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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE-78-3

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this the 14th day of February, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-4

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 14th day of February, A. D. 1978.

Edwin Edwards
Governor of Louisiana

Exhibit A

Governor's Committee on Emergencies

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

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

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

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

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

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

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

Richard Carlton, Secretary
 Seed Commission

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

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

Act 20 Guidelines

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

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

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

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

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

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

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

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

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

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

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

Interpretation of "field or discipline":

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

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

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

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

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

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

7. Appeals.

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

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

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

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

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

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

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

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

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

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

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

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

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

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

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

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

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

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

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

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

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

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

DECLARATION OF EMERGENCY

Department of Transportation and Development

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

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

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

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

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

George A. Fischer, Secretary
Department of Transportation and Development

RULES

RULES

Department of Agriculture Dairy Stabilization Board

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

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

* * * *

Unauthorized Use of Milk Cases Prohibited

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

Misuse of Milk Cases Prohibited

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

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULES

Department of State Civil Service

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

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

* * * *

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

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

* * * *

11.23 Civil, Emergency, and Special Leave.

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

* * * *

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

* * * *

George Hamner, Director
Department of State Civil Service

RULE

**Department of Commerce
Licensing Board for Contractors**

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

Emery L. Villar, Executive Director
Licensing Board for Contractors

RULES

Board of Trustees for State Colleges and Universities

Part IV. Educational Policies and Procedures.

Section 4.9 Requests for New Degree Programs.

Change subsection B.1. to read as follows:

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

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

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

* * * *

Part VII. Faculty and Staff Policies and Procedures.

Section 7.13 Faculty.

A. Salary Schedule.

Change subsection 3. to read as follows:

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

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

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

RULES

Department of Education

Official Guidelines by Act 10 In-Service Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

J. Kelly Nix
State Superintendent of Public Education

RULES

Board of Elementary and Secondary Education

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

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

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

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

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

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

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

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

The Board amended page 13, item d to read:

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

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

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

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

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

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

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

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

The Board amended page 20, item 3 to read:

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

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

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

The Board amended page 27 by adding the following:

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

James V. Soileau, Director

Board of Elementary and Secondary Education

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.f

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

Page 1, Paragraph 2, Transfer Student Records.

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

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

Page 2, Paragraph 3, School Fund Records.

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

Page 2, Paragraph 4, Health Records.

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

Page 2, Paragraph 5, Textbook Records.

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

Page 2, Paragraph 6, Other Records.

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

Page 4, Paragraph 4, Reports of Pupil Progress.

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

Page 4, Paragraph 5, Other Reports.

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

Page 15, Special Requirements—Health and Physical Education.

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

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

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

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

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

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

Page 16, Proficiency Examinations.

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

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

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

Page 17, Guidelines.

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

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

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

Pages 18-25, Secondary Program of Studies.

Secondary Program of Studies

General and Academic

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vocational

Agriculture:

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

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

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

Business and Office Education:

Bookkeeping I (Prerequisite to II)—one unit.

Bookkeeping II—one-half or one unit.

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

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

Business Law—one-half unit.

Business Principles—one-half or one unit.

Clerical Practice—one-half or one unit.

Cooperative Office Education—three units.

Data Processing—one-half unit.

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

General Business—one unit.

Office Machines—one-half unit.

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

Record Keeping—one unit.

Shorthand I (Prerequisite to II)—one unit.

Shorthand II—one-half or one unit.

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

Typewriting II—one-half or one unit.

Distributive Education:

Distributive Education Preparatory I—one unit.

Distributive Education Preparatory II—one unit.

Salesmanship—one-half unit.

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

Cooperative Distributive Education II—three units.

General Cooperative Education:

General Cooperative Education I—three units.

General Cooperative Education II—three units.

Health Occupations:

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

Practical Nursing:

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

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

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

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

Home Economics:

Consumer Education and Homemaking:

Basic Home Economics I and II—one unit each.

Home Economics III and IV—one unit each.

Child Development—one-half unit.

Consumer Education and Family Economics—one-half unit.

Housing and Equipment—one-half unit.

Nutrition Education—one-half unit.

The Home and Family—one-half unit.

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

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

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

Occupational Training Courses:

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

Cooperative Home Economics, twelfth grade—three units.

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

Trade and Industrial Education:

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

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

Cooperative Trade and Industrial Education—three units.

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

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

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

Page 26, Vocational Cooperative Education Programs.

Aggregate Time Allotment and Length of Class Periods

Vocational Cooperative Education Programs:

Cooperative Agriculture Education

Cooperative Distributive Education

Cooperative Home Economics

Cooperative Office Education

Cooperative Trade and Industrial Education

General Cooperative Education

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

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

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

Page 27, Correspondence Study Courses.

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

Page 28, Students Transferring from Foreign Schools.

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

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

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

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

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

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

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

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

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

Approval of Experimental Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 35, High School Credit for College Courses.

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

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

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

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

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

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

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

Page 36, Early College Admissions Policy.

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

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

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

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

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

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

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

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

Pages 37-44, Graduation Requirements for Adults.

Graduation Requirements for Adults

Adults Who Are Nonveteran.

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

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

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

2. Adult Education Program.

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

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

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

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

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

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

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

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

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

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

3. Procedure for Taking the GED Test.

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

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

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

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

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

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

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

Veterans or Members of the United States Armed Forces

1. General.

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

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

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

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

2. Regular High School Diploma.

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

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

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

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

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

3. Equivalency High School Diploma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scoring of the Test of General Educational Development

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

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

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

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

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

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

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

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

Rule 6.03.95 5.6

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

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

Rule 3.01.86

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

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

RULE

Board of Regents

Article III

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

William Arceneaux
Commissioner of Higher Education
Board of Regents

RULE

**Department of Labor
Office of Employment Security**

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

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

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

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

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

The regulation becomes effective April 1, 1978.

Thomas M. Lockwood, Administrator
Office of Employment Security

RULES

**Department of Natural Resources
Office of Conservation**

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

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

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

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

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

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

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

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

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

enclosed within properly stamped envelopes addressed to the interested parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) If a gas sales contract:

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

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas:

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

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

Measurement—Pressure Base.

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

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

(f) Point(s) of Delivery.

(g) Delivery Pressures: Minimum, Maximum.

(h) Price.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas:

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

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

Measurement—Pressure Base.

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

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

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

(f) Point(s) of delivery.

(g) Delivery pressures: minimum, maximum.

(h) Price.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Date of contract.

(4) Term of contract.

(5) Quantities of gas:

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

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

Measurement—Pressure Base.

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

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

(7) Point(s) of delivery.

(8) Delivery pressures: minimum, maximum.

(9) Price.

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

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

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

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

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

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

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

(1) Point of connection or connections.

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

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

(4) Term of exchange or transfer.

(5) Reasons for interconnection.

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

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

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

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

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

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

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

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

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

(b) If a partnership, state:

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

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

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

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

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

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

(iv) State of incorporation.

(2) The operating capability of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Measurement basis for all data submitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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