the Louisiana Department of Highways, shall be required to observe and be guided by the following specific directives:

1. All capital outlay equipment of any kind, wherever the cost is estimated to be in excess of three hundred dollars, shall requisition their requirements through the State Purchasing Department of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration.

2. All agencies of the State government covered by Act 91 of the 1964 Legislature, wherever the cost is estimated to be above fifty dollars and less than one

thousand dollars, regardless of whether purchases are made by the State Purchasing Department or agencies to whom purchasing has been delegated, shall observe the following rules and regulations on out-of-schedule purchases; but maximum competitive bidding shall be obtained in all cases.

a. Purchases under fifty dollars—no competitive bidding is required.

b. Purchases over fifty dollars but under two hundred dollars shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received.

c. Purchases of over two hundred dollars and less than one thousand dollars shall be made by receiving written quotations from at least five bona fide prospective bidders, wherever possible, using "Requests for Prices, Form A-10 Revised 64."

d. Purchases of over one thousand dollars. No purchases where the estimated cost is over one thousand dollars shall be made except by advertising and/or sending out written invitations to bid to at least eight bona fide, qualified bidders. Written invitations to bid shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid.

e. Exceptions to the above minimum competitive requirements:

(1) Emergency purchases.

(2) Federal government surplus property.

(3) Registered breeding stock.

(4) Livestock for slaughter when purchased at public auction sale.

(5) Patented or proprietary articles after certification by the State Purchasing Department.

(6) Standard replacement equipment parts which must be obtained from the manufacturer of the equipment or his agent, and where prices are established and where no competition may exist.

(7) Purchasing or selling transactions between State budget units.

(8) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(9) Professional services such as a physician, dentist, lawyer, architect, veterinarian, engineering services, and such other as may be designated by the State Purchasing Department.

(10) Public utility services such as water, electric light and power service, telephone, telegraph, and proprietary equipment pertaining thereto.

(11) Textbooks, newspapers, subscriptions, or foreign publications.

(12) Repairs, when obtained from an authorized dealer wherever breakdowns occur, such as

to automobiles, machinery, equipment, office machines, electric motors, et al. In actual practice this means Ford automobiles will be taken to Ford dealers and Chevrolet automobiles to Chevrolet dealers, without exception.

(13) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(14) Food purchased and used in home economic college courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(15) Food purchases and other materials and supplies required by juvenile detention homes where the number of the inmates are unstable and unpredictable.

Revolving-fund purchasing is defined to mean the buying of all commodities and supplies of any kind used in the operation of prison industries, cafeterias, dining halls, State buildings, colleges and universities, dormitories, bookstores, refreshment booths, grocery and general merchandise stores such as are maintained at the penitentiary, and all other business enterprises in the State government not primarily operated for rendering public services but for State employees, students and inmates, where the funds to pay for such purchases are derived from receipts of these business enterprises, but where the original funds were authorized and set up by the use of State funds and operated as revolving-fund units.

1. Wherever time permits, revolving-fund purchasing shall be by advertising and sealed bids, if over one thousand dollars, provided that these items are expendable and regularly recurring, such as the major revolving fund account with the Louisiana State Penitentiary, college cafeterias, and such other industries as may lend themselves to such practice.

2. Revolving-fund purchasing shall be flexible enough to secure supplies and materials used in prison industries, on short notice, in order to meet production schedules as required by the agencies buying from the penitentiary.

3. Revolving-fund purchases for resale, such as groceries, canned goods, packing house products, drug sundries, candy, tobacco, and other similar items may be obtained by buying the exact items or brand names that are most suited for the purpose for which they are intended. Likewise, materials and supplies intended for further processing into a manufactured article, the exact chemical materials or supplies may be purchased. Every effort shall be made, however, to obtain maximum competitive bidding under the circumstances.

4. Revolving-fund purchases of foods for cafeterias, dining halls or dormitories, such as the State colleges and universities, shall be purchased by competitive bidding as outlined in these rules and regulations; however, the selection, fabrication, packaging, and standards of quality may be determined

by the head of the State agency. In the event of controversy between the State agency and the supplier, and after consideration of all the facts pertaining thereto, the Commissioner of Administration may issue a ruling, and this judgment shall be considered final. Perishable foods, including fresh vegetables, fresh fish and products subject to frequent changes in price, shall be purchased on daily, weekly, or bimonthly price quotations.

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 September, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

EXECUTIVE ORDER EWE-77-15

Acting pursuant to the authority vested in me by the Constitution and the laws of the State of Louisiana, I, Edwin Edwards, Governor of Louisiana, do hereby issue the following proclamation and executive order repealing and superseding Executive Orders 8, 30, 55, 57, and EWE-76-3.

WHEREAS, Executive Orders 8, 30, 55, 57, and EWE-76-3 created the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the various law enforcement planning districts, and the various law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, the Legislature in R.S. 15:1201 through R.S. 15:1211 created by statute the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, and the law enforcement planning districts, and the law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, R.S. 15:1209 states that "The planning agencies for the planning districts shall be those heretofore or hereafter recognized as such by the Governor." Now, therefore, I, Edwin Edwards, Governor of the State of Louisiana, do hereby recognize the following law enforcement planning district agencies:

(1) The planning district agency for Orleans Law Enforcement Planning District shall be Orleans Parish Criminal Justice Coordinating Council.

(2) The planning district agency for Capital Law Enforcement Planning District shall be Capital District Law Enforcement Planning Council, Inc.

(3) The planning district agency for Metropolitan Law Enforcement Planning District shall be Metropolitan District Law Enforcement Planning and Action Commission, Inc.

(4) The planning district agency for Evangeline Law Enforcement Planning District shall be Evangeline Law Enforcement Council, Inc.

(5) The planning district agency for Southwest District Law Enforcement Planning District shall be Southwest District Law Enforcement Planning Council, Inc.

(6) The planning district agency for Red River Delta Law Enforcement Planning District shall be Red River Law Enforcement Planning Council, Inc.

(7) The planning district agency for Northwest Law Enforcement Planning District shall be Northwest Law Enforcement Planning Agency, Inc.

(8) The planning district agency for North Delta Law Enforcement Planning District shall be North Delta Law Enforcement District, Inc.

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 September, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

EXECUTIVE ORDER EWE-77-16

Provisions for the Necessary and Appropriate State Coordination and Participation with the National Flood Insurance Act of 1968, as Amended, and Rules and Regulations Promulgated Thereunder.

WHEREAS, uneconomic uses of the state's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, State, and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Louisiana has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of programs for Federal loans and mortgage insurance, State financial assistance and land use planning are determining factors in the utilization of lands; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as

amended, is dependent upon State coordination of Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and floodrelated erosion area management activities in the state; and

WHEREAS, the Department of Urban and Community Affairs is the designated State agency responsible for coordinating local regulation necessary for flood insurance provided by the National Flood Insurance Act of 1968; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of states and local communities to participate in the National Flood Insurance Program, which participation depends on State coordination and the designation of an agency in the state to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and flood related erosion area management activities.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, hereby order that:

The Department of Urban and Community Affairs, by virtue of its designation as the agency responsible to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration, coordinate and encourage a broad and unified effort to prevent uneconomic uses and development of the state's flood plains and, in particular, to reduce the risk of flood losses in connection with State lands and installations and State financed or supported improvements.

All State agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction in the flood plains, the flood plain management criteria set forth in Section 1910.13, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply. Flood insurance measures shall be applied to existing facilities in order to reduce flood damage potential.

All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with respect to

uses of the said lands or properties. In carrying out this provision, each State agency may make appropriate allowances for any estimated loss in sale price resulting from the incorporation of use restrictions in the disposal documents.

All State agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

As permitted by law, the Secretary of each department shall issue appropriate rules and regulations to govern the implementation of this executive order, and shall coordinate rules and regulations with the Department of Urban and Community Affairs and the Office of the Governor, Division of Administration, State Property and Casualty Insurance Section.

The Department of Urban and Community Affairs is hereby designated as the agency in the State of Louisiana responsible for making recommendations under Section 1909.22 of the Rules and Regulations of the National Flood Insurance Act, for the determination of areas for hydrological rate-making studies.

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 30th day of September, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following rules were adopted by the Board at its regular meeting on September 22, 1977.

Rule 3.01.51c

Revision to Bulletin 741, Standards for School Approval of Special Schools, page 112, paragraph 1 as follows:

“Special schools, as used in the context of these standards, shall refer specifically to any special education program which serves primarily those exceptionalities identified on page 122 of this document and whose organizational structure is approved by the State Board of Elementary and Secondary Education. Further, such organizational structure shall exist apart from the regular school environment.”

Rule 3.01.51d

Revision to Bulletin 741, Standards for School Approval of Alternative Schools, page 107, with the following addition: “Special education programs as defined on page 112 are not eligible for alternative school approval.”

Earl Ingram, Director
Board of Elementary and
Secondary Education

DECLARATION OF EMERGENCY

Board of Regents

At its meeting on September 22, 1977, the Board of Regents exercised the emergency provisions of the Administrative Procedures Act to revise policies 3.4 and 3.5B in order to coincide with Act 439 of the 1977 Regular Session of the Louisiana Legislature as follows:

Finance

3.4 Capital Projects

All changes to any institution or system's physical facilities that add to, improve, change the utilization of, or that remove from use such facilities will first be submitted to this Board for review, comment, and approval prior to beginning any such project. Provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s)

taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by state statute.

Finance

3.5B Dedicated Revenues

Revenues which were dedicated to higher education institutions prior to January 1, 1975, will comply with requirements set forth in the new Constitution concerning the dedication of funds and applicable state statutes.

William Arceneaux, Commissioner
of Higher Education
Board of Regents

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted effective October 1, 1977, the following maximum Fee Schedule of Authorized Services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program. This new fee schedule was developed in an attempt to have the EPSDT fees compare more favorably with those of the private sector.

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

EPSDT Dental Program

Maximum Fee Schedule of Authorized Services

Category A

Services contained in this category are the services generally allowable under the program and require no justification when listed in the claim for payment or treatment plan submitted for prior authorization.

Occlusal x-ray	\$ 5.00
Amalgam restoration—two surfaces	15.00
Amalgam restoration—three or more surfaces	20.00
Esthetic restoration—Class III or V (silicate, plastic composite) not to exceed three individual restorations on a single tooth	13.00
Acid etch restoration of fractured anterior restoring entire incisal edge (with report)	40.00
Stainless steel crown	30.00
Polycarbonate crown (limited to permanent anterior and deciduous cuspids)	30.00
Biopsy (including pathology report)	25.00
Routine extraction (permanent or deciduous) to include routine postoperative care .	12.00
Incision and drainage of abscess	10.00
Nitrous oxide analgesia, per visit	3.00

Category B

Services in this category require special and individual consideration before preauthorization can be granted. Requests for these services must be accompanied by a brief report of circumstances including appropriate x-rays and clinical findings that justify the requested treatment.

Apicoectomy	45.00
Puplectomy	40.00
Surgical removal of impacted tooth (soft tissue impaction)	30.00
Surgical excision of pericoronal gingiva .	20.00
Frenulectomy	25.00
Alveolectomy/Alveoplasty (surgical preparation of ridge for dentures)— per quadrant	40.00
Periodontal prophylaxis (full mouth, subgingival-scaling)	25.00
Subgingival curettage, root planing, complete periodontal scaling (per quadrant), incipient bone loss must be evident radiographically	30.00
Partial denture (acrylic base—rests—wire clasps)	165.00
Partial denture (cast framework— acrylic saddles)	300.00
Relining upper or lower denture (laboratory)	70.00
Crown buildups—pin retained (pins to be listed individually with appropriate fee)	18.00
Post and core	35.00
Cast gold crown	125.00
Porcelain jacket crown	125.00
Porcelain fused to gold crown (per unit)	185.00
Removable bilateral space maintainer (lingual arch)	70.00
Hospital Fee (total fee, pre and postoperative) Special request for hospitalization required	75.00

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, via resolution of the Wildlife and Fisheries Commission, the following rules. They became effective on the date of adoption, September 27, 1977.

**Noncommercial Use of Coastal
Refuges and Management Areas**

WHEREAS, the Department of Wildlife and Fisheries owns large acreage of wildlife refuges and

game management areas along the Louisiana coast, and

WHEREAS, these areas produce annual crops of marine fishes and organisms, and

WHEREAS, sportfishing is permitted on the areas for recreational purposes, and

WHEREAS, a controlled harvest of marine organisms such as shrimp, oysters, crabs, crayfish and pinfish are permitted, and

WHEREAS, this harvest can be permitted without jeopardizing the resources or violating regulations by which the State obtained title to the areas,

NOW, THEREFORE BE IT RESOLVED, that the Department of Wildlife and Fisheries does hereby adopt the following regulations for the sport taking of shrimp, oysters, fish, crabs and crayfish on the Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Wildlife Refuge, Pointe au Chien Wildlife Management Area, and Salvador Wildlife Management Area.

1. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season one hundred pounds per boat shall be permitted. Size count to conform with open season requirements. During the inside closed season ten pounds per boat may be taken for bait.

2. Oysters may be taken from natural reefs and opened at the site. A maximum of one gallon per boat is permitted and all shell must be thrown back onto the reef. Possession of unshucked oysters is not permitted.

3. Fish may be taken by rod and reel or hand lines for recreational purposes only.

4. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight.

5. Crayfish may be harvested in unrestricted portion of the refuges and game management areas and shall be limited to one hundred pounds per boat or group. Fishing gear used to catch crayfish shall not remain set overnight.

6. The harvest of all fish, shrimp, oysters, crabs and crayfish are for recreational purposes only and any commercial use is prohibited.

NOW, THEREFORE BE IT FURTHER RESOLVED that this action is of an emergency nature in order to harvest the resources before they migrate off of the areas and that the Director is hereby authorized to sign all documents pertaining to this matter.

**Permit to Remove Hogs and Cattle From
Wildlife Management Areas**

WHEREAS, the Game Division is in need of a universal method for owners to remove livestock from State-operated wildlife management areas, and

WHEREAS, the acquisition of Boeuf Wildlife Management Area needs special attention at this time, and

WHEREAS, it is recommended that the following rules and regulations for removal of livestock from wildlife management areas:

1. Individuals (owners) having hogs or cattle on wildlife management areas apply to district supervisors for permits. Only stock owners with stock on the wildlife management area will be issued a permit.
2. Permits will be issued for not more than one year's duration, and can be revoked on a thirty-day notice.
3. Stock dogs may be used for the taking of livestock only. Dogs will be collared with owner's name and address on collar. Permittee will be responsible to see that his stock dogs will not unduly harass wildlife animals. Any such harrassment will result in revoking permittee's permit.
4. No dogs will be used during open deer season.
5. Commission personnel will have the right to search the permittee's equipment and/or vehicle while using this permit.
6. Permit is valid only from official sunrise until official sunset.
7. Firearms are not permitted for removal of stock and will not be in permittee's possession while on the wildlife management area.
8. Permittee will abide by all rules and regulations in force on the specified wildlife management area, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting on September 27, 1977, adopted the above rules for the purpose of using stock dogs in the removal of livestock from Department-operated wildlife management areas.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of State Civil Service

6.25 Compensation for Overtime Hours Worked.

(b) 1. While he is occupying a position for which the current minimum of the pay range is \$971 per month or more, unless this limitation has been removed through the application of the provisions of Rule 11.29(j).

* * * *

8.26 Status of Unclassified Employees upon Reorganization of State Government.

When State departments and agencies are reorganized pursuant to the provisions of the Constitution of 1974, Legislative act and/or constitutional amendment:

(a) An employee occupying a position that either previously had or presently has, constitutional unclassified status and whose position is retained by the State may be continued in his position with probationary status without competitive examination provided:

1. His position falls within the classified service; and
2. He possesses the minimum qualification requirements established for the class to which his position has been allocated by the Director; and
3. He has at least one year of continuous service with the department or agency as of the effective date of the transfer; and
4. The method of transfer results in a bona fide reorganization of that function; and
5. He is otherwise eligible for employment in the classified service.

(b) The rate of pay of an employee entering the classified service pursuant to Sub-section (a) of this rule shall be fixed in accordance with the provisions of Rule 6.28.

(c) Unused annual, sick, and compensatory leave earned by and credited to an employee entering the classified service pursuant to Sub-section (a) of this rule shall be assumed by his acquiring department and shall be recredited to him. Thereafter, he shall earn and be credited with leave benefits as provided elsewhere in these rules.

(d) An employee who enters the classified service pursuant to the provisions of Sub-section (a) of this rule shall be amenable to the provisions of these rules with respect to all other aspects of his service as a classified employee of the State.

* * * *

11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(c) may be granted leave without pay.

* * * *

11.29 Compensatory Leave.

(a) Subject to the provisions of Sub-sections (d) and (i) of this rule and the requirements of Federal rules, statutes, regulations, and judicial decisions, an employee serving in a position for which the current minimum rate of the range is \$971 per month or more who is required to perform overtime duty may, in the discretion of his appointing authority, be credited

with compensatory leave equal to the number of extra hours he has been required to work.

(j) In unusual cases, and upon recommendation of the Director, the Commission may extend the application of the provisions of Sub-section (b) of this rule to one or more individual employees or to specific groups or classes of employees in specific departments who occupy positions for which the current minimum rate of the pay range is \$971 or more, and who are required to perform overtime duty; provided, that the Director's recommendation must be accompanied by the appropriate appointing authority's representation that the overtime duty involved will be required over an extended period of time; except that where the payment of overtime is required under the provisions of Federal rules, statutes, regulations, and judicial decisions, such payment is authorized to be made by the appointing authority.

12.3 Procedure in Adverse Actions for Cause, Except Suspensions.

(a) In every case of removal, demotion, or reduction in pay for cause of a permanent employee, the appointing authority or his authorized agent shall:

1. Furnish to the employee at the time such action is taken, or prior thereto, a statement in writing giving detailed reasons for such action.

2. In such cases, the appointing authority or his duly authorized agent shall, commencing January 1, 1978, include in the written notice the following provision: "You may appeal this action to the Civil Service Commission within thirty days. The appeal must conform to the provisions of Chapter 13 of the Civil Service Rules."

3. The appointing authority shall furnish the Director a copy of such statement within fifteen calendar days of the date the employee is notified.

13.14 Summary Disposition of Appeal.

(b) Any request for summary disposition when made prior to the date fixed for the hearing of the appeal may be supported by admissions of fact and written argument or brief; provided, that

2. The adverse party shall have fifteen calendar days after such service, or until the date of the hearing, whichever is sooner, to file with the Director an opposition to the request which opposition may be supported by written argument or brief.

13.17 Notice of Hearing of Appeals.

(a) Subject to the provisions of Sub-section (b) hereof, the Director or referee shall give the appellant and the authority or persons against whose action the appeal has been taken a notice of the time and place fixed for the hearing or the taking of testimony at least fifteen calendar days prior to the date of the hearing.

14.1 Prohibited Activities.

(e) No employee in the classified service and no member of the Commission shall

5. Participate in an effort to recall from office an elected public official.

George Hamner, Director
Department of State Civil Service

RULE

**Department of Commerce
Licensing Board for Contractors**

It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, subcontractor, or any other person to contract, or subcontract, all or any portion of work involved herein, to any other contractor, or subcontractor unless said contractor or subcontractor was duly licensed by this Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner, or awarding authority.

This rule shall not apply to jobs exempted by R. S. 37:2157B.

If work is subcontracted as per this rule and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

Emery L. Villar, Executive Director
Licensing Board for Contractors

RULES

**Department of Commerce
Real Estate Commission**

1. Initial Applications—All applications for licenses shall meet the following requirements before being processed by the Commission:

A. Applications shall be fully completed, notarized and accompanied by the appropriate license and examination fees.

B. Applications shall be received by the Commission not less than eleven days prior to the date of the next scheduled license examination.

C. Broker license applications shall include:

1. Current character/credit report obtained from a recognized credit reporting agency.

2. Escrow account affidavit properly executed and notarized.

3. Bond, as specified in R.S. 37:1447.

4. Broker application acknowledgment, if required, as specified in Rule 9.

2. Examinations—Examinations shall be held on the first Tuesday of each month, excluding January and December.

A. In order to be permitted to take a license examination, an applicant must obtain an admittance authorization by complying with the provisions of Rules 1 and 3.

B. Examinations shall be taken only on the date and time specified in the admittance authorization.

C. Admittance authorization and photographic evidence of applicant's identity (e.g. driver's license) shall be presented to examination monitor by the applicant before an examination will be administered.

D. Applicants who fail to appear for examination, as specified in their admittance authorization, shall forfeit all fees.

E. Applicants who are disqualified, for any reason, on an examination shall forfeit all fees.

F. Applicants who are disqualified on an examination and/or applicants who fail to appear to take the examination are permitted to reapply provided that they remit new license and examination fees and obtain an admittance authorization.

G. Applicants who fail to pass their initial license examination shall forfeit all fees. However, they are allowed to take a second examination, at the next scheduled examination period only, provided that they remit a new examination fee and obtain an admittance authorization.

H. Applicants who fail to pass their second license examination shall forfeit all fees and their applications shall be returned. Second time examination failures shall not be allowed to reapply for license for a period of not less than six months following the date of their last examination failure.

I. Applicants are permitted to use calculating devices during examinations. Applicants are not allowed to possess or utilize any reference material during examination.

J. Examinations will be administered only at designated examination centers, on the prescribed date and at the prescribed time as shown on admittance authorization, and only after all of the requirements of this section have been met.

3. Fees—All fees are forfeited to the Commission when received.

A. License fees shall cover a period of one calendar year beginning January 1 and shall not be prorated.

B. Any check remitted to the Commission as a fee which is returned unpaid by the issuer's bank shall be cause for:

1. Suspension or revocation of license.
2. Refusal to issue or renew license.

4. Renewal Applications—Renewal applications shall be received by the Commission not later than October 15 in order for licenses to be issued in proper statutory time.

A. The responsibility for timely submission of renewal applications rests solely with each individual licensee. Failure to timely submit applications for renewal shall be cause for suspension of license.

B. Salesmen's licenses shall be renewed subsequent to renewal of their sponsoring broker's license.

C. Salesmen's renewal applications shall be signed by the sponsoring broker and submitted to the Commission together with renewal fee.

D. Renewal applications of salesmen who intend to transfer from one broker to another at the beginning of the license year shall be signed by the new sponsoring broker, and no transfer fee is required. However, any request for change of sponsoring broker received subsequent to actual issuance of renewal license shall be assessed a transfer fee regardless of the date upon which the original renewal application was submitted.

5. Delinquent Renewal—Applications for renewal of delinquent licenses shall be accepted by the Commission only during the calendar year following the last date on which an applicant held a valid license. Delinquent applications shall be accompanied by an affidavit which explains the reason(s) for delinquency before renewal license will be issued.

A. Former licensees who are not eligible for renewal shall apply as initial applicants.

B. Examination requirements shall apply to all applicants who are not eligible for renewal.

C. Former licensees who have not been licensed during the three calendar years preceding their date of application are subject to all educational requirements of initial applicants.

D. Applicants who were previously licensed at least two consecutive years during three calendar years preceding the date of application may obtain a waiver of all or part of the educational requirements at the discretion of the Commission.

6. Broker Affiliation—Brokers are permitted to become affiliated provided that all requirements of individual broker licenses are maintained.

A. Presently licensed brokers or broker applicants who elect to become exclusively affiliated with another broker, whether that broker is an individual, corporation, or partnership, shall notify the Commission prior to beginning or terminating such relationship and indicate the effective date thereof. The notification required by this section shall be on a form provided by the Commission and shall be accompanied by delivery of the individual's broker's license to the Commission along with a transfer fee of twenty-five dollars. The Commission shall inscribe the identity of the sponsoring broker on the license and immediately return same to the sponsoring broker for display as described in R.S. 37:1444.

B. All brokers who are exclusively affiliated shall be exempt from the requirement of maintaining an escrow (trust) account as otherwise required in the law or the rules and regulations of the Commission. The waiver provided herein must be specifically claimed by the broker and approved by the Commission.

7. Salesman License Transfer—Except as provided in Rule 4 D, salesmen who elect to transfer their license from one sponsoring broker to another shall notify their present sponsoring broker of the intended action, in writing, along with the request that the broker forward the license to the Commission in ac-

cordance with the time requirement specified in R.S. 37:1442.

A. A copy of said notification along with the transfer fee and the acknowledgment of the new sponsoring broker, shall be immediately forwarded to the Commission by the transferring salesman.

B. No action is required by the present sponsoring broker other than the timely return of the license to the Commission.

8. Salesman License Cancellation—Sponsoring brokers who return a salesman's license to the Commission for cancellation shall immediately sign and forward to the Commission by registered mail, a copy of the letter by which the broker notified the salesman that his license has been returned to the Commission for cancellation.

9. Termination Responsibilities—Upon termination of the business relationship with a sponsoring broker, salesmen and exclusively affiliated brokers shall immediately turn over to the sponsoring broker all listing information, contracts, keys and other property obtained during said business relationship, whether such information was originally given by, or copied from the records of the sponsoring broker, or otherwise acquired by the salesman or exclusively affiliated broker during the business relationship with the said sponsoring broker.

A. Compliance with this section is required before a license will be transferred.

B. Sponsoring brokers who allege failure of compliance with this section shall furnish a documented report of the alleged violation to the Commission within ten days of termination of the business relationship. Failure to timely comply with the requirements of this section shall be deemed as a waiver thereof.

10. Broker Application Acknowledgment—Salesmen who apply for broker's licenses shall submit written acknowledgment of their application from their sponsoring broker. The acknowledgment shall be prepared by the applicant for execution by the sponsoring broker and may be submitted under separate cover or attached to the application when submitted to the Commission. No application will be processed until the acknowledgment is received by the Commission.

A. Execution of the acknowledgment shall be done by the sponsoring broker, without qualification, within ten days following the applicant's receipt of written request therefor.

B. Failure of the sponsoring broker to acknowledge in accordance with the provisions of this section, shall be cause for the suspension or revocation of license.

11. Trade Names—Not more than one broker's license shall be issued in the same, or substantially similar trade name.

A. No surname shall appear on an individual broker's license except that of the said broker.

B. No surname shall appear in the trade name of a corporation or partnership license to be issued after

October 20, 1977, unless such surname is that of an active broker who owns a substantial interest in the said corporation or partnership.

C. Brokers who use franchise, trade, service or professional names, symbols, or trademarks in connection with their broker activities, shall:

1. Register such name, symbol, or trademark with the Commission.

2. Disclose to the public in all advertising, with the exception of standard picket yard signs, that the said real estate brokerage office is independently owned and operated.

12. Concurrent Licenses—Broker and salesman licenses shall not be issued nor held concurrently.

13. Advertising—All advertising by real estate brokers shall be stated in the exact name as shown on their broker's license.

A. Brokers shall have the actual authority of the owner of any property before they represent or advertise the said property in any way.

B. All advertising by real estate brokers shall be a clear, concise, true and up-to-date representation of the property advertised.

C. All advertising, whether printed, by radio, television, display or, of any other nature, must contain the name and telephone number of the advertising broker. The name and telephone number of salesmen and/or broker affiliates may appear in advertising of the sponsoring broker, however, it must be displayed in a manner distinctively subordinate to that of the sponsoring broker.

D. No advertisement shall be made by telephone number alone.

E. A licensed broker or salesman offering property in which such licensee owns an interest shall state in any advertisement that the owner is a licensed real estate agent.

F. No real estate broker shall offer or advertise to the public the service of "free appraisal" unless said broker is fully qualified and/or certified in the field of real estate appraisal by competent authority. Any real estate broker who, nevertheless, advertises or offers the service of "free appraisal", shall furnish a complete written copy of each appraisal that is requested in response to such offer or advertisement.

14. Escrow Accounts—Immediately upon becoming licensed, each broker shall open and maintain an escrow (trust) account into which they shall deposit all monies, including rentals, or other things of value received in trust on behalf of clients.

A. The escrow (trust) account required by this section shall be established as a separate account in a bank in the parish in which the broker's main office is located except under circumstances where requirements of the principal parties dictate a different parish and mutual consent of said parties is obtained. Separate escrow (trust) accounts are permitted to be opened and maintained for the collection and management of rentals.

B. Monies received in trust on behalf of clients are not assets of the broker and shall not be commingled with personal or business funds of the broker; however, a broker may deposit and keep a sum not to exceed one hundred dollars in said account from his personal funds, which sum shall be specifically identified and deposited to cover bank service charges related to said escrow (trust) account. Failure to comply with the requirements of this subsection shall be construed as prima facie evidence of fraud.

C. Applicants for brokers' licenses shall execute an affidavit authorizing and empowering the Commission or its representative to examine, inspect and/or copy their escrow (trust) accounts.

D. Brokers shall execute a separate escrow (trust) account affidavit upon opening any new or additional escrow (trust) account. Affidavits required by this subsection shall be submitted to and received by the Commission within ten days following the opening of such account.

E. Monies received and deposited in escrow (trust) accounts shall be removed and/or disbursed therefrom only upon:

1. Mutual consent of buyer(s) and seller(s)—When any funds which are held in escrow (trust) are designated to be compensation to the broker or cooperating broker, such funds shall be disbursed from the escrow account and transferred to the personal account of the broker only upon said compensation being earned and with the consent of the owner of the funds.

2. Court order.

F. Brokers shall notify the Commission of their intention to close an escrow(trust) account at least ten days prior to the intended closing date.

G. Upon cancellation of license for any reason, a broker shall nevertheless continue and maintain the escrow (trust) account until such time as all deposits therein have been properly disbursed according to law.

15. Change of Address—Within ten days following the effective date:

A. Salesmen shall report any change in their residence address and/or telephone number to the Commission along with a ten dollar transfer fee.

B. Brokers shall report any change in their business address and/or telephone number to the Commission along with a ten dollar transfer fee.

C. Failure to comply with the provisions of this section shall be grounds for suspension of license.

16. Multiple Representation—Real estate licensees represent one or another party to a transaction and shall not accept compensation from more than one party without the full knowledge of all parties to the transaction.

17. Licensee Ownership Disclosure—A real estate licensee shall not acquire an interest in or buy for himself, his firm or any member thereof, or a corpora-

tion in which he has an interest, properties listed with him, or his company or firm, without making his true position known in writing to the owner.

18. Co-op Transactions—All written offers which are presented to a listing broker by a cooperating broker shall be presented to the owner of the listed property for his consideration and decision.

A. The listing broker shall present the offer immediately, without delay, and/or as soon as possible without regard to consideration of other possible or pending offers of which he may be aware.

B. Negotiations concerning property listed exclusively with one broker shall be carried on with the said listing broker, not the owner, except with the expressed consent of the said listing broker.

C. All written offers presented by a cooperating broker to a listing broker shall provide for insertion for time of day, date and acknowledgment of receipt by listing broker.

D. All written offers presented to the owner and not accepted shall be clearly marked as rejected and signed by the owner (seller). In the event that the owner (seller) is not available and grants authority to listing broker to reject, the listing broker shall sign in lieu of owner (seller) but the listing broker shall nevertheless forward to owner a copy of the written offer to be signed by owner (seller) and said signed copy returned for files of both listing broker and selling (cooperating) broker.

19. Contract Tampering—No broker or salesman shall induce any party to a contract to act in such a manner as to break such contract for the purpose of substituting in lieu thereof, a new contract with another real estate broker or salesman.

20. Payment to Nonlicensees—Real estate licensees, in accordance with the provisions of R.S. 37:1454, shall not offer or pay a fee or any other compensation of any kind to any unlicensed person for the purpose of obtaining any listings, sales, or other real estate or business chance transactions.

21. Report of Legal Action—Real estate licensees, in addition to the provisions of R.S. 37:1437.1 and in accordance with the provisions of R.S. 37:1454, shall report to the Commission:

A. Any conviction, except minor traffic offenses, of any violation of the criminal laws of the United States or the State of Louisiana, regardless of the method used to arrive at the conviction and/or whether the conviction is appealed.

B. Institution of any proceedings under the Federal Bankruptcy Act in which such licensee is named as debtor, whether classified as voluntary, involuntary, individual, corporate, partnership, or in any way connected with such licensee's real estate business activities.

C. The time and method for reporting required by this section shall be as specified in R.S. 37:1437.1.

22. **Broker Records**—Brokers shall retain, readily available and properly indexed, copies of all documents which in any way pertain to real estate transactions wherein they have appeared in licensed capacity for at least five years.

23. **Complaints**—Complaints involving violation of the Louisiana Real Estate Licensing Law and/or the Rules and Regulations of the Commission shall be signed by the complainant or his legal representative before any action thereon will be taken by the Commission.

24. **Investigations**—Licensees shall be prepared to answer all investigative questions propounded by authorized Commission investigative personnel. If an appointment is arranged, prior to an investigator's visit, the licensee shall be available at the appointed time and place. Failure to comply with the requirements of this section shall be construed as contempt of the Commission as provided in R.S. 37:1436(C) and R.S. 37:1453.

25. **Broker Responsibilities**—It shall be the duty of sponsoring brokers to inform their salesmen of any change of the Real Estate License Law and/or Rules and Regulations of the Commission.

26. **Interstate Land Sales**—Unless registered in Louisiana as hereinafter specified, no person, partnership, or corporation shall sell or offer for sale in Louisiana any out-of-state real estate in a subdivision which is subject to the Federal Interstate Land Sales Full Disclosure Act except through a licensed resident Louisiana real estate broker.

A. Prior to the time when subject real estate is offered for sale, such person, partnership, or corporation shall make application to the Commission for registration in this state. Applications for registration shall contain the following information and supporting documents:

1. Name, address, and whether the applicant is a person, partnership, or corporation;

a. Partnership: the names and addresses of the individual members thereof;

b. Corporation: names and addresses of officers and members of board of directors and place of incorporation.

2. Legal description of the real estate offered for sale, including area maps and recorded plats;

3. Name and address of legal owner of the subject real estate;

4. A certified, audited financial statement disclosing the current financial condition of the developer;

5. A statement of title to the property including all encumbrances with recording data on the day of application;

6. Copies of the instruments by which the property was acquired and documentary evidence stating whether mortgagee or trustee of a deed of trust will or will not subordinate his interest in the real estate to the interest of a purchaser;

7. Sales contracts intended to be used which shall contain a provision entitling the purchaser, if he has not seen the land, to an unconditional right of refund of all payments made under the contract after inspecting the land if inspection is made within thirty days from the date of the contract. Such contracts shall also contain a provision granting to the purchaser an unconditional right to rescind the contract for a period of fourteen days if he has not inspected the land;

8. A zoning or other governmental regulations statement disclosing whether or not such regulations have been satisfied;

9. A copy of an offering statement which sets forth the material facts with respect to the subject real estate.

B. After receiving the application, the Commission may require such additional information deemed necessary.

C. The Commission shall require a personal inspection of the property by a person(s) designated by it to determine whether, in general, the property can be utilized as indicated by the subdivider. All such inspection expenses incurred shall be borne by the applicant who shall deposit with the inspector in advance a sum sufficient to cover such expenses.

D. Applicants shall appoint the Louisiana Secretary of State to act as the applicant's agent for the service of all judicial process or legal notices directed to such applicant. Service upon the agent so designated shall be equivalent to personal service upon the applicant.

E. If the requirements set forth herein are met, the Commission shall register the subdivision for a period of one year. The subdivider shall renew each year by furnishing the Commission with all information as would modify or change the information previously submitted. Should the Commission deem that an additional inspection is necessary, the cost of making same shall be paid by the subdivider in the manner provided for initial registration.

F. Neither the subdivider or any representative of the subdivider shall in any manner refer to the Commission or any member or employee thereof in selling, offering for sale, advertising or otherwise promoting the sale, mortgage, or lease of such real estate, nor make any representation whatsoever that such real estate has been inspected, approved, endorsed or in any way recommended by the Commission or any Louisiana official, department, or employee.

G. The Commission shall have the power to withdraw any registration and/or issue a cease and desist order to any subdivider subject to these Rules and Regulations, upon determination that any Federal or State law or Commission rule has been or will be violated.

27. **Veteran Waiver**—Licensees who are inducted into military service or those licensees in the military

who are transferred out of state shall, upon furnishing appropriate evidence of their honorable discharge, be entitled to renewal of their licenses, without penalty, provided application is filed within six months following discharge. The provisions of this section shall extend to spouses of persons described hereinabove who were licensed at the time of such induction or transfer.

28. Deceased Broker—In accordance with R.S. 37:1460, the licensee who is selected to assume the position of a deceased broker for the purpose of completing the pending business of the broker, shall notify the Commission of said appointment within ten days.

A. In the exceptional case where one hundred eighty days is not sufficient to complete the pending business of the deceased broker, the Commission may grant an extension of time where justified.

B. In those cases where it is necessary to appoint a licensee that was not a salesman or broker-affiliate of the deceased broker, the appointee shall be a broker.

C. Transfer fees are waived in the event that the transfer is required due to the death of a sponsoring broker.

29. Corporations and Partnerships—A real estate broker's license shall not be granted to a corporation or partnership unless said corporation or partnership designates only one qualifying broker who shall own a substantial interest in and shall represent the said corporation or partnership. The qualifying broker shall sign the bond and/or continuation certificate and application for the corporation or partnership and all applications for the salesmen. All directors and officers of a broker corporation or partnership who actively participate in the real estate business of said corporation or partnership shall be licensed as an individual real estate broker. Upon termination of the qualifying broker's affiliation with the broker corporation or partnership, for any reason, the qualifying broker shall immediately notify the Commission, and the broker corporation or partnership shall name a new qualifying broker and notify the Commission within ten days thereof. Every person who acts as a salesman for such corporation or partnership shall be licensed as a real estate salesman.

A. Individuals who elect to become licensed as a real estate broker corporation or partnership are subject to all requirements of the Louisiana Real Estate License Law and/or Rules and Regulations of the Commission that are imposed upon individual broker licensees.

B. Upon dissolution of a corporation or partnership, the qualifying broker shall return the corporation or partnership broker's license to the Commission, accompanied by all exclusively affiliated broker and salesman licenses held by the broker corporation or partnership, within ten days following the date of corporation or partnership dissolution.

C. Exemption: The provisions of this section which require a qualifying broker to own a substantial interest in the broker corporation or partnership shall be waived in those cases where ownership of stock in such corporations or partnerships, licensed prior to September 1, 1974, is precluded. The waiver outlined by this subsection must be claimed by licensees and approved by the Commission in connection with renewal of licenses for 1975 and thereafter.

30. Bonds—Companies that issue bonds as required by R.S. 37:1447, shall issue same in the identical name as set forth in applicant's application. Additionally, said companies shall provide a notarized power of attorney giving specific authority for named individual(s) to execute such bonds on behalf of that company.

A. The power of attorney required by this section shall be furnished either directly to the Commission in "blanket" form or individually to the recipient of the bond. In the latter case it shall be the obligation of said recipient to attach the individual power of attorney and submit same with the appropriate application.

B. Applications which do not comply with the requirements of this section shall be returned to the sender.

C. Bonding companies shall not be permitted to cancel a broker's bond for:

1. Non-payment of premium.
2. Suspension of license.

D. Bonding companies shall obtain the approval of any bond cancellation from the Commission. Cancellation of broker's bond for any reason shall result in automatic indefinite suspension of the broker's license effective on the date of cancellation of the bond provided, however, that licenses subject to suspension pursuant to this section shall remain in full force and effect if a new bond is obtained and submitted by the broker and received by the Commission within ten days prior to the effective date of scheduled cancellation of bond. Notification by bonding company of approved cancellation of the bond shall be provided to the broker by certified mail not less than ten days prior to the date that said cancellation is to become effective.

1. Informational copies of the said notification and proof of receipt by the broker shall be furnished to the Commission by the bonding company before any cancellation will be processed.

2. Reinstatement of licenses suspended under this section shall require the approval of the Commission and shall be applied for by:

- a. A petition to the Commission setting forth justification for the reinstatement.
- b. New bond.
- c. Current character-credit report.

3. Licenses suspended under this section shall be automatically revoked if not reinstated during the license year in which the suspension became effective.

31. Nonresident License—A nonresident, whether licensed in his resident state or not, whose resident state permits Louisiana residents to obtain a broker's or salesman's license and engage in the real estate business in that state, may obtain a broker's or salesman's license and engage in the real estate business in this state under conditions prescribed by the Commission, provided, however, such conditions in any case shall be equal to or more onerous than the conditions applicable to residents of Louisiana, which are prescribed in the state of the nonresident.

32. Real Estate Schools—Real estate school includes any place or institution certified by the Louisiana Real Estate Commission which is open to the public for the instruction or training of individuals to engage in the practice of real estate. All real estate schools shall satisfy the requirements of R.S. 37:1438.3, R.S. 37:1438.4 and R.S. 37:1461 and the Rules and Regulations of the Commission.

33. School Certification and Renewal—An applicant for certification to operate a real estate school shall file an application in such form as the Commission may require.

A. No person shall operate a real estate school from which the Commission will accept credit for completion unless he complies with the requirements of the Commission and obtains certification by the Commission.

B. No certification shall be issued to any broker-applicant whose courses are designed and intended for instruction of that same broker-applicant's future salesman or broker affiliates. No person shall use school premises to discuss salesman or broker sponsorship with students in such a manner as to induce or recruit applicants for any brokerage firm.

C. Certification issued or renewed under this section shall be valid for a maximum of one year and shall expire on December 31 next following such issue or renewal.

D. Applications for issue or renewal of certification shall be submitted not later than October 30th of each year.

E. Failure to submit a timely application for renewal of certification shall automatically suspend such certification on January 1 and any continued activities by a real estate school subsequent to such suspension shall be deemed a violation of these rules and regulations, and penalties as provided in R.S. 37:1458 shall apply.

F. Any application for certification which is submitted subsequent to suspension under paragraph C herein, shall be treated as an initial application.

G. Real estate schools must conduct a minimum of two approved real estate courses per year in order to be eligible for renewal.

H. Real estate schools shall not schedule courses which will begin during the renewal period and which will terminate after December 31 unless

renewal of certification has been applied for and approved by the Commission prior to the date that such courses are scheduled to begin.

I. Real estate schools must maintain accurate files on enrolled students and school activities and make these reports available upon request of the Commission or its representative(s).

34. Fees and Exemptions—There shall be a certification fee of three hundred dollars to be paid by each private commercial real estate school. Said fee shall be made payable to the Louisiana Real Estate Commission and shall be remitted with each initial and/or renewal application.

A. All Louisiana State and private colleges and universities are exempt from the regulations imposed on privately owned real estate schools.

B. State vocational-technical schools or parish school boards utilizing real estate brokers to teach real estate courses shall be required to comply with the provisions of Rules 32 through 40.

35. School Instructors—No person shall act as an instructor at a real estate school, and no real estate school shall hire or permit any person to act as an instructor at a real estate school unless that person has obtained certification from the Commission. The provisions of this rule do not extend to guest lecturers, however, guest lecturer participation in any approved course shall be limited to a maximum of twenty percent.

36. Instructor Qualifications—The Commission may issue certification as instructor in a real estate school to a person who applies to the Commission in such form as the Commission may prescribe and who provides evidence of qualifications and/or experience in the area of requested certification. In lieu of formal training for a chosen subject, the Commission may on its own motion grant certification to a person by substituting experience in the brokerage profession or any special qualifications which in the opinion of the Commission constitutes the equivalent of a degree or other official designation. The provisions of Rule 33 C and D apply equally to approved instructors.

37. Course Reporting—Certified real estate schools, with the exception of Louisiana colleges and universities, shall designate their courses as Real Estate I (thirty hour statutory requirement for salesmen), Real Estate II and III (balance of ninety hour statutory requirement for brokers).

A. For each course it conducts, each school shall furnish:

1. The exact location, time and date schedule, including time of final examination.

2. A list of all instructors participating in course, number of hours allocated to each topic, and a detailed outline of those subjects to be covered. The information required by Section A shall be filed by the school to be received by the Commission at least ten days prior to the date of beginning of a course.

B. Within ten days following the completion of each course conducted, all schools shall furnish:

1. A notarized affidavit containing the names, addresses and test scores of those persons satisfactorily completing course(s) and also the signatures of all participating instructors attesting that the named students personally attended the minimum required statutory classroom instruction and passed a comprehensive final examination.

2. A copy of the final examination (questions and answers).

Violation of the provisions of this Section by any school (its owners or instructors), or any false certification or other misrepresentation of actual attendance records shall be construed as contempt of the Commission and shall be grounds for immediate revocation of school and/or instructor certification.

38. Certificates of Completion—In accordance with the provisions of R.S. 37:1438.3 and 1438.4, all certified schools shall provide an individual certificate of completion to all students upon successful completion of statutory course and attendance requirements.

A. All certificates of completion shall bear the original signature of the course coordinator of the school and said certificates shall indicate number of hours completed and course designation (Real Estate I, II, or III).

B. Certificates required by this section shall be attached by applicants to their initial or renewal application and submitted to the Commission. Individuals who have undertaken course(s) approved by the Commission for university or college credit and desire to apply for a real estate license shall obtain a certified extract of their transcript from their university or college registrar indicating the title and number of the course(s), date of completion, and final grade and submit this transcript to the Commission in lieu of the required certificate of completion.

C. No certificate of completion will be accepted from any real estate school that is not in good standing with the Commission on the date that such certificate of completion is issued.

39. School Advertising—Advertising by certified real estate schools shall be clear, concise, and accurately represent the facilities and charges which are offered.

A. Prior to registration for a course, real estate schools shall state the tuition fee and any additional cost to be incurred by students enrolling in the course.

B. A real estate broker also owning a real estate school shall not combine advertisement of his school with any advertisement for his brokerage business and vice versa.

40. School Investigations—All private real estate schools shall be subject to periodic visits by an official representative(s) of the Commission who will observe classroom activities, evaluate course content and instructor proficiency to insure that courses are being

taught in accordance with the provisions set forth in R.S. 37:1461. In accordance with the provisions of R.S. 37:1453, the Commission may upon its own motion and shall upon receipt of a verified complaint in writing of any person, investigate the actions and records of any certified real estate school.

Stanley Passman, Executive Director
Real Estate Commission

RULES

Board of Trustees for State Colleges and Universities

Part VI—Financial and Leave Policies and Procedures

Section 6.6 A, Application Fee, is amended to read as follows:

A. Application Fee.

1. An application fee of five dollars for United States students and fifteen dollars for foreign students (nonrefundable) shall be assessed each person making application for admission or readmission to a college or university under the jurisdiction of the Board.

2. Each institution shall be allowed to charge a ten dollar additional out-of-state application fee for each out-of-state application for the following allied health programs: Dental Hygiene, Occupational Therapy, Nursing, Pharmacy and Radiologic Technology.

* * * *

Part IX—Athletic Policies

Section 9.5 B 2.b. shall read:

b. The athlete must not have received a bachelor's degree or as a graduate student must conform to the National Collegiate Athletic Association (NCAA) Constitution 3-3-(c).

Section 9.5B 3 shall read:

3. A high school graduate upon his initial matriculation into college who is ineligible according to NCAA or National Junior College Athletic Association (NJCAA) academic standards to participate in athletics or in any organized athletic practice sessions during the first year in residence becomes eligible after the completion of two semesters or three quarters, and twenty-four hours.

A student-athlete beyond his first year in any Board institution must have earned twenty-four semester hours or its equivalent in between his seasons of competition in that respective sport to be eligible to compete.

a. All eligibility requirements must be satisfied during the semester or quarter, or summer session preceding the semester or quarter, if a student

RULE

Board of Elementary and Secondary Education

intends to participate (incomplete work within his own institution excepted).

b. Only those credit hours granted after regular class attendance will satisfy the above requirement.

9.5B 5. shall read:

5. A student whose eligibility changes at the end of a quarter or semester shall become eligible or ineligible to compete at the time the eligibility is officially certified by the athlete's institution which shall not be later than the first day of classes of the following semester or quarter except that if the athlete is eligible to compete at the time of the institution's first participation in an NCCA championship, the athlete shall remain eligible for the remainder of the meet or tournament.

Section 9.5B 9. shall read:

9. Universities may abide by the NCAA Hardship Rule. The Coordinator of College Athletics must be presented the particular situation in writing and act as an agent for NCAA.

Section 9.6 A. (Recruiting) shall be amended to read as follows:

A. 1. It is not permissible to utilize the services of another institutional employee as a talent scout (one who travels for a college checking high school material, grades, and ability during the season and does not actively take part in coaching), except on a voluntary basis. He cannot receive compensation or travel expenses in any form from any source.

2. The final date for contact in the sports football and basketball shall be June 15 in the prospective student-athlete's senior year in high school.

Section 9.11 B. 1. shall read:

1. Each player—up to four tickets to comply with NCAA Constitution 3-1(9) (4); Each manager—two tickets;

Section 9.11 B. 27. shall read:

27. Marching Band Director—two tickets, home band director at home games.

Section 9.12 J. Spectator Control shall read:

J. Spectator Control.

The responsibility of spectator control is vested with the Director of Athletics and/or any other university official designated by the President of the home institution where the game or contest is being played. The Director of Athletics and/or any other university official designated by the President shall be responsible for adequate policing, adequate announcements over public address systems, and other measures necessary for the prevention of any exhibition of unsportsmanlike conduct.

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

Revision to Policy and Procedure Manual, Rule 3.03.10a. The present policy should be deleted and the following inserted:

“Vocational-technical directors may begin a new class or evening extension class if the initial enrollment is below fifteen persons but this must be brought to the attention of the Board at the next regular session of the Board.”

Rule 4.03.30

The Board adopted a Vocational-Technical Education Policy and Procedure Manual as prepared by the State Advisory Council for Vocational-Technical Education with proposed amendments.

Rule 3.01.52d

This policy was adopted by the Board on July 28, 1977, and appeared in the Louisiana Register as an Emergency Rule on August 20, 1977. The following was approved for final adoption by the Board:

“Teachers certified at the secondary level who are teaching in a departmentalized situation shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the present and/or proposed policy relative to teaching two hours per day out of the field of certification by virtue of completion of twelve hours in a field.”

Rule 3.05.01

On September 22, 1977, the Board adopted the 1978 State Plan for Migrant Education.

The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the Vocational-Technical Education Policy and Procedure Manual and the 1978 State Plan for Migrant Education. The public may inspect both documents at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Board of Regents

State Plan for Community Service and Continuing Education Programs Under Title I of the Higher Education Act of 1965 as Amended

I. Submission of State Plan (Section 173.13).

The State of Louisiana through the Louisiana Board of Regents hereby submits to the U. S. Commissioner of Education for approval its State Plan for participation in the grant program authorized by Title I of the Higher Education Act of 1965, Community Service and Continuing Education Programs, (P. L. 89-329, as amended).

II. Administrative Information.

The name and address of the State Agency or institution for the administration or for the supervision of the administration of the State Plan is Louisiana Board of Regents, 1530 One American Place, Baton Rouge, Louisiana 70825. This agency will be the sole agency responsible for the administration of the plan or for supervision of the administration of the plan. This agency has consulted with the State Advisory Committee with respect to policy matters arising in the development of this State Plan and will consult with the Advisory Committee on policy matters arising in the administration of the plan and the development and administration of any amendments thereto. The State Agency has also consulted with the deans and directors of continuing education from all public and private institutions of higher education eligible and willing to participate in Title I programs.

III. Program Development.

A. Policies and procedures for development of the State program:

1. Selecting community problems:

The policies and procedures to be followed by the State Agency in selected those community problems or specific aspects thereof for the solution of which Federal funds allotted will be used are:

The State Agency shall periodically consult with leadership of such groups as the Louisiana Municipal Association, the Louisiana Police Jury Association, The Council for a Better Louisiana, the Louisiana Association of Business and Industry, the Louisiana AFL-CIO, and the Public Affairs Research Council of Louisiana to obtain their views as to the problem areas which should be funded through the community service and continuing education program. Additionally, the State Agency will also consult periodically with major television stations in the state to determine the results of their assessment of community problems as required by the Federal Communications Commission. Deans and directors of continuing education of all public and private colleges and universities eligible and willing to undertake programs of community service will be asked for priority recommendations as to those community problems in which their institutions have experience or expertise which would be applied to provide solutions.

The general methods and/or criteria to be used in making selections of problem areas are:

a. That the problem is consistent with the purposes of Title I of the Higher Education Act of 1965 as amended.

b. That the problem lends itself to an action program aimed at solutions through continuing education or extension activities (in accordance with the intent of the Act).

c. That the state's overall and specialized educational and community resources present reasonable prospects for the solution of the general community problem being attacked.

d. That the problem is one affecting a significant segment of the state's citizenry and that the nature of the problem can be readily discerned by the general public

2. Determining the need for the expansion of continuing education opportunities:

The State Agency in consultation with deans and directors of continuing education and the Advisory Committee shall attempt to arrive at a consensus of priorities for expanding continuing education opportunities. Where a consensus appears to be unattainable, the State Agency will enlist the cooperation of participating institutions of higher education in conducting a needs assessment for their respective communities as well as any sections of the state which appear to be remote from continuing education opportunities. The State Agency will encourage projects which propose to make continuing education available to any groups or geographic regions previously underserved.

3. Planning for resource materials sharing:

The Louisiana Association for Continuing Higher Education, comprised of the deans and directors of continuing education of most public and private colleges and universities in the state, will assist the Advisory Committee on Extension and Continuing Education and the Board of Regents in assessing the applicability of such resources as existing educational materials, communications technology, local facilities and human resources for the expansion of continuing education activities through resource materials sharing.

4. Using the results of periodic objective and systematic evaluations of the programs, services, and activities:

The State Agency will use the results of proposal evaluation, progress reports, on-site visitations and the final project report to identify achievement or nonachievement of anticipated results and to enhance the future development of community service and continuing education.

IV. Project Selection.

The State Agency will allocate funds only to such "institutions of higher education" as come within the definition of that term in Section 1201 (a) of the Act and Regulation 173.1 (f).

The State Agency will not make payments for any community service or continuing education program

which is provided by a school or department of divinity. However, any institution of higher education which has a school, branch, department, or other administrative unit which comes within the definition of "school" or "department of divinity" as set out in Regulation 173.1 (i) will not be precluded from participation if the community service program is not related to sectarian instruction or religious worship.

Prior to October 1, the State Agency shall send to each eligible institution a copy of the Annual Program Amendment, an invitation to submit proposals for Title I funding and notice of intent forms on which an institution may indicate its desire to participate in the program by including a digest of its specific proposals. Completed notice of intent forms are due in the State Agency's office not later than each November 15. Each notice of intent form shall have been reviewed and signed by the institution's dean or director of continuing education or the individual serving in that capacity. The State Agency staff will review each notice of intent and provide copies of each to all members of the Advisory Committee. The Advisory Committee will review each notice of intent, giving priority attention the following in descending order of importance:

A. The evidence offered by the institution that the credit courses to be offered are of college level.

B. The relevance of the proposal to the priorities established annually for community service, continuing education, and resource materials sharing.

C. The relative capacities and willingness of the applicant institutions to provide effective programs.

D. The design of the project.

E. The utilization of special resources of the institutions and their faculties.

F. The consistency of the proposed programs, services or activities with the overall educational programs of the institutions.

G. The availability of and need for community service and continuing education as well as resource materials sharing programs.

Based on the above considerations, the State Agency shall then request full proposals for those projects deemed meritorious by the Advisory Committee.

In cases where the Advisory Committee and/or the State Agency determine that a modification in the design of the project could enhance its effectiveness, the State Agency may require that the design be so modified. Additionally, the State Agency may solicit additional full proposals by subject matter if it appears to the Advisory Committee or the State Agency that additional funds for community service and continuing education programs may be forthcoming or that the number of meritorious proposals is not sufficient; provided, however, that any additional requests for full proposals will be judged by the same criteria as set forth in A-G above.

V. Fiscal Assurances.

The State Agency shall certify annually that Federal funds allotted to this program will be used to

supplement or increase the amount of funds otherwise available for community service, continuing education and resource materials sharing. The State Agency provides assurance that the applicant institutions' proposed projects would not be otherwise available but that no project will be disapproved solely on the basis that it would be eligible to receive financial assistance under another Federal program.

The State Agency will provide the Commissioner of Education with an annual certification that all institutions participating in the plan have funds available for expenditure for community service and continuing education programs, and that the total amount available is not less than the actual amount expended from nonfederal sources by those institutions for community service and continuing education programs for fiscal 1976, plus an amount that is not less than the nonfederal share of the costs of Community Service and Continuing Education Programs for which Federal financial assistance is requested. The State Agency will obtain the necessary documented records of expenditures and income from each participating institution to substantiate the above certification, and these records will be maintained in the office of the agency and made available to the U.S. Commissioner of Education upon request.

All participating higher education institutions have signed Health, Education and Welfare Form 441 required under the Civil Rights Act of 1964 and the Regulations of the Department of Health, Education and Welfare.

VI. Fiscal Procedures.

The fiscal control and fund accounting procedures to be followed to assure proper disbursement of and accounting for Federal funds paid to the State including those funds paid by the State to participating institutions of higher education are:

A. The legal State officer who will receive and provide custody of Federal funds in a specially designated restricted fund is the State Treasurer, State of Louisiana, State Capitol Building, Baton Rouge, Louisiana 70804.

B. The officer in the State who will requisition and approve the expenditure of any Federal funds is Dr. William Arceneaux, Commissioner of Higher Education, Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

C. The State Agency, through the Division of Administration will maintain a ledger, accounting for funds received and expenditures made, which will meet the requirements of the Legislative Auditor and the Commissioner of Administration. Each entry will be subject to verification by means of deposit records, vouchers, invoices and statements, payroll, and similar documents.

D. The above described accounts and documents supporting expenditures will be maintained by the State Agency until notification of completion of Federal audits for the Federal fiscal year concerned.

E. The extent and frequency of State audits of expenditures, including expenditures of Federal funds, and the responsibility for corrective action regarding exceptions by State auditors, are as follows:

All expenditures are subject to review by the Commissioner of Administration and the Legislative Auditor. Annual post audits are to be conducted by the Legislative Auditor (Louisiana Revised Statutes of 1950, Title 39, Section 91).

F. In the case of private institutions receiving community service and continuing education funds, audits will be conducted either by the Legislative Auditor or a certified public accounting firm as determined by the State Agency.

VII. Institutional Assurances.

Prior to the approval of any community service or continuing education program, each institution of higher education proposing such a program shall submit to the State Agency a certification that the proposed program does not duplicate existing State or local programs and that the proposed program is not otherwise available at this time.

VIII. Policies and Procedures for State Agency Monitoring and Evaluation.

Upon receipt of the interim progress report (midway of the project) a State Agency staff member will pay an on-site visit to the project and discuss with the project director or his/her representative the original objectives of the project as well as the progress to date. The State Agency staff member shall notify the project director in advance of the visit and will make every effort to observe a working session related to the project. Any suggested adjustments in the project emanating either from the institution or the State agency shall be discussed during the on-site visit. Within thirty days of the visit the State Agency shall inform the project director in writing of any adjustments deemed necessary. At the conclusion of the project each project director will be asked to submit on a standard form a final project report stating whether objectives of the project were achieved or not and identifying the reasons for achievement or nonachievement.

IX. Transfer of Funds to Participating Institutions.

The State Agency has determined that payment of Federal funds to participating institutions will generally be made as a reimbursement for actual expenditures. If, however, the participating institution is unable to support the Federal share of the program cost until reimbursement can be made, an advance payment of Federal funds may be made.

The policies and procedures to be followed in determining for each participating institution whether payment will be made as a reimbursement for actual expenditures or as an advance prior to actual expenditures are:

A. Advances prior to actual expenditures shall be made only upon receipt of a certification from the participating institution that:

1. Merchandise has been received, or services have been rendered; and

2. The institution, because of limited finances, is unable to pay for such merchandise or services.

3. Eligible costs of the program will be determined in accordance with applicable regulations.

X. Accounting Bases for Expenditures.

A. The accounting basis used by the State Agency is an obligation basis.

B. The State Agency will ascertain the accounting practice of each institution at the time of its selection for participation under the State Plan and will retain such information in the offices of the State Agency.

XI. Reports and Records.

A. The State Agency will submit to the U. S. Commissioner of Education the reports enumerated in Regulation 173.20, and any other reports as the Commissioner may require to carry out his functions under the Act; and will maintain such records, afford access thereto, and comply with such other provisions as the Commissioner may find necessary to substantiate and/or verify the information contained in the reports.

B. The State Agency will keep accessible and intact all records supporting claims for Federal grants, or relating to the accountability of the State Agency and participating institutions of higher education for expenditure of matching funds, as required by the regulations.

XII. Details of the Annual Program Plan.

The State Agency shall submit an Annual Program Plan as an Amendment to the State Plan.

XIII. Amendments to the State Plan.

The State Agency agrees that, in addition to the annual amendment required under 173.14 of the regulations, the State Plan will be appropriately amended whenever there is any material change in the designation of the State Agency, the content or administration of the State Plan, or when there has been a change in pertinent State law. Such amendment will clearly indicate the changes and will be signed and certified in the same manner as the original plan submitted and will become effective upon approval by the Commissioner.

XIV. Eligibility of Programs.

The State Agency agrees that a proposed program will not be excluded from participation on the basis that it would also be eligible to receive financial assistance under another Federal program.

* * * *

**Annual Program Plan Amendment
Fiscal Year 1978
State Plan for Community Service
and Continuing Education Programs**

I. Objectives.

The primary objective of the Fiscal 1978 Annual Program Plan Amendment to the State Plan for Community Service and Continuing Education is to enhance colleges and universities' abilities to be of service to their communities, provide a framework for the expansion and improvement of continuing education, and initiate planning for resource materials sharing. Consistent with these objectives, the following program areas have been selected as priorities for fiscal 1978 funding:

A. Community service activities.

1. Improving the managerial ability and expertise of public officials and employees.

Programs will be planned for in-service education of State and local elected officials, policy makers, and employees. Louisiana, because of its declining tax revenues from oil and gas, is rapidly approaching a limit of resources available to government for solving State and local problems. One answer to the declining tax base is to provide public officials and employees at the state and local level better management skills to deal with the problems governments must face in promoting greater efficiency and determining priorities for State and local expenditures.

2. Improving the quality of public education.

The State Agency's primary effort with respect to improving the quality of public education will be to strengthen teacher education programs at all levels. To this end, the Board of Regents has recently assisted in the establishment of a Center for Advanced Studies in Education. As degree offerings have mushroomed over the years, it seems obvious that higher education's financial resources have not kept pace with added programs and curricula. A recent scientifically conducted statewide opinion poll indicated that a large percentage of Louisiana's citizenry is not satisfied with the present quality of public education. Since the teacher is the primary determinant of the quality of instruction in the classroom, the State Agency deems it imperative that every effort be made to produce teachers with the skills essential to perform competently in the classroom. The State Agency also realizes that the attitude of parents and the environment in the home can play an important part in enhancing or diminishing the effectiveness of the teacher. Projects aimed at improving the quality of teacher education, improving the teacher's relationship with parents and improving the teacher's ability to deal with disciplinary problems, as well as projects to improve and expand in-service programs for teachers will be encouraged.

3. Improving labor-management relations.

Realizing that labor-management tensions can retard Louisiana's economic growth, the State Agency will encourage projects whose primary emphasis will be to resolve conflicts that impede effective negotiations and result in work stoppages.

4. Improving essential urban and rural services.

The State Agency's effort to assist in the improvement of essential urban and rural services will emphasize community development projects. Louisiana in the past two decades has become essentially an urban state. According to the U. S. Census of 1970, 66.1 percent of Louisiana's population lived in urban areas. Approximately fifty percent of the state's population resides in thirty-seven cities with ten thousand or more inhabitants. Yet the state retains a strong rural tradition, and as rural areas decline in population, their problems, as well as urban problems, frequently are aggravated. Urban and rural community leadership programs focusing on ways to alleviate the various problems of urban and rural life will be encouraged. Projects aimed at alleviating problems caused by the energy crisis also will be given special consideration.

B. Expansion of Continuing Education Programs.

In accordance with the new authorization for use of Title I funds, it is now possible for institutions individually and in cooperation with one another to develop continuing education programs which in the past were not possible due to other funding commitments. Projects will be designed to expand or improve offerings in continuing education to groups which have been unserved or underserved in the past; for example, the aged, the underprivileged, displaced housewives, Vietnamese, and military personnel statewide; Latin Americans in the metropolitan New Orleans area and offshore petroleum industry employees in South Louisiana.

C. Planning for Resource Materials Sharing.

Institutions eligible to participate in the State program will consider jointly the steps necessary to provide for statewide and regional sharing. The State Agency shall encourage planning efforts designed to assist educational institutions and their communities in making available to the largest extent possible those learning resources unique to institutions or geographical regions of the state. Such planning efforts shall be fostered either on a statewide basis or on a regional basis, with priority given to the former.

II. Findings.

In accordance with the new legislation, the State Agency is now required to detail the findings derived from its consultations with community leaders, associations and organizations, and with representatives of all institutions of higher learning in the state.

The following represents a concise statement of those findings:

A. The Louisiana Association of Business and Industry has urged a restructuring of mass transit route centers in urban areas as well as a survey of what would be required to induce urban residents to use public transportation. The Association also has suggested that a research project be undertaken to determine the availability of modular programs of instruction in the skilled trades for inmates of the State prison system.

The Louisiana Municipal Association has expressed its appreciation to the State Agency for the Community Service and Continuing Education programs that have "elevated the level of government provided by our members."

The Council for a Better Louisiana (CABL) has suggested that the State Agency evaluate all teacher education programs offered at and by institutions of higher education. CABL has asked that particular attention be given to the adequacy of offerings for in-service education of teachers on and off campus and through educational television. In this regard, it should be noted that in reviewing results of Louisiana television stations' ascertainment of community problems, the quality of public education is cited repeatedly. A recent statewide poll conducted for WAFB television in Baton Rouge posed the question, "Is the quality of public education (a) making progress, (b) standing still, or (c) losing ground?"

The answers were as follows:

(a) making progress	29%
(b) standing still	26%
(c) losing ground	33%
(d) undecided	12%

The top three reasons cited by the public for the decline in the quality of public education were given as follows:

- (1) need better qualified teachers
- (2) need better discipline
- (3) need a pay raise for teachers

Aside from the quality of public education, community problems most often cited by Louisiana citizens and their community leaders include crime, unemployment, transportation, economic stagnation, housing, health care, problems affecting the elderly, poor streets, inadequate drainage, lack of confidence in local and state governments and citizen apathy.

At a conference of deans and directors of continuing education on June 9, 1977, the following suggestions were proposed to the staff of the State Agency for submission to the Advisory Committee and the Board of Regents:

1. Consider adding to the objectives and programs to be supported sections projects to "upgrade the family."
2. Rethink the logical basis for the State Agency's Guidelines for the Conduct of Off-Campus Activities.
3. Define college level in terms of the participation of community colleges in the Title I prog-

rams, i.e., will programs be funded for the teaching of English as a foreign language to Vietnamese refugees and Latin Americans?

4. Improve communication between the Board of Regents and the Advisory Committee and the institutions of higher education.

5. Clarify to what extent, if any, Federal funds available under Title I may be used in lieu of charging fees to students in credit and noncredit courses under the heading of Expanding and Improving Continuing Education.

B. The State Agency has consulted with representatives of various Federal programs having some relation to or interest in the State program of community service and continuing education. The Governor's Office of Federal Affairs and Special Projects has recommended that a continuing education course in personal finance be offered. The State Coordinator of the Intergovernmental Personnel Act has noted that many communities could benefit from the assistance of colleges and universities in the area of test development and test validation in employee selection. The Department of Urban and Community Affairs, the state clearinghouse for Federal grants, has encouraged the State Agency to continue supporting training programs provided local governments. The Department has expressed a willingness to assist the State Agency in coordinating its activities with those of the Louisiana Municipal Association, the Louisiana Police Jury Association, and the Department of Urban and Community Affairs. It would also be appropriate that institutions of higher education work with the Louisiana School Boards Association. The coordinator of the Title IV Program (Elementary and Secondary Education Act) has assured the State Agency that there would be no conflict between the Board of Regents and the State Department of Education in efforts to improve the quality of public education through the Community Service and Continuing Education Program. The State Bureau of Aging Services has expressed a desire for more Title I funding for projects such as the Centenary College program for the aged.

C. The State Agency has an ongoing academic program review which has been assessing the academic resources of institutions of higher education on all levels. The present study undertaken by this review involves an assessment of programs offered at the doctoral level and future efforts will include programs at the master's, baccalaureate, and associate degree levels. Consultants have been engaged to advise the State Agency on the most effective role, scope, and mission of Louisiana's higher education institutions and to recommend changes which would result in greater diversity, increased educational opportunity and more effective use of higher education resources. The results of these efforts will be embodied in the master plan for higher education in Louisiana which will be the subject of public hearings in fiscal 1978. All institutions of higher education in Louisiana are involved in community service and con-

tinuing education programs and each of these institutions is responsible for periodically assessing their resources and informing the State Agency of any which are especially relevant to meeting the State's program development plan for Community Service and Continuing Education.

D. The State Agency has appointed an Advisory Committee on Off-Campus Activity which consists of representatives from each of the three systems of higher education, from the private sector, and from consumers of off-campus instruction. Among its responsibilities are those (a) to aid and advise the Board of Regents in matters pertaining to the coordination of off-campus noncredit instructional activity and off-campus credit-producing instructional activity, and (b) to assess the needs of the citizens of Louisiana for off-campus educational opportunities. The Board of Regents' policy on these off-campus activities represents an effort to meet identifiable needs in an efficient manner.

With respect to expanding or improving continuing education, all courses offered for credit or noncredit shall comply with the Regents' Guidelines for the Conduct of Off-Campus Activities. The amount of student fees levied for such courses shall be determined by the respective institution and its management board, provided that the State Agency's Guidelines are adhered to, and with the proviso that self-supporting courses may include, subject to the approval of the Advisory Committee and the State Agency, those courses for which the institution is permitted to use Title I funds in lieu of requiring the payment of student fees. Independent institutions shall be asked to comply with the spirit of the Guidelines on a voluntary basis.

E. The State Agency will fund in fiscal 1978 a project to assess existing educational materials, communication technology, local facilities, and human resources to promote resource materials sharing for the expansion of learning activities in the various regions of the state and statewide where practical.

F. The State Agency, because of limited administrative funding for the Community Service and Continuing Education Program, has not in the past conducted adequate on-site evaluations of the various programs. Neither has it provided for adequate third-party evaluation of these programs. Institutional evaluations have been provided and it is noteworthy that some of the programs undertaken by Louisiana institutions of higher education have been recognized nationally. With the assistance of increased administrative funding, the State Agency, either through its staff or through third-party evaluations, shall carefully evaluate all projects funded under the Community Service and Continuing Education Program.

III. Programs to be Supported.

A. Community service activities.

1. Improving the managerial ability and expertise of public officials and employees.

Programs will be designed to reach a minimum of two thousand through programs of orientation, executive development, governmental accounting, and zero-based budgeting as well as other training needs of State and local governmental agencies which may arise from time to time. Programs will be designed to improve governmental effectiveness and decision making to meet the objectives stated in I.A.1. All areas of the state will be eligible to participate, and the coordination of all such programs with the Governmental Services Institute at Louisiana State University, Baton Rouge will be encouraged. The target group of State and local government officials and employees totals approximately 365,000.

2. Improving the quality of public education.

Programs will be designed to meet the objectives listed in I. A. 2. Additionally, innovative projects will be encouraged to assist teachers in ameliorating disciplinary problems, in dealing with students who perform at lower than grade level and in working with parents of such students. Projects will also be encouraged that establish associations with ongoing programs in promoting parent involvement, such as those that have been funded by other governmental grants. Projects to make greater use of educational television in in-service education of teachers will be funded, and such projects will be undertaken in cooperation with Louisiana's public television network. The target group of teachers numbers 43,090. Projects will be designed to teach a minimum of two hundred directly and five thousand by television. Where practical, consortia efforts will be encouraged.

3. Improving labor-management relations.

Programs to improve private sector labor-management relations will be implemented to achieve the objectives stated in I. A. 3. In labor-management relations, projects will expand upon the conflict resolution seminars conducted by the Menninger Foundation of Topeka, Kansas, through the Governmental Services Institute at Louisiana State University, Baton Rouge. The target population is some two hundred business, industry, and labor leaders. Projects will be designed to reach a minimum of twenty.

4. Improving essential urban and rural services.

Programs to improve essential urban and rural services will be implemented to achieve the objectives in I. A. 4. Projects will expand upon local efforts to sustain essential services in the face of energy shortages and will be designed at least in part to ensure that adequate attention is given to ways to reduce the impact of the energy crisis on those groups living on relatively fixed incomes—the elderly and disadvantaged. Projects will also be designed to reduce the adverse impact of the energy crisis on communities, especially with regard to those municipalities which have seen formerly profitable power plants rapidly become unprofitable drains on their communities'