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Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM NO. 62

Subject: Printing Procedures

Effective Date: November 1, 1975

This Policy and Procedure Memorandum rescinds, supersedes, and cancels Policy and Procedure Memorandum No. 48, including any and all previous delegation of authority pertaining to PPM No. 48, and the addendum of September 21, 1972.

All administrative boards, commissions, departments, agencies, institutions, and offices with the Executive branch of the State Government shall purchase all requirements of printing and engraving through Central Purchasing, Division of Administration

Exceptions: Louisiana State University and Agricultural and Mechanical Colleges, Louisiana State Department of Highways, and the Port Authorities.

All requisitions for printing, engraving, and binding shall be submitted directly by the agency to Central Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative. Certified library binding should be handled on a release order through the agency's purchasing section using the State contract for certified library binding and rebinding books.

Requisition: All items of printing, binding, or engraving shall be requisitioned on a Purchase Requisition (Form DA 101 or DA 101 A. If agency is on FACS, use FACS 101) and only like items shall be requisitioned on each requisition form.

Example:

- (1) Printed letterheads
- (2) Engraved letterheads
- (3) Flat forms
- (4) Snap sets (same size)
- (5) Continuous forms
- (6) Card forms
- (7) Etc.

Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construc-

tion, numbering information, etc.) and a sample or a clean layout. The sample must be a complete original. A Xerox copy or a reference to a previous order will not be acceptable.

When preparing a requisition, the agencies must use a fourteen-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year money is to be encumbered), complete specifications, and include an original sample.

Any and all requisitions received by Central Purchasing, Division of Administration, not meeting the above requirements shall be returned to the agency submitting such requisitions prior to entering the job request.

Suspension

Acts 1972, S.C.R. No. 99 provides for a suspension of all laws or parts of laws requiring printed reports by State boards, commissions, departments, or agencies as follows: "Therefore, be it resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that all laws or parts of laws that require or authorize State boards, commissions, departments, and/or agencies to prepare, print, or publish and distribute annual or biennial reports to the Governor, the Legislature, or both of them, or for public distribution, are hereby suspended to the extent of such requirements or authorizations; provided, however, that said suspension shall not apply to any laws or portions of laws requiring or authorizing reports required by laws or regulations of the United States Government of any of its agencies in order to obtain or continue to receive Federal funds, grants, or assistance."

Special Permission

Act 16, Section 15 - 1975 Legislature

Section 15. No State agency, in fiscal year 1975-1976, shall print any bulletin, leaflet, house organ, or circular, except those required by law. All printed matter shall be effected in a uniform manner as to size, quality of paper, and use of color as contained in standards to be established by the Division of Administration and approved by the Legislative Budget Committee.

The Division of Administration, with the approval of the Legislative Budget Committee, shall be empowered to make such exceptions that may be in the best interests of the State of Louisiana.

Provided, however, that no provision of this section shall be deemed in any manner to apply to either house of the Legislature, its committees nor to the Legislative Council, the Office of the Legislative Auditor or other agency or authority of the Legislature.

Standard Specifications

State Publications:

Size: 6 x 9, 5½ x 8½, 8½ x 11, or 9 x 12

Paper: Text 50 lb. or 60 lb. white offset
Cover 65 lb. No. 1 Antique Cover (Standard colors)

Ink: Text one color
Cover one color

Binding: On individual basis

Copy:

1. Camera-Ready:
Typed, computer printout, or previously printed book, unless it has been copyrighted.
2. Set-type for 6 x 9 or 5½ x 8½
10-point type on 12-point slug x 25 picas wide by 45 picas deep including folio. Agency may select type faces from those available. Smaller type may be used in tabular matter; also to save number of pages.

Set-type for 8½ x 11
10-point type on 12-point slug x 42 picas (2 columns with 2-pica gutters) wide by 56 picas deep including folio. Agency may select type face from those available. Smaller type may be used in tabular matter; also to save number of pages.

The method of printing would determine the feasibility of photographs.

Example:

Letterpress-(all type) No photographs should be used.

Offset-Photographs can be used.

Newsletters, Leaflets, Etc.

Size: 8½ x 11 or 17 x 11

Stock: 50 lb. or 60 lb. offset
60 lb. or 70 lb. enamel

Ink: One color (both sides)

Fold: 8½ x 11 size to 8½ x 5½ or to fit No. 10 envelope
17 x 11 size to 8½ x 11 or 8½ x 5½ or fit to No. 10 envelope

Copy:

- (a) Camera-ready or
- (b) set type—image area
8½ x 11 size—7½ x 10
17 x 11 size—16 x 10

Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in your newsletter, leaflet, etc. Photographs should be held to a limited number.

The Commissioner of Administration, or his designated representative, may be empowered to make certain exceptions that may be in the best interest of the State. However, application for such exceptions must be in writing and must present detailed information in support of such request.

Classes of Printing: The State printing contract covers thirty-one categories of printing and binding. Central Purchasing, Division of Administration reserves the right to assign each request for printing to the proper contractor, to the Division of Administrative Services, or to award to a commercial printer as a result of competitive bids taken by the State printing agent.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B (3) Delegation of Authority: The Commissioner of Administration may delegate the purchase of printing to any instrumentality whenever the best interests of the State will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Department when the Commissioner deems it more desirable or practical to do so.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

1. Republished items specifically limited to:
 - a. Technical or scientific books
 - b. Pamphlets, reports, maps and charts
 - c. Tax and tariff schedules
 - d. Subscriptions to newspapers, magazines, and periodicals.

2. Art work and similar professional services.
3. College yearbooks and student newspapers.
4. Athletic, cultural or entertainment programs, posters, and tickets.

Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the Commissioner of Administration. Such application must be in writing and must present detailed information in support of the request.

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43:1-30.

Forms Management: Forms that are warehoused by the State for State agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management, 655 Choctaw Drive, Baton Rouge, Louisiana. If you do not have a forms register or the warehouse requisition, you may obtain these by calling Forms Management (389-5546).

Administrative Services: If a State agency is certain their printing will be handled by Administrative Services they can fill out an Administrative Service printing request. This form along with an original sample, may be sent directly to Administrative Services, a DA 101 does not have to be included with this request. If the State agency needs any of these request forms they may call 389-7474.

Information: All requests for information shall be directed to Division of Administration, State Printing Agent, 1500 Riverside Mall, North of the Capitol Annex, Baton Rouge, Louisiana. Questions regarding specifications deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the printing office and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency and all requests will be handled promptly.

Charles E. Roemer, II
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on October 24, 1975, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

An applicant seeking the presidency of a college or university under the management of the Board of Trustees for State Colleges and Universities must possess an earned doctorate degree from a recognized university.

The necessity for this rule is the urgent need to receive applications and appoint a replacement for Dr. George Walker, President of Northeast Louisiana University, who has requested retirement on December 31, 1975.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953B.

Bill Junkin
Executive Director

Rules

RULE

Department of Agriculture

(Editor's Note: As a result of the public hearing held at 10:00 a.m. on November 6, 1975, the following rules and regulations were adopted by the Louisiana Department of Agriculture for implementation and enforcement of Act 627 of the 1975 legislative session pertaining to cotton buyers.)

Application

Application for a license to engage in the business of cotton buyer shall be filed with the Department and

shall be in a form prescribed by the Department. Such application shall set forth the name of the applicant, its principal officers if the applicant is a corporation, or the active members of a partnership if the applicant is a partnership; the location or locations of the principal office or place of business of the applicant and the location or locations in this state at which the applicant proposes to engage in the business of cotton buyer; the fiscal year upon which the business of the cotton buyer is or will be operated, and such additional information as the Department may require.

The application shall be accompanied by a financial statement of the applicant setting forth the assets and liabilities and the net worth of the applicant and such other information with respect to the financial resources of the applicant and applicant's ability to pay producers and their agents for cotton purchased from them as the Department may require. If the applicant has been engaged in business as a cotton buyer for one year or more, the application shall set forth the aggregate dollar amount paid to producers for cotton during the last completed fiscal year of the applicant. If the applicant has been engaged in a business for less than one year or has not theretofore engaged in business as a cotton buyer, the application shall set forth the estimated aggregate dollar amount to be paid by the applicant to producers for cotton to be purchased from them during the next succeeding fiscal year.

Bonds

All bonds which are issued to a cotton buyer under this Act shall not be cancelled during the period for which the license shall be issued. All bonds shall have a common expiration date of June 30th of each year. All bonds shall obligate the bonding company to cover the act of contract regardless of delivery date. The Department shall furnish the bond forms to be used by the bonding companies for the cotton buyer's bond.

Fees

The application for a license to operate as a cotton buyer as defined in this part, or a renewal thereof, shall be accompanied by a fee of \$50.00. All fees collected by the Department hereunder shall be used to pay the expenses of administration of this part.

Term of License; Renewal

Each license issued under Act 627 shall terminate on the 30th day of June following the date of issuance unless otherwise extended by the Department. Licenses must be renewed on an annual basis accompanied by a current financial statement, application, license fee, and

\$50,000 bond or continuance certificate of previous bond. Failure to renew the cotton buyer license shall revoke the authority of said merchant to do business in the state as a cotton buyer.

Posting of License

Upon application for a license, payment of the license fee thereof, and posting of \$50,000 bond, the Department shall issue to the licensee a license certificate, evidence that a license has been issued or renewed and a bond filed. A copy of this license or renewal thereof issued by the Department hereunder shall be posted in the principal office of the licensee in this state.

Inspection of Premises, Books and Records

The Department may inspect the premises used by every cotton buyer in the conduct of his business and his books, accounts, and records at least once each year and such books, accounts, and records shall at all times during the business hours be subject to inspection by the Department.

Suspension and Revocation of License

The Commissioner may temporarily suspend the license of any cotton buyer who fails to file a financial statement, who fails to keep his bond in force, or who otherwise violates any provisions of this part or the rules and regulations adopted under it.

Within five days of the suspension, the Commissioner shall hold a hearing at which the suspended cotton buyer shall be heard in opposition to the suspension. At the conclusion of the hearing, the Commissioner shall have authority to vacate the suspension and restore the license, or to revoke the license. In the event the cotton buyer fails to comply with a suspension or revocation order, the Commissioner may apply to the courts for injunctive relief to restrain any violation of this part. The cotton buyer shall also have recourse to the courts to review any decision, rule or regulation of the Commissioner which he alleges to be arbitrary, capricious or unreasonable.

Contracts

The Department of Agriculture will require all cotton buyers to furnish a copy of every contract to the Department upon initiation of said contract.

Dave L. Pearce
Commissioner

RULES

Department of Conservation

Regulation No. 3 as Revised—Requirements for Abandonment of All or Any Portion of a Facility, or any Service Rendered by Means of Such Facility Under Section 555(B) of the Act and for Connections Under Section 555(H) of the Act

a. This regulation shall apply to requirements of a natural gas transporter to abandon all or any portion of a facility, or any service rendered by means of such facility, pursuant to the provisions of Section 555(B) of the Act; and for requirements of an intrastate natural gas transporter to effect connections in accordance with the provisions of Section 555(H) of the Act.

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

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

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

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

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

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

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

(2) If a gas sales contract:

- (a) The exact legal name and status of the seller and purchaser and the name, title and mailing address of the person or persons to whom communications concerning the notice are to be addressed.
- (b) Date of contract.
- (c) Term of contract.
- (d) Quantities of gas, including the daily quantity of gas that seller is obligated to deliver and the minimum daily quantity that buyer is obligated to receive, as well as measurement-pressure base and service if firm or interruptible/curtailable.
- (e) Type of sale.
- (f) Point of delivery.
- (g) The minimum and maximum delivery pressure.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

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

d. If no opposition to the application of the

intrastate natural gas transporter, filed pursuant to Section 555(B), is submitted to the Commissioner by an interested party in writing within fifteen days of the notice thereof, the Commissioner may permit and approve abandonment without the necessity of holding a public hearing in connection with the application.

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

f. An intrastate natural gas transporter desiring to obtain pregranted permission and approval of the Commissioner for the abandonment of all or any portion of its facilities subject to the jurisdiction of the Commissioner, or any services to be rendered by means of such facilities, may at any time make application for said abandonment to the Commissioner on such forms as provided by the Commissioner. The application shall be accompanied by a letter or agreement signed by the transporter and the person or persons who are parties to a contract relating to the use of the subject facilities or services or an authorized agent of the parties evidencing the concurrence and agreement of the parties, verified under oath and containing the information specified on the abandonment application.

The Commissioner shall have fifteen days after receipt of the notice thereof to take action on the application. Failure to act within this fifteen day period shall constitute a finding by the Commissioner that all requirements of the regulations and of Section 555(B) have been met, and he shall be deemed to have granted his permission and approval of the abandonment of either the facilities or services rendered thereby or both

in accordance with and pursuant to the terms and conditions of the agreement. Provided however, the Commissioner may defer action on the application upon his own motion for an additional fifteen days if cause exists and the applicant is so notified of such action.

g. Applications for the approval of any abandonment of facilities, or of any service rendered by means of such facilities, subject to the provisions of Section 555(B) of the Act, which occurred subsequent to December 8, 1973, and prior to March 1, 1974, shall be filed with the Commissioner within thirty days after the effective date of these regulations, and shall be deemed approved by the Commissioner, if no objection thereto is filed with the Commissioner by any interested party, or if the Commissioner does not otherwise notify the applicant within twenty-five days subsequent to receipt of the application.

h. All applications to the Commissioner requesting approval for an intrastate natural gas transporter to connect its system with, move gas into or receive gas from another pipeline system, including pipelines or pipeline systems owned by it, within the terms of Section 555(H) of the Act, shall be made in writing, executed under oath by an individual having authority and shall include the following information:

(1) Point of connection or connections.

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

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

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

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

(6) Term of exchange or transfer.

(7) Reasons for interconnection.

The Commissioner may request such additional informa-

tion as in his opinion is reasonably necessary in order to properly evaluate the application.

i. Public interest does not require the issuance of an order authorizing any action taken by an intrastate natural gas transporter which would be covered by the provisions of Section 555(H) of the Act where imminent danger to life and property can be eliminated by such action. Provided, however, that every person undertaking such action shall so advise the Commissioner immediately by telegram stating briefly the circumstances and shall within ten days file a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of the action, the facts warranting invocation of this paragraph, and the anticipated period of the stated emergency. Emergency operations undertaken without order pursuant to this paragraph shall be discontinued upon the expiration of the emergency or as otherwise ordered by the Commissioner. All facilities installed for such temporary action shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commissioner in writing and under oath within ten days following the removal of facilities constructed for emergency operations pursuant to this paragraph. Every person undertaking any such action pursuant to this paragraph desiring to continue such action shall file application with the Commissioner prior to the expiration of the exempt period provided herein. No such temporary or emergency action shall be undertaken by any intrastate natural gas transporter with respect to making a connection with another intrastate natural gas pipeline without prior notice to every other intrastate natural gas pipeline transporter then connected with either of the pipelines proposed for connection. Said notice may be verbal, to be immediately confirmed in writing, or in writing initially, but shall be given to the aforesaid parties prior to making the connection.

This revised regulation shall become effective on November 20, 1975, and shall supersede and replace Regulation No. 3 made effective March 1, 1974. Any filing with respect to this regulation initiated after the effective date hereof shall be in compliance with Regulation No. 3, as revised.

Regulation No. 8—Regulations Governing the Issuance of Orders Relative to the Transporting of Gas Using the Excess Capacity of Intrastate Gas Pipelines Pursuant to Section 501 et seq. of the Natural Resources and Energy Act of 1973
Chapter 7, Title 30 of the Louisiana Revised Statutes of 1950, As Amended

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

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

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

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

- (a) If a sole proprietorship, state the name and address of the person owning said company.
- (b) If a partnership, state:
 - (i) Name, address and percentage of interest of each and every partner owning 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 (1-inch and 5-inch), porosity logs, side wall and conventional core analysis, and any other logs or well surveys (including bottom-hole pressure survey information).

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

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

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

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

(f) Measurement basis for all data submitted.

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

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

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

(11) A conformed copy of the gas sales contract(s) involving the gas to be transported and a detailed

statement concerning the end use of the gas. If the gas proposed for transportation:

- (a) Is to be delivered from applicant's pipeline:
 - (i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless applicant is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.
- (b) Is to be delivered from a third party's pipeline:
 - (i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless the third party is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.
 - (ii) The applicant shall provide a conformed copy of all gas sales and transportation contracts which in any way could affect the jurisdictional status of any of the transporter's facilities.

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

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

- (a) Proposed point(s) of entry onto the transporter's pipelines.
- (b) Proposed point(s) of discharge of the gas from the transporter's pipelines.
- (c) Location of any other interconnects on the applicants intrastate system with other pipeline systems.

(14) Maximum pressure at which applicant can deliver gas at proposed inlet, and maximum pressure

required by applicant at proposed outlet point(s) of transporter's pipelines, and maximum and minimum daily volumes of gas to be transported.

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

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

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

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

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

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

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

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

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

(6) Pressure required by the transporter to re-

ceive the gas and the pressure(s) at which the gas would have to be redelivered for the applicant or for the account of the applicant.

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

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

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

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

(11) All contractual obligations by a transporter existing as of 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 Power Commission, or any

Federal regulatory body having similar jurisdiction, or any successor agency thereof. Further, any order issued hereunder shall provide that if, pursuant to such order, any gas carried or to be carried by a transporter or any involved or related facilities of any party has been, is, or could be subject to the jurisdiction of the Federal Power Commission, or any successor agency thereof, said order shall be considered violated thereby, and shall ipso facto terminate, and end all obligations and duties of the transporter required thereunder without further action by the transporter or the Commissioner.

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

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

k. Every order issued by the Commissioner hereunder shall provide that in the event the transporter ordered to carry the applicant's gas has a specific need for the excess capacity of its pipeline(s), or a part thereof, to transport its own gas or the gas of its subsidiaries or of its parent or of a subsidiary of its parent, or to satisfy the requirements of its own transportation or sales contracts for which it then possesses adequate gas supply to fulfill, may in whole or in part terminate said order by giving written notice. Said notice shall be served by certified mail by the transporter on the Commissioner and the applicant, shall specify the date on which effective, which shall be not

less than ninety days of the date of said notice. If no opposition thereto is filed with the Commissioner by the applicant, or the Commissioner issues no objection in writing to the transporter and applicant, it shall be conclusively presumed for all purposes that all requirements of the Act are satisfied, that the transporter has a bona fide need for the excess capacity as stated in the notice, and that the public interest and the purposes of the Act would be best served by termination of the use of the excess capacity of the transporter's pipelines in whole or in part, and the order shall ipso facto terminate in accordance with the provisions of the notice. The above ninety day requirement may be waived by a written agreement filed with the Commissioner and approved by the Commissioner, said agreement to be signed by the interested parties or an authorized agent of the parties and verified under oath.

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

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

and shall forthwith comply with applicable order(s) of the Commissioner.

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

n. If for any reason conditions occur during the term of the applicable order which would render continued compliance with the order impracticable, dangerous to person or property, or illegal, the transporter may apply immediately to the Commissioner for relief from all or a portion of the requirements of the order.

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

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

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

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

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

(2) An estimated amount to reimburse the proposed transporter for the cost involved in establishing input and output points (delivery points) and related

facilities for receiving and delivering gas as proposed by the applicant;

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

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

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

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

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

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

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

(3) Unless prohibited by specific provision of the Act or by law, the Commissioner may waive any or all of the requirements of the foregoing regulation and grant additional time to comply with any provision of the Act on written request, and upon reasonable cause shown if he finds that the application and enforcement thereof

will make undue hardship on the person affected, or will seriously impede the efficiency of the Commissioner's administration of the Act and that the application or enforcement thereof is not necessary to the accomplishment of the purposes of the Act.

(4) This regulation, in the absence of an emergency, may not be amended, or new regulation promulgated without notice and opportunity for public hearings, as provided for in Title 30, Chapter 1, Section 6 of the Louisiana Revised Statutes of 1950, as amended. This regulation shall become effective on and after November 20, 1975.

R. T. Sutton
Commissioner of Conservation

RULES

Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted by the Board of Elementary and Secondary Education on October 30, 1975, to be effective on November 20, 1975.)

4.01.30 Diplomas

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

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

Earl Ingram
Director

RULES

Commission on Fire Fighting Personnel Standards and Education

(Editor's Note: The following rules were adopted by the Commission on Fire Fighting Personnel

Standards and Education on November 4, 1975, to be effective November 20, 1975.)

I. Meetings

- A. Meetings shall be called by the Chairman upon his own volition, or upon the written request of five members of the Commission.
- B. The Commission shall meet at such times and places in the State of Louisiana as it deems proper. It shall be the duty of the Chairman, with the concurrence of the Commission, to name the date, time and location of all meetings of the Commission and to see that all interested parties are notified.
- C. Executive session meetings may be called at any time. The Executive Director, upon request of any appointed Commission member, must poll all other appointed Commission members by telephone or personal contact to see if they agree to the need for the executive session meeting. If five or more agree, the Executive Director will so notify the Chairman, who shall call the meeting. If the Chairman cannot be contacted, the Vice Chairman shall automatically assume the power to call the meeting. If both the Chairman and Vice Chairman are unavailable, the duty passes to the Secretary of the Commission.
- D. A meeting of the Commission is a meeting which, though it may last for several days, shall be considered one meeting. The intermediate adjournments from day to day, or recesses taken during the day, do not destroy the continuity of the meetings, which in reality constitute one session.
- E. A meeting of the Commission shall be closed by moving "to adjourn".

II. Quorum

- A. Five appointed members of the Commission shall constitute a quorum for the transaction of business.
- B. The quorum refers to the number present, not to the number voting.

III. Rules of Order

- A. In the absence of other authority, meetings of this Commission shall be governed by *Atwood's Rules for Meetings*.

IV. Changes in Rules and Procedures

- A. Amendments to the rules and procedures must be presented in writing thirty days in

advance and shall require a two-thirds majority vote. Such amendments shall be effective immediately upon passage.

V. Order of Business

- A. The Commission shall conduct business in the following order:
 - 1. Reading the minutes of the previous meeting (and their approval).
 - 2. Reports of any standing committees.
 - 3. Reports of any special committees.
 - 4. Special orders.
 - 5. Unfinished business and general orders.
 - 6. New business.
- B. The minutes of the Commission are read only once a day at the beginning of the day's business.
- C. At every meeting of the Commission the Chairman shall have an agenda of the order of business provided by the Executive Director for the use of the Commission, which shall show everything that is to come up during the meeting. If it is desired to transact business out of its normal order, it is necessary to suspend the rules, which can be done by a two-thirds vote.

VI. Voting

- A. Motions and issues in question will be decided by the majority of those voting members present. A majority vote means in excess of fifty percent.
- B. Only appointed Commission members may vote on any issue. There shall be no vote by proxy.

VII. General Procedures

- A. In debate each member of the Commission has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question as long as any member who has not yet spoken on that question desires to speak. No one can speak longer than ten minutes at a time without permission of the Commission.
- B. Debate must be limited to the merits of the immediately pending question—that is, the last motion stated by the Chairman that is still pending.
- C. Any other interested person attending any Commission meeting has the same right as Commission members to discuss proposed actions and is governed by the same accepted rules and procedures.

- D. If a member of the Commission is elected to office, appointed to a committee, or has any other duty placed on him and he is unable or unwilling to perform the duty, if present, he should decline it immediately and, if absent, he should, upon learning of the fact, at once notify the Chairman orally or in writing that he cannot accept the duty.
- E. The Executive Director must be kept informed of the makeup, status, and progress of special committees.
- F. No Commission member may delegate his representation to another party. Persons attending Commission meetings for the purpose of gaining information for an absent Commission member will be treated as any other guest.

VIII. Commission Members and Terms

- A. Commission membership is set by State act as consisting of nine persons appointed by the Governor for six year terms, except that original appointments are made for three members to serve two years; three members to serve four years and three members to serve six years, so that at all times, the terms of the members of the Commission shall be staggered, and the term of three of the members of the Commission shall expire every two years. In addition to the other members of the Commission, the State Examiner for Municipal Fire and Police Civil Service, the Coordinator of the Louisiana State University Firemen's Training Program and the Director of the Division of Continuing Education of Louisiana State University shall serve as ex officio members of the Commission.

IX. Elected Officers and Their Terms of Office

- A. The Commission shall elect a chairman, vice chairman and secretary from among the appointed members at its first meeting and thereafter shall elect similar officers at the first meeting following new appointments to fill regular terms.
- B. A new election will be held to fill the unexpired term of any officer leaving office early.

X. Duties of the Chairman

- A. The Chairman is expected to be familiar with parliamentary law. His duties are generally as follows: To open the session, at the time at which the Commission is to meet, by

- taking the chair and calling the members to order; to announce the business before the Commission in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and to put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to appoint subcommittees as these may be authorized by vote of the Commission; to protect the Commission from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every way compatible with the rights of the members of the Commission by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members of the Commission deciding all questions of order (subject to an appeal to the Commission by any two members) unless when in doubt he prefers to submit the question for decision of the Commission; to inform the Commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; and to authenticate, by his signature, when necessary, all the acts, orders, and proceedings of the Commission declaring its will.
- B. During debate he should be seated and pay attention to the speaker, who is required to address his remarks to the Chairman. When a member has the floor, the Chairman cannot interrupt him so long as he does not transgress any of the rules of the Commission.
- C. The Chairman cannot close debate unless by order of the Commission which requires a two-thirds vote; nor can he prevent the making of legitimate motions by hurrying through the proceedings. If members of the Commission are reasonably prompt in exercising their right to speak or make motions, the Chairman cannot prevent their doing so. If he has hurriedly taken and announced a vote while a member is addressing the chair preparatory to speaking, the vote is null and void, and the member must be recognized. On the other hand, the Chairman should not permit the object of a meeting to be defeated by a few factious persons using parliamentary forms with the evident object of obstructing business.

- D. If it is necessary for the Chairman to vacate the chair the Vice Chairman will be notified and will assume the chair. If the Vice Chairman is not present, the chair passes to the Secretary of the Commission. If both the Vice Chairman and the Secretary are absent, the Chairman may appoint a chairman pro tem, but the first adjournment puts an end to the appointment, which the Commission can terminate before, if it pleases, by electing another chairman. The Chairman, knowing that he will be absent from a future meeting, cannot authorize another person to act in his place at such meeting.

XI. Duties of the Vice Chairman

- A. It shall be the duty of the Vice Chairman to preside at all meetings in the absence of the Chairman and to perform the duties of the Chairman in his absence and as required in the Commission rules and procedures.

XII. Duties of the Secretary

- A. The normal duties of the Secretary's position have, for the most part, been reallocated to the office of the Executive Director. This includes recording of the minutes of each meeting, serving as custodian of all records except those specifically assigned to others; notifying members of called meetings and of other meetings when necessary; to conduct the correspondence of the Commission and to make out an order of business for the use of the Chairman which lists in exact order matters that must come before the Commission.
- B. The Secretary will assume the duties of the Vice Chairman when the Vice Chairman is absent or acting as Chairman. If both the Chairman and Vice Chairman are absent, the Secretary will assume the chair.

XIII. Duties of the Executive Director

- A. The Executive Director is responsible for implementing the mandates of Act 481 of the 1970 legislative assembly which created this Commission. In the performance of his duties, he is accountable to the Commission. His actions are governed by State laws and regulations governing all State agencies regarding accountability for all expenditures (purchases, travel expenses, etc.), conduct, sick and annual leave regulations, acceptable office procedures, etc., and by any special directions of the Commission and/or the "Advisory Committee".

B. Some specific duties assigned to the Executive Director include, but are not limited to, the following:

1. To draw up and implement a fire service specialty code training and certification system, with Commission approval.
 - a. To recommend the levels of training for certification.
 - b. To recommend curricula and training standards for each level of training.
 - c. To evaluate and approve the courses to be taught.
 - d. To monitor courses in progress whenever possible to insure quality and compliance with regulations.
 - e. To draw up tests and testing procedures; to see that tests are conducted and evaluated fairly and impartially.
 - f. To certify trainees, at all approved levels of certification, upon their attainment of the requirements for that level.
2. To assist in the establishment of fire protection training facilities and to assist existing educational facilities in the development of training programs for fire service personnel and to recommend methods and techniques to be used in promoting fire training.
 - a. To evaluate schools, programs and facilities proposed and to make recommendations to the Commission concerning their acceptability.
3. To provide information to fire departments throughout the state, and their governmental officials, to explain the purpose, objectives and procedures of, and to encourage their participation in programs developed and offered by this Commission.
4. To assist local governments in fire training programs and in the adoption of standards and policies recommended by the Commission.
5. To direct the maintenance of Commission records, to prepare and administer the annual operating budget, to direct the preparation and distribution of public information material, and to prepare comprehensive reports of

Commission activities for commissioners and other State officials.

6. To work toward locating and obtaining Federal funds and/or additional State funds, the expenditures of which can be supervised by this Commission for fire service training, public education, fire prevention, research and development, or in any other way that would benefit the fire service and/or the public as it is affected by fire matters.
7. To attend and represent the Commission at all local, state, and national fire service functions possible and, if requested, to accept committee assignments and speaking engagements, etc., at his discretion.
8. To prepare and equip offices as completely as possible in order to give the best service possible to Commission members and the state fire service.
 - a. To serve as a point of information for fire departments seeking current information on fire service trends, procedures, projects, etc., and other related information.
9. To administer all affairs of his office in keeping with State laws, procedures, and regulations.
 - a. To be responsible for hiring, disciplinary actions, and dismissal of secretarial or clerical employees as allowed by applicable State Civil Service regulations.
 - b. To evaluate all applicants for other staff positions and make recommendations for employment by the Commission.
10. To make recommendations to the Commission concerning priorities and time schedules for implementing the responsibilities outlined in Act 481.
11. To perform other duties as may be required or assigned by the Commission or as may be prescribed elsewhere in the adopted rules and procedures.
12. To act promptly, using his own judgment on routine matters and in matters clearly covered under his duties, Commission rules and procedures or State laws and regulations. If a questionable matter should arise, he should contact all members possible of the

three man "Advisory Committee" for their recommendations. The "Advisory Committee" will meet from time to time with the Executive Director and review his duties and authority and will make recommendations of adjustments to the Commission.

XIV. Duties of Commission Members

- A. A Commission member should attend every official meeting of the Commission; should listen attentively to discussions of the proceedings; should contribute his own view on the matter, obeying accepted rules and procedures; should vote his convictions and then accept and endorse publicly the majority opinion of the Commission.
- B. He should accept Committee assignments and actively participate in them unless he knows of reasons why he could not, in which case he should decline the assignment.
- C. He should work toward promoting the Commission and should encourage all his fire service contacts to participate in the programs of the Commission.

Performance Objective Evaluation Requirements for Becoming a Louisiana Fire Commission Certified Fire Fighter I

1-1 Scope. These requirements identify the professional level of competence required of fire department members in order to become certified at their first level of progression within the fire department, i.e., Fire Fighter I.

1-2 Purpose. The purpose of these requirements is to specify, in terms of performance objectives, the minimum requirements of professional competence required for service as a Fire Fighter I.

It is not the intent to restrict any jurisdiction from exceeding these minimum requirements.

1-3 General.

1-3.1 All of the performance requirements for any level of fire fighter shall meet the following criteria: It shall be performed swiftly, safely, and with competence. Each objective shall be met in its entirety.

1-3.2 It is not required for the objectives to be mastered in the order they appear. It is required, however, that any courses conducted to prepare a fire fighter to meet the performance objectives must be taught by, or under the supervision of, a Commission-certified instructor for that level.

1-3.3 Performance of objectives for qualification at Fire Fighter I level may be approved by at least two Commission-certified instructors working together.

1-4 Definitions.

1-4.1 Fire fighter: The member of a fire department who has fulfilled the entrance requirements of the department but has not met the objectives for Fire Fighter I.

1-4.2 Fire Fighter I: The fire fighter, at the first level of progression in the fire department, who has demonstrated the knowledge of, and the ability to perform the objectives specified for that level, and who works under direct supervision.

1-4.3 Fire Department: The agency that provides fire rescue, fire suppression, and fire prevention services to a State, parish, municipality, organized fire district, or Federal institute or military facility.

1-4.4 Safely: To perform the objective without injury to self or others.

1-4.5 With competence: Possessing knowledge, skills, and judgment needed to perform indicated objective satisfactorily.

1-4.6 Swiftly: The time, as provided herein, that it takes an approved fire fighter to perform the objective satisfactorily.

1-4.7 Demonstrate: To show by actual use, illustration, simulation, or explanation.

1-4.8 Identify: To physically select, indicate, or explain verbally or in writing, using standard terms recognized by the fire service.

1-4.9 Objective: Observable or measurable demonstration of a skill, knowledge or both.

1-4.10 Qualification: Having satisfactorily completed the requirements of the objectives.

1-4.11 Commission: The Louisiana Commission on Fire Fighting Personnel Standards and Education.

Fire Fighter I Performance Objectives

2-1 General.

2-1.1 The fire fighter shall demonstrate a knowledge of the organization of the fire department.

Note: The intent of the objective is for fire

fighters to know the chain of command within their fire department and know the type of governing body that controls their fire department.

2-1.2 The fire fighter shall demonstrate knowledge as to the size of the fire department, the scope of its operation, and the standard operational procedures.

2-1.3 The fire fighter shall demonstrate knowledge of the fire department rules and regulations that apply to the position of fire fighter.

2-2 Forcible Entry.

2-2.1 The fire fighter shall identify and demonstrate the use of each type of forcible entry tool used by the authority having jurisdiction.

Note: The intent of the objective is for fire fighters to actually use under realistic operational conditions, any forcible entry tool within their department and thoroughly understand the dangers involved in the use of any of these tools.

2-2.2 The fire fighter shall demonstrate the method and procedure of properly cleaning, maintaining, and inspecting each type of forcible entry tool and equipment.

2-3 Protective Breathing Apparatus.

2-3.1 The fire fighter shall name at least four hazardous respiratory environments encountered in fire fighting, i.e., type of atmospheric contamination.

2-3.2 The fire fighter shall demonstrate the use, in a dense smoke environment, of all types of protective breathing apparatus used by the authority having jurisdiction.

Note: In training a fire fighter in this objective, the authority having jurisdiction may wish to substitute something for smoke that would have the same effect in demonstrating the value of protective breathing apparatus.

2-3.3 The fire fighter shall explain the physical requirements of the wearer, the limitations of the protective breathing apparatus, and the safety features of all types of protective breathing apparatus used by the authority having jurisdiction.

2-3.4 With all necessary equipment within easy reach, the fire fighter shall demonstrate removing from its normally stored position and correctly donning breathing apparatus in not more than forty-five seconds while wearing protective clothing.

2-3.5 The fire fighter shall demonstrate that the protective breathing apparatus is in a safe condition for immediate use.

2-3.6 The fire fighter shall demonstrate proper procedure for cleaning and sanitizing protective breathing apparatus for future use.

2-4 First Aid.

2-4.1 The fire fighter shall demonstrate a primary survey for life-threatening injuries.

Note: The fire fighter should examine the victim from head to toe, indicating the areas that were most susceptible to injury and what type of symptoms he would be looking for in his primary survey.

2-4.2 The fire fighter shall demonstrate procedures for determining whether or not a victim has an open airway.

Note: The fire fighter would describe the process of breathing and what happens to a diaphragm and rib cage during the process.

2-4.3 The fire fighter shall demonstrate procedures for establishing an open airway in a nonbreathing person.

2-4.4 The fire fighter shall demonstrate mouth-to-mouth and mouth-to-nose resuscitation.

Note: This objective should be carried out in a rhythmic method for at least five minutes on a training manikin.

2-4.5 The fire fighter shall demonstrate oronasal ventilation.

Note: This objective should be done for five minutes on an infant manikin with the monitoring of rhythm.

2-4.6 The fire fighter shall identify the three signs of cardiac arrest.

2-4.7 The fire fighter shall demonstrate cardiopulmonary resuscitation.

Note: The cardiopulmonary resuscitation should be done on a training manikin.

2-4.8 The fire fighter shall identify three types of external bleeding and identify the characteristics of each type.

2-4.9 The fire fighter shall demonstrate techniques for controlling external bleeding.

2-4.10 In addition to the above, the fire fighter must have completed the American Red Cross standard first aid course or equivalent. (The eight-hour multi-media course is acceptable.)

2-5 Ropes.

2-5.1 The fire fighter, when given the name, picture, or actual knot used by the department, shall identify it and describe the purpose for which it would be used.

2-5.2 The fire fighter, when given the proper size and amount of rope, shall demonstrate tying a bowline knot, a clove hitch, a becket or sheet bend and chimney hitch, within sixty seconds from beginning each knot, hitch or bend.

2-5.3 The fire fighter, given the proper rope, shall demonstrate the bight, loop, round turn, and half hitch as used in tying knots and hitches.

2-5.4 The fire fighter, using an approved knot, shall hoist any selected forcible entry tool, ground ladder, or appliance to a height of at least twenty feet.

2-5.5 The fire fighter shall demonstrate the methods of inspecting, cleaning, and maintaining rope.

2-6 Salvage.

2-6.1 The fire fighter shall identify and describe the purpose of salvage, and its value to the public and the fire department.

2-6.2 The fire fighter, working as a member of a team, shall demonstrate folds and rolls of salvage covers as used by the authority having jurisdiction.

2-6.3 The fire fighter, working as a member of a team, shall demonstrate salvage cover throws as used by the authority having jurisdiction.

2-6.4 The fire fighter shall demonstrate the methods of inspection, cleaning, and maintaining salvage equipment.

2-7 Fire Hose, Nozzles, and Appliances.

2-7.1 The fire fighter, given an approved fire department pumper, shall identify the sizes, types, amounts, and use of hose carried on that pumper.

Note: A fire department pumper should meet National Fire Protection Association Standard 19.

2-7.2 The fire fighter, given an approved fire

department pumper, shall identify the use of hose adaptors and hose appliances carried on that pumper.

2-7.3 The fire fighter, given the necessary equipment and operating as an individual and as a member of a team, shall advance dry hose lines of two different sizes, both of which shall be 1.5 inches or larger, from a pumper:

- (a) into a structure;
- (b) up a ladder into an upper floor window;
- (c) up an inside stairway to an upper floor;
- (d) up an outside stairway to an upper floor;
- (e) down an inside stairway to a lower floor;
- (f) down an outside stairway to a lower floor;
- (g) to an upper floor by hoisting.

2-7.4 The fire fighter, given the necessary equipment and operating as a member of a team, shall advance charged attack lines of two different sizes, both of which shall be 1.5 inches or larger, from a pumper:

- (a) into a structure;
- (b) up a ladder into an upper floor window;
- (c) up an inside stairway to an upper floor;
- (d) up an outside stairway to an upper floor;
- (e) down an inside stairway to a lower floor;
- (f) down an outside stairway to a lower floor;
- (g) to an upper floor by hoisting.

2-7.5 The fire fighter shall demonstrate cleaning fire hose, couplings and nozzles, and inspecting for damage.

2-7.6 The fire fighter shall demonstrate the connection of fire hose to a hydrant, and the operation of fully opening and closing the hydrant.

2-7.7 The fire fighter shall demonstrate the loading of fire hose on fire apparatus as prescribed by the authority having jurisdiction; and shall also identify the purpose of at least three types of hose loads and finishes.

2-7.8 The fire fighter shall demonstrate at least three hose rolls as specified by the authority having jurisdiction.

2-7.9 The fire fighter shall demonstrate at least two hose carries as specified by the authority having jurisdiction.

2-7.10 The fire fighter shall demonstrate at least two hose drags as specified by the authority having jurisdiction.

2-7.11 The fire fighter shall demonstrate at least two methods of coupling and uncoupling fire hose as specified by the authority having jurisdiction.

2-7.12 The fire fighter, given the necessary equipment and operating as an individual and as a member of a team, shall demonstrate the method of working from a ladder with charged attack lines of two different sizes, both of which shall be 1.5 inches or larger, from a pumper, as appropriately used.

2-7.13 The fire fighter shall demonstrate the methods of carrying hose into a building to be connected to a standpipe, and the methods of advancing a hose line from a standpipe, as specified by the authority having jurisdiction.

2-7.14 The fire fighter shall demonstrate the methods for extending a hose line, and replacing a burst section as specified by the authority having jurisdiction.

2-8 Fire Streams.

2-8.1 The fire fighter shall define a fire stream.

2-8.2 The fire fighter, given the necessary resources, shall manipulate the nozzle as to attack at least two live fires including: a Class A fire and a Class B fire.

Note: If it is possible, in the area of jurisdiction for a training exercise, a department could burn a structure of some type to accomplish the Class A fire. However, realizing environmental laws and certain restrictions in areas, the size of fires recommended in this objective may have to be modified to meet local restrictions.

2-8.3 The fire fighter shall define water hammer and at least one method for its prevention.

2-8.4 The fire fighter shall demonstrate how to properly open and close a nozzle.

2-9 Ladders.

2-9.1 The fire fighter shall identify all ladders specified by the authority having jurisdiction, and describe their uses.

2-9.2 The fire fighter, operating as an individual and as a member of a team, shall demonstrate the following ladder carries, the method of carrying being specified by the authority having jurisdiction:

- (a) one-person carry;
- (b) two-person carry;
- (c) three-person carry;
- (d) four-person carry;
- (e) five-person carry;
- (f) six-person carry.

2-9.3 The fire fighter, operating as an individual

and as a member of a team, shall raise every type and size of ground ladder as specified by the authority having jurisdiction, and use several different raises for each ladder.

2-9.4 The fire fighter shall correctly climb the full length of every type of ground and aerial ladder, specified by the authority having jurisdiction.

Note: The types of ladders include straight wall, extension, and aerial.

2-9.5 The fire fighter shall correctly climb the full length of each type of ground and aerial ladder, as specified by the authority having jurisdiction, carrying fire fighting tools or equipment while ascending and descending the ladder.

2-9.6 The fire fighter shall correctly climb the full length of every type of ground and aerial ladder as specified by the authority having jurisdiction, and bring an "injured person" down the ladder.

Note: The intent of the objective is for the fire fighter to be able to demonstrate a method of bringing an injured person down a ladder, using another fire fighter as the victim.

2-9.7 The fire fighter shall demonstrate the methods of working from ground ladders with tools and appliances, with and without a life belt, as specified. Working from aerial ladders should be demonstrated with the use of a life belt or rope hose tool.

2-9.8 The fire fighter shall demonstrate the proper procedure for cleaning ladders.

2-10 Ventilation.

2-10.1 The fire fighter shall define the principles of ventilation, and identify the advantages and effects of each type of ventilation.

2-10.2 The fire fighter shall identify the dangers present, and precautions to be taken in performing ventilation.

2-10.3 The fire fighter shall demonstrate opening various types of windows from inside, outside, with, and without the use of fire department tools.

Note: The intent is for the fire fighter to actually breach windows, door glass and other obstructions such as shutters, screen, shades, curtains, and blinds. If it is impossible to find a building for this demonstration, a simulated facility should be provided.

2-10.4 The fire fighter shall demonstrate breaking

window or door glass, and removing obstruction, without harm to himself or others.

2-10.5 The fire fighter, given a fire axe, shall demonstrate the ventilation of a roof and a floor.

2-10.6 The fire fighter shall identify and explain the theory of a "back draft explosion."

2-11 Inspection.

2-11.1 The fire fighter shall demonstrate, in writing, knowledge of the common causes of fires and their prevention.

2-11.2 The fire fighter shall demonstrate a knowledge of the fire inspection procedures used by the fire department.

2-11.3 The fire fighter shall describe the importance of public relations relative to the inspection programs of the fire department.

2-11.4 The fire fighter shall identify dwelling inspection procedures established by the authority having jurisdiction.

2-12 Rescue.

2-12.1 The fire fighter shall demonstrate the removal of injured persons from the immediate hazard by the use of carries, drags, stretchers, and ropes.

2-12.2 The fire fighter shall demonstrate the procedure for searching for victims in burning, smoke-filled buildings, or other hostile environments.

2-12.3 The fire fighter shall demonstrate and explain the uses of a life belt.

Note: Life belts may not be available in the area and this objective should be at the discretion of the authority having jurisdiction.

2-12.4 The fire fighter shall demonstrate the use of the life net if used by the authority having jurisdiction.

2-13 Sprinklers.

2-13.1 The fire fighter shall identify the fire department sprinkler connection, and water motor alarm.

2-13.2 The fire fighter shall connect hose line(s) to a fire department connection of an automatic sprinkler system.

2-13.3 The fire fighter, when given a sprinkler head in serviceable use, shall demonstrate knowledge of how the automatic sprinkler head opens and releases water.

2-13.4 The fire fighter, when given the necessary equipment, shall effect a temporary stop of the flow of water from a sprinkler head.

2-14 Fire Alarm and Communications.

2-14.1 The fire fighter shall demonstrate knowledge of the correct procedure for a citizen to report a fire, or other emergencies.

2-14.2 The fire fighter shall demonstrate correctly receiving an alarm, or a report of an emergency, and initiate proper action as required by authority having jurisdiction.

2-14.3 The fire fighter shall describe the purpose and functioning of all alarm receiving instruments and personnel alerting equipment provided in the fire station.

2-14.4 The fire fighter shall demonstrate station watch duties as assigned by the authority having jurisdiction.

2-14.5 The fire fighter shall demonstrate any traffic control devices installed in the fire station to facilitate the response of apparatus.

2-14.6 The fire fighter shall demonstrate procedures required for receipt and processing of business and personal calls.

2-14.7 The fire fighter shall demonstrate prescribed fire department radio procedures.

2-14.8 The fire fighter shall demonstrate policy and procedures concerning the ordering and transmitting of multiple alarms of fire and calls for special assistance as required by authority having jurisdiction.

2-14.9 The fire fighter shall identify and explain all fire alarm signals including multiple alarm and special signals, governing the movements of fire apparatus; and the action to be taken upon the receipt of each signal as required by authority having jurisdiction.

2-15 Safety.

2-15.1 The fire fighter shall identify and explain dangerous building conditions created by fire or disaster,

and precautions to protect other fire fighters as prescribed by the authority having jurisdiction.

2-15.2 The fire fighter shall demonstrate procedures for action when trapped or disoriented in a fire situation, or in a hostile environment.

2-15.3 The fire fighter shall demonstrate knowledge of safety procedures to be followed in the use of all equipment and apparatus that the fire fighter may be called upon to use.

2-15.4 The fire fighter shall demonstrate the correct use of all safety equipment to be used in electrical emergencies as prescribed by the authority having jurisdiction.

2-16 Fire Behavior.

2-16.1 The fire fighter shall demonstrate the knowledge of fire behavior including the chemistry of fire, flame spread, flash over, phases of burning, classes of fire, and heat transfer.

2-17 Minor Extinguishment Practices Including Fire Extinguishers.

2-17.1 The fire fighter shall identify the different classes of fires.

2-17.2 The fire fighter shall identify the four extinguishing principles.

2-17.3 The fire fighter shall identify the four major classes of extinguishing agents and tell the class of fire on which each could correctly be used.

2-17.4 The fire fighter shall demonstrate the basic procedures for proper care and maintenance of portable extinguishers.

2-17.5 The fire fighter shall demonstrate ability to correctly use fire extinguishers on live fires of a class to match the extinguishing agent.

2-18 Fire Pumper Familiarization and Principles.

2-18.1 The fire fighter shall identify all the types of fire apparatus used in his department.

2-18.2 The fire fighter shall identify by name any tools or equipment carried on a standard fire pumper and selected at random.

2-18.3 The fire fighter shall demonstrate knowledge of intake and discharge pumper con-

nections by correctly connecting 2.5 inches intake and discharge hose to pumper without supervision.

2-18.4 The fire fighter shall explain the operating principle of a centrifugal fire pump.

2-18.5 The fire fighter shall conduct a routine daily inspection of a fire pumper and explain the purpose of the inspection.

2-19 Public Relations.

2-19.1 The fire fighter shall identify two ways he individually can affect public opinion of the fire service.

2-19.2 The fire fighter shall give two reasons why a good fire department relationship with the public is important.

2-20 Actual Fire Fighting.

2-20.1 The fire fighter shall demonstrate under supervision correct procedures for attacking and controlling:

- (a) structural fire (or a reasonable simulation);
- (b) flammable liquid fire;
- (c) flammable gas fire.

Note: Local conditions and restrictions may prevent full implementation of this objective; however, a sincere effort should be made to comply.

For additional information, contact the Commission on Fire Fighting Personnel Standards and Education at 2655 Plank Road, Suite 103, Baton Rouge, Louisiana 70805. Our telephone number is (504) 389-6274.

These performance objectives are based on National Fire Protection Association Standard No. 1001, but differ in some areas.

Approved Subjects for Certified Fire Fighter I Training

(Number of Hours Shown are Suggested)

General Subjects	Classroom	Practical Work or Demonstrations
* Orientation	4 Hours	
a. Civil Service		
b. Department rules and regulations		
c. Pensions		
d. Other benefits, etc.		
Introduction to the fire service	2 Hours	
Organizational structure of fire departments	2 Hours	
Self-protective equipment for fire fighters	1 Hour	
Chemistry of fire and fire behavior	4 Hours	
Minor extinguishment practices (including all portable fire extinguishers)	4 Hours	8 Hours
Fire pumper familiarization and equipment	2 Hours	5 Hours
Fire prevention and inspections	4 Hours	
Fire hose	12 Hours	24 Hours
a. Types, size, construction, etc.		
b. Care and maintenance		
c. Rolls and carries		
d. Loads, lays, finishes, etc.		
e. Advancing, dry and wet		
f. Hydrant connections		
g. Working with nozzle		
h. Recoupling, testing, and records		
i. Actual fire fighting		
Fire service ladders	2 Hours	6 Hours
a. Types, construction, capacity, etc.		
b. Raising, lowering, climbing, securing		
c. Special uses		
Fire service ropes and knots	2 Hours	6 Hours
a. Selection and care		
b. Types of knots and their uses		
c. Rappelling		
Forcible entry (Need, tools, procedures)	2 Hours	6 Hours
Fire service rescue	5 Hours	5 Hours

General Subjects	Classroom	Practical Work or Demonstrations
First aid	8-14 Hours	
a. Standard red cross or equivalent (8 hour multimedia system is acceptable as equivalent)		
b. Cardiopulmonary resuscitation	4 Hours (Minimum)	
Ventilation practices	3 Hours	
Other small tools and equipment	3 Hours	6 Hours
Fire pumper operating principles	2 Hours	2 Hours
Fire streams (use of water and hydraulics)	4 Hours	2 Hours
Sprinkler systems	2 Hours	
**Fire alarm and communications	2 Hours	
Salvage and overhaul	2 Hours	2 Hours
Public relations	1 Hour	
Fire fighting using all of above		4 Hours
Review and evaluation	14 Hours	3 Hours
Graduation	2 Hours	

* Actual subjects presented and length of time will vary depending on need and applicability.

** Larger departments may require much more time.

Note: Subjects may be taught in any sequence desired by local department. End-of-course evaluations should at least meet the minimum performance objectives as established and approved by the Fire Commission.

RULES

Louisiana Health and Human Resources Administration

Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services, has adopted a permanent rule change whereby an exclusion for the cost of divorce can no longer be allowed when computing an Aid to Families with Dependent Children (AFDC) recipient's grant, when the recipient has other income. In situations where an allowance is currently being made, it shall be discontinued when the divorce is paid

for or at the time of next redetermination, whichever comes first.

* * * *

Child Support Enforcement Program

The Louisiana Health and Human Resources Administration, Division of Family Services, has adopted the following permanent eligibility requirements in the Aid to Families with Dependent Children (AFDC) Program:

1. Each applicant for or recipient of AFDC is required to furnish a Social Security account number or to apply for a Social Security

number if such a number has not been issued or is not known.

2. Each applicant for, or recipient of, AFDC is required to assign to the Louisiana Health and Human Resources Administration, Division of Family Services, any accrued rights to support for any other person that such applicant or recipient may have, including such rights in his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving.
3. Each applicant for or recipient of AFDC is required to cooperate in identifying and locating the parent of a child with respect to whom aid is claimed, establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed, and obtaining any other payment or property due such applicant or recipient of such child. (If the relative with whom a child is living fails to cooperate in the above, any aid for which the child is eligible will be made in the form of protective and vendor payments.)

4. In any case in which child support payments are collected for a recipient of AFDC with respect to whom an assignment is in effect. Such amount collected will be counted as income to redetermine eligibility. Any bonus payments paid by the IV-D agency to the AFDC recipient under Section 302.51 (b) (1) cannot be treated as income or as a resource in the month received in determining eligibility for an AFDC payment.
5. Written notice will be provided to the Child Support Enforcement Agency of all relevant information prescribed by that agency within two days of the furnishing of AFDC.
6. Louisiana must have in effect a plan approved under Part-D of the act and operate a child support program in conformity with such plan. This plan has now been approved by the Secretary of Health, Education and Welfare.

William H. Stewart, M.D.
Commissioner

RULES

Louisiana Health and Human Resources Administration

Division of Youth Services

The Louisiana Health and Human Resources Administration, Division of Youth Services, has permanently adopted its State Plan for Child Support Collection and Establishment of Paternity, under Title IV-D of the Social Security Act. This plan has been in effect on an emergency basis since August 1, 1975.

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

Copies of the plan may be obtained from the Division of Youth Services, P. O. Box 44141, Baton Rouge, Louisiana 70804, or at any of the Division's district offices throughout the state.

William H. Stewart, M.D.
Commissioner

RULES

Department of Public Safety

Louisiana State Police

(Editor's Note: The following rules were adopted by the Department of Public Safety, on October 13, 1975, to be effective on November 20, 1975.)

Concealed Handgun Permit

Regulations governing the issuance of concealed handgun permits.

1. Purpose

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

2. Applicability

The policies and procedures provided herein shall be applicable to all Louisiana citizens who display a need

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

3. Handgun Defined

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

4. Duties and Responsibilities

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

5. Application

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

6. Revocation

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

7. Penalty

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

8. Termination

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

9. Qualifications and Requirements

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

- a. Applicant must have been issued a concealed handgun permit from the chief law enforcement officer of the parish in which he is officially domiciled.
- b. Applicant must submit a letter which details the need for a statewide concealed handgun permit. If the applicant is employed and the nature of the employment is the basis for need of a permit, then, in addition to his letter, a detailed letter from his employer stating such need is necessary.
- c. Applicant must complete and personally present a detailed application along with the following documents:
 1. Complete fingerprint file which has been prepared by a law enforcement agency.
 2. A certificate or true copy of birth certificate.
 3. 4 color photos 2" by 2"—2 side views and 2 front views.
- d. Must have a notarized statement from a Louisiana law enforcement agency that he has demonstrated the ability to use a handgun in a safe and competent manner.
- e. Show proof of faithful service bond in the minimum amount of \$10,000.
- f. If the applicant has an arrest record, he must present a notarized statement from the Clerk of Court and District Attorney of the parish in which the arrests were made which specifies the disposition on all charges.

Special Officer's Commission

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

1. Purpose

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

2. Applicability

The policies and procedures provided herein shall be applicable to all officers, agents, and employees of agencies, boards and commissions of the State of

Louisiana; of local government subdivisions; of private institutions or others who display a need for statewide police power and power to arrest, are bonded and meet other restrictions as required.

3. Duties and Responsibilities

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

4. Application

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

5. Revocation

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

6. Termination

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

7. Qualifications and Requirements

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

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

mit application along with the following documents:

- a. Complete fingerprint file which has been prepared by a law enforcement agency
 - b. Copy of birth certificate
 - c. 4 color photos 2" by 2"—2 side views and 2 front views
- c. Must have completed a minimum 240 hours of basic law enforcement training or possess related experience or ability equal to such training.
 - d. Submit to and pass a comprehensive background investigation, said investigation to be conducted by the Louisiana State Police.
 - e. Show proof of faithful service bond in the minimum amount of \$10,000.
 - f. If the applicant has an arrest record, he must present a notarized statement from the Clerk of Court and the District Attorney of the parish in which the arrests were made which specifies the disposition on all charges.

Hickley M. Waguespack
Director

RULES

Louisiana State Racing Commission

(Editor's Note: The following rule changes were adopted by the Racing Commission on July 28, 1975. They become effective on November 20, 1975.)

Rule 3 (e) All claims shall be signed, sealed, time stamped and deposited in a locked box provided for that purpose at least fifteen minutes before post time for each race. The claim box shall be opened by one of the Stewards or his deputy and the claims shall remain in his possession until after each race has been run. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the association or in the "Horsemen's Account", as the case may be, must first deposit with the Association or in the "Horsemen's Account", as the case may be, the whole amount of his claim in cash, for which a

receipt will be given. If more than one person shall enter a claim for the same horse, the disposition of the horse shall be decided by lot by one of the Stewards or his deputy, and the person so determined to have the right of the claim shall become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it. Any horse other than the winner that has been claimed, after the race has been run, shall be taken to the paddock for delivery to the claimant. The winner, however, will be taken to the retention barn for delivery to the claimant.

* * * *

Rule 16 (p) If an owner or trainer requests a change in jockeys, permission to substitute a jockey shall be made only upon approval of the Stewards.

* * * *

Rule 20 (r) At each race meeting conducted by an Association each Association or the organization representing horsemen shall keep a separate bank account to be known as the "Horsemen's Account" with the person responsible therefor to be fully bonded by a surety or sureties acceptable to the Commission and with at all times sufficient funds in such account to cover all monies due horsemen in regard to purses, stakes, rewards, claims and deposits. Withdrawals from this account shall be only for such purposes and said account shall at all times be subject to audit by the Commission.

* * * *

Rule 20 (z) No percentage of winnings shall be deducted by any Association or any organization responsible for the "Horsemen's Account" for itself or for another person, club, or body unless at the request of the person to whom such winnings are payable, and except that an Association or the organization responsible for the "Horsemen's Account" may withhold from winnings any money due it.

* * * *

Rule 21 (g) No person shall be granted a trainer's license who is under eighteen years of age.

* * * *

Rule 22 (f) Pending a decision based on an objection, any prize which the horse (against which the objection is lodged) may have won or may win in

the race, or any money held by the Association or the organization responsible for the "Horsemen's Account" as the price of a horse claimed in a race (if involved in the determination of the case), shall be withheld until the objection is determined.

* * * *

Rule 36 (d) The Racing Secretary shall receive all entries and declarations, and he or any other person designated by the Association or the organization responsible for the "Horsemen's Account" may receive all stakes, forfeits, entrance monies, fees (including jockey fees), purchase money in claiming races and all other money that can properly come into his possession as agent for the Association for which he is acting, or which can properly come into the possession of the organization responsible for the "Horsemen's Account".

* * * *

Rule 45 (e) Any money or prize which by the conditions is to go to the horse placed second, or in any lower place in the race, shall, if the winner has walked over, or no horse has been so placed, be dealt with as follows:

(e-1) If part of the stakes, it shall go to the winner, or

(e-2) If a separate donation from the Association or any other source, it shall not be given at all; or

(e-3) If entrance money for the race, it shall go to the Association or to the organization responsible for the "Horsemen's Account".

Albert M. Stall
Chairman

RULES

Board of Regents

(Editor's Note: The following rules were adopted by the Board of Regents on October 24, 1975, to be effective November 20, 1975.)

2.9 Conditional Approval for all Programs to be Implemented

All degree programs—associate, certificate, baccalaureate, masters, specialist, doctorate—which the Board

of Regents deems worthy of implementation shall initially be given "conditional approval." After the program has been in operation for four years, or after the program graduates its first class, whichever occurs first, a review of the program by the submitting institution will be required by the Board. The reviews shall include the following information:

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

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

* * * *

3.9 Honorarium for Board Members and Staffs

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

William Arceneaux
Commissioner of Higher Education

RULES

Board of New Orleans and Baton Rouge Steamship Pilot Commissioners

(Editor's Note: The following rules were adopted by the Board of New Orleans and Baton Rouge Steamship Pilot Commissioners on November 4, 1975, to be effective November 20, 1975.)

Article I

Board of Steamship Pilot Commissioners

Section 1. The Board of Commissioners shall make recommendations to the Governor when there is a need for new commissioners, such recommendations must be made in accordance with the law and in compliance with the rules and by-laws of the Association.

Article II

Legislation; Records; Meetings; Application

Section 1. All Commission rules must be adopted by a majority of the Commissioners, further they must be submitted to the Association attorney for legal approval. After steps one and two are completed, such rules shall be approved by a majority vote of the Association's members before they are submitted to the Governor for his final approval.

Section 2. The Board of Commissioners shall maintain records and conduct its meetings in accordance with R.S. 49:951 et seq.

Section 3. The Commissioners shall meet at least each quarter of the year on the call of the President on twenty-four hours notice delivered to the other members of the Board with the President having the prerogative of calling additional meetings during any month on giving said notice to the members.

Section 4. These rules shall apply to any New Orleans and Baton Rouge steamship pilot engaged in his calling within the operation territory defined in R.S. 34:1043.

Article III

Minimum Requirements of Applicants and Examination

Section 1. All applications for commissions to serve as New Orleans and Baton Rouge steamship pilots must be in writing, must be signed by the applicant and presented to the President of the Board. All applications must be accompanied by satisfactory evidence of compliance, with the following prerequisite to examination of the applicant by the Board:

- (A) Applicant must submit evidence of good moral character.
- (B) Applicant must be a registered voter of the State of Louisiana.

- (C) Applicant must hold a first class pilot's license of "any" gross tons, (the word "any" as interpreted by the United States Coast Guard) for the Mississippi River from Chalmette, Louisiana to Baton Rouge Railroad and Highway Bridge at Baton Rouge, Louisiana, issued to him by the United States Coast Guard.
- (D) Applicant must serve an apprenticeship, as an apprentice ship pilot, for not less than six months as provided by the Board of Pilot Commissioners.
- (E) Applicant must have not reached his forty-fifth birthdate.
- (F) Applicant must have been duly elected an apprentice in the New Orleans and Baton Rouge Steamship Pilots Association by majority vote of all members of said Association entitled to vote.
- (G) Applicant must sign an obligation to abide by the charter, by-laws, rules and regulations of the New Orleans and Baton Rouge Steamship Pilots Association and the Pilot Commissioners.
- (H) Applicant must successfully complete an examination by the Board of Commissioners of the New Orleans and Baton Rouge Steamship Pilots Association.
- (I) Applicant must submit to the Board of Commissioners a certificate from a competent physician certifying that he is in good health and physical condition.

Section 2. Those applicants who have complied with all the provisions of this article shall be examined by the Commissioners as to their knowledge of pilotage and their proficiency and capability to serve as a commissioned pilot between the ports of New Orleans and Baton Rouge and intermediate ports. This examination shall be given in such manner and shall take such form as the Board, in its discretion from time to time, elects.

Section 3. Those applicants who satisfactorily complete the examination given by the Board shall be certified to the Governor for his consideration in making appointments to commissions as New Orleans and Baton Rouge steamship pilots.

Article IV

Association of Pilots

Section 1. The Board of Pilot Commissioners hereby recognizes the fact that the New Orleans and Baton

Rouge pilots have formed themselves into a legal registered corporation known as the New Orleans-Baton Rouge Steamship Pilots Association; further, let it be recognized by the Pilot Commissioners that the Pilots Association has operated and is now operating within all State laws and is not in conflict with the rules and regulations of the Board of Commissioners.

Article V

**Report of Incompetency,
Carelessness of Pilots, Etc.**

Section 1. The Board of Commissioners shall maintain records and conduct its meetings in accordance with R.S. 49:951 et seq.

Section 2. In any case, where a vessel in charge of a pilot shall go aground, or shall collide with any other object, or shall meet with any casualty, or be injured or damaged in any way, the said pilot shall, within five days when possible, thereafter make a written report to the Board, which may thereupon, with or without complaint being made against said pilot, investigate the matter reported on.

Section 3. Any pilot who shall fail, neglect, or refuse to make a report to the Board as required by these rules, shall be reported to the Governor for action.

Section 4. Pilots, when notified in writing, shall report in person to the Board at any meeting specified in such notice.

Section 5. Any New Orleans and Baton Rouge steamship pilot notified in writing to testify before the Board shall appear in accordance with said notice and shall make answers under oath to any question put to him touching on any matter connected with the pilot's service or the pilot's territory over which he is licensed to pilot.

Section 6. Pilots shall not under any circumstances make any statement to anyone until such pilot or pilots have had legal counsel when they are involved in a casualty.

Section 7. Any pilot charged with drunkenness, shall be removed from piloting duty without pay until notification and final action is taken by the Governor.

Section 8. No pilot will engage in any activities concerning the members of the New Orleans-Baton Rouge Steamship Pilots unless said pilot has been elected, or appointed, to do so by one of the governing boards.

Captain M. W. Gould
President

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Milk Division

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951, et seq., of the Louisiana Revised Statutes of 1950, as amended; and, in accordance with the decision from the 19th Judicial Court, East Baton Rouge Parish, notice is hereby given of a public hearing to be held at 10:00 a.m., December 17, 1975, at the Sheraton Motor Hotel, 2726 Continental Drive, Baton Rouge, Louisiana.

The purpose of this hearing is to consider amendments to Production Marketing Area No. 1 and Production Marketing Area No. 2. The amendments concern the provisions of the American Dairy Association of Louisiana, Inc. in both stabilization plans. The amendments propose to change Subsection 170 A9 of Production Marketing Area No. 1 and Subsection 262 I of Production Marketing Area No. 2. Both of these subsections refer to the method of assessments for the American Dairy Association of Louisiana, Inc.

All interested persons will be afforded a reasonable opportunity to submit data, views or arguments in accordance with the applicable provisions of the Administrative Procedures Act R.S. 49:951, et seq. of the Louisiana Revised Statutes of 1950, as amended.

Dave L. Pearce
Commissioner

NOTICE OF INTENT

Louisiana Air Control Commission

The Louisiana Air Control Commission proposes to adopt Guideline No. 5, entitled "Sulphur Dioxide Emissions from Oil and Gas Production," at a hearing scheduled for 10:00 a.m., December 12, 1975, in the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans, Louisiana. Reasonable opportunity for oral comment will be permitted at the meeting. Written comments may be mailed to the Louisiana Air Control Commission, P. O. Box 60630, New Orleans, Louisiana 70160, prior to the meeting.

The Commission proposes to adopt compliance

statements, emission reduction plans, requests for variances to the Commission Regulations, applications for "approval of emissions", and any other pertinent items of consideration necessary.

James F. Coerver
Technical Secretary

NOTICE OF INTENT

State Board of Architectural Examiners

Pursuant to R.S. 49:951, et seq., notice is hereby given that the State Board of Architectural Examiners intends to consider at its December 18, 1975, meeting adoption of permanent rules and regulations relative to selection of members to serve on the Louisiana Architects Selection Board.

Interested persons may present their views, in writing, to the Department of Occupational Standards, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 not later than December 16, 1975.

Alvin J. Unick
Director

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950 as amended, a public hearing will be held in the Mineral Board Hearing Room of the State Land and Natural Resources Building in Baton Rouge, Louisiana beginning at 9:30 a.m., December 19, 1975.

At such hearing, the Board will consider its Code of Ethics and policies and procedures governing the institutions under the authority of the Board and specifically:

- a. Part 3, Physical Plants, Building Use, Capital Outlay and Construction.
- b. Part 4, Educational Programs, Policies and Procedures.
- c. Part 6, Financial Policies and Procedures.
- d. Part 7, Faculty and Staff Personnel Policies and Procedures.
- e. Part 8, Student Personnel Policies and Procedures.

- f. Part 9, Athletic Program, Policies and Procedures.
- g. Part 11, Code of Ethics for Members of the Board of Trustees for State Colleges and Universities.

The Board of Trustees for State Colleges and Universities shall accept written comments until 5 p.m., Friday, December 5, 1975, at the following address:

Board of Trustees for State
Colleges and Universities
P. O. Box 44307, Capitol Station
Baton Rouge, Louisiana 70804

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

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

Bill Junkin
Executive Director

NOTICE OF INTENT

Department of Conservation

In accordance with the laws of the State of Louisiana, and particularly R.S. 30:9.1 and R.S. 49:951, et seq., a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m., Tuesday, December 16, 1975.

At such hearing the Commissioner will consider evidence relative to the issuance of a statewide order adopting rules and regulations to govern the termination of units established by the Commissioner of Conservation pursuant to authority contained in Title 30 of the Louisiana Revised Statutes of 1950, same to be known as Statewide Order No. 29-L.

The proposed statewide order referred to hereinabove is appended hereto. This statewide order represents the views of the Commissioner as of this date; however, the Commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

The Commissioner of Conservation, on or after December 16, 1975, will promulgate Statewide Order No. 29-L, implementing the provisions of R.S. 30:9.1.

Comments and views regarding the proposed statewide order should be directed in written form to be received not later than 5:00 p.m., December 15, 1975. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to:

R. T. Sutton
Commissioner of Conservation
P. O. Box 44275, Capitol Station
Baton Rouge, Louisiana 70804
Re: Comments—Statewide Order No. 29-L Termination of Units

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

R. T. Sutton
Commissioner of Conservation

* * * *

Statewide Order No. 29-L

Statewide order adopting rules and regulations for termination of any unit established by the Commissioner of Conservation pursuant to the authority of Title 30 of the Louisiana Revised Statutes of 1950.

* * * *

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, as amended by Section 9.1 adopted by the Legislature as Act 671 of 1975; and after a hearing held under Docket No. _____ in Baton Rouge, Louisiana on _____, following publication of notice thereof, not less than thirty days prior to said hearing in the Official Journal of the State of Louisiana, the State-Times at Baton Rouge, Louisiana, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to conserve the natural resources of the state, to prevent waste of oil and gas as defined by law, and otherwise to carry out the provisions of the laws of this state. These rules and regulations shall govern the termination of units established by the Commissioner of Conservation pursuant to authority contained in Title 30 of the Louisiana Revised Statutes of 1950.

Definitions

Unless the context otherwise requires, the words defined in this section shall have the following meaning when found in this order.

1. "District Manager" means the manager of any one of the districts of the State of Louisiana under the Department of Conservation, and refers specifically to the manager within whose district the pool for which the unit sought to be terminated is located.

2. "Pool" means an underground reservoir containing a common accumulation of crude petroleum or natural gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is covered by the term pool.

3. "Unit" means any unit or units established for the entirety of a particular pool, by order of the Commissioner of Conservation pursuant to authority of Sub-section B of Section 9 or Sub-section B or C of Section 5 of Title 30 of the Louisiana Revised Statutes of 1950.

4. "Represented Party" means any person, as person is defined in Title 30 of the Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest in the pool for which the unit sought to be terminated was established and who is known to have either a consultant or attorney representing him in conservation matters.

5. "Interested Owner" means any owner, as owner is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest within the pool for which the unit sought to be terminated was established.

6. "Interested Party" means any person, as person is defined in Title 30 of the Louisiana Revised Statutes of 1950, who owns an interest in the pool for which the unit sought to be terminated was established.

Findings

The Commissioner of Conservation finds as follows:

1. That an administrative procedure should be established to permit the termination of any unit under those certain conditions as set forth hereinbelow, where it is shown that in order to carry out the purposes and intent of the conservation laws of this state such procedure would be in the interest of good conservation practices.

2. That in order to carry out the mandate of the Legislature of the State of Louisiana, as contained in Act 671 of 1975 (Louisiana Revised Statutes, Title 30, Section 9.1) rules and regulations should be promulgated to prescribe the procedure by which any interested party, as applicant, may request the issuance of a supplemental order terminating any unit by written application and upon proper showing in the manner hereinafter provided and in the absence of protest without the necessity of a public hearing, when a period of one year and ninety days has elapsed without:

- (a) production from the pool for which the unit was established;
- (b) the existence of a well completed in the pool for which the unit was established which, although not producing, has been proved to be capable of producing; or
- (c) drilling, reworking, recompletion, deepening, or plugging back operations having been conducted on a well to secure or restore production from the pool for which the unit was established.

Order

Now, therefore, it is ordered that:

1. On and after the effective date hereof, a supplemental order terminating any unit established by the Commissioner may be issued after written application and upon proper showing in the manner provided herein, and in the absence of protest without the necessity of a public hearing.

2. All applications for unit termination shall be filed with the Commissioner with a copy to the district manager, each interested owner and represented party and shall include the following:

- (a) A plat showing the unit, for which termination is being sought, together with order number and effective date of the order of the Commissioner establishing said unit.
- (b) A signed statement indicating that to the best of the applicant's knowledge, a period of one year and ninety days has elapsed without:
 - (1) production from the pool for which the unit was established;
 - (2) the existence of a well completed in the pool for which the unit was established

which, although not producing, has been proved to be capable of producing; or

- (3) drilling, reworking, recompletion, deepening, or plugging back operations having been conducted on a well to secure or restore production from the pool for which the unit was established.

- (c) A list of all interested owners and represented parties to whom a copy of the application has been sent.

- (d) A filing fee of \$25.00.

3. Notice of the filing of the application for unit termination shall be published in the Official Journal of the State of Louisiana giving notice that unless a written protest is filed with the Commissioner within a fifteen-day period from the date of publication of notice, such date being considered the first day of such fifteen-day period, the Commissioner may issue a supplemental order for such unit termination. In the event written objection is filed within said fifteen-day period, the applicant may apply for a public hearing for consideration of the application.

4. Any supplemental order issued hereunder shall be filed for record as provided in Section 11.1 of Title 30 of Louisiana Revised Statutes of 1950.

This order shall be effective on and after

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Governor's Consumer Protection Division

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval to amendments to Title 2 of the Consumer Protection Rules and Regulations proposed for adoption by the Director of the Governor's Consumer Protection Division at its public meeting on December 16, 1975, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana 70804. These amendments are being made to reflect changes in the Administrative Procedures Act (Act 730 of 1975).

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support

of or in opposition to this intended approval of the Director's adoption of amendments by personally appearing at the above public meeting at the above designated time, day and place and submitting same.

Charles W. Tapp
Director

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to repeal Consumer Protection Rule 3:5006 (prior notification of passengers boarding commercial passenger carrying aircraft), subject to the approval of the Consumer Protection Advisory Board and the Attorney General, on December 11, 1975, at 5:00 p.m. at the Division's office, Suite 1218, Capital Bank Center, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended action by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

Charles W. Tapp
Director

NOTICE OF INTENT

State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to consider at its regular December meeting the adoption of policy changes relative to the following areas under its jurisdiction:

- 1) Adoption for a period to extend to September 1, 1976, the emergency rule declared in the Louisiana Register on October 20, 1975:
3.01.70 An applicant seeking certification under Bulletin 746 (as revised in 1964) after September 1, 1975, may have his or her records reviewed for this purpose until September 1, 1976. During this time period, certification may be granted according to

the 1964 standards only if the applicant completed the appropriate requirements prior to September 1, 1975.

- 2) Guidelines for the implementation of Act 714 of the 1975 Regular Session of the Louisiana Legislature as formulated by the Foreign Language Section of the Department of Education. These guidelines set up procedures for the implementation of second language programs by city and parish school systems.
- 3) Deletion of policies 6.03.63, 6.03.63.a and 6.03.63.b of the Board's Policy and Procedure Manual relative to night school salaries and the insertion in lieu thereof of 6.03.63 Night School.

6.03.63 Night School

Full time day instructors in vocational technical schools may be permitted to teach additional night or extension classes for a maximum of eight hours weekly when other instructional personnel are not available. Compensation for such additional instruction shall be at the hourly wage provided for part time instructors in extension and evening courses.

- 4) Policies related to determining the increment level of beginning instructional employees in vocational technical schools.
- 5) Policies relative to the duplication of services provided by the staff of the State Department of Education and the State Board of Elementary and Secondary Education.

The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m. December 5 at the following address:

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

The public is made aware of the consideration of the above rule change proposals in compliance with R.S. 49:951 et seq.

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

Earl Ingram
Director

NOTICE OF INTENT

Commission on Fire Fighting Personnel Standards and Education

The Commission on Fire Fighting Personnel Standards and Education will meet at 9:30 a.m., December 10, 1975, in the Magnolia Room of the Bellemont Motel, Airline Highway, Baton Rouge, Louisiana to consider adoption of the following proposals:

1. Approved course & requirements for becoming a Commission-certified Fire Instructor I.
2. Approved subjects for Commission-certified Fire Fighter II training.
3. Performance objective evaluation requirements for becoming a Commission-certified Fire Fighter II.

Interested persons may submit their comments prior to the meeting, to the following address:

Commission on Fire Fighting Personnel
Standards and Education
2655 Plank Road, Suite 103
Baton Rouge, Louisiana 70805

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

Jimmy Chapman
Executive Director

NOTICE OF INTENT

Louisiana Health and Human Resources Administration

Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services, in accordance with the Administrative Procedures Act 284 of 1974 proposes to amend its regulations to increase the resource limitations in the General Assistance Program effective January 1, 1976, as follows:

1. \$600 if client has no one other than himself in his family unit.
2. \$800 if client has one person in addition to himself in his family unit.

3. \$1,000 if client has two or more persons in addition to himself in his family unit.

Interested persons may submit written comments until 4:30 p.m. December 5, 1975, to the following address: Mr. Roy E. Westerfield, Director, Division of Family Services, Louisiana Health and Human Resources Administration, P. O. Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Department of Public Safety

Notice is hereby given that the Louisiana Department of Public Safety intends to adopt rules and regulations concerning sign requirements for used vehicle dealerships.

Under the authority granted by 32:727, paragraph A, the following rules are adopted to define "an established place of business" (32:719) (B) (3) as it pertains to used vehicle dealers:

1. An established place of business shall have a permanently affixed sign which clearly denotes that used cars or other used vehicles are offered for sale at the location to which the sign is affixed.
2. The sign referred to in Rule No. 1 must be clearly visible from the street or roadway in front of the establishment.
3. The overall dimensions of the sign shall be at least four feet by two and one-half feet or contain a minimum of ten square feet.
4. The letters and numerals on the sign which state the business name and type of business shall be a minimum of five feet in height.
5. The trade name on the sign shall be the same trade name used to secure a used vehicle dealers license, or used when applying for a used vehicle dealers' license.

The Department will accept written comments to the Department of Public Safety, Motor Vehicle Division, Post Office Box 66196, Baton Rouge, Louisiana 70806, Attention: Sign Requirements, Mr. Dick Taylor.

These rules are intended to become effective December 20, 1975.

Hickley M. Waguespack
Director

NOTICE OF INTENT

Department of Public Safety

Notice is hereby given that the Louisiana Department of Public Safety intends to adopt rules and regulations concerning the issuance of handicapped license plates as provided for by Act 423 of the Louisiana Legislature, Regular Session of 1974. The Department will accept written comments to the Department of Public Safety, Motor Vehicle Division, Post Office Box 66196, Baton Rouge, Louisiana 70806, Attention: Handicapped Plates, Mr. John J. Politz.

The following rules are intended to become effective December 20, 1975:

- I. Place of application, fees and forms to be used.

Application for a handicapped license plate may be made at any Motor Vehicle Division office in Louisiana or through the mail by writing to:

Department of Public Safety
Motor Vehicle Division
Post Office Box 66196
Baton Rouge, Louisiana 70806

Attention: Handicapped Plates

If the individual who is applying for the handicapped plate has a current plate on the vehicle, a Form VEH-7 must be submitted. The applicant will turn in his current plate and receive a handicapped plate—no charge.

If the vehicle on which the handicapped plate will be displayed has been purchased, but application for title has not been made, the application for title and a handicapped plate will be taken at the same time. Form VEH-1 shall be used for cars and Form VEH-2 for trucks. Fee: whatever the normal license fee for the vehicle in question would have been if a handicapped plate had not been applied for (normally \$6.00 for cars

and \$10.00 for trucks, plus normal sales tax and fee associated with a vehicle transfer).

After a handicapped license plate has been obtained, a fee of \$6.00 per 2 years will be charged for renewal on private passenger autos. A fee of \$10.00 per year will be charged for the renewal of a handicapped plate on a commercial auto, pickup or a van (unless the van is so designed so that a private auto plate could be issued).

II. Handicapped—definition.

The term “handicapped person” shall include any person who has impairments that, regardless of cause or manifestation, for all practical purposes, confines such person to a wheelchair or any person who has impairments that cause such person to walk with difficulty or insecurity and includes but is not limited to those persons using braces or crutches, amputees, arthritics, spastics and those with pulmonary or cardiac ills who may be semi-ambulatory.

III. Certification of handicapped condition.

A doctor’s certificate, which can be obtained at any Motor Vehicle office, which attests to the applicant’s physical condition, must be signed by the applicant’s physician and submitted with the application, or the applicant’s physician may prepare and sign a statement describing the applicant’s condition; this statement may be used in lieu of the doctor’s certificate.

IV. Persons eligible.

Those persons eligible to receive a handicapped plate are:

1. Those who come under the statutory definition of a handicapped individual.
2. Those who transport via motor vehicle a close family member who comes under the definition of handicapped individual.

No more than the two handicapped plates may be issued to an individual. (Only one plate per vehicle).

V. Types of vehicles.

Handicapped plates may be used on the following types of vehicles:

1. Private passenger autos,
2. Commercial autos, if the commercial auto is used by and only by a handicapped individual, and
3. Private passenger pickup trucks and vans which normally carry a 3,500-pound privately owned truck license plate (normally one-half and three-fourths ton pickups).

VI. Exceptions.

Special circumstances:

1. A disabled veteran who normally receives free plate may receive a free handicapped plate if he meets the definition of a handicapped individual.
2. If any Louisiana citizen feels there is a special circumstance which is not covered in these rules he may bring this to the attention of the Motor Vehicle Division by writing to: Department of Public Safety, Motor Vehicle Division, Post Office Box 66196, Baton Rouge, Louisiana 70806, Attention: Handicapped Plates, Mr. John J. Politz.

Hickley M. Waguespack
Director

NOTICE OF INTENT

Louisiana State Racing Commission

The Louisiana State Racing Commission proposes to amend the Rules and Regulations of Racing to specifically include mention of Appaloosa horses, along with the already cited Thoroughbred and Quarter Horse breeds. The Commission contemplates taking this action in January. However, the date, time and place of the meeting have not been determined. These details may be obtained by telephoning the Commission at (504) 527-8407, or by writing to:

Louisiana State Racing Commission
308 State Office Building
325 Loyola Avenue
New Orleans, Louisiana 70112

on or after December 1, 1975. Interested persons may express their views on the proposed rule change, in writing, by submitting them to the above address prior to January 1, 1976. Reasonable opportunity for oral comment will be permitted at the January meeting.

Albert M. Stall
Chairman

NOTICE OF INTENT

Board of Regents

Pursuant to R.S. 49:953, notice is hereby given that the Board of Regents intends to amend Fiscal Policy 3.7-Emeritus Status, at a meeting to be held in Garden Level Auditorium, One American Place, at 10:00 a.m., December 17, 1975.

Written views and opinions may be submitted to the Board of Regents, P. O. Box 44362, Capitol Station, Baton Rouge, Louisiana 70804, before December 12, 1975.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Board of Regents

Pursuant to R.S. 49:953, notice is hereby given that the Board of Regents intends to consider policy relating to statewide tenure at its regular meeting on December 17, 1975.

Written views and opinions may be submitted to the Board of Regents, P. O. Box 44362, Baton Rouge, Louisiana 70804, before December 5, 1975.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Department of Revenue

In accordance with the provisions of Section 953 of Title 49 of the Louisiana Revised Statutes of 1950 notice is hereby given that the Collector of Revenue intends to formally promulgate regulations authorized by R.S. 47:1511 relating to the following matters:

- (a) R.S. 47:116 Declarations of estimated tax by individuals
 - (1) Filing requirements and procedures
- (b) R.S. 47:296 Tax on income by individuals
 - (1) Determination of tax
 - (2) Handling of exempt income items
 - (3) Annualization of short period
- (c) R.S. 47:295 Administration

A copy of the proposed regulations is attached to and made a part hereof.

Interested parties may also inspect a copy of the proposed regulations at the official domicile of the Collector of Revenue in the Capitol Annex, Baton Rouge, Louisiana, or at any of the department's seven district offices located throughout the state, and may present data, views or arguments relating thereto in writing at any time prior to 4:30 p.m. Friday, December 5, 1975. All written matter should be addressed to the Collector of Revenue, P. O. Box 3863, Baton Rouge, Louisiana 70821.

A hearing will be held in the State Mineral Board conference room located on the ground floor of the Natural Resources Building located on North Street between Riverside Mall and Fourth Street in Baton Rouge, Louisiana, commencing at 10:00 a.m. on Tuesday, December 9, 1975. Those desiring to be heard at the hearing should notify the Collector of their desire prior to the closing time and date for submitting written material.

A copy of this notice is being mailed to all persons who have made timely request to the Collector of Revenue for advance notice of promulgation proceedings

and is being published at least once in the Official Louisiana Journal and the Louisiana Register.

Joseph N. Traigle
Collector of Revenue

* * * *

Louisiana Income Tax Regulations

Article 47:116.1 Declarations of estimated income tax by individuals

A. Requirement. A declaration of estimated tax must be filed for the taxable year by every person subject to the Louisiana income tax if the balance of Louisiana tax due after deducting prepayments and direct credits against the tax can reasonably be expected to exceed \$200. In the case of married individuals, whether separate or joint returns are filed, the determination should be made with respect to each spouse, taking into account each's share of community income. The credits to be taken into consideration in calculating the balance of tax due are:

- (a) prepayments by withholding tax on wages;
- (b) prepayments created by crediting an overpayment from a prior year to the current year's liability;
- (c) credit for taxes paid to another state allowable under R.S. 47:33;
- (d) credit against the tax for certain disabilities allowable under R.S. 47:297A, and
- (e) credit against the tax for percentage depletion allowable under R.S. 47:297B.

B. Declarations made by agents. The declaration may be made by an agent if the taxpayer is unable to make it himself.

Article 47:116.2. Joint declaration by husband and wife

A. General. Husband and wife may make a joint declaration of estimated tax even though they are not living together. However, a joint declaration may not be made if they are separated under a decree of divorce or of separate maintenance. A joint declaration may not be made if the taxpayer's spouse has a different taxable year. If the balance of tax due by both spouses exceeds \$400, either a joint declaration may be made or a separate declaration may be made by each. If the balance of tax due by both spouses does not exceed \$400, no declaration is required. If a joint declaration is made by husband and wife, liability for the estimated tax shall be joint and several.

B. Application to separate returns. The fact that a joint declaration of estimated tax is made will not preclude a husband and wife from filing separate tax returns. In case a joint declaration is made but separate returns are filed for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, the payments of estimated tax shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments that the amount of tax shown on the separate return of the taxpayer bears to the sum of the taxes shown on the separate returns of the taxpayer and his spouse.

C. Death of spouse.

1. A joint declaration may not be made after the death of either the husband or wife. However, if it is reasonable for a surviving spouse to assume that a joint return will be filed for himself and the deceased spouse for his taxable year and the last taxable year of the deceased spouse, he may estimate the tax balance on an aggregate basis and compute his estimated tax in the same manner as though a joint declaration had been filed in making his separate declaration for his taxable year which includes the period comprising the last taxable year of his spouse.

2. If a joint declaration is made by husband and wife and thereafter one spouse dies, no further payments of estimated tax on account of the joint declaration are required from the estate of the decedent. The surviving spouse, however, must pay subsequent installments of the joint estimated tax unless an amended declaration setting forth the separate estimated tax for the taxable year is made. For the purpose of preparing an amended declaration by the surviving spouse, and allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed by the survivor and the deceased spouse, the payments already made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representative of the decedent may agree. If they fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments that the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent.

D. **Signing of declaration.** A joint declaration of a husband and wife shall be signed by both. Both spouses are responsible for making the declaration and incur solidary liability for the penalties provided for the filing of erroneous, false, or fraudulent declarations.

Article 47:116.3. Definition of estimated tax

The term “estimated tax” means the amount which the person estimates to be the amount of income tax imposed by Part III of Chapter 1 of Title 47 for the taxable year, minus the estimated amount of credits against the tax. The credits to which he may be entitled are those provided by R.S. 47:33 (relating to net income taxes paid to other states), R.S. 47:115A (relating to tax withheld on wages), R.S. 47:297A (relating to certain disabilities), and R.S. 47:297B (relating to percentage depletion on oil and gas).

Article 47:116.4. Contents of declaration of estimated tax; use of prescribed form

Copies of Form 540-ES will be furnished to taxpayers by the Collector. A taxpayer will not be excused from making a declaration by the fact that no form has been furnished to him. Taxpayers not supplied with the proper form should request forms from the Collector in ample time to have their declarations prepared, verified, and filed with the Collector on or before the due date. If the prescribed form is not available, a statement disclosing the amount estimated as the tax, the estimated credits, and the estimated tax after deducting such credits should be filed as a tentative declaration within the prescribed time, accompanied by the payment of the required installment.

Article 47:116.5 Amendment of declaration

In the making of a declaration of estimated tax, the taxpayer is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his gross income, deductions, or credits will differ from the gross income, deductions, or credits in the previous declaration. An amended declaration may be made based upon a change in the number of personal exemptions or credits for dependents to which the taxpayer may be entitled for the current taxable year. Only one amended declaration may be filed during an interval between installment dates. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed.

Article 47:116.6 Return as declaration or amendment

A. Time for filing return.

1. If the taxpayer files his return for the calendar year on or before January 31 (or March 1, in the case of a farmer) of the succeeding calendar year or if the taxpayer is on a fiscal year basis, on or before the last day of the first month (in the case of a farmer, the 1st day of the third month) immediately succeeding the close of such fiscal year, and pays in full the amount computed on the return as payable, then—

(a) If the declaration is not to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the corresponding date in the case of a fiscal year), such return shall be considered as such declaration; or

(b) If a declaration was filed during the taxable year, such return is the amendment of the declaration permitted by R.S. 47:116E to be filed on or before January 15 of the succeeding year (or corresponding date in the case of a fiscal year).

For example, a taxpayer on the calendar year basis who first meets the requirements of R.S. 47:116A requiring him to file a declaration subsequent to September 1, may satisfy the requirements for filing a declaration by filing his return on or before January 31 of the following year (March 1, in the case of a farmer), and paying the tax shown to be payable in full at the time of filing his return. If a taxpayer files a timely declaration on or before September 15, and on or before January 31, files his return, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration filed timely.

2. For the purpose of R.S. 47:116F a taxpayer may file his return on or before the last day of the first month following the close of the taxable year even though he has not been furnished Form L-2 by his employer. In such case the taxpayer shall compute his wages for such year and the tax withheld for which he is entitled to a credit, reporting such wages and tax on his return, together with all other information necessary to determine his tax liability for such year.

B. Effect on addition to the tax.

Compliance with the provisions of R.S. 47:116F will enable a taxpayer to avoid the addition to the tax imposed by R.S. 47:118A for underpayment of the installment not required to be paid until January 15 of the succeeding calendar year (or the corresponding date in the case of a fiscal year). Compliance with R.S. 47:116F will not relieve the taxpayer from the addition to the tax imposed by R.S. 47:118A where there is underpayment of an earlier installment. The period of the underpayment under R.S. 47:118C, for an earlier installment, will terminate on January 15 of the succeeding calendar year (or the corresponding date in the case

of a fiscal year). For example, if a taxpayer on January 12, finds that he has underpaid his estimated tax for the calendar year, he may file an amended declaration on January 15, and pay the balance of the estimated tax. Or, he may file his final return on January 31, and pay in full the amount computed. The periods of underpayment, under R.S. 47:118C, as to the installments required to be paid on April 15, June 15, and September 15, also terminate on January 15.

Article 47:116.7. Short taxable years of individuals; requirement of declaration

No declaration may be made for a period of more than twelve months. For purposes of this Article a taxable year of fifty-two or fifty-three weeks, in the case of a taxpayer who computes his taxable income in accordance with the election permitted by R.S. 47:91 is a period of twelve months. A separate declaration for a fractional part of a year is required when there is a change in the basis of computing taxable income from one taxable year to another taxable year. No declaration is required if the short taxable year is—

- (1) A period of less than four months,
- (2) A period of at least four months but less than six months and the requirements of R.S. 47:116A are first met after the first day of the fourth month,
- (3) A period of at least six months but less than nine months and the requirements of R.S. 47:116A are first met after the first day of the sixth month, or
- (4) A period of nine months or more and the requirements of R.S. 47:116A are first met after the first day of the tenth month.

The requirement for an amended declaration if death of one spouse occurs after filing a joint declaration is explained in Article 47:116.2C.

Article 47:295. Administration

In addition to placing full responsibility upon the Collector of Revenue for the administration and enforcement of the Louisiana income tax law, which includes the responsibility for preparation and publication of necessary rules, orders and regulations, R.S. 47:295 gives the Collector authority under highly restricted conditions to waive, reduce, or compromise any of the taxes, penalties and interest or other amounts determined to be due under Part III of the income tax law. The Collector may waive, reduce, or compromise amounts only upon making a written record of his reasons and only after approval has been obtained from the Board of Tax Appeals for such waiver, reduction, or compromise.

The authority is granted to the Collector of Revenue solely for the purpose of providing a means by which the

Collector may cause the tax liability to be recalculated when use of the tables set forth in R.S. 47:296 results in an excessive amount of Louisiana tax liability due to the inclusion in Federal taxable income of some unusual or irregular item of income which is either not taxable to Louisiana for any reason or which has already been subjected to tax by Louisiana prior to enactment of Part III of Chapter 1 of Title 47. No application for the waiver, reduction, or compromise of any amount due under this part will be approved by the Collector of Revenue until a showing has been made that the alleged excess liability is attributable to one of those factors.

An application for the waiver, reduction, or compromise of any amount due hereunder must be fully supported in writing with a complete and detailed explanation of all of the surrounding circumstances.

If a taxpayer has included in Federal adjusted gross income any item of income upon which Louisiana tax has been paid in a period prior to enactment of this part, or which is not taxable by Louisiana due to a difference in previous tax treatment by the State as opposed to treatment accorded the item by the Federal government, an adjustment can be made to Louisiana liability to eliminate the tax on the item or items. In any such case, the taxpayer should completely prepare his Louisiana return without regard to any reduction in tax under this Section. An application for relief prepared in duplicate on forms for that purpose obtainable from any office of the Department of Revenue should be attached to the original return at the time it is filed with the Collector of Revenue. If the taxpayer's return has been filed prior to discovery of the relief item, the application for relief should be attached to a complete copy of the original return. A copy of the taxpayer's Federal income tax return is also required.

The tax which is otherwise due may, at the discretion of the taxpayer, be reduced by the amount set forth in the application for relief, but such reduction in no way affects the collectibility of any amount found to be due. If a reduction in tax is made by the taxpayer, any part of which is subsequently found to be due, the amount due, including interest thereon from the due date of the return until the date paid, is collectible upon demand, without the delays provided in the case of deficiencies found to be due.

Applications for relief under this section should not be submitted directly to the Board of Tax Appeals.

Article 47:296. Tax on income of individuals

R.S. 47:296 contains a set of seven tables, each divided into the various categories under which an individual or a married couple may file a return, one of which every individual subject to the tax imposed by Chapter 1 of Title 47 of the Revised Statutes of 1950 must use in order to determine Louisiana income tax

liability. There is no other method by which Louisiana tax liability can be determined by an individual.

In the case of every individual, the taxpayer must first ascertain the correct Federal tax liability which applies to income taxed by the Federal government which is also taxed by Louisiana. In the case of an individual who reports all of his income to Louisiana and who has no exempt income, such as teacher retirement or State employee retirement, the total amount of his Federal income tax liability will be the figure used to locate his correct State of Louisiana income tax liability by use of the tables.

In the case of an individual, whether resident, resident for a part of the year, or nonresident, who has income reported on his Federal return which is not subject to tax by Louisiana, such as interest on United States Government Bonds or income of a nonresident which was not derived from sources within Louisiana, a calculation must be made to establish the amount of his Federal income tax liability which applies to the income which could be taxed by Louisiana. For this purpose, total Federal tax liability will be spread between the income which Louisiana can tax and that which it cannot tax on the basis of adjusted gross income as reported in the Federal income tax return. The following example illustrates the method to be used in determining the amount of Federal tax applicable to Louisiana which will then be used to determine Louisiana income tax liability from the tables contained in this section:

Selected data from sample Federal income tax return		Income not Taxable to Louisiana
Salaries	\$20,000.00	
Interest Income:		
Total	10,000.00	
U.S. Government Bonds		5,000.00
Other Income	<u>20,000.00</u>	
Adjusted Gross Income	<u>\$50,000.00</u>	<u>5,000.00</u>
Federal Income Tax Liability	<u>\$14,200.00</u>	

Calculation of Federal income tax applicable to La.:

- | | |
|--|-------------|
| (1) Amount included in Federal adjusted gross income which is taxable to Louisiana (exclude U.S. Government bond interest) | \$45,000.00 |
| (2) Total Federal adjusted gross income | \$50,000.00 |
| (3) Percent of total Federal adjusted gross income which is taxable by | |

Selected data from sample Federal income tax return	Income not Taxable to Louisiana
Louisiana (divide the amount on line 1 by the amount on line 2, \$45,000 ÷ \$50,000 =	90%
(4) Total Federal income tax	\$14,200.00
(5) Portion of Federal income tax applicable to income taxable to Louisiana (multiply the amount on line 4 by the percentage reflected on line 3, \$14,200.00 x 90% =	\$12,780.00

In this example, \$12,780.00 would be used as the basis for determining Louisiana income tax liability (before considering the credits allowed by R.S. 47:33 and R.S. 47:297) from the tables contained in this section.

The amount of Federal income tax which would be used to determine Louisiana income tax liability of a nonresident would be calculated in the same manner as the example above, substituting the portion of the nonresident's total adjusted gross income for Federal purposes which was not from Louisiana sources for the figure indicated as interest on United States Government Bonds.

In the case of either a resident or a nonresident, after the amount of Federal tax attributable to income being taxed by Louisiana has been determined, the taxpayer must then select the proper table from which to determine his Louisiana income tax liability. Each of the tables indicates the amount of tax due on a return filed on which a specific number of exemptions is claimed. If a total of only one exemption is claimed by the taxpayer on his Federal income tax return, then he should locate his Louisiana income tax liability in the table provided for one exemption by selecting the figure in the proper column adjacent to the amount of Federal income tax applicable to his Louisiana income as described above. If a taxpayer claimed a total of five exemptions, including those for himself, his spouse, children, and special exemptions on his Federal return, he would use the table marked for use with five exemptions. The amount of Louisiana tax will be the amount adjacent to the Federal tax figure in the column describing the type of return filed with the Federal Government, that is, either a return of a single individual, a married person filing a separate return, an unmarried head of household or a married person filing a joint return. Persons qualifying to file a return as a surviving spouse with the Federal Government should determine their Louisiana tax liability under the column

labeled "unmarried head of household" in the tables contained in this section.

See R.S. 47:33, R.S. 47:297 and the regulations issued thereunder for direct credits against the tax determined from the tables in R.S. 47:296 for taxes paid other states, special credits for exemptions of handicapped persons and special credits in lieu of increased percentage depletion.

Provision will be made on all return forms for deduction of amounts previously paid by withholding of tax on wages, by declaration of estimated tax, and by credit from the overpayment of a previous year's tax.

In the case of a return covering a taxable period of less than twelve months, annualization of the short period in order to determine correct Louisiana tax becomes necessary. This is accomplished by using the Federal income tax calculated on an annualized basis, prior to reduction on account of the short period, as the amount to be used to determine annualized Louisiana tax from the tables. The Louisiana tax amount as so determined is then reduced to the ratio thereof which the number of months in the short period bears to twelve.

Every nonresident of Louisiana, every resident for only a part of the year, and every taxpayer who has income taxed on his Federal return which Louisiana cannot tax is required to file a complete copy of his Federal income tax return with his Louisiana return. The Collector may, at his discretion, request and require any other taxpayer to file a copy of his return if deemed necessary by the Collector of Revenue. Every taxpayer who is required to file an income tax return with the Collector of Revenue is required to furnish his Social Security account number for identification and processing purposes.

R.S. 47:296.1. Requirement to file Federal income tax return with Collector

Notwithstanding any other provision of law to the contrary, the Collector may waive, in whole or in part, the provisions of R.S. 47:296 which require that a complete copy of the taxpayer's Federal income tax return must be filed with the return required to be filed by this Part.

NOTICE OF INTENT

**Board of Trustees of the
Teachers' Retirement System**

The Board of Trustees of the Teachers' Retirement System of Louisiana will hold a public meeting at 9:00 a.m. Friday, December 12, 1975, to discuss and establish

regulations to govern the transfer of membership, service, and funds between municipal, parochial, and State retirement systems as prescribed by Act 548 of 1975. The meeting will be held in the Board Room on the second floor of the State Office Building, 150 Riverside Mall, Baton Rouge, Louisiana. Interested persons may submit written comments until December 11, 1975, at the following address: Teachers' Retirement System, P. O. Box 44123, Capitol Station, Baton Rouge, Louisiana 70804.

Carleton C. Page
Secretary-Treasurer

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