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Executive Orders

EXECUTIVE ORDER EWE-79-11

WHEREAS, the Louisiana Department of Urban and Community Affairs is charged with the responsibility of providing training and technical assistance to Louisiana's Native Americans; and

WHEREAS, historically, Native Americans of Louisiana and the country have experienced problems peculiar to them as a people,

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of authority vested in me under the laws of this State, do hereby establish the Louisiana Native American Advisory Commission to the Department of Urban and Community Affairs, to be appointed by the Governor from names submitted to the Governor by the Secretary of Department of Urban and Community Affairs from the state and federally-recognized tribal groups of Louisiana.

FURTHERMORE, the Commission's role shall be solely an advisory one and not intended to execute policy and/or administrative procedures otherwise provided the Secretary; and

FURTHERMORE, shall convene at the discretion of the Secretary and/or in coordination between the Secretary and the elected chairperson of the Commission; and

FURTHERMORE, the functions and activities of the Commission shall be limited to the Secretary of the Department of Urban and Community Affairs relative to its interaction with other agencies of state and federal government.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of October, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-12

WHEREAS, the Ninety-fourth Congress established the National Commission for the Control of Epilepsy and Its Consequences in July, 1975, under Public Law 94-63 to survey the medical and social management of epilepsy; to prepare recommendations in the areas of research, prevention, identification, treatment and rehabilitation; to develop a comprehensive plan for the control of epilepsy and its consequences; and to investigate the potential for prevention and control of epilepsy; and

WHEREAS, the National Commission for the Control of Epilepsy and Its Consequences completed a Plan for Nationwide Action on Epilepsy in August, 1977, and was commended by Vice President Walter Mondale for its thoroughness and its economy; and

WHEREAS, a portion of the recommendations of the National Commission for the Control of Epilepsy and Its Consequences is directed to activities and services on the state level which can be undertaken to improve services to people with epilepsy in the State of Louisiana; and

WHEREAS, the delivery of services to people with epilepsy in the State of Louisiana is now administered by a number of agencies with categorical and noncategorical programs and services, but there is no comprehensive plan directed specifically at aiding persons with epilepsy; and

WHEREAS, the Department of Health and Human Resources provides a large number of the state services to persons with epilepsy through its offices of Charity Hospital of New Orleans,

Hospitals, Licensing and Regulation, Mental Health, Mental Retardation, Human Development, Health Services and Environmental Quality and other program areas;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by the power and authority vested in me by the constitution and laws of Louisiana, do hereby request and direct the Louisiana Department of Health and Human Resources to establish a task force to work with the Louisiana Epilepsy Association to develop a comprehensive plan for Statewide Action on Epilepsy, and, as a part of such planning, to review current legislation, policies, programs and services for persons with epilepsy;

BE IT FURTHER ORDERED THAT the said task force appointed by the Department of Health and Human Resources shall prepare, for consideration and appropriate action by the Governor and the Legislature, detailed recommendations concerning fiscal, personnel and other requirements necessary for its implementation;

BE IT FURTHER ORDERED THAT all agencies, departments, boards and commissions of the state shall extend assistance to the task force formed by the Department of Health and Human Resources in the preparation and development of this plan.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 29th day of October, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

Effective September 1, 1979, the Board of Trustees for State Colleges and Universities added the following rule to its **Policies and Procedures Manual**, Part VII, Faculty and Staff Personnel Policies and Procedures, Section 7.5 Leaves of Absence, Subsection F, Sabbatical Leave, Numbers 1, 2, and 5:

1. Every faculty member or administrator may be eligible for leave for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, for the two semesters immediately following any six or more consecutive fiscal years of active service in the institution where such teacher is employed or for one semester following three or more consecutive fiscal years of such service; provided that absence on sick leave shall not be deemed to interrupt the active service herein provided for. The work is normally to consist of advanced courses in the instructor's teaching field or in a program leading to an advanced degree in that field. A sabbatical leave taken during a summer session shall be considered a semester for leave purposes.

2. Faculty members and administrators may be granted leave for the purpose of study or research. In those cases where the faculty member or administrator receives outside compensation for such study or research such payment is to be approved in writing, in advance by the President as supportive of the purposes of the leave.

5. The compensation for the period of leave approved shall be at the rate of seventy-five percent of the salary the individual will receive during the current fiscal year for the period of time leave is applied for and granted. Individuals shall contribute to the retirement system on the basis of annual salary rate. Compensation

payable to persons on leave shall be paid at the times at which salaries of the other members of the teaching staff are paid, and in the same manner. Prior approval must be secured from the Board of Trustees before any replacement is secured for the person granted leave. Institutions should utilize faculties to the fullest extent before requesting such replacements.

This Emergency Rule was necessary in order not to deny those faculty members intending to take sabbatical leave this year, the benefit of the new compensation rules. This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VIII, Section 6 of the 1974 Constitution.

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

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on October 25, 1979, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B to adopt the following rule. This action was necessary in order to protect the welfare of the children of the State of Louisiana enrolled in vocational-technical schools to guarantee quality education.

Rule 6.03.46

In order to comply with the mandates of Act 644 of the 1979 Regular Session, the Board took the first step in adopting guidelines and procedures for the dismissal of directors and assistant directors in vocational-technical schools as follows:

Rules and Regulations

for Removal from Office of Regional Directors, Directors, and Assistant Directors in Vocational-Technical Schools

A regional director, director, or assistant director in a vocational-technical school under the jurisdiction of the State Board of Elementary and Secondary Education shall not be removed from office except upon written and signed charges of willful neglect of duty, or incompetency, or dishonesty, and then only if found guilty after a hearing by the Board or a committee of the Board, which hearing may be public or private at the option of the affected employee. Removal from office includes termination and/or demotion. At least fifteen days in advance of the date of the hearing, the Board shall furnish the respondent employee with a copy of the written charges. The respondent employee shall have the right to appear before the Board or committee of the Board, with witnesses in his behalf and with counsel of his selection, all of whom shall be heard by the Board or committee of the Board at the hearing. Any finding of a committee of the Board shall be reviewed and acted upon by the full Board. The Board may set aside or modify the findings of a committee of the Board. Nothing herein contained shall impair the right of appeal to a court of competent jurisdiction.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of the 1979 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, has adopted the

emergency rulemaking to implement a program of Community Respite Care Services for Handicapped Persons and Their Families, effective October 1, 1979.

The purpose of Respite Care Services is maintenance of handicapped individuals in their own homes rather than placement in more restrictive settings. Emergency rulemaking was necessary to implement the program immediately in order that eligible handicapped individuals and their families could utilize the service to prevent more restrictive placement.

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

Rules

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Amendment to Lethal Yellowing Quarantine

Whereas, it has been determined that a serious plant pest commonly known as Lethal Yellowing is known to exist outside the State of Louisiana; and

Whereas, Lethal Yellowing is known to be a serious pest of palm trees.

Therefore, in order to prevent the introduction and spread within Louisiana, and to eradicate the Lethal Yellowing wherever found in the state, the Louisiana Department of Agriculture under authority of Part II of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, does hereby propose the following amendment to the quarantine and regulation declaring new regulated products.

V. Regulated Products: All palms of any species.

Following Host Plants:

1. *Allagoptera arenaria* (Gomes) Kuntze
2. *Arenga engleri* Becc.
3. *Arikuryroba schizohpylla* (Mart.) Bailey (Arikury palm)
4. *Borassus flabellifer* L. (Palmyra palm)
5. *Caryota mitis* Lour. (Cluster fish-tail palm)
6. *Chrysalidocarpus cabadae* H. E. Moore (Cabada palm)
7. *Cocos nucifera* L. (Coconut palm) - all varieties, including Malayandwarf
8. *Corypha elata* Roxb. (Buri palm, Gebang palm)
9. *Dictyosperma album* (Bory) H. Wendl. and Drude (Hurricane or Princess palm)
10. *Gaussia attenuata* (O. F. Cook) Beccari (Puerto Rican Gaussia)
11. *Howeia belmoreana* (C. Moore and F. Meull.) Becc. (Sentry palm)
12. *Latania* spp. (all species)
13. *Livistona chinensis* (N. J. Jacquin) R. Br. ex Mart. (Chinese fan palm)
14. *Mascarena verschaffeltii* (Wendl.) Bailey (Spindle palm)
15. *Nannorrhops ritchiana* (W. Griffith) J. E. T. Aitchison (Mazari palm)
16. *Phoenix canariensis* Hort. ex Chab. (Canary Island date palm)
17. *Phoenix dactylifera* L. (Date palm)
18. *Phoenix reclinata* Jacq. (Senegal date palm)
19. *Phoenix sylvestris* (L.) Roxb. (Sylvester date palm)
20. *Pritchardia affinis* Becc. (Kona palm)
21. *Pritchardia pacifica* Seem. and H. Wendl. (Fiji Island fan palm)
22. *Pritchardia thurstonii* F. Meull. and Drude
23. *Ravenea hildebrandti* Wendl. ex Bouche

- 24. *Trachycarpus fortunei* (Hook.) Wendl. (Chinese windmill palm)
- 25. *Veitchia merrillii* (Becc.) H. E. Moore (Christmas palm, Manila, or adonidia)
- 26. *Veitchia montgomeryana* H. E. Moore (Montgomery's palm)

Richard Carlton, Secretary
Structural Pest Control Commission

RULE

**Department of Corrections
Board of Pardons**

The Louisiana Board of Pardons has adopted rules governing the processing of applications for pardon, commutation of sentence, or restoration of citizenship.

It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Rule 1. Filing Procedure. To constitute a complete application for pardon, commutation of sentence, or restoration of citizenship, an applicant must comply with two basic requirements:

A. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

B. Have published in a newspaper whose distribution includes the parish in which the offense is alleged to have been committed, one advertisement that indicates applicant's intent to apply to the Board for clemency. For the purpose of compliance with this rule, the Board will accept an application received within one year of the date of appearance of the advertisement. The applicant shall provide the Board with proof of publication as evidenced by a certificate furnished by said newspaper.

Rule 2. Hearing Dates. The Board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the Chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

Rule 3. Notice of Hearings. Before considering the application for clemency of any person, the Board shall give thirty days written notice to the district attorney and sheriff of the parish in which the applicant was convicted, to the applicant and/or his attorney (if any), and to any other interested person, of the date, time, and place at which the application will be heard and considered.

Rule 4. Discretionary Powers of the Board. An application may be considered by the Board any time after it is received, but no application will be considered by the Board until it deems the application to be complete.

In determining which cases are ready to be heard, the Board may, in its discretion, refuse to grant a hearing if an applicant has not served one-fifth of his sentence. In cases of life sentences and sentences of forty-five years or longer, the applications may be heard at the discretion of the Board. Additionally, the Board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the Board from hearing the types of cases mentioned hereinabove.

In any matters not specifically covered by these rules, the Board shall have discretionary powers to act.

Rule 5. Employment and Residence Agreements. To demonstrate good faith, an applicant should provide the Board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the Board of the applicant's plans for the present and/or future.

Rule 6. Denials. The Board, upon denying an application, shall, within twenty-one working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

John D. Hunter, Chairman
Board of Pardons

RULES

**Governor's Special Commission on Education Services
Loan/Grant Division**

Louisiana State Guaranteed Student Loan Program

Rule 8 has been changed to read:

8. Guarantee; Interest; Special Allowance

The Louisiana guarantee to lenders is one hundred percent of unpaid principal and interest. The federal statute prescribes seven percent simple interest on current loans, plus a special allowance which is paid by the federal government in addition to the seven percent interest on loans disbursed after November 8, 1965. The special allowance percentage is adjusted quarterly, and prior to July 1, 1979, was limited to an average of five percent in any twelve-month period. Beginning July 1, 1979, there is no five percent limit, and the special allowance is calculated according to the following formula:

The special allowance for any three-month period is computed by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills for that period, by subtracting three and one-half percent from this average, by rounding the resultant percent upward to the nearest one-eighth of one percent, and by dividing the resultant by four.

The interest and special allowance are presently paid to lenders by the Governor's Special Commission on Education Services each six months on approximately January 15, and July 15, for periods ending December 31, and June 30. After payment to lenders, the Governor's Special Commission on Education Services immediately requests refund from the federal government for its portion of interest and special allowance.

Richard W. Petrie, Director, Loan/Grant Division
Governor's Special Commission on Education Services

RULE

Board of Elementary and Secondary Education

Rule 3.01.05

(Replaces present policy in effect.) The Board adopted the State Plan for Nutrition Education and Training Program for 1980 as presented by the Department of Education.

Rule 3.01.70.v(10)

The Board approved for final adoption Adapted Physical Education Certification Basic Requirements which were adopted at its August 23, 1979, meeting as emergency rules and published in Volume 5, Number 9, September 20, 1979, issue of the *Louisiana Register*.

Rule 3.01.51t

The Board approved for final adoption an addition to page 114, Bulletin 741, *Handbook for School Administrators*, to read as

follows: The requirements for application for establishment of a new public special school must be submitted to the Department of Education for review and then for recommendation to the Board of Elementary and Secondary Education at least one month prior to the Board meeting for which approval is being requested.

Rule 3.01.51u

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, by deleting policy mandating eighth grade literacy testing in reading and by adding provisions of the Competency-Based Education Program.

seek waivers of the certification requirements in Bulletin 746 shall have the right of first appeal to the Due Process Committee of the Board, but only after a statement of certification denial by the Department of Education using data submitted to the Department. The Due Process Committee shall evaluate the requests for certification waivers using the same guidelines.

All persons whose requests for certification waivers are denied based on the recommendation of the Due Process Committee, shall have the right of final appeal to the full membership of the Board. No requests for certification waivers, how-

Louisiana Literacy Assessment Program

Minimum Standards/Competencies							
1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84
Reading K-12	Mathematics K-12	Writing K-12	12th Grade Competencies	Science (K-12)	To be determined	TBD	TBD
State Assessment (Act 621)							
	4-8-11 Reading	4-8-11 Reading Mathematics	4-8-11 Reading Writing Mathematics	4-8-11 Reading Writing Mathematics	4-8-11 Reading Mathematics Writing	4-8-11 Reading Mathematics Writing	6-8-11 Reading Mathematics Writing
Minimum Competency Testing (Act 750)							
			Develop 2nd	Pilot 2nd Develop 3rd	Implement 2nd Pilot 3rd Modify 4th	Implement 2nd & 3rd Pilot 4th Develop 5th	Implement 2-3-4 Pilot 5th Develop 6th

Rule 3.01.51v

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, page 37, Section 2b(1) to read as follows: A student, unless married, must be seventeen years of age in order to be authorized to be administered the Test of General Education Development.

Rule 1.00.71

The Board approved for final adoption operating procedures relative to meetings to comply with the open public meetings law. These procedures were adopted by the Board as emergency rules on August 23, 1979, and were published in Volume 5, Number 9, September 20, 1979, issue of the *Louisiana Register*.

Rules 3.07.10b, 3.07.11, 3.07.12, 3.07.20, 3.07.21

The Board approved for final adoption deletion of the above mentioned rules relative to Adult Education due to obsolescence.

Rule 3.01.70d

The Board approved for final adoption amendment to Policy and Procedure Manual by deleting reasons for recommending certification waivers to read as follows:

Teacher Certification Appeals. Bulletin 746 must contain in an appropriate place the following statement: "A person applying for a teaching or other certifiable position in Louisiana who does not meet all of the requirements of Bulletin 746, but who feels that he/she should be certified, may appeal his/her case to the Board."

Appeals of all degreed persons, whether employed or not, shall be evaluated by the Teacher Certification Appeals Council, and waivers of the certification requirements in Bulletin 746 may be recommended by the Appeals Council to the Board.

Degreed persons whose appeals are rejected based on a recommendation of the Appeals Council shall have the right of a second appeal to the Due Process Committee of the Board. Using the same personal data and the same guidelines as used by the Appeals Council, the Due Process Committee may reevaluate the decision of the Council and make further recommendations to the Board on the waiver of certification requirements.

Nondegreed persons, whether employed or not, wishing to

ever, shall originate at the level of the full Board, and all cases must be reviewed first by an appeals body. (Reference 1.00.30a)

Rule 3.07.11

The Board approved for final adoption Graduation Requirements for Adults:

a) Revisions to Bulletin 741, *Handbook for School Administrators* (1977 edition), relative to Graduation Requirements for Adults, pages 37-45:

**3.07.11a Graduation Requirements for Adults
Adults Who Are Nonveteran**

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

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

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

2. Adult Education Program.

a. Definition. The Louisiana Adult Education Program shall be defined as an academic instructional program offering adults sixteen years of age and older with less than a secondary education the opportunity to continue their education to at least the level of completion of secondary school in an organized program administered by the Louisiana State Department of Education through local education agencies.

b. Requirements for Taking the General Educational

Development (GED) Test.

1. A student must be eighteen years of age or older, unless married, in order to be authorized to be administered the GED Test.

2. To qualify for recommendation to take the GED test, a student must enroll in an adult education program and take a standardized achievement test at the high school level. An average score of 13.0, with no one subject matter area below 12.0, must be obtained by the individual in order to receive authorization for administration of the GED test. Adult education students will be allowed to qualify to take the GED test without mandatory class attendance.

c. Procedure for Taking the GED Test.

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

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

3. The official GED testing center shall have authorization to administer the GED test to the student upon receipt of the approved Form DE-502 unless notified otherwise by the director of the Bureau of Adult Education within ten days of receipt of the authorization.

4. The official GED testing center shall submit the completed test to the scoring agent.

d. Requirements for Passing the GED Test.

1. In order for an individual to satisfactorily complete the GED test, he must earn a standard score of 35 or above on each of the five sections of the test, or if any one or more of the scores is below 35, he must average a minimum composite score of 45 for all of the five sections.

2. A nonveteran who fails to make satisfactory scores must receive instruction in the areas of deficiency until such time as the instructor certifies the student is proficient in the failed section or sections.

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

4. The original and one copy of the retest recommendation form shall be submitted to the director of the Bureau of Adult Education by the parish or city superintendent; one copy to the official GED testing agent, and one copy to the student.

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

6. The student must score a minimum of 35 on each of the retested sections.

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

e. Issuance of High School Equivalency Diploma.

1. The official GED scoring agent shall certify that the student has successfully completed the GED test through submission of an original and four copies of form DE-509, "Official Results of General Educational Development," to the director of the Bureau of Adult Education.

2. The director of the Bureau of Adult Education shall certify that the student has complied with all adult education requirements, successfully passed the GED test, and is eligible to receive a high school equivalency diploma by signing form DE-509, "Official Results of the Test of General Educational Development."

3. The director of the Bureau of Adult Education shall attach an original and one copy of form DE-502, "Authorization for Administration of the Test of General Educational Development," with an original and one copy of form DE-509, "Official Results of the Test of General Educational Development," and submit to the director of the Bureau of Secondary Education.

4. The director of the Bureau of Secondary Education shall issue a high school equivalency diploma to the adult student and forward the diploma and one copy of form DE-502 and form DE-509 to the principal of the high school from which the diploma has been requested.

5. The principal shall sign the diploma and forward to the student. If transcripts have been requested by the student, the principal shall prepare and send to the director of the Bureau of Secondary Education, Certificate of High School Credits, nonveteran, for the applicant.

It is the responsibility of the local adult education supervisor to notify the principal of the high school from which the diploma is requested that a transcript is needed when the student is initially recommended to take the GED test.

6. A student shall receive his equivalency diploma through the last high school he attended, through the high school nearest his legal residence, or through the high school nearest to the publicly supported institution of higher education to which he is academically admissible, or through the high school which has been specifically designated by a local school system for that purpose.

7. High school equivalency diplomas shall be issued only through state-approved high schools, and the student shall be considered a graduate of that school.

8. A Louisiana resident who successfully completes the test at an official out-of-state GED center will be entitled to receive an equivalency diploma provided an official copy of his GED test results and qualifying scores on a standardized achievement test as certified by the testing agent have been received by the director of the Bureau of Adult Education. Louisiana residents who have received a high school equivalency diploma from another state will not be eligible to receive a Louisiana equivalency diploma on that basis without meeting the regular adult education requirements and successfully completing the GED test.

f. Retesting.

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

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

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

4. The student must score a minimum of 35 on each of the retested sections.

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

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

Veterans or Members of the United States Armed Forces

1. Definition.

a. A person is considered a veteran if he has served at least ninety days in active military service and been honorably discharged from such service.

b. A person is considered a "member of the armed forces" if he is engaged in active military duty in the Army, Navy, Air Force, Marine Corps or Coast Guard. A member of the National Guard is not considered a "member of the armed forces" unless his unit has been federalized by the United States Government.

2. Service Credit.

a. Two units of credit toward high school graduation may be awarded to any member of the United States Armed Forces, or any honorably discharged veteran who has completed his basic training, upon presentation of a military record attesting to such completion.

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

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

3. Regular High School Diploma.

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

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

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

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

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

4. Equivalency High School Diploma.

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

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

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

d. A statement giving the date of the applicant's entrance into the United States Armed Forces should be

made in the Remarks column of the Certificate of High School Credits, veteran.

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

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

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

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

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

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

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

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

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

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

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

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

6. Scoring. In order for an individual to satisfactorily complete the GED test, he must earn a standard score of 35 or above on each of the five sections of the test, or, if any one or more of the scores is below 35, he must average a minimum composite score of 45 for all of the five sections.

7. Retesting.

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

b. Before being retested, a veteran may, if he desires, receive instruction in the areas of deficiency until such time as the instructor certifies he is proficient in the failed section or sections.

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

d. The student must score a minimum of 35 on each of the retested sections.

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

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

Summary of Methods to Obtain a High School Diploma

1. Regular High School Diploma

- a. Earning 20 units of eligible credits
- b. Completing requirements under the Early College Admissions Policy
- c. Being a veteran or a member of the armed forces with 8 or more resident high school credits and successfully completing the GED test.

2. Equivalency High School Diploma

- a. Enrolling in the Adult Education Program and successfully completing the GED test
- b. Being a veteran, or a member of the armed forces, with fewer than 8 resident high school units of credit, and successfully completing the GED test
- c. Completing successfully an entrance examination at an accredited college and one semester of work at the college level.
- b) Requests for waivers of the age requirements for taking the General Education Development Test (GED) must be submitted to the Board by the local educational agency in which the student resides with a rationale from the school principal and approved by the parish superintendent.
- c) Any request for a waiver of the age requirement may also be made directly to the Board.

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

RULES

Board of Regents

**1980 State Appropriation Formula
Section I. Authority**

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

Section II. Introduction

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax-generated funds to state institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurement as input for calculations to derive state appropriations for public colleges and universities. The number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that twenty-five states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of state funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine state appropriations. The formula method results in the accumulation of measurable data from institutions; it permits

the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per student credit hour basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline, or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains the prerogative of that campus administration and its governing board.

**Section III.
1980-81 Basic Factor Chart
Value Per Student Credit Hour**

Instruction, Research, Academic Support and all Other Support

Student Level	Lower Cost Areas	Higher Cost Areas
Lower Level Undergraduate	\$ 41.84	\$ 54.61
Upper Level Undergraduate	56.73	74.75
Nursing - LLU		113.73
Nursing - ULU		144.43
Nursing - Masters		240.15
Masters	186.54	235.15
Specialist Professional	209.14	
Doctorate	514.11	641.86
Law		123.59

The following are higher cost areas including Higher Education General Information Survey (HEGIS) taxonomy codes. Agriculture (0101-0199), Allied Health and Pharmacy (1208, 1211-1215, 1220, 1223-1225), Engineering (0901-0999), Fine Arts and Architecture (0201-0299, 1001-1099), Law (1401-1499), Nursing (1203), Sciences (0401-0499, 0700-0799, 1901-1999), Technology (5100-5499). All remaining HEGIS taxonomy codes are valued at the lower cost rate.

Definitions and Interpretations

1. Values. The values in the chart are based upon average Southern Regional Education Board (SREB) academic year (nine-month) salaries, pupil/teacher ratios, definitions of full-time equivalent students in student credit hours (SCH's) per academic year, and historical expenditure patterns by function. The veterinary medicine formula shall be considered by the Board of Regents prior to the 1980-81 budget hearings. If approved, the budget of the School of Veterinary Medicine prepared for 1980-81 on a nonformula basis may be amended.

2. Level. The assignments in the chart were stratified by level of offering and by program area. In the reporting of SCH productivity, the level of offering for a given SCH will be determined by the classification of the student pursuing the course.

3. Student Classification Structure.

Classification Structure	Earned Credits
Lower Level Undergraduate	0-59 semester hours
Upper Level Undergraduate	60 semester hours- graduation
Masters	Accepted for Graduate Study; Masters and Masters plus thirty
Specialist/Professional	Specialist/Professional refers only to students formally enrolled in an Education Specialist Program. The higher value assigned to this level of instruction reflects the Board of Regents' dedi- cation to the improvement of teachers in Louisiana
Doctorate	Formally admitted to study toward the Doctorate

4. Additional Student Classification Definitions.

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

B. The categories presently recognized as "professional" are law (only those courses taught in a professional school of law), veterinary medicine, dentistry, and medicine. Of these, only law is currently included in this formula. Veterinary medicine may be included prior to the 1980-81 consolidated budget.

C. "Deferred credit" is defined as credit earned by students when credit is granted at a later date, such as graduation from high school. These "deferred credits" may be counted in an institution's SCH production during the period in which the student is officially registered in the class.

D. SCH credit earned in courses taught out of state is to be counted for student classification purposes and also is to be included in a separate section on the SCH production report for formula purposes. Records must be kept by course and location and are to indicate the number of students enrolled and the SCHs produced for each such course. Such records must be submitted to the Board of Regents no later than thirty days following the completion of the course.

E. An institution shall not count audits in its SCH production report.

F. Credit by examination, transfer credit, or correspondence study credit taken at another institution may be used only in the classification of the student and not in an institution's SCH production report. An institution may accept a provisional student's classification on the basis of the best knowledge available during the first semester of enrollment at the institution.

G. Credit earned in a cooperative institution (hospital, etc.) by a student enrolled in medical technology (or any curriculum requiring such arrangement) may not be counted in an institution's SCH production report.

H. Student classification must be updated each semester.

I. Student credit hours in nursing pursued in an associate degree nursing program are to be considered as upper level hours.

5. HEGIS Taxonomy. Taxonomy codes used in the Basic Factor Chart have not been expanded for this revision. The areas used are specific ones extracted from the taxonomy developed by the Western Interstate Commission for Higher Education (WICHE) for the United States Office of Education. These taxonomy codes have been statistically assigned into higher cost or lower cost areas.

Section IV. Formula Methodology

Student credit hours that remain scheduled on the fourteenth class day are separated into higher cost or lower cost program areas and levels, using the HEGIS Taxonomy and student classifi-

cation respectively. At the time legislative budget requests are prepared, summer and fall productivity data are complete. The approaching spring session production estimate should be based on the experience of the previous spring. Actual spring data will be available prior to the regular legislative session, and all institutions must submit adjusted reports by February 23, 1980 (Louisiana Tech by April 6, 1980). The SCH's shall be net, reflecting all transactions (drops, adds, resignations, etc.) occurring prior to the cutoff date. The resulting net SCH's are multiplied by the appropriate values on the Basic Factor Chart (Section III), and the sum of these products establishes one hundred percent of the funding generated by SCH production. The values contained in the Basic Factor Chart are based on state support of seventy-five percent of Educational and General (E & G) expenditures. Also, the values on the chart recognize fixed costs by providing a base support for all institutions. Funds for research are also included in the formula in accordance with the following provisions:

Generally Mandated Research shall be defined as that research which is (1) initiated internally by the institution or its management board, or (2) assigned as an institutional mission by *The Master Plan for Higher Education in Louisiana*, or (3) assigned as a general institutional mission by the executive or legislative branch of state government. The funds which will support this type of research shall be generated by values in the Basic Factor Chart of the higher education formula.

Specifically Mandated Research shall be defined as those research projects/programs which are initiated by executive order or by state statute. Funds for this type of research shall be requested as a formula exclusion.

The burden of proof is upon the institution that a particular research project is specifically mandated. Line item expenditures that are a direct result of a state legislative or executive mandate must be submitted to the Board of Regents' Finance Committee for review before such research will be allowed as a formula exclusion.

All institutions are to receive a base appropriation of \$1,084,482. This appropriation is intended to recognize fixed costs and diseconomies of scale.

An inflation factor for partial allocation of any new funds for higher education is included to promote an equitable distribution of inflationary support. The inflation factor amount for every institution funded on SCH production will be calculated by the Regents' staff. This computation will be based upon information institutionally supplied on budget "Form A's" for the 1979-80 operating budgets. All schools are to receive the inflation factor regardless of their level of implementation.

The combination of funds generated by SCH production, funds from the base appropriation, and funds generated by the inflation factor constitute full formula funding.

Procedure: Inflation Factor Calculation

Current Year 1979-80 Budgeted Operating Other Support Expenditures

Institutional Support	\$ _____
Student Services	_____
Scholarships and Fellowships	_____
Operation and Maintenance of Physical Plant	_____
Total Other Support	_____
State Appropriation Share	_____ x .75
Inflation Percentage (may be changed annually)	_____ x .10
Inflation Factor	\$ _____

Section V. Functional Category Distribution

Allocations to Educational and General Expense. Dr. John Dale Russell ("Budgetary Analysis," *College Self-Study*, Richard Axt

and Hall T. Sprague, Eds. Boulder, Colorado: Western Interstate Commission for Higher Education, 1959, p. 106.) has recommended allocations of expenditures to the eight functional categories of the Educational and General function. These categories, in use until recently, were: (1) resident instruction; (2) organized activities related to instruction; (3) organized research; (4) extension and public service; (5) libraries; (6) general administration; (7) general expense; and (8) maintenance and operation of physical plant. If the first four of Russell's categories are grouped under one heading, his recommendations are reduced to four groups as follows:

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

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

Resident Instruction and Related Activities	68%
Libraries	5%
General Administration and General Expense	15%
Operation and Maintenance of Physical Plant	12%
	100%

Recent developments will have a definite impact on these allocations. Two such developments are: (1) the establishment of new functional categories within the E & G Function by National Association of College and University Business Officers (NACUBO); and (2) the energy crisis which has sent utility cost soaring, and therefore, may change the physical plant allocation. Since there are not sufficient data to support new recommended allocations, the old percentages shall be retained as broad guidelines.

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

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

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

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

Section VI. Funding Requests

A. Because the budgetary process requires considerable planning and effort, it is necessary that the requests be both reasonable and adequate to meet institutional needs and also be within the

state's funding capabilities. Therefore, these requests must be prepared in the manner set forth in this formula document. The Regents have the prerogative to make the final recommendation for funding levels of all segments of higher education. Such recommendations will be based upon: (1) complete evaluation of all requests, (2) projected state revenues, and (3) the development of a consolidated budget to be presented to the executive and legislative branches of state government.

B. The 1980-81 budget requests for all institutions subject to the formula are to be based on an implementation rate of one hundred percent. However, no institution need request less than the 1979-80 amount of state appropriations received for formula purposes. Funding requests for areas excluded from the formula shall be determined on an individual basis as set forth in Section IX, Exclusions.

C. Funding requests for management boards and their staffs, i.e., the Louisiana State University System, the Southern University System, and the Board of Trustees System, will be as set forth in Section IX, Exclusions. The funds for the operations of these management boards are an actual cost allocable to each segment of the respective boards. Therefore, an institution's pro rata share of system costs plus that individual institution's state appropriation shall be used in determining the attainment of the one hundred percent level of implementation.

D. Effective in fiscal 1980-81, all state appropriations not conforming to the formula allocation process shall not be considered in the continuing base appropriations, nor will these funds be considered in the application of the Inflation Factor computation. For comparative purposes in all formula schedules, analyses, etc., such funds will be included for determining implementation level; funds appropriated that do not conform to the formula process shall be footnoted to indicate their amount, source, and purpose. The aim of this section is to encourage equitable allocation of all funds for higher education through the formula.

Section VII. Special Requests

Justification for extraordinary expenditures, for a limited predetermined period, shall be based on this section. The purpose of this section is to provide a means of requesting funds over and above those funds generated by SCH production. Such funds may be requested to support projects particular and peculiar to a specific situation; e.g., a land purchase, large equipment purchase to meet accreditation requirements, etc. Each request is to be supported by a separate, concise report giving the purpose, the necessity, the expected results, the minimum amount needed, and the method of determining this amount. In addition, if the possibility exists that special funding will be required for more than one year, the expected duration shall be given along with a complete explanation. Requests for ongoing continuous functions, merely to avoid inclusion in formula funding, will not be granted.

Section VIII. Other Means of Financing

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

Section IX. Exclusions

A. The primary reasons for this section providing funding out-

side formula-generated appropriations are:

1. A method of measurement has not been devised for those institutions or operations that do not utilize student credit hours as a determinant of productivity. These institutions and operations are the Louisiana State University Medical Center and the Louisiana State University Center for Agricultural Sciences and Rural Development. A newly designed, modified program budget approach support by substantiating statistical and narrative data shall be used by the Medical Center in requesting funds for 1980-81.

2. Other exclusions consist of specific items which do not fall within the normal scope of operations of all institutions. For this reason these items are separated from formula consideration in order to provide a sound basis of comparison between institutions. Within this category are bond service and special funds for capital outlay (for those institutions that include these funds in the operating budget); Louisiana State University Fireman Training Program Dedicated Funds; Specifically Mandated Research; the annual Livestock Show at Southern University-Baton Rouge; Laboratory Schools at Louisiana State University-Baton Rouge and Southern University-Baton Rouge.

B. Method of Determining Recommended Funding Level:

1. Funding of these exclusions that are not otherwise provided for will be based upon fully documented and justified need as required so as to fulfill their duties and responsibilities as set forth in the role, scope, and mission charge of the respective units. The units for this year are:

- a. Southern University Board and system staff.
- b. Board of Trustees and system staff.
- c. Louisiana State University Board and system staff.
- d. Louisiana State University Medical Center.
- e. Center for Agricultural Sciences and Rural Development.
- f. Specifically mandated research.

2. The School of Veterinary Medicine is to prepare a budget request consistent with the actual needs for establishing the program.

3. Louisiana State University has received dedicated revenues for a number of years which could be bonded and expended for capital facilities. Capital outlay in the Board of Trustees and Southern University Systems has been handled outside of operating budgets, whereas the Louisiana State University System has used a combination approach. Because provisions already require the expenditures of annual appropriation funds to service these commitments, it is recommended that these funds be received by Louisiana State University above the formula amounts until these commitments are retired. In compliance with the Constitution and laws of this state, additional comments cannot be made without approval of the Board of Regents.

4. It is recommended that each public college or university operating a public laboratory school receive the proper allocation of funds based on the minimum foundation formula of the State Department of Education. For Louisiana State University-Baton Rouge and Southern University-Baton Rouge, these funds should be specifically appropriated to the institutions.

5. The Louisiana State University-Baton Rouge Fireman Training Program receives funds dedicated from fire insurance premiums by Act 32 of 1970. This Act provides that one-fourth of one percent of premiums received annually by insurers for fire coverage within Louisiana be used solely for this program. Since this amount is subject to fluctuation, the requested budget amount should be based on the previous year's receipts adjusted for any anticipated changes. These funds are to be received in addition to formula funds.

6. The Southern University-Baton Rouge annual livestock show is to be separately funded outside of the formula appropri-

ation.

7. The allocation to Southern University-Baton Rouge for the Scotlandville Fire District is an annual fixed amount charged the campus for the provision of fire department protection. This is necessary since the campus is not located within the jurisdiction of a municipal fire department. These funds are to be exclusive of formula funding.

Section X. Audit Procedures

The use of a state appropriation formula results in student credit hours becoming dollars through the conversion using the basic factor chart. The audit procedure previously established will continue to be used for this revision. This will insure correct and consistent interpretation and application of the procedure for recording and receiving credit for SCH production and will facilitate the use of the State Appropriation Formula. Every affected institution shall be visited each year and shall provide any required assistance needed to validate the methods and procedures used and the resultant data. The auditors shall use a predetermined audit outline including statistically proven record search patterns for those record areas requiring comparisons. Records to be examined shall include but not be limited to the following: class rolls; final grade reports; drop/add records; transcripts; student schedules; withdrawals and resignations; and any other relevant data sources.

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

The audit process will also include a review of off-campus SCH production to verify compliance with Board of Regents' Policy 4.2, Guidelines for the Conduct of Off-Campus Activities. Noncompliance will be noted in the audit report.

Appendix A

Standardized Reporting Forms

The student credit hour audit procedure as it presently exists takes fourteenth class day data (department, course, section, credit hours, number enrolled, student identification, and SCH's produced) and compares them to final grade reports. Any exceptions must be substantiated with support documentation; i.e., properly prepared drop, add, or resignation forms. This provides a uniform reporting system to put all institutions of higher education in the state on a common base, primarily utilizing four standardized report formats. These reports, the (1) class roster, (2) final grade report, (3) detailed formula level report, and (4) summary formula area report, are to be prepared by all institutions.

The reports should be prepared as of the close of the fourteenth class day during the regular semesters and the seventh class day during the summer session (Louisiana Tech by the ninth class day). One copy of the Summary Formula Area Report should be sent to the Board of Regents by the twenty-fourth class day of each regular semester and the seventeenth class day of the summer session (Louisiana Tech by the nineteenth class day). For new classes beginning after the fourteenth (seventh, ninth) class day, each institution will be required to file a supplementary report of SCH's produced. These classes are to be reported in the session in which they are completed or in the following session if they are conducted totally in an interim period. The SCH production is to be reported in keeping with the two preceding requirements, with SCH production being counted on a date that is equivalent to the fourteenth or seventh class day (Louisiana Tech, the ninth) of courses offered during a regular semester. These supplemental reports will be due upon issuance of final grades in the reporting session and should include beginning and ending dates and equivalent cut-off dates for each class. A class day is defined as a regular class schedule day; Saturday, Sunday and state legal holidays are to be excluded as class days.

A common sequence arrangement of the various reports is to be

used by all institutions; this method will simplify the audit procedure and provide for a uniform communication basis. The class roster, detail formula level report, and final grade report are all to be arranged in the same sequence, alpha by course name or title/or alpha by course name or title within college.

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

Each institution will be required to identify all off-campus SCH production either on the above required reports or on a special

supplementary report. Each course offered off campus and the parish(es) in which it is taught must be reported. Parish codes are provided in Appendix C.

Appendix B

Reporting of Final SCH Production

To facilitate further research and study for the possible formula revisions, it will be necessary for each institution to furnish end-of-year reports on an annual basis. Information of this nature is necessary in the evaluation of measurement factors to determine effectiveness of programs. It will also point out areas where special formula consideration may be required. These reports, at a minimum, are to consist of recalculated BRC-1 and BRC-1A budget forms reflecting SCH production based on the final grade report.

Appendix C

Parish Codes

Acadia	01	Madison	33
Allen	02	Morehouse	34
Ascension	03	Natchitoches	35
Assumption	04	Orleans	36
Avoyelles	05	Ouachita	37
Beauregard	06	Plaquemines	38
Bienville	07	Pointe Coupee	39
Bossier	08	Rapides	40
Caddo	09	Red River	41
Calcasieu	10	Richland	42
Caldwell	11	Sabine	43
Cameron	12	St. Bernard	44
Catahoula	13	St. Charles	45
Claiborne	14	St. Helena	46
Concordia	15	St. James	47
DeSoto	16	St. John	48
East Baton Rouge	17	St. Landry	49
East Carroll	18	St. Martin	50
East Feliciana	19	St. Mary	51
Evangeline	20	St. Tammany	52
Franklin	21	Tangipahoa	53
Grant	22	Tensas	54
Iberia	23	Terrebonne	55
Iberville	24	Union	56
Jackson	25	Vermilion	57
Jefferson	26	Vernon	58
Jefferson Davis	27	Washington	59
Lafayette	28	Webster	60
Lafourche	29	West Baton Rouge	61
LaSalle	30	West Carroll	62
Lincoln	31	West Feliciana	63
Livingston	32	Winn	64

William Arceneaux
Commissioner of Higher Education

RULE

Office of the Governor Office of Elderly Affairs

The Office of the Governor, Office of Elderly Affairs, has amended its policies regarding the allotment of funds, organizational structure, and overall priorities as mandated by the Older Americans Act of 1965, hereafter referred to as the Act, as amended on October 18, 1978.

1. The amount of Title III funds which are allocated to the state's planning and service areas shall be determined by the Office of Elderly Affairs not to exceed eight and one-half percent of the state's Title III allotment. These funds may be used to pay no more than seventy-five percent of the cost of administering an area plan.

2. The Office of Elderly Affairs shall review and comment upon all state plans, budgets, and policies which affect the elderly.

3. Nutrition services recipients and multipurpose senior center participants shall be consulted in the development and administration of the State Plan.

4. In the provision of services under the State Plan, preference shall be given to older individuals with the greatest economic or social needs.

5. A hearing shall be provided to any unit of general purpose local government which requests to be designated as a planning and service area, if the unit has a population of one hundred thousand or more.

6. The Office of Elderly Affairs shall not grant a waiver for any area plan requirement of the Act which was in effect on September 30, 1978.

7. A uniform format for area plan development under Section 306 of the Act shall be prepared and distributed by the Office of Elderly Affairs to area agencies for their use.

8. The Office of Elderly Affairs will evaluate the need for nutrition services, multipurpose centers, and social services. Legal services will be included in its evaluation of social services.

9. The amount of funds expended for services to older individuals residing in rural areas shall be no less than one hundred five percent of the amount expended in Fiscal Year 1978.

10. The Office of Elderly Affairs shall reorganize and rearrange its functions, if it deems necessary, to assure efficient administration.

11. A hearing shall be granted, upon request, to any area agency on aging submitting a plan under Title III; or any provider of a service under such a plan; or any applicant proposing to provide a service under such plan.

12. The Office of Elderly Affairs shall provide satisfactory assurance that such fiscal control and accounting procedures shall be adopted as to assure proper disbursement of, and accounting for, federal funds paid under the Title III Program to the state.

13. The Office of Elderly Affairs shall directly provide social services (including nutritional services) only if local agencies are unable to do so.

14. Each nutrition project shall provide meals in a congregate setting. Home-delivered meals may be provided if the recipient of either a grant or contract for nutrition services determines it necessary.

15. Income from meal charges shall be used only for increasing the number of meals served by the project involved.

16. Each nutrition project shall give primary consideration to multipurpose senior centers when selecting an appropriate community facility for congregate meals, and for comprehensive social services.

17. The Office of Elderly Affairs shall provide funds only to those organizations furnishing home delivered meals which have demonstrated ability to provide home delivered meals, and which assure the Office of Elderly Affairs that the funds available from the Older Americans Act will not supplant funds from non-federal sources.

18. Multipurpose senior center facilities shall be used for the purpose for which they were acquired or constructed, for at least ten years after acquisition, or for at least twenty years after the completion of construction.

19. Sufficient funds must be available to meet the non-federal share of the cost of acquisition or construction of such facilities. When the acquisition or construction is completed, funds must be available to effectively use a facility for the purpose for which it is being acquired or constructed. A facility shall not be used for sectarian instruction or as a place for religious worship.

20. Multipurpose senior center facilities shall not be purchased or constructed to be used as multipurpose senior centers if the Office of Elderly Affairs has determined that there are existing facilities which can be used or leased for use as a multipurpose senior center.

21. The plans and specifications for the multipurpose senior center facility shall be in accordance with regulations relating to minimum standards of construction, with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968.

22. All work on multipurpose senior center facilities will be done in compliance with the requirements of the Architectural Barriers Act of 1968; and with the provisions of the Davis-Bacon Act; and any related guidelines or regulations issued by the United States Secretary of Labor.

23. The Office of Elderly Affairs shall consult with the United States Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation of multipurpose senior centers.

24. To the extent practicable, legal services furnished under the plan shall be in addition to any legal services for older individuals being furnished with funds from sources other than the Act; and reasonable effort shall be made to maintain existing levels of legal services for older individuals.

25. From funds allotted under Section 304(a) for Part B of Title III, the Office of Elderly Affairs shall use an amount equal to one percent of this allotment or twenty thousand dollars, whichever is greater, for the purpose of Section 307(a)(12), unless, for any fiscal year, a state spends from state or local sources an equivalent amount for this purpose.

26. Any project receiving funds under Title VII of the Older Americans Act of 1965, as in effect on the day before the effective date of this Act, shall continue to receive funds under Part C of Title III of such Act, as amended, if such project meets the requirements and criteria established in such Title III, as amended by this Act. The state, pursuant to regulations prescribed by the Commissioner on Aging, shall discontinue the payment of such funds to a project if, after a hearing (requested by the person responsible for administering such project), it determines that such project has ineffectively carried out activities supported by such funds.

O. B. Butler, Administrator
Office of Elderly Affairs

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted a rule that will permit the payment of the following pancreatic enzymes for persons under age 21 who are recipients in the Medicaid Program: Cotazym, Ilozyme, Kuzyme HP, Pancrease, Pancreatin, and Viokase.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has adopted policy that will expand the list of drugs subject to the Maximum Allowable Costs (MAC) regulations. The list is as follows: Diphenoxylate hydrochloride/atropine sulfate 2.5 mg./0.025 mg. tablet, \$0.0491 per tablet; Methocarbamol, 500 mg. tablet, \$0.0496 per tablet; Methocarbamol, 750 mg. tablet, \$0.0640 per tablet; Sulfisoxazole, 500 mg. tablet, \$0.0273 per tablet; Oxyphenbutazone, 100 mg. per tablet, \$0.0847 per tablet; Tetracycline HCl, 125 mg./5 ml. syrup, \$0.0104 per ml.; Doxepin, 100 mg. capsule, \$0.2900 per capsule; Penicillin G, 400 mu. tablet, \$0.0237 per tablet; and Penicillin G, 800 mu. tablet, \$0.0640 per tablet.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. HEW's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. the certification must be in the physician's handwriting;
2. the certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription;
3. a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
4. a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
5. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

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

RULE

Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners has adopted the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*.

Section I, General Board Policies

1. Organization. The Louisiana State Board of Practical Nurse Examiners consists of eleven members appointed by the Governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961-979.

Section IV, Program Projection

1. Faculty and Staff

1-2 Minimum Number of Faculty

a. Registered nurses - No less than two, one of whom should be designated coordinator/charge instructor. The instructor-student ratio shall be one instructor to each twelve students in the clinical area.

Section VI, Program Approval and Accreditation

2. Types shall be:

2-4 Provisional approval shall be issued to programs that do

not maintain minimum requirements. Programs placed on provisional approval shall be reviewed annually.

Helen W. Sheehan, R.N., Executive Director
Board of Practical Nurse Examiners

RULE

Department of Natural Resources Office of Conservation

The Department of Natural Resources has amended, reenacted, and adopted Regulation No. 5, governing natural gas pricing pursuant to the provisions of Part V of the Natural Resources and Energy Act of 1973 — Chapter 7, of Title 30, of Louisiana Revised Statutes of 1950.

Regulation No. 5, Amended

A. This regulation shall apply to the price of intrastate natural gas sold by a natural gas company under contracts executed after December 8, 1973, under the provisions of Part V of the Natural Resources and Energy Act of 1973, being Sections 591 through 606 thereof. No contract shall be exempt under the provisions of Section 595.

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

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

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

1. The exact legal name and status of the purchaser and seller and the name, title, and mailing address of the person(s) to whom communications concerning the notice are to be addressed.
2. Parties: seller, purchaser, owner, transporter.
3. Date of contract.
4. Term of contract.
5. Quantities of gas.
 - a. Maximum daily quantity seller is obligated to deliver. (MCF/day or MMBTU/day).
 - b. Minimum daily quantity purchaser is obligated to receive (MCF/day or MMBTU/day).
 - c. Measurement: pressure base.
 - d. Service: firm or interruptible. (Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.)
6. Type of sale: industrial, sale for resale, transportation or other.
7. Point(s) of delivery.
8. Delivery pressures: minimum, maximum.
9. Price.

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

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

G. The Commissioner, upon receipt of a petition from any party to a contract or sale complaining of anything done or omitted to be done by any natural gas company in contravention of the provisions of Part V of this Act, shall pursuant to the provisions of Section 602 of this Act, forward a statement of the complaint to the natural gas company which shall have twenty days from receipt to satisfy the complaint or to answer the same in writing. In the event additional time to answer the complaint is requested by the natural gas company, in writing, the Commissioner may, for good cause shown, grant same, but in no case shall the additional time granted exceed thirty days.

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

R. T. Sutton
Commissioner of Conservation

RULES

Department of Natural Resources Office of the Secretary

General Rules and Regulations Section 1 - Definitions

As used in these rules and regulations:

A. "Adjudication" means the process for the formulation of a decision or order.

B. "Administrative Procedure Act" means Act 382 of 1966 as amended by Act 284 of 1974 and Act 730 of 1975 (R.S. 49:951 et seq.), and any amendments thereto.

C. "Decision" or "order" means the whole or any part of the final disposition (whatever its form, whether affirmative, negative, injunctive or declaratory) of the Secretary, in any matter other than rule-making, required by Constitution or statute to be determined on the record after notice and an opportunity for a hearing.

D. "Declaratory ruling or order" means a statement of limited applicability concerning the rights of specific parties or expressing the opinion of the Secretary on a particular subject.

E. "Department" means the Department of Natural Resources, State of Louisiana.

F. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted and/or heard as a party.

G. "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, other than the Secretary.

H. "Rule" means each statement of general applicability and future effect that implements, interprets or prescribes substantive law or policy, or prescribes the procedure or practice requirements of the Secretary. The term includes the amendment or repeal of a prior rule, but does not include statements concerning only the internal management of the Department of Natural Resources and not affecting private rights or procedures available to the public, declaratory rulings or orders, or intra-agency memoranda.

I. "Rule-making" means the process employed by the Secretary for the formulation of a rule.

J. "Secretary" means the Secretary of Natural Resources, State of Louisiana.

K. "Violation" means a violation of any provision of the Secretary's rules and regulations.

Section 2 - Conflicts

A. If any conflict should develop between a rule or an order, and a provision of the Louisiana Constitution or a statute which prohibits such rule or order, the provision of the Constitution or statute shall prevail.

B. The Administrative Procedure Act shall govern all rules and regulations of the Secretary, and the Secretary shall have all power conferred by that Act.

Section 3 - Public Information; Adoption of Rules; Availability of Rules and Orders

A. The general course and method of operations of the Secretary by which the public may obtain information or make submissions or requests, shall be as provided in the Administrative Procedure Act and by these rules and regulations.

B. The within rules and regulations set forth the nature and requirements of formal and informal procedures available and of forms and instructions used by the Secretary.

C. The within rules and regulations are available for public inspection, as are any and all other rules and regulations and all other written statements of policy or interpretations formulated, adopted or used by the Secretary in the discharge of his functions, at the offices of the Secretary in Baton Rouge.

D. All final orders, decisions, and opinions are available for public inspection at the offices of the Secretary in Baton Rouge.

Section 4 - Procedure for Adoption of Rules

A. Prior to the adoption, amendment or repeal of any rule or regulation, the Secretary will:

1. Give at least fifteen days' notice of his intended action.

The notice will include a statement of either the terms or substance of the intended action, or a description of the subjects and issues involved, and the time when, and the place where, and the manner in which interested persons may present their views thereon. The notice will be mailed to all persons who have made timely request of the Secretary for advance notice of rule-making proceedings and will be published at least once in the Louisiana Register. The Secretary may, at his discretion, authorize more than fifteen days' notice of intended action. For the purpose of timely notice as required by this paragraph, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the first page of said issue.

2. Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument will be granted if requested by twenty-five persons, by a governmental subdivision or agency or by an association having not less than twenty-five members. The Secretary will consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule or rules, the Secretary, if requested to do so in writing by an interested person either prior to adoption or within thirty days thereafter, will issue a concise statement of the principal reasons for and against its adoption. An individual interested in orally presenting a position on an issue which does not require a separate public hearing, may be allowed to do so at a public meeting called by the Secretary, at the discretion of the Secretary.

B. If the Secretary should find that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than fifteen days' notice, he will state in writing to the Governor of the State of Louisiana, the Attorney General of Louisiana, and the Division of Administration of the State of Louisiana, the reasons for that finding, and will proceed without prior notice or hearing, or upon any abbreviated notice and hearing that he finds practicable, to adopt an emergency rule.

C. A rule adopted in substantial compliance with this Section shall be valid, and inadvertent failure to give notice to any person

or agency as provided herein shall not invalidate any rule adopted hereunder. A proceeding under Section 15 of these rules and regulations to contest the validity of any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within thirty days from the effective date of the rule.

D. An interested person may petition the Secretary requesting promulgation, amendment or repeal of a rule. The petition may be in simple form or by letter, and shall be considered and disposed of in writing within ninety days after submission, either by denial with written reasons, or by initiation of rule-making proceedings in accordance with the provisions of this section.

Section 5 - Filing, Publication, and Taking Effect of Rules

A. The Secretary shall file a certified copy of each rule and regulation which he adopts, including a copy of the within rules and regulations, in the office of the Division of Administration.

B. Compilations may omit any rule, the publication of which would be unduly cumbersome, expensive or otherwise inexpedient; but such rule or rules, in processed or printed form will be made available on application to the Secretary.

C. Compilations will be made available upon request to agencies or officials of Louisiana free of charge, and to other persons at prices fixed by the Division of Administration to cover mailing and publication costs.

D. Each rule hereafter adopted shall become effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption, except that:

1. If a later date is required by statute or specified in the rule, the later date shall be the effective date.

2. Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the Secretary to be not more than sixty days future from the date of its adoption, provided written notice is given within three days of the date of adoption to the Governor of Louisiana, the Attorney General of Louisiana, and the Division of Administration as provided in Section 4B of these rules and regulations. Such emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless such rule and the reasons for adoption thereof are published in said issue; provided, however, that any emergency rule so published shall not be effective for a period longer than one hundred twenty days, but the adoption of an identical rule under Subsections A1 and A2 of Section 4 of these rules and regulations is not precluded. The Secretary will take appropriate measures to make emergency rules known to the persons who may be affected by them.

Section 6 - Investigations

A. Any person may file with the Secretary or the Executive Director, a written complaint of a violation of the Secretary's rules and regulations.

B. The Secretary may at any time, upon his own initiative, investigate any suspected violation of these rules and regulations.

C. In connection with the investigation of a possible violation of the rules and regulations, the Secretary may authorize that public hearings be conducted in accordance with the rules applicable to adjudication proceedings.

D. The Secretary has the power to develop facts through either informal investigation procedures or through formal hearings.

E. Investigations shall be for the purpose of determining such questions as whether a violation exists, the scope of the violation, and the persons or parties involved.

F. To the extent practicable, investigatory hearings shall be held in accordance with the rules applicable to adjudicatory proceedings.

G. When the Secretary determines that there has been a violation of the Act, or of any of the Secretary's rules and regulations, he

is authorized to take appropriate action, which may include the initiation of adjudicatory proceedings for enforcement purposes, or the institution of appropriate judicial proceedings.

Section 7 - Adjudication Notice; Hearing; Records

A. All hearings shall be public and shall be conducted by the Secretary or a presiding officer designated by the Secretary to conduct the hearings.

B. The Secretary shall fix the time and place for the hearing. All hearings shall be held in a convenient place, accessible to the public, in the City of Baton Rouge. If the Secretary deems that the interests of the Secretary or any person or party, or the location of the parties or witnesses, or the ends of justice so require, the hearing may be held in any other convenient place of public accessibility within the state.

C. Any hearing may for valid cause be continued by the Secretary or the presiding officer.

D. Parties shall have the right, but shall not be required, to be represented by counsel. Any such counsel must be duly licensed to practice law in the State of Louisiana, or be associated in the hearings with such duly licensed counsel.

E. In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for hearing after reasonable notice.

F. The notice will include:

1. A statement of the time, place and nature of the hearing.

2. A statement of the legal authority and jurisdiction under which the hearing is to be held.

3. A reference to the particular sections of the statutes and rules involved.

4. A short and simple statement of the matters asserted.

5. The date on which any person who may object to the matters asserted must present to the Secretary a written objection. A written objection shall contain a short and simple statement of the basis of the objection.

G. If the Secretary or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application or request, a more definite and detailed statement shall be furnished.

H. Opportunity will be afforded to all parties to timely respond and present evidence on all issues of fact, and argument on all issues of law and policy involved, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

I. Unless precluded by law, informal disposition may be made, at any time, of any case of adjudication by stipulation, agreed settlement, consent order or default.

J. The record in a case of adjudication shall include:

1. All pleadings, motions and intermediate rulings.

2. All evidence received or considered, or a resume thereof if not transcribed.

3. A statement of matters officially noticed, except matters so obvious that statement of them would serve no useful purpose.

4. Offers of proof, objections and rulings thereon.

5. Proposed findings and conclusions and exceptions thereto.

6. Any decision, opinion or report by the officer presiding at the hearing.

K. The Secretary shall make a full transcript of all proceedings and shall, at the request of any party or person, furnish said party or person with a copy of the transcript or any part thereof upon payment of the cost thereof.

L. Findings of fact will be based exclusively on the evidence and on matters officially noticed.

**Section 8 - Rules of Evidence;
Official Notice; Oaths and Affirmations;
Subpoenas; Deposition and Discovery**

A. In adjudication proceedings:

1. The Secretary or presiding officer will admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs, and will give effect to the rules and privileges recognized by law. The Secretary or presiding officer will exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objection to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. All evidence, including records and documents in the possession of the Secretary of which he desires to avail himself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

3. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Secretary's specialized knowledge. Parties will be notified either before or during the hearing, or by reference to preliminary reports or otherwise, of the material to be noticed, including any staff memoranda or data, and they will be afforded an opportunity to contest the admissibility of the material to be noticed. The Secretary's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

B. The Secretary or the presiding officer appointed by the Secretary conducting a proceeding subject to these rules and regulations shall have the power to administer oaths and affirmations, regulate the course of the hearings, and the time and place of continued hearings, fix the time for filing of briefs and other documents, and direct the parties to appear and confer to consider simplification of the issues.

C. The Secretary or the Secretary's presiding officer shall have power to sign and issue subpoenas in the name of the Secretary requiring attendance and giving of testimony by witnesses and the production of books, papers and other documentary evidence. No subpoena will be issued until the party who wishes to subpoena the witness first deposits with the Secretary a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S.13:3661 and 3671. Witnesses subpoenaed to testify before the Secretary only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witnesses, as may be fixed by the Secretary with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the Secretary may apply to the Judge of the District Court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt. The provisions of this part shall not be applicable as to the deposit of sums sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and 3671 when the party requesting production complies with the provisions of the Louisiana Code of Civil Procedure applicable to the waiver of costs for indigents (Articles 5181 through 5188).

D. The presiding officer of the Secretary, or any party to a proceeding before him may take the depositions of witnesses,

within or without the State of Louisiana, in the same manner as provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in any proceeding affected by these rules or the Administration Procedure Act. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from evidence by the presiding officer in accordance with the rules of evidence provided in these rules and regulations.

E. The Secretary may adopt rules providing for discovery to the extent and in the manner appropriate to the proceedings.

Section 9 - Decisions and Orders

A final decision or order adverse to a party in an adjudication proceeding will be in writing or will be stated in the record. A final decision will include findings of fact and conclusions of law. If findings of fact are set forth in statutory language, they will be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A party may submit proposed findings of fact and conclusions of law, and, in that event, the decisions shall include a ruling upon each proposed finding and conclusion. Parties will be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order will be delivered or mailed forthwith to each party and to his attorney of record. By written stipulation, the parties may waive, and in the event that there is no contest, the Secretary may eliminate, compliance with this section.

Section 10 - Rehearings

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening or reconsideration by the Secretary within ten days from the date of its entry. The grounds for such action shall be either that:

1. The decision or order is clearly contrary to the law and the evidence.

2. The party has discovered, since the hearing, evidence important to the issues which he could not with due diligence have obtained before or during the hearing.

3. There is a showing that issues not previously considered ought to be examined in order to dispose of the matter.

4. There is other good ground for further consideration of the issues and the evidence in the public interest.

B. The petition of a party for rehearing, reconsideration or review, and the order of the Secretary, if granting it, will set forth the grounds which justify such action. Nothing in this section will prevent rehearing, reopening or reconsideration of a matter by the Secretary in accordance with other statutory proceedings applicable to it, or at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening or rehearing, the matter may be heard by the Secretary, or it may be referred to a presiding officer. The hearing will be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered. If an application for rehearing is filed timely, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

**Section 12 - Ex parte
Consultations and Recusations**

Unless required for the disposition of ex parte matters authorized by law, the Secretary or the presiding officer designated to conduct the hearing, shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party or his representative, or with any officer, employee or agent engaged in the performance of investigative, prosecuting or advocating functions, except upon notice or opportunity for all parties to participate.

Section 13 - Remedies

The Secretary may issue:

1. Decrees or orders requiring a party to cease and desist from any course of conduct or action deemed by the Secretary

to be inimical to its purposes or aims or any part thereof.

2. Decrees or orders requiring a party to take affirmative action to further the interests of the Secretary or to correct or insure correction of prior action of a party or otherwise.

3. Declaratory decrees or orders as to the policy of the Secretary in any regard.

4. Generally any decrees or orders to affect the interests of the Secretary as to his general aims and purposes.

Section 14 - Judicial Review of Declaratory Orders and Rulings

Within fifteen days from the decree, or of a declaratory order or ruling, any party affected thereby may petition the Civil District Court for the Parish of East Baton Rouge, for a declaration as to the validity or applicability of any declaratory decree, order or ruling. After the lapse of such period of fifteen days, or upon the finality of any order of court with regard thereto, such declaratory decree, order or ruling shall be final.

Section 15 - Judicial Review of Validity or Applicability of Rules

The validity or applicability of a rule or regulation may be determined in an action for declaratory judgment in the Civil District Court for the Parish of East Baton Rouge, in which the Secretary is made a party to the action. An action for a declaratory judgment under this section may be brought only after the plaintiff has requested the Secretary to pass upon the validity or applicability of the rule or regulation in question, and only upon a showing that review of the validity and applicability of the rule or regulation in connection with a review of a final agency decision in a contested-adjudication case would not provide an adequate remedy and would inflict irreparable injury.

Section 16 - Judicial Review of Adjudication

A. A person who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review thereof, whether or not he has applied to the Secretary for rehearing, without limiting, however, utilization of or the scope of judicial review available under other means of review, redress, relief or trial de novo provided by law. A preliminary, procedural or intermediate action or ruling is immediately reviewable, if review of the final decision would not provide an adequate remedy and would inflict irreparable injury.

B. Proceedings for review may be instituted by filing a petition in the Civil District Court for the Parish of East Baton Rouge within thirty days after the mailing of notice of the final decision by the Secretary, or if a rehearing is requested, within thirty days after the decision thereon. Copies of the petition shall be served upon the Secretary and on all parties of record.

C. The filing of the petition does not itself stay enforcement of the decision of the Secretary, who may, however, grant a stay upon appropriate terms.

Section 17 - Construction and Effect

A. Nothing in these rules and regulations shall be held to diminish the constitutional rights of any person, or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise provided by law, all requirements or privileges relating to evidence or procedure shall apply equally to the Secretary and all persons.

B. If any provision of these rules and regulations shall be found to be in conflict with federal requirements, such conflicting provision of these rules and regulations is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remaining provisions of these rules and regulations in their application to the functions of the Secretary.

C. If any provision of these rules and regulations or the application thereof is held to be invalid, the remaining provisions of these rules and regulations or other application thereof shall not be affected, so long as they can be given effect without

the invalid provision, and to this end the provisions of these rules and regulations are declared to be severable.

D. These rules and regulations shall take effect upon their approval by the Secretary and filing and publication pursuant to the provisions of Section 5 of these rules and regulations, and no procedural requirement shall be mandatory as to any proceeding instituted prior to the effective date of such requirement.

William C. Huls, Secretary
Department of Natural Resources

RULES

Department of Natural Resources Office of the Secretary

(Editor's Note: The following rules are applicable to the licensing of alternate fuels support facilities as authorized by Act 605 of the 1979 Regular Session of the Louisiana Legislature.)

Definitions

As used in these rules and regulations:

1. "Act" means Act 605 of 1979, and any amendments thereto.

2. "Alternate fuel" or "other alternate fuel" means some fuel other than natural gas, coal, and, with the exceptions stated in the federal Powerplant and Industrial Fuel Use Act of 1978, oil.

3. "Applicant" means any person who applies for a license pursuant to these rules and regulations.

4. "Application" means an application submitted under these rules and regulations for a license to construct or operate support facilities within the jurisdiction of the Secretary of Natural Resources, for transfer or renewal of any such license, or for any substantive change in any of the conditions or provisions of any such license.

5. "Administrative costs" include the wages and salaries of the Secretary's staff and employees; the engineering, legal, and operating costs incurred by or on behalf of the Secretary; the equipment, supplies and overhead required for the Secretary to carry out his functions, and any other similar administrative costs reasonably required by the Secretary for operation and management.

6. "Application processing fees" means all fees or charges imposed by the Secretary pursuant to these rules and regulations.

7. "Economic costs" shall include, but not be limited to, costs for facilities and services related to transportation, education, health, highways, roads and streets, police protection, fire protection, sewerage and water facilities and services, sanitation, flood protection, parks and recreation, libraries, and other similar types of community services.

8. "License" means a license issued by the Secretary, pursuant to these rules and regulations, to any person to construct or operate support facilities within the jurisdiction of the Secretary.

9. "Licensee" means the holder of a valid license.

10. "Person" has the identical meaning given that term in the Act.

11. "Secretary" means the Secretary of Natural Resources.

12. "Support facility" means any facility providing an intermediate coal or alternate fuel service essential or useful to the use of, or conversion to, such fuels by powerplants and industries, the availability of which will facilitate economical and orderly use of or conversion to coal or alternate fuel and inure to the benefit of Louisiana citizens using the products produced by the powerplants and industries which utilize the support facility, and which the Secretary has determined is required by the public interest of the State to be either licensed by the State under this Act, or if no person is interested in obtaining a license and constructing and operating such support facility, is owned and operated by the

Department as elsewhere provided in this Act. Support facilities shall include, without exclusion, facilities for loading and unloading, cleaning, blending, and/or storing coal or alternate fuel.

Applications

1. No person shall construct or operate, or cause to be constructed or operated, support facilities within the jurisdiction of the Secretary without first filing an application and obtaining a license from the Secretary pursuant to the provisions of these rules and regulations.

2. An application shall contain the following general information:

A. A brief summary of the entire application suitable for use by the Secretary in giving the notices required by the rules and regulations.

B. The name, address, citizenship, and telephone number of the applicant.

C. The names and addresses of the officers of the applicant.

D. The name and address of the person designated by applicant to receive formal notices or documents.

E. A statement at the end of the application, subscribed and sworn to before a notary public, that the person who signs the application represents that he is authorized and empowered to sign the application on behalf of the applicant and that the contents of the application are true.

F. If the applicant is a corporation, a copy of the applicant's charter or certificate and articles of incorporation, certified by the appropriate official of the state of incorporation.

3. An application shall contain a description of the proposed support facility and the service it will render.

4. An application, based upon facts available at the time of the application, shall contain an analysis of:

A. The extent to which the construction and/or operation of the proposed support facilities may increase the demand on the State of Louisiana and its political subdivisions for public services and facilities, including, but not limited to, schools, parks, transportation facilities, wharves, docks, electricity, water, and sewage facilities, flood protection, police and fire protection, and other physical and social services.

B. An estimate as to the direct and indirect economic, environmental, and administrative costs attributable to the construction and operation of the proposed support facilities.

C. The areas and facilities to be served by the proposed support facilities with specific data as to amounts and types of coal or other alternate fuel to be transported to, and/or refined or used at, each projected destination on an annual basis.

D. All relevant facts showing the extent to which proposed support facilities will contribute to the maintenance and/or development of energy-using industries in Louisiana and to the availability of the products of those industries to Louisiana consumers and industries.

E. All relevant facts showing the extent to which the construction and operation of the proposed support facilities will contribute to increased employment and employment benefits in Louisiana.

F. The projected temporary and permanent demographic effect of the construction and operation of the proposed support facilities.

G. The projected demand for services related to the proposed support facilities, with emphasis on the duration and location of such services. Services as used in these rules and regulations include, but are not limited to, skilled and unskilled labor, barge services, dock workers, contractors, fabricators, engineering and other professional consultants, suppliers, surveyors, and repair and maintenance services and personnel, and living accommodations.

5. An application shall contain a statement by the applicant that he will comply with any reasonable conditions the Secretary may prescribe in accordance with the provisions of the Act or the

Secretary's rules and regulations, which such reasonable conditions to be contained in the license.

6. An applicant shall designate those portions of any information submitted to the Secretary, as part of an application, which concern or relate to trade secrets or which are by nature confidential.

7. Each applicant shall pay to the Secretary such application processing fees as provided elsewhere in these rules and regulations.

8. Ten copies of an application shall be filed with the Secretary. After the filing of an application, the Secretary shall determine, as promptly as reasonably possible, whether or not such application contains all of the information required by these rules and regulations.

9. If the Secretary determines that an application appears to contain the information required by these rules and regulations, he shall publish notice of the filing of the application and a summary of the application immediately in the Official Journal of the State of Louisiana. A copy of the notice and summary shall also be mailed to all interested persons who have made written request of the Secretary for such information.

10. If the Secretary determines that all the required information is not contained in the application, the Secretary shall promptly notify the applicant of such deficiencies in writing and require that the deficiencies be corrected within a certain period of time or the application will be denied for failure to do so.

11. The Secretary may hold such investigatory or adjudicatory hearings as he deems necessary for a proper review and consideration of an application.

12. At any time during an application proceeding, the Secretary may require an applicant to submit such additional information as the Secretary deems necessary in order to meet the requirements of these rules and regulations and other applicable law, and to enable the Secretary to carry out his responsibilities thereunder.

13. An application may be amended or withdrawn at any time before the Secretary renders a final decision thereon, by submitting ten copies of the amendment, or a written request for withdrawal, to the Secretary. If information in an application becomes inaccurate or incomplete after it is filed but before a final decision is rendered on the application, the applicant shall promptly furnish the correct or additional information.

14. Unless the context clearly indicates otherwise, all information required to be furnished by this Section shall cover the term of a license. All projections and estimates required by this Section shall be uniformly expressed and shall be estimated in accordance with the best available procedures.

Application Processing Fees

1. Any person who files an application with the Secretary shall reimburse the Secretary in accordance with these rules and regulations, for all direct costs incurred by or on behalf of the Secretary in processing any such application.

2. Any person who files an application with the Secretary for a license to construct or operate support facilities within the Secretary's jurisdiction shall remit at the time such application is filed an initial application processing fee of one hundred dollars represented by a certified or cashier's check drawn on a bank or trust company doing business under the laws of the State of Louisiana or the United States, payable to the State of Louisiana, Department of Natural Resources.

3. The application processing fee provided for in the preceding paragraph, and all interest accrued thereon, shall be used by the Secretary to compensate the Secretary for all direct costs incurred by or on behalf of the Secretary in processing such applications.

4. Should the application be withdrawn by the applicant before the issuance by the Secretary to the applicant of a license to construct or operate support facilities, the Secretary shall refund to the applicant any portion of the application fee remaining after payment by the Secretary of all direct costs incurred in processing

such application through the date of such withdrawal.

5. The Secretary shall periodically make a determination of the amount of all direct costs incurred by or on behalf of the Secretary in processing an application.

6. The Secretary shall assess, as application processing fees, all such direct costs against the person or persons whose application has given rise to the direct costs incurred and sought to be recovered, and shall serve on each such person a "Notice of Assessment." Such person or persons shall thereafter make full payment of such fees to the Secretary within thirty days form receipt of Notice of Assessment.

7. Any person on whom a Notice of Assessment is served under these Regulations shall be entitled to a hearing before the Secretary on such assessment, provided a written request for a hearing is filed with the Secretary within thirty days after receipt of the Notice of Assessment.

8. The Secretary's General Rules and Regulations and the Louisiana Administrative Procedures Act (R.S. 49:951 et seq.) shall apply to any hearing held in connection with any Notice of Assessment under these rules and regulations.

9. Should any person fail to pay any application processing fees when due, such person shall pay interest at the legal rate per annum on the unpaid balance of such assessment from the date the assessment is due until paid.

10. The Secretary shall maintain such records as may be necessary in order to identify, determine and recover all application processing fees pursuant to these rules and regulations, and the Secretary shall make such records available to interested persons in accordance with applicable law.

11. Application processing fees recovered by the Secretary pursuant to these rules and regulations shall be limited to the amount necessary to compensate the Secretary for the actual costs incurred in processing the application.

12. This section shall not be interpreted to enlarge or diminish the right of the State of Louisiana, or any political subdivision thereof, to impose any other valid fees.

Licenses

1. No license shall issue unless the Secretary determines that:

A. The facilities which are the subject of a license application to the Secretary are "support facilities" within the term and meaning of Act 605 of 1979 and these rules and regulations.

B. The construction and operation of the proposed support facilities will promote the economic and industrial well being of the State of Louisiana, will be an economically viable project as shown by the data provided in the application, and will be consistent with the public interest as declared in the Act. In making the finding of economic viability and public interest, the Secretary shall consider the effect of an application on existing licensed support facilities and shall not issue a license which would be contrary to the State Plan promulgated by the Secretary pursuant to Act 605 of 1979.

C. The proposed support facilities will be constructed and operated in conformance with the Act, the rules and regulations of the Secretary, other applicable law and conditions of the license.

D. The applicant has reimbursed the Secretary for all direct costs incurred by or on behalf of the Secretary in processing the application and has paid to the Secretary any other sums due the Secretary under applicable law.

2. A license shall contain the name and address of the licensee, and the licensee's agent for service of process in the State of Louisiana.

3. A license shall contain a description of the support facilities licensed.

4. A license shall describe all activities authorized by the license.

5. A license shall be subject to and contain such reasonable conditions as the Secretary deems necessary to carry out the purposes of the Act and the Secretary's rules and regulations, including, but not limited to, conditions requiring that the licensee:

A. Comply with all applicable laws and regulations, now in effect or hereafter adopted or amended.

B. Construct and operate the support facilities in accordance with the description of such construction and operation in the license.

C. Promptly provide the Secretary with the name, address, citizenship, and telephone number of any person with whom the applicant has made, or proposes to make, a significant contract for the design, construction or operation of support facilities within the Secretary's jurisdiction, and a description of any such contract.

D. Notify the Secretary of any substantive changes in any data submitted to the Secretary.

E. Cooperate with the Secretary in monitoring the construction and operation of the licensed support facilities.

F. Submit detailed construction drawings, plans and specifications to the Secretary for all components of the support facilities sufficiently in advance of commencement of construction of such components to enable the Secretary to properly review such drawings, plans and specifications for conformance with the provisions and conditions of a license, the Secretary's rules and regulations, and other applicable law.

G. Afford access, at reasonable times, to licensed support facilities to representatives of the Secretary for the purposes of inspection of relevant records, files, papers, processes, controls, operations, and facilities for the purpose of ascertaining the state of compliance with the license, the Act, and the rules, regulations, and orders of the Secretary.

6. At the time of issuance of a license by the Secretary, the Secretary and licensee shall enter into a written agreement which shall provide that:

A. A licensee which exercises its rights under the license shall pay to the Secretary reasonable fees and charges lawfully recoverable by the Secretary to compensate for direct costs incurred by the Secretary which pertain to the licensed support facilities.

B. A licensee which exercises rights under the license shall indemnify and hold harmless the Secretary from and against any and all liability, loss, demand claims, direct costs, damages, expenses and attorneys' fees, and any and all liability therefor, which the Secretary may sustain or incur, arising from or connected with acts or omissions of the licensee, its agents, servants, employees or contractors with respect to the location, design, construction or operation of support facilities; provided, however, that the licensee shall not be required to indemnify the Secretary for damages resulting solely from negligent acts or omissions on the part of the Secretary or his agents, servants, employees or contractors.

7. Except as otherwise provided in these rules and regulations, a license shall be for such term as determined by the Secretary.

8. A license may be revoked, suspended, or modified by the Secretary for the following reasons:

A. The willful making of a false statement or willful misrepresentation of a material fact in connection with securing or maintaining such license.

B. Failure to comply with, or respond to, lawful inquiries, rules, regulations, or orders of the Secretary or the conditions of any license issued by the Secretary.

9. The Secretary may not revoke, suspend, annul, modify or withdraw a license unless, prior to the institution of proceedings, the Secretary gives notice by certified mail to the licensee of facts which warrant the intended action, and the licensee is given an opportunity at a hearing to show compliance with all lawful requirements for the retention of the license. If the Secretary finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in an order, summary suspension of a license may be ordered pending proceedings for suspension, revocation or other action. These proceedings will be promptly instituted and a decision promptly

rendered. All hearings held on the suspension, revocation, annulment or withdrawal of a license will be governed by the Secretary's General Rules and Regulations concerning adjudications.

10. Upon the filing of an application by a licensee, a license issued to such licensee under these rules and regulations may be transferred, if the Secretary finds that such transfer will be consistent with the public interest as declared in the Act and that the transferee meets all requirements of the Act, the Secretary's rules and regulations, and other applicable law.

11. The Secretary may make clerical corrections in a license upon written request by the licensee demonstrating clearly a need for such changes.

12. Before the Secretary may approve any change by a licensee to the licensed support facilities which would constitute a substantive change in any condition or provision of a license, a licensee shall file an application therefor with the Secretary and the Secretary shall give such application full consideration as provided in these rules and regulations.

13. Licenses may be renewed by following the procedures prescribed herein for obtaining issuance of a license. A license shall be renewed if the Secretary finds that the licensee has complied with all terms and conditions of the license.

14. When a licensee has made timely and sufficient application for renewal of a license with reference to any activity of a continuing nature, his existing license shall not expire until the application has been determined finally by the Secretary, and, in case the application is denied or the terms of the renewed license limited, until the last day for seeking review of the Secretary's order, or a later date fixed by order of the reviewing court.

Coordination; Enforcement

1. The Secretary shall coordinate, consult and cooperate with any federal or state agencies, or political subdivisions of the State, having an interest in the construction and operation of support facilities within the Secretary's jurisdiction.

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

William C. Huls, Secretary
Department of Natural Resources

RULES

Department of Public Safety Office of Alcoholic Beverage Control

Rule Prohibiting Certain Unfair Business

Practices in the Malt Beverage Industry in Louisiana

I. Definitions.

The following terms have respective meanings ascribed to them, except in those instances where the context indicates a different meaning:

(1) "Brewer" means any person who, directly or indirectly personally or through any agency, engages in the making or production of malt beverages.

(2) "Importer" means any dealer who imports alcoholic beverages from any state, territory, possession, or foreign country for handling in Louisiana as defined in R.S. 26:241(6).

(3) "Person" means any individual, municipality, industry, public or private corporation, partnership, firm or any other entity.

(4) "Bureau" means the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

(5) "Industry member" means any person engaged in business as a distiller, brewer, rectifier, blender or other producer, or as an

importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, but shall not include an agency of a state or political subdivision thereof, or an officer or employee of such agency.

(6) "Cost to industry members" means the invoice cost, or the replacement cost, of the merchandise to the industry member, whichever is lower:

(1) Less all trade discounts except customary discounts for cash and discounts from the state or any governmental agency allowed for the payment of collection of any taxes.

(2) Plus, in the following order:

(a) Freight charges not otherwise included in the invoice cost or the replacement cost of the merchandise.

(b) Cartage cost which shall be three-fourths of one percent of the cost to the industry member after adding freight charges but before adding cartage, any existing tobacco stamp excise tax, and markup.

(c) Any existing tobacco stamp excise tax.

(d) A markup to cover a proportionate part of the cost of doing business which markup, in the absence of proof of a lesser cost, shall be two percent of the cost to the industry member after adding freight charges, cartage, and any existing tobacco stamp excise tax.

II. Findings and Declaration of Policy.

A. The Assistant Secretary of the Office of Alcoholic Beverage Control finds and declares the following:

1. The Bureau of Alcohol, Tobacco and Firearms of the Treasury of the United States has for several years prohibited "exclusive outlet" and "tied house" arrangements with respect to the marketing and sale of beverages of both high and low alcoholic content in Louisiana.

2. The Bureau has prohibited these practices by enforcement of Section 5 of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C., §205 in Louisiana.

3. The Bureau's enforcement of this federal law in Louisiana, in the case of malt beverages, depends on the existence of a similar Louisiana law (i.e., a law that imposes similar requirements with respect to similar transactions).

4. For several years, the Bureau has enforced the provisions of Section 5 of the FAA Act prohibiting exclusive outlets and "tied house" arrangements in the marketing and sale of malt beverages in Louisiana under the authority and legal conclusion that R.S. 51:422 of the Louisiana Unfair Sales Law was the required similar Louisiana law.

5. The Legislature of Louisiana has provided specific laws at the 1979 Regular Session which prohibit such "tied house" arrangement by enacting Act 518 and Act 520 which amends Section 286 of Title 26 relative to additional causes for suspension and revocation of permits.

6. The Assistant Secretary of the Office of Alcoholic Beverage Control finds that federal enforcement of the prohibitions contained in Section 5 of the FAA Act against exclusive outlets and tied house arrangements with respect to the marketing and sale of malt beverages in Louisiana has brought stability to that industry, has prevented unlawful and unfair inducements for the retail purchase of malt beverages, and has prevented unlawful coercion, bribery, kickback demands, and other unfair and unlawful business practices from occurring.

7. The Assistant Secretary of the Office of Alcoholic Beverage Control declares it to be in the best interest of the citizens of Louisiana that fair business dealings and unfettered competition govern the malt beverage industry in Louisiana, that it remain an industry dominated by fairness and integrity, and that it should be safeguarded against the threat of corrupt and unfair business practices.

III. Regulations and Exception Authorized Pursuant to R.S. 26:286(9) and (10) Relative to the Marketing and Sale of Malt Beverages in Louisiana.

A. The Assistant Secretary of the Office of Alcoholic Beverage Control finds that the substantive legislative intent and full purpose of R.S. 26:286 is to prevent the unfair inducement to purchase goods or services by wholesalers or retailers, thus unfairly diverting trade from a competitor and thereby impairing fair and free competition.

THEREFORE, to fully implement the legislative intent and purpose of R.S. 26:286(9) and (10) with respect to the malt beverage industry in Louisiana, the Assistant Secretary of the Office of Alcoholic Beverage Control hereby adopts and promulgates the following rule he deems necessary to carry out the provisions contained in Subparagraphs (a) and (b) of Paragraphs 9 and 10 of Section 286 of Title 26, including, but not limited to, exceptions determined to be in the public interest and to be necessary to further the purposes provided for in Chapter 2 of Title 26, by amending Regulation No. IX to prohibit certain unfair business practices within the malt beverage industry.

1. Exceptions.

A. Equipment.

In order to provide proper dispensing of draught malt beverages by retail dealers, industry members may provide without charge, coil cleaning service, tap markers which show brand, and tapping equipment such as rods, vents, taps, hoses, washers, couplings, vent tongues and check valves.

Accessories such as carbon dioxide gas tanks, regulators, and other draught equipment accessories with a reasonable open market price of more than five dollars but less than one hundred dollars must be sold to retailers at a price no less than the cost to the industry member as defined herein. Such sales shall be made for cash only.

Draught equipment accessories with a reasonable open market price of one hundred dollars or more are not included under this exception.

B. Inside signs.

Signs, posters, placards, designs, devices, clocks, calendars, decoration or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned or sold to a retailer by an industry member if the total value of such materials in use at any one time for any one brand does not exceed one hundred fifty dollars to any one retail establishment, including all expenses incurred directly or indirectly by an industry member in connection with the purchase, manufacture, transportation, assembly, and installation of such materials and of accessories thereto; provided however, that the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

C. Supplies.

Carbon dioxide gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price thereof in the locality there sold.

D. Services.

Industry members may price, stock, shelve and rotate their products and other malt beverage brands at retail premises under the express authority of the retail owner or manager or said establishment.

E. Retailer advertising specialties.

Trays, coasters, matches and paper napkins cannot be given away but may be sold to retailers by industry members and the price charged for such items must be no less than the cost to the industry member as defined herein.

Other retailer advertising specialties, such as beer mats, menu cards, meal checks, foam scrapers, back bar mats, tap markers, thermometers, ash trays, corkscrews, paper bags, blotters, pencils and key rings which bear advertising matter, and which are primarily valuable to the retailer as point of sale advertising media, may be furnished, given, or sold to a retailer if the aggregate cost to any industry member of such

retailer advertising specialties furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed twenty-five dollars.

After the delivery of such retailer advertising specialties with an aggregate cost to an industry member of twenty-five dollars has been made by such industry member to a particular retail establishment during any one calendar year, any future deliveries of such items to that particular retail establishment by such respective industry member during the remainder of such calendar year must be effected only by the sale of such items at their reasonable open market price in the locality where sold. Any items sold, furnished or given away under this subsection must be itemized separately on the industry member's invoices and other records.

F. Merchandise.

Merchandise, such as groceries, drugs, plastic and paper cups, and other such containers designed to hold liquid, pitchers, glassware, novelty items cannot be given away but may be sold to a retailer without limit as to quantity or value, by an industry member who is also engaged in business as a bona fide vendor of such merchandise. If such merchandise is sold in combination with distilled spirits, wine, or malt beverages such sales must be itemized separately on the industry member's invoices and other records. Provided, however, that equipment, fixtures, signs, supplies and consumer and retailer advertising specialties may be furnished only as provided elsewhere in this part.

G. Fairs and Festivals and Special Events.

When a retail dealer calls upon an industry member to service a particular limited event where malt beverages will be sold or given away, the industry member must charge the retail dealer a price at least equal to the cost to the industry member as defined herein for the product and charge for all equipment used and services given in an amount at least equal to that listed as follows:

- (1) Labor—at a rate equal to that required under the Federal Wage and Hour Law.
- (2) Self contained electric units in which the beer container is refrigerated within the unit—fifteen dollars per day.
- (3) Electric unit in which the beer container sits outside the cooling unit—fifteen dollars per day.
- (4) Picnic pumps—one dollar per day.
- (5) Tubs—one dollar per day.
- (6) Cold plates—two dollars per day.
- (7) Trucks, designed to handle packaged or draught beer—thirty dollars per day.
- (8) Mobile draught units such as trailer or other vehicles—thirty dollars per day.

Lynn E. Williams, Assistant Secretary
Office of Alcoholic Beverage Control

RULE

**Department of Public Safety
Office of State Fire Protection**

LAC 17-4:18 Modular Structures

18.1 Modular structures definition. A modular structure is any type of watercraft, movable or structure erected in the State of Louisiana which does not come within the definition of a mobile home as set forth in the Mobile Home Act, Act 281 of 1974, R.S. 51:911.21 et seq., but which contains hidden appliances, such as wiring, which are manufactured into the product at a factory rather than on site and which are therefore impractical or impossible to inspect on-site when erected or constructed in Louisiana.

18.2 Applicability of Fire Marshal's Act. All of the provisions of the Louisiana State Fire Marshal's Act, R.S. 40:1561, et seq., shall

apply to modular structures. Accordingly, it shall be required that plans and specifications be submitted to the Fire Marshal's office for each and every modular structure prior to its erection or construction in the State of Louisiana. Failure to submit plans and specifications to the Office of State Fire Marshal shall, upon detection, result in immediate closure and a cease and desist order from the use of said structure.

18.3 Certificate of manufacture. Prior to erection or construction in the State of Louisiana of a modular structure containing hidden appliances, such as wiring, gas piping, or other items which are not available to visual inspection by a Louisiana State Fire Marshal deputy, the owner of such structure shall furnish certification to the Fire Marshal that it was manufactured in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the Fire Marshal. The certification must be made by an architect or engineer who observed the manufacture of the structure and who is registered in the state where such manufacture occurred.

18.4 Supersedes local authority. This rule shall supersede the authority of local governmental subdivisions to require that the modular structures which are shipped into this state be torn down or disfigured in any fashion in order to make an on-site inspection of hidden appliances. Heretofore, any modular structures which are shipped into this state after having had the plans and specifications approved by the Mobile Home Division of the Office of State Fire Marshal and which have been given a certificate of manufacture by a licensed architect or engineer that the hidden appliances meet the requirements of Louisiana state law, must be approved and must be permitted to be constructed and installed in this state without the need of tearing into or otherwise abridging the structure for the purpose of an on-site inspection.

Daniel L. Kelly
State Fire Marshal

RULES

Department of Public Safety Office of Motor Vehicles

Prestige License Plates

1. Description. The plates shall bear combinations of not more than six characters. Any combination of numerical and alphabetical characters can be used; however, at least two alphabetical characters must be used in any configuration. A plate comprising six characters is entitled to one free space. The only characters other than alphabetical or numerical characters that can be used are periods and dashes. Plates bearing obscene or objectionable words or initials will not be authorized.

2. Eligibility. Prestige license plates may be used on the following types of vehicles:

- A. Private passenger automobiles.
- B. Private passenger pickup trucks up to six thousand pounds.
- C. Private use vans which qualify for automobile or minimum use pickup truck plates.
- D. Private buses and recreational vehicles.
- E. Commercial vehicles operated for private use only.

3. Place of Application. Applications for issuance of prestige license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Box 66196, Baton Rouge, Louisiana 70896.

4. Application. All applications for issuance of prestige license plates shall be made on form DPSVR 1619 and all transfers and conversions shall be made on prescribed DPSVR forms. If the vehicle on which the prestige plate will be displayed has been purchased but application for title has not been made, the applica-

tion for title and the request for prestige plate will be taken at the same time. A numerical plate will be issued for the vehicle until the prestige plate has been received, at which time the numerical plate and corresponding registration certificate will be surrendered for cancellation.

5. Fee. The fee for issuance of a prestige license plate shall be twenty-five dollars a year for the prestige plate plus the regular registration fee of three dollars a year for automobiles, ten dollars a year for pickup trucks and twenty-five dollars a year for private buses. The plate can be transferred from one vehicle to another; however, a three dollar transfer fee is due. The plates are subject to regular renewal requirements. Once a prestige license plate has been issued to an applicant, he shall have priority to such plate for succeeding years, provided application for renewal and fee are submitted within the allotted period.

6. Cancellation. Prestige license plates displayed on vehicles other than those to which issued are subject to immediate cancellation. If the applicant no longer wishes to display the plate on his vehicle or transfer the plate to another vehicle registered in his name, the plate shall be returned to this office for cancellation. The Commissioner shall cancel and pick up any plate inadvertently issued and later found to carry a connotation offensive to good taste and decency. No refund or replacement will be made.

7. Replacement. If the prestige plate is lost or stolen, applicant may apply for a replacement plate by executing prescribed DPSVR form and submitting along with the registration certificate and two dollar fee.

Ex-Prisoners' of War License Plates

1. Eligibility. Applicants for ex-prisoner of war license plates shall include all former prisoners of war of World War I, World War II, the Korean Conflict and the Vietnamese Conflict. License plates shall be issued for any private passenger automobiles, private use minimum trucks and private use vans. If the applicant qualifies for both a disabled veteran's license plate and an ex-prisoner of war license plate, he shall be issued only one type. He cannot have both.

2. Place of application. Applications for issuance of ex-prisoner of war license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Box 66195, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of ex-prisoner of war license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by an affidavit signed by a Veterans Affairs Service Officer attesting to the applicant's eligibility or sufficient proof of the applicant's status as an ex-prisoner of war. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for ex-prisoner of war license plate.

4. Fee. There shall be no charge for the initial issuance of the ex-prisoner of war license plate. The plate can be transferred from one vehicle to another; however, there will be a three dollar transfer fee. Only one ex-prisoner of war license plate shall be issued for each applicant.

5. Cancellation. Ex-prisoner of war license plates displayed on vehicles other than those to which issued shall be subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. If the applicant no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to this office.

6. Replacement. If the ex-prisoner of war license plate is lost or stolen, the applicant may apply for a replacement plate by executing the prescribed DPSVR form and submitting it along with the registration certificate and two dollars.

Disabled Veterans' License Plates

1. Eligibility. Applicants for disabled veterans' license plates shall include any veteran who has a service-connected disability of one hundred percent, total and permanent, and who is a resident

of this state. License plates shall be issued for any private passenger automobiles, private use minimum trucks and private use vans. If the applicant qualifies for both a disabled veterans' license plate and an ex-prisoner of war license plate, he shall be issued only one type. He cannot have both.

2. Place of application. Applications for issuance of disabled veterans' license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Special Services Section, Box 66196, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of disabled veterans' license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by an affidavit signed by a Veterans Affairs Service Officer attesting to the applicant's eligibility. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for disabled veteran's license plate.

4. Fee. There shall be no charge for the initial issuance of the disabled veteran's license plate. The plate can be transferred from one vehicle to another; however, there will be a three dollar transfer fee. Only one disabled veteran's license plate can be issued for each applicant.

5. Cancellation. Disabled veterans' license plates displayed on vehicles other than those to which issued are subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. If the applicant no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to this office.

6. Replacement. If the disabled veteran's license plate is lost or stolen, applicant may apply for a replacement plate by executing the prescribed DPSVR form and submitting along with the registration certificate and two dollar fee.

Antique License Plates

1. Definition. Antique motor vehicle means a motor vehicle, including a motorcycle, which is at least thirty years of age or older that, because of its significances, is being collected, preserved, restored, operated or maintained by a hobbyist as a leisure pursuit.

2. Place of application. Applications for issuance of Antique License plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Special Services Section, Box 66196, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of antique license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by either a copy of a current membership card in an antique car club or a notarized statement attesting to the condition of the vehicle and a picture of the vehicle. If the vehicle is not presently registered in the applicant's name, he must submit proper title documentation and fees along with the request for antique license plate.

4. Fee. The fee for issuance of the antique license plate shall be fifteen dollars and shall be issued for the life of the vehicle. The fee for transferring such plate to a subsequent owner of vehicle shall be five dollars. Each subsequent owner will also be required to submit a machine copy of a current membership card in an antique car club or a notarized statement attesting to the condition of the vehicle and a picture of the vehicle.

5. Cancellation. Antique license plates displayed on vehicles other than those to which issued are subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. Vehicles which no longer qualify as true antiques by modifications contrary to stock specifications or vehicles on which the owner no longer wishes to display antique plates must return that antique plate for cancellation and purchase regular numerical license plates.

6. Replacement. If the antique plate is lost or stolen, applicant shall apply for a replacement license plate by executing prescribed

DPSVR form and submitting it along with the registration certificate and two dollar fee.

Colonel Malcolm Millet, Secretary
Department of Public Safety

RULES

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

At its meeting on September 25, 1979, the Louisiana State Board of Registration for Professional Engineers and Land Surveyors adopted revisions to the Rules as listed below:

Change LAC 19-3:2.4 to read:

§2.4 The registration fee for professional engineers and land surveyors is thirty-five dollars. The fee for a temporary permit is thirty-five dollars.

Change LAC 19-3:6.20 to read:

§6.20 A person who is not a resident of and has no established place of business in the state may be granted a written temporary permit to practice professional engineering in the state, provided he is legally qualified by registration to practice in the state or political subdivision of the United States wherein he has legal residence, for a period not to exceed thirty days, upon submission of an application for such permit on a form to be furnished by the Board. Upon completion of the work he shall notify the Board as to the period of time he has practiced under such temporary permit.

Change the second sentence of LAC 19-3:5.16 to read:

....For persons with more than twelve years of satisfactory experience, including credits for education, the grade shall be based on a weighted combination of the score (0-100%) of the written examination and an experience score (0-100%) based on the character of the experience of the individual applicant as determined by the Board through its review of his application file and the results of his oral examination and interview.

Daniel H. Vliet, Executive Secretary
Board of Registration for
Professional Engineers and Land Surveyors

RULES

Department of the Treasury Bond Commission

The following rules and regulations concerning the tax-exempt financing of nontraditional use projects are made complementary to other rules and regulations contained herein which may be applicable to a particular financing.

The State Bond Commission shall require that each issuer of nontraditional purpose bonds establish criteria to be met by the beneficiaries of the financing as a condition precedent to its undertaking of the financing of a project and file such criteria with the State Bond Commission.

Nontraditional purpose bonds are bonds issued to finance facilities or enterprises not under the control, operation, management and administration of traditional governmental subdivisions or authorities and not used in providing essential or necessary governmental services. Traditional governmental subdivisions or authorities for the purpose of this report shall mean the state, or a parish, municipality or other political subdivision of the state.

The following information concerning a project should be furnished to the State Bond Commission in connection with its approval of nontraditional purpose bonds:

1. Project.

A. A detailed description and scope of project, including nature of business and qualifications of applicant to under-

take the project.

B. Budget, including any pertinent information regarding acquisition costs and new construction costs.

C. Estimated time schedule.

D. Estimated number of construction jobs and permanent jobs, with estimated permanent annual payroll.

E. Relationship of project to other businesses owned and/or operated by same entity which may be a guarantor of the obligation.

F. Certificate of the applicant that there are no detriments of the project to the health, safety, or environmental considerations of the community.

G. Independent professional certification as to the feasibility and total cost of the project, if required by the Commission.

H. Certification by the applicant that the total amount of financing will be used to pay for the specific project being financed.

I. Authorization of the project by appropriate parties and/or company officials.

J. All other contracts that relate to the sale or security of the bonds, the disposition of bond proceeds, or the operation of the project or undertaking as may be required by the Commission.

2. The Commission shall only consider the application for the sale of bonds of a project, the nature and type of which is enumerated in the law, and for which the applicant has clearly established the legal authority for the issuance of tax-exempt bonds. If such authority is not clear, but the applicant wishes to proceed then the Commission shall request an Attorney General's opinion for use by the Commission.

3. The Commission shall not approve any bonds issued for the sole purpose of refinancing existing debt of any for-profit corporation or private company, other than for hospitals, at a lower rate of interest unless the outstanding existing debt bears tax-exempt interest.

4. The Commission shall not approve the issuance of any bonds issued for the sole purpose of purchasing an existing facility when the only result of such financing will be a change in the ownership of the existing facility, other than for hospitals.

5. The Commission shall not approve the issuance of any bonds for an existing facility unless twenty-five percent or more of the proceeds of the bonds will be used to construct additions, improvements and betterments thereto, pollution control projects and hospitals excepted.

6. The Commission shall not approve the issuance of bonds for nontraditional purposes unless the bonds are rated at least investment grade (BBB/Baa) by either Standard and Poor's Corporation or Moody's Investors Service, or will be privately sold to financial institutions or specific authority is granted for a public offering after a hearing by the State Bond Commission.

7. The Commission shall schedule for its consideration, a preliminary presentation for all nontraditional use projects. This presentation will consist of a complete report of progress to date and future plans. The Commission will either preliminarily authorize or disapprove proceeding with the project. Industrial projects of publicly-held companies and all industrial projects financed by parishes, cities, industrial districts or port commissions pursuant to R.S. 39:991 et seq. and all pollution control projects are specifically excepted from the preceding requirement.

8. Publicly-held companies must furnish five years' audits and profit and loss statements, if possible, or satisfactory financial statements. In addition, such companies must furnish either a letter from an investment banker or financial institution indicating that the proposed bonds are marketable or a commitment from an investment banker or financial institution to purchase or to underwrite the bonds and a copy of the latest annual report.

9. Entities other than publicly-held companies must furnish five years' audits and profit and loss statements, if possible, or make available for review and study without becoming a part of the public record satisfactory financial statements, where applicable, and a preliminary letter of intent from an investment banker or a financial institution that the bonds can be placed or sold. In addition, the Commission may require an investment letter (wherein the bond purchaser agrees that the bonds are being purchased and intends to keep the bonds for his own account and intends that the bonds will not be sold to the general public at the time of issuance) where public sale of the bonds is deemed inappropriate, or if a start-up company cannot obtain an investment grade rating.

10. The Commission shall not approve an application for the issuance of nontraditional bonds if a resolution or ordinance of the governing body of a municipality (where the project is within the municipality or parish (where the project does not lie within a municipality) is received objecting to the issuance of said bonds, until a public hearing of the Commission is held, after due notice is made to the governing authority.

11. The local governing authority shall be notified timely of the agenda of the Commission that will reflect the pending application of a project in that municipality or parish.

Barry W. Karns, Secretary
Bond Commission

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

A resolution adopted by the Louisiana Wildlife and Fisheries Commission at its monthly meeting held in New Orleans, Louisiana, Tuesday, October 30, 1979:

Whereas, at the September meeting of the Louisiana Wildlife and Fisheries Commission a resolution was passed prohibiting the use of steel shot for waterfowl hunting purposes on four federal refuges, and

Whereas, the Commission felt this was in the best interest of waterfowl hunting and the sportsmen since steel shot was prohibited in the remainder of the state, and

Whereas, with this action the U.S. Fish and Wildlife Service deliberately closed the four federal refuges for all waterfowl hunting, which the Commission believes is not in the best interest of our sportsmen, and

Whereas, with such deliberate action the Louisiana Wildlife and Fisheries Commission rescinds the September resolution pertaining to the use of steel shot only on the four federal refuges, and

Whereas, the Commission desires to assist the sportsmen of our state and work in their best interest and for the best interest of the waterfowl resources of our state, and

Whereas, the Commission does not want anyone to be denied the privilege of waterfowl hunting, the Commission recommends to the U. S. Fish and Wildlife Service that 12-gauge shotguns must be required to use steel shot for waterfowl hunting only on federal refuges and that all other gauges (16, 20, 28, and .410) be permitted to be used on the four federal refuges with lead shot for the purpose of waterfowl and other hunting, and

Whereas, the four federal refuges (Sabine, Lacassine, D'Arbonne and Upper Ouachita) will be the only areas in the state to use 12-gauge steel shot and nothing in this resolution is to be misconstrued for steel shot to be required in other parts of Louisiana, and

Whereas, this agreement is for a one-year period only to cover the 1979-80 waterfowl season in Louisiana, now

Therefore be it resolved, that the Louisiana Wildlife and Fisheries Commission on this 30th day of October, 1979, agrees

that the U. S. Fish and Wildlife Service be permitted to use lead shot in 16-, 20-, 28-, and .410-gauge shotguns and that steel shot shells will be required in 12-gauge shotguns only, and now

Therefore be it further resolved, that this action was taken due to the deliberate previous closing of federal refuges by the U. S. Fish and Wildlife Service since the September resolution of the Commission pertaining to steel shot.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended, and under the authority of Article VIII, Section 6 of the 1974 Constitution, a public hearing will be held in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana, at 9:30 a.m., January 18, 1980.

At such hearing the Board will consider amendments to: Part VI, Financial and Leave Policies and Procedures, specifically, Section 6.6F, Self Assessment Fees; and, Part VII, Faculty and Staff Personnel Policies and Procedures, specifically, Section 7.5F, Sabbatical Leave, Subsections 1, 2, and 5.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., December 14, 1979, at the following address: Miller L. Shamburger, Board of Trustees for State Colleges and Universities, Box 44307, Baton Rouge, Louisiana 70804.

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-968. All interested persons will be accorded reasonable opportunity to submit data, views, comments or arguments at the regular January Board meeting.

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

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt as policy the following at its December meeting:

1. Certification Standards for Assessment Teachers.
2. Policy statement regarding affirmative action for vocational-technical schools: Each state-operated vocational-technical school shall, upon request of an employer seeking an employee, afford all qualified applicants the opportunity of a job interview.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., December 5, 1979, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

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

NOTICE OF INTENT

Office of the Governor Data Processing Coordinating and Advisory Council

The Office of the Governor, Data Processing Coordinating and

Advisory Council (DPCAC), intends to adopt rules on the following subjects at its December, 1979, meeting:

LAC 1-9:1 Computer Utilization Reporting

LAC 1-9:2 Professional Services Contracts for Data Processing

LAC 1-9:3 Development of Long-Range Plans for Data Processing in Departments

LAC 1-9:4 Development of Long-Range Plans for Data Processing in Colleges and Universities

LAC 1-9:5 Procedure for Determining the Equipment, Software and Services Requiring Approval of the DPCAC

LAC 1-9:6 Guidelines for Justification of Multi-Year Data Processing Leases

LAC 1-9:7 Policy Regarding Acquisition of Software

LAC 1-9:8 Justification Guidelines for Procuring Computer Software

LAC 1-9:9 Justification Guidelines for Procuring Communications Equipment

LAC 1-9:10 Justification Guidelines for Procuring Initial Computer Equipment or Making Significant Changes to an Existing Installation

LAC 1-9:11 Justification Guidelines for Procuring Additional Computer Equipment

LAC 1-9:12 Procedures for Procurement Support Team Operations

LAC 1-9:13 Regulations for Disposing of Leased, Rented or Purchased Data Processing Equipment

LAC 1-9:14 Rules and Regulations Governing Emergency Procurement of Data Processing Equipment

LAC 1-9:15 Unscheduled Maintenance of Data Processing Equipment

Interested persons may comment on these proposed rules, in writing, through December 5, 1979, at the following address: Mr. Thomas G. Hagan, Executive Director, Data Processing Coordinating and Advisory Council, Office of the Governor, 555 St. Tammany Street, Baton Rouge, Louisiana 70806. Mr. Hagan is the person responsible for responding to inquiries about the proposed rules. Persons desiring to present comments orally at the Council's December, 1979, meeting should also notify Mr. Hagan, in writing, of their intention to do so no later than December 5, 1979.

Persons interested in presenting suggestions regarding other new DPCAC rules, or modifications or deletions to existing DPCAC rules, may also contact Mr. Hagan at the above mentioned address.

Thomas G. Hagan, Executive Director
Data Processing and Advisory Council

NOTICE OF INTENT

Office of the Governor Engineers Selection Board

The Louisiana Engineers Selection Board is presently developing Rules of Organization and Rules of Selection Procedure, based on those rules adopted by the previous Board.

Interested persons may attend a public meeting for the purpose of discussing and adopting these rules on Wednesday, December 12, 1979, in Senate Committee Room A, Basement Floor of the State Capitol Building, Baton Rouge, Louisiana 70804 at 10:00 a.m. The person responsible for responding to inquiries about the proposed rules is Ms. Sharon Roberts, Facility Planning and Control Department, Box 44095, Baton Rouge, Louisiana 70804, telephone (504) 342-7221.

J. Ben Meyer, Jr., Director
Facility Planning and Control Department

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt policy that will require the timely submittal by providers of medical claims as follows:

1. Rehabilitation Center providers would have to submit their claims within twelve months from the date of service.
2. Laboratory and X-ray Service Providers would have to submit their claims within six months from the date of service.
3. Medical Transportation Providers would have to submit their claims within six months from the date of service.

Interested persons may submit written comments on the proposed policy changes through December 4, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the rule which allows persons sixty years of age or over, and persons who receive Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act or disability benefits under Title II of the Social Security Act to deduct from the household's income that portion of medical expenses in excess of thirty-five dollars per month, excluding special diets. Spouses or other persons receiving benefits as a dependent of either the SSI or a disability recipient are not eligible to receive this deduction, but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

A. Medical and dental care, including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by state law or other qualified health professional.

B. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state.

C. Prescription drugs when prescribed by a licensed practitioner authorized under state law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible.

D. Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible.

E. Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend-down expenses incurred by Medicaid recipients.

F. Dentures, hearing aids, and prosthetics.

G. Securing and maintaining a seeing eye or hearing dog, including the cost of dog food and veterinarian bills.

H. Eye glasses prescribed by a physician skilled in eye disease or by an optometrist.

I. Reasonable cost of transportation and lodging to obtain medical treatment or services.

J. Maintaining an attendant, homemaker, home health aide, or child care services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one person coupon allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal-related deduction shall be the allotment amount that is in effect at the time of initial certification. The state agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the state agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the state agency shall treat the cost as a medical expense.

Monthly shelter costs in excess of fifty percent of the household's income after all other deductions have been applied, is the shelter deduction. The shelter deduction alone or in combination with the dependent care deduction shall not exceed ninety dollars unless the household contains a member who is age sixty or over, or who receives SSI (including emergency benefits based on presumptive eligibility) under Title XVI or disability payments under Title II of the Social Security Act. These households shall be given an excess shelter deduction for the monthly cost that exceeds fifty percent of the household's monthly income after all other applicable deductions. That portion of an allowable medical expense which is not reimbursable shall be included as part of the household's medical expenses. Households entitled to the medical deduction shall have the nonreimbursable portion considered at the time the amount of the reimbursement is received, or can otherwise be verified.

Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of the certification period. Averaging would begin the month that the change would become effective.

All of the above policy revisions would be adopted in accordance with federal regulations as specified in the *Federal Register*, Volume 44, No. 187, Tuesday, September 25, 1979, pages 55160 - 55165. This proposed rule would become effective in the Food Stamp Program on January 1, 1980.

Interested persons may submit written comments on the proposed policy changes through December 4, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of the 1979 Louisiana Legislature and the Louisiana Comprehensive Annual Service Program Plan for 1979, the Department of Health and Human Resources, Office of Human Development, has developed policies and procedures to implement a program of Community Respite Care Services for Handicapped Persons and Their Families. This program represents an effort by the Department of Health and Human Resources, Office of Human Development, to meet the need for family support services in order to maintain handicapped persons in their own homes. Because of the length of the material, interested individuals are urged to secure copies of the proposed policies and procedures from the Office of Human Development, Division of Evaluation and Services, Box 3318, Baton Rouge, Louisiana 70821.

In addition, interested persons may submit written comments on the proposed policies and procedures through December 4, 1979, to: Mr. Melvin Meyers, Jr., Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. Mr. Meyers is the person responsible for responding to inquiries about the proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners of Psychologists

The Louisiana State Board of Examiners of Psychologists intends to adopt as policy at its December meeting the following:

Ethical Standards of Psychologists

Preamble. Psychologists respect the dignity and worth of the individual and honor the preservation and protection of fundamental human rights. (A student of psychology who assumes the role of a psychologist shall be considered a psychologist for the purpose of this code of ethics.) They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these endeavors, they make every effort to protect the welfare of those who seek their services or of any human being or animal that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills and concern for the best interests of clients, colleagues, and society in general. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Moral and Legal Standards, 4. Public Statements, 5. Confidentiality, 6. Welfare of the Consumer, 7. Professional Relationships, 8. Utilization of Assessment Techniques, and 9. Pursuit of Research Activities.

Principle 1 — Responsibility. In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

A. As scientists, psychologists accept the ultimate responsibility for selecting appropriate areas and methods most relevant to these areas. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data and alternative hypotheses, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups. In publishing reports of their work, they never suppress disconfirming data. Psychologists take credit only for the work they have actually done.

Psychologists clarify in advance with all appropriate persons or agencies the expectations for sharing and utilizing research data. They avoid dual relationships which may limit objectivity, whether political or monetary, so that interference with data, human participants, and milieu is kept to a minimum.

B. As employees of an institution or agency, psychologists have the responsibility of remaining alert to and attempting to moderate institutional pressures that may distort reports of psychological findings or impede their proper use.

C. As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

D. As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship and objectivity by presenting psychological information fully and accurately.

E. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations or pressures that might lead to misuse of their influence.

F. Psychologists provide adequate and timely evaluations to employees, trainees, students, and others whose work they supervise.

Principle 2 — Competence. The maintenance of high standards of professional competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques and only provide services, use techniques, or offer opinions as professionals that meet recognized standards. Psychologists maintain knowledge of current scientific and professional information related to the services they render.

A. Psychologists accurately represent their competence, education, training and experience. Psychologists claim as evidence of professional qualifications only those degrees obtained from institutions acceptable under the Bylaws and Rules of Council of the American Psychological Association (APA).

B. As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current and scholarly.

C. Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time. They recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. Where relevant, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

D. Psychologists with the responsibility for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems and other test research.

E. Psychologists recognize that their effectiveness depends in part upon their ability to maintain effective interpersonal relations, and that aberrations on their part may interfere with their abilities. They refrain from undertaking any activity in which their personal problems are likely to lead to inadequate professional services or harm to a client; or, if engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate or limit the scope of their professional and/or scientific activities.

Principle 3 — Moral and Legal Standards. Psychologists' moral, ethical and legal standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities, or reduce the trust in psychology or psychologists held by the general public. Regarding their own behavior, psychologists should be aware of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformity to or deviation from these standards. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

A. Psychologists as teachers are aware of the diverse backgrounds of students and, when dealing with topics that may give offense, treat the material objectively and present it in a manner for which the student is prepared.

B. As employees, psychologists refuse to participate in practices inconsistent with legal, moral and ethical standards regarding the treatment of employees or of the public. For example,

psychologists will not condone practices that are inhumane or that result in illegal or otherwise unjustifiable discrimination on the basis of race, age, sex, religion, or national origin in hiring, promotion, or training.

C. In providing psychological services, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

As practitioners, psychologists remain abreast of relevant federal, state, local, and agency regulations and Association standards of practice concerning the conduct of their practice. They are concerned with developing such legal and quasi-legal regulations as best serve the public interest and in changing such existing regulations as are not beneficial to the interests of the public and the profession.

D. As researchers, psychologists remain abreast of relevant federal and state regulations concerning the conduct of research with human participants or animals.

Principle 4—Public Statements. Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of providing sufficient information to aid the consumer public in making informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of their limits and uncertainties.

A. When announcing or advertising professional services, psychologists may list the following information as a description of provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of the Ethical Standards.

B. In announcing or advertising the availability of psychological products, publications, or services, psychologists do not display any affiliations with an organization in a manner that falsely implies the sponsorship or certification of that organization. In particular and for example, psychologists do not state APA membership or fellowship in a way that implies specialized professional competence or qualifications. Public statements, defined herein to include, but not be limited to, communication by means of newspaper, book, list, directory, television, radio, or motion picture, shall not contain: a false, fraudulent, misleading, deceptive, or unfair statement; a misinterpretation of fact; a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; a statement containing a client's laudatory statements about psychologists, their services, or products; a statement intended or likely to create false or unjustified expectations of favorable results; a statement implying unusual, unique, or one-of-a-kind abilities; a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of the consumer's failure to obtain the offered services; a statement concerning the comparative desirability of offered service; a statement of direct solicitation of individual clients.

C. A psychologist shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement. If the paid advertisement is communicated to

the public by use of radio or television, it shall be prerecorded and approved for broadcast by the psychologist and a recording of the actual transmission shall be retained by the psychologist.

D. Announcements or advertisements of "personal growth groups" give a clear statement of purpose and the nature of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

E. Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to insure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

F. Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the general public the purchase or use of any proprietary or single-source product or service.

G. Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in forming their own informed judgments, opinions, and choices.

H. As teachers, psychologists insure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately represent intended audience and eligibility requirements, educational objectives, and nature of the material to be covered, as well as the education, training, and experience of the psychologists presenting the programs, and any fees involved. Public announcements or advertisements soliciting subjects for research, and in which clinical services or other professional services are offered as an inducement, make clear the nature of the services as well as the costs and other obligations to be accepted by the human participants of the research.

I. Psychologists accept the obligation to correct others who may represent the psychologist's professional qualifications or associations with products or services in a manner incompatible with these guidelines.

J. Psychological services and products for the purpose of diagnosing, treating, or giving personal advice to particular individuals are provided only in the context of a professional relationship and are not given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media.

Principle 5—Confidentiality. Safeguarding information about an individual that has been obtained by the psychologist in the course of his teaching, practice, or investigation is a primary obligation of the psychologist. Such information is not communicated to others unless certain important conditions are not met.

A. Information received in confidence is revealed only after most careful deliberation and when there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities.

B. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present only data germane to the purposes of the evaluation and every effort should be made to avoid undue invasion of privacy.

C. Clinical and other materials are used in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

D. The confidentiality of professional communications about individuals is maintained. Only when the originator and other

persons involved give their express permission is a confidential professional communication shown to the individual concerned. The psychologist is responsible for informing the client of the limits of the confidentiality.

E. Only after explicit permission has been granted is the identity of research subjects published. When data have been published without permission for identification, the psychologist assumes responsibility for adequately disguising their sources.

F. The psychologist makes provisions for the maintenance of confidentiality in the prevention and ultimate disposition of confidential records.

Principle 6—Welfare of the Consumer. Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

A. Psychologists are continually cognizant of their own needs and of their inherently powerful position vis a vis clients, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients and/or relationships which might impair their professional judgment or increase the risk of client exploitation. Examples of such dual relationships include treating employees, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

B. Where demands of an organization on psychologists go beyond reasonable conditions of employment, psychologists recognize possible conflicts of interest that may arise. When such conflicts occur, psychologists clarify the nature of the conflict and inform all parties of the nature and direction of the loyalties and responsibilities involved.

C. When acting as a supervisor, trainer, researcher, or employer, psychologists accord informed choice, confidentiality, due process, and protection from physical and mental harm to their subordinates in such relationships.

D. Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests of the client and that are clearly understood by the client in advance of billing. Psychologists are responsible for assisting clients in finding needed services in those instances where payment of the usual fee would be a hardship. No commission, rebate, or other form of remuneration may be given or received for referral of clients for professional services, whether by an individual or by an agency. Psychologists willingly contribute a portion of their services to work for which they receive little or no financial return.

E. The psychologist attempts to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. Psychologists who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

Principle 7—Professional Relationships. Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions. Psychologists respect the prerogatives and obligations of the institutions or organizations with which they are associated.

A. Psychologists understand the areas of competence of related professions, and make full use of all the professional, technical, and administrative resources that best serve the interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists from the responsibility of securing for their clients the best possible professional service nor does it relieve them from the exercise of foresight, diligence,

and tact in obtaining the complementary or alternative assistance needed by clients.

B. Psychologists know and take into account the traditions and practices of other professional groups with which they work and cooperate fully with members of such groups. If a consumer is receiving services from another professional, psychologists do not offer their services directly to the consumer without first informing the professional person already involved so that the risk of confusion and conflict for the consumer can be avoided.

C. Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate their further professional development by providing suitable working conditions, consultation, and experience opportunities.

D. As employees of organizations providing psychological services, or as independent psychologists serving clients in an organizational context, psychologists seek to support the integrity, reputation and proprietary rights of the host organization. When it is judged necessary in a client's interest to question the organization's programs or policies, psychologists attempt to effect change by constructive action within the organization before disclosing confidential information acquired in their professional roles.

E. In the pursuit of research, psychologists give sponsoring agencies, host institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. They are aware of their obligation to future research workers and insure that host institutions are given adequate information about the research and proper acknowledgement of their contributions.

F. Publication credit is assigned to all those who have contributed to a publication in proportion to their contribution. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the experimenter or author who made the principal contribution identified and listed first. Minor contributions of a professional character, extensive clerical or similar nonprofessional assistance, and other minor contributions are acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. A psychologist who compiles and edits material of others for publication publishes the material in the name of the originating group, if any, and with his/her own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

G. When a psychologist violates ethical standards, psychologists who know first-hand of such activities should, if possible, attempt to rectify the situation. Failing an informal solution, psychologists bring such unethical activities to the attention of the appropriate local, state, and/or national committee on professional ethics, standards, and practices.

H. Members of the Association cooperate with duly constituted committees of the Association, in particular and for example, the Committee on Scientific and Professional Ethics and Conduct, and the Committee on Professional Standards Review, by responding to inquiries promptly and completely. Members taking longer than thirty days to respond to such inquiries shall have the burden of demonstrating that they acted with "reasonable promptness." Members also have a similar responsibility to respond with reasonable promptness to inquiries from duly constituted state association ethics committees and professional standards review committees.

Principle 8—Utilization of Assessment Techniques. In the development, publication, and utilization of psychological assessment techniques, psychologists observe relevant APA standards. Persons examined have the right to know the results, the interpretations made, and, where appropriate, the original data on which final judgments were based. Test users avoid imparting unnecessary information which would compromise test security, but they provide requested information that explains the basis for decisions that may adversely affect that person or that person's dependents.

A. The client has the right to have and the psychologist has the responsibility to provide explanations of the nature and the purposes of the test and the test results in language that the client can understand, unless, as in some employment or school settings, there is an explicit exception to this right agreed upon in advance. When the explanations are to be provided by others, the psychologist establishes procedures for providing adequate explanations.

B. When a test is published or otherwise made available for operational use, it is accompanied by a manual (or other published or readily available information) that fully describes the development of the test, the rationale, and evidence of validity and reliability. The test manual explicitly states the purposes and applications for which the test is recommended and identifies special qualifications required to administer the test and to interpret it properly. Test manuals provide complete information regarding the characteristics of the normative population.

C. In reporting test results, psychologists indicate any reservations regarding validity of reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Psychologists strive to insure that the test results and their interpretations are not misused by others.

D. Psychologists accept responsibility for removing from clients' files test score information that has become obsolete, lest such information be misused or misconstrued to the disadvantage of the person tested.

E. Psychologists offering test scoring and interpretation services are able to demonstrate that the validity of the programs and procedures used in arriving at interpretations are based on appropriate evidence. The public offering of an automated test interpretation service is considered as a professional-to-professional consultation. The psychologist makes every effort to avoid misuse of test reports.

Principle 9—Pursuit of Research Activities. The decision to undertake research should rest upon a considered judgment by the individual psychologist about how best to contribute to psychological science and to human welfare. Psychologists carry out their investigations with respect for the people who participate and with concern for their dignity and welfare.

A. In planning a study the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of the human research participants.

B. Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur parallel obligations.

C. Ethical practice requires the investigator to inform the participant of all features of the research that might reasonably be expected to influence willingness to participate, and to explain all other aspects of the research about which the participant inquires. Failure to make full disclosure imposes additional force to the investigator's abiding responsibility to protect the welfare and dignity of the research participant.

D. Openness and honesty are essential characteristics of the relationship between investigator and research participant. When the methodological requirements of a study necessitate concealment or deception, the investigator is required to insure as soon as possible the participant's understanding of the reasons for this action and of a sufficient justification for the procedures employed.

E. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in or withdraw from

research. The obligation to protect this freedom requires special vigilance when the investigator is in a position of power over the participant, as, for example, when the participant is a student, client, employee, or otherwise is in a dual relationship with the investigator.

F. Ethically acceptable research begins with the establishment of a clear and fair agreement between the investigator and the research participant that clarifies the responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement.

G. The ethical investigator protects participants from physical and mental discomfort, harm, and danger. If a risk of such consequences exists, the investigator is required to inform the participant of that fact, secure consent before proceeding, and take all possible measures to minimize distress. A research procedure must not be used if it is likely to cause serious or lasting harm to a participant.

H. After the data are collected, the investigator provides the participant with information about the nature of the study and to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding information, the investigator acquires a special responsibility to assure that there are no damaging consequences for the participant.

I. When research procedures may result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including, where relevant, long-term after effects.

J. Information obtained about the individual research participants during the course of an investigation is confidential unless otherwise agreed in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, be explained to the participants as part of the procedure for obtaining informed consent.

K. A psychologist using animals in research adheres to the provisions of the Rules Regarding Animals, drawn up by the Committee on Precautions and Standards in Animal Experimentation and adopted by the American Psychological Association.

L. Investigations of human participants using drugs should be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the participants.

Written Examination

Pursuant to R.S. 37:2353C(1) and 37:2356D, the written portion of the examination of the Louisiana State Board of Examiners of Psychologists shall be the examination for the Professional Practice of Psychology as constructed by the American Association of State Psychology Boards.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., December 21, 1979, at the following address: Dr. Wayne Greenleaf, Chairman, Louisiana State Board of Examiners of Psychologists, Box 14782, Baton Rouge, Louisiana 70808.

Dr. Wayne Greenleaf, Chairman
Board of Examiners of Psychologists

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt a revised Facility Manual for Facilities Where Department of Health and Human Resources Funds Are Used to Care for Handicapped Persons. The rules are being amended under the authority granted to the Department by R.S. 46:1757 (6), R.S. 40:2125, and R.S. 15:1084. This revised manual is necessary to provide for the determination of cost of service and care.

The description of levels of care has been deleted from this

manual; however, a description of these levels of care is available from Department of Health and Human Resources, Licensing and Certification, and are still in effect.

Information concerning these proposed changes can be obtained by writing to Ms. Mary Hamner, Health Services Audit Officer, Box 2944, Baton Rouge, Louisiana 70821.

Written comments on the proposed amendments may be submitted until 4:00 p.m. December 7, 1979, to the above address. The proposed rules follow:

**Rate Determination Manual
For Nonstate Operated Residential Facilities
Where Office of Human Development Funds Are Used
To Care for Children, Youth, and Handicapped Persons
Introduction**

The Department of Health and Human Resources (DHHR) currently places clients, whose needs cannot be appropriately met through other state programs, in private residential facilities. Placement is provided under the supervision of the Office of Human Development (OHD).

Children, youth, and handicapped individuals placed in such programs include three major, broad client categories: (1) children and youth who are legally adjudicated abandoned, neglected, and/or abused, and those in need of care due to the inability of the parent or caretaker to adequately provide for them, (2) adjudicated delinquents and children in need of supervision, and (3) children, youth, and other individuals who are handicapped physically, mentally, emotionally, or neurologically to such an extent that they cannot satisfactorily participate in community living without the special care and treatment provided by a residential facility.

The determination of appropriate placement for any client in any of these broad categories is made by the placing agency within the Department of Health and Human Resources, and all referrals for placement must originate and/or be approved through the placing agency of the Department, before OHD funding will be committed for a particular client. Private facilities from which placement services are purchased retain the right of acceptance or rejection of the clients referred by the Department's supervising agencies with the exception of emergency shelter-care facilities which do not have the right of rejection.

The procedures and rules set forth herein have been developed to assure an equitable, cost-related reimbursement formula for the services purchased from private providers for the care and treatment of these clients. These procedures and rules will clearly identify the allowable expenses as to type which shall determine the total maximum amount subject to reimbursement by OHD, dependent on the limits of reimbursement noted within.

These procedures shall apply to all facilities wherein OHD funds are spent for the purchase of residential services for the Department's clients, unless the rate has been established under the approved Louisiana State Plan for Title XIX or through an approved budget- or grant-approved mechanism for emergency shelter care or respite care. Specifically, this includes all nonstate operated child caring agencies, child placement agencies, emergency shelter care facilities, and maternity homes (not under special contracts or grants), as mandated by Act 786 of the 1978 Louisiana Legislature.

The rates established through these procedures will have an effective date no earlier than the first day of the succeeding state fiscal year and will remain in effect for at least that entire succeeding fiscal year. All facilities receiving OHD reimbursement are required to conform to the *Minimum Standards for Certification of Facilities* and appropriate licensing standards.

Cost-Related Reimbursement

The Department of Health and Human Resources has developed the attached procedures and cost report form with the intent of relating as closely as possible the actual costs a facility incurs to provide appropriate client care and the rate at which they

are reimbursed by DHHR for the care of clients of the Office of Human Development.

Implicit in these procedures is the intention that actual costs shall be paid only to the extent that the costs claimed for reimbursement are reasonable, that all facilities will seek to minimize actual costs, and that actual costs will not exceed that which a prudent and cost-conscious buyer would pay. Only allowable costs directly related to client care will be used in cost computations to establish reimbursement rates, and facilities must utilize all other available public resources, such as the Department of Agriculture for food commodities, the Department of Education for school lunches, and Title XIX vendors for medical services. No payments above the facility's established cost-reimbursement rate will be paid for care and treatment by DHHR except in cases where a client's unique needs necessitate a prior special contractual agreement with the placement agency. Extraordinary expenses not covered by such an agreement are, foremost, the responsibility of each client's parents/guardian. Payments made by parents/guardians to the facility for such costs do not affect the rate reimbursed by DHHR, nor does the parental contribution collected by DHHR as mandated by law affect the rate a facility will be reimbursed.

The cost report for the facility's previous fiscal year which provides the basis for determining a facility's rate will be submitted on forms provided by DHHR and shall be completed in its entirety by both established and new facilities. Facilities which have been in operation for less than 12 months must submit a report for their period of operation through June 30, in addition to the projected annual budget, which shall include detailed information to substantiate the projections based on allowable costs as set forth in this manual. The projected budget shall form the basis for the establishment of the rate for the facility's initial year of operation, subject to modification based on certification requirements, the cost of comparable services in other facilities, other available funding sources, the available appropriation to OHD, and so on.

Facilities which provide several distinct programs, i.e., levels of care, must segregate and report actual direct expenditures on a program-by-program basis.

Any financial adjustments to the rate determined according to the instructions below will either be based on the limitations to reimbursement mentioned in a subsequent section or will be considered upon submission by August 1, of documentation by the responsible licensing or regulatory and/or placement authority that certain specified changes are necessary, which could include:

1. Depreciation on major repairs or renovations to meet established State and City Licensing, Health, and Fire Codes.
2. Expenses related to Federal and State regulations not previously in effect or not previously implemented at the individual facility.
3. Mandated additions to personnel made by licensing and certification.
4. Allowable on-going expenses which were previously provided through other funding mechanisms (i.e., LEAA Grants) will be considered as adjustments to cost with prior approval from OHD. Notification and documentation must be provided to OHD by August 1.

Increases such as minimum wage requirements shall not be included because they are reflected in the general inflation index which will be utilized to determine an appropriate inflation factor for each individual facility, based on its reporting period, and added to the allowable cost, determined by the cost report.

Such adjustments to the determined rates, if approved by DHHR and the Legislature, would not go into effect until the first day of the succeeding state fiscal year, as mandated by Act 786. These adjustments should be recorded in the regular accounting books. During the initial year, these adjustments must also be recorded separately, and quarterly reports on the utilization of these funds must be submitted to the audit section for the purpose of accountability. If these expenses are not incurred as stated and

approved, the facility will be required to reimburse DHHR for the adjustments.

A facility, administrator, board, or other governing body may appeal the rate determined for the facility by submitting specific grievances in writing to the Secretary of DHHR. The decision of the Secretary shall address each specific grievance and be provided in writing to the appealing party within thirty days of the receipt of the written appeal, or shall notify the appealing party of the reasons why a decision cannot be made within that time period.

If a legitimate error, according to these procedures, has been made in the computation of figures or in the determination of allowable expenses or adjustments, the facility's rate for the succeeding fiscal year will be adjusted accordingly, subject to legislative approval and appropriations.

General Instructions for Cost Reporting

1. Effective January 1, 1979, each facility must provide a cost report, which will serve as a statement of intent to participate the following state fiscal year, no later than August 1, of each year, as follows:

A. The cost report must be submitted within three months after the end of the facility's fiscal year or August 1 whichever comes first.

B. If a facility has changed its reporting period, a cost report covering the short period must be filed along with IRS Form 1128 if required or other proof of intent to change. The intent of change must be made prospectively. Short period shall mean the period from the end of the facility's regular year to the beginning of the facility's new reporting period. (Example: regular report period January 1, 1978, to December 31, 1978, and changing report period to July 1, 1979, to June 30, 1980. The short period report would cover January 1, 1979, to June 30, 1979.

2. Delinquent Cost Reports

A. If a cost report is not received by August 1, of each year, the most recent cost report on file will be used for revising the rate for reimbursement for the succeeding year, but, in any case, the facility will only continue to be utilized if a notice of intent to participate in the program has been submitted by August 1, and if a cost report is submitted before January 1, of the following calendar year. Unless an official extension has been granted for necessitous circumstances, any cost report received after August 1, will not result in an increased rate the following state fiscal year, but it could result in a decreased rate if the report so indicates.

B. If a cost report is not received within three months after the end of the cost reporting period, or by August 1, a recommendation will be made to the Assistant Secretary of OHD that a fifty percent suspension of the current OHD claim payments be implemented. A thirty-day warning of this action will be provided before it takes effect.

C. If the cost report is still not received within six months of the reporting period, or by January 1, whichever comes first, a one hundred percent suspension of current claims/payments will be implemented.

3. Cost reports will be sent to: Health Services Audit Director, Box 2944, Baton Rouge, Louisiana 70821. Questions regarding these procedures should also be addressed to the Health Services Audit Director.

4. Accounting records must be kept (or converted at year end) on an accrual basis.

5. Accounting records must be kept (or converted at year end) in accordance with the attached Chart of Accounts.

6. Each facility must maintain all accounting records, books, invoices, cancelled checks, payroll records, and other documents relative to client-care costs for a period of six years.

7. All fiscal and other records pertaining to client-care costs shall be subject at all times to inspection and audit by the Depart-

ment of Health and Human Resources, the Legislative Auditor, and auditors of appropriate Federal funding agencies.

8. Each facility must maintain statistical information related to the daily census and % or attendance records for all clients receiving care in the facility.

9. Each facility receiving funds from other public sources must so note such on the cost report form, even if the funding is provided for other programs, and make available additional information on this funding as required by DHHR.

10. Purchase discounts, allowances, and refunds will be recorded as a reduction of the cost to which it relates.

11. Cost to related organizations: Cost applicable to services, facilities, and supplies furnished to the facility by related organizations are allowable costs at the cost to the related organization. However, such costs must not exceed the price of comparables purchased in the open market and the goods and services must be common to and generally purchased by client-care facilities.

12. Proof of competitive bidding must be available on request for:

- A. Insurance (property, casualty and liability)
- B. Acquisitions in excess of \$500
- C. Repairs and renovations in excess of \$1,000
- D. Leases in excess of \$1,000 annually
- E. Food purchases, if the raw food cost exceeds the limit established by DHHR. The limit will be established annually for prospective reporting periods.

Allowable Costs for Services Provided

1. Shelter Costs

A. Living space (both indoor and outdoor) used by the clients, including rent, depreciation, or building use allowance. Depreciation must be computed by the straight-line method only. The estimated useful life of fixed assets will be based on the Internal Revenue Service's approved useful life of fixed assets. Depreciation will be allowed only on buildings and equipment related to direct client-care services. Facilities must maintain adequate records to determine cost, value, and reasonable useful life of buildings and equipment.

To be allowable the depreciation must be identifiable and recorded in the provider's records; give historical cost and accumulated depreciation; indicate useful life and depreciation method.

Note that, if provider has previously used an accelerated depreciation method, the required record keeping information may be kept in a subsidiary ledger to be used for program purposes only.

The estimates listed below are average ranges for asset depreciation. For all depreciable assets, even those not included in the guidelines, an estimate is acceptable if it is proven reasonable.

Land Improvements	Years
Fencing	15-25
Paving	15-20
Landscaping	10-12
Underground sewer and water	25-30
Outdoor Lighting	10-15
Buildings	
Wood Frame	25-30
Masonry	30-50
Fixed Equipment	
Electrical Wiring, AC Systems, Heating Systems, Sprinkler and Fire Alarm Systems, Telephone, Plumbing, Sewerage, Roofing, Lighting, etc.	20-25
Major Movable Equipment	
Kitchen Equipment, Therapy Equipment, Laundry Equipment, Cleaning Equipment, etc.	8-20
Other Items	
Automobiles	3-05

Other Items (continued)

Furniture and Furnishings	5-10
Office Machines	5-10

B. Depreciation of furniture and upkeep for items related directly to shelter space used by the clients, for example, living room, dining room and bedroom equipment and furniture, and furnishings, such as draperies, blinds, rugs, etc.

C. Fuel and utilities for space used by the clients, for example, heat, air conditioning, electricity, etc., if these charges are not a part of the rent.

D. Routine maintenance and upkeep of property and equipment used in daily living activities of the clients. This includes staff and supplies for janitorial services, maintenance, and minor repairs to grounds and equipment.

2. Food Costs. Actual food costs and kitchen and dining room operational costs including personnel, depreciation of equipment and supplies associated with planning meals, ordering, preparing, and serving food, cleanup work, and the cost of planned meals away from the facility.

3. Clothing and Other Personal Need Costs.

A. Clients' personal wardrobe, when necessary, not to exceed four hundred dollars per client annually, including initial and replacement clothing; such items will be the clients' personal property which they may take with them upon discharge.

B. Expenses incurred in the upkeep of clients' clothing, including staff and supplies on grounds, and for services provided off grounds, such as shoe repair, mending, dry cleaning, alterations, etc.

C. Medicine chest supplies, personal hygiene items such as comb, brush, toothbrush, soap, shampoo, deodorant, sanitary needs and other sundries and incidentals.

D. Cost of hair grooming, limited to two haircuts per month for males and a comparable expenditure for females.

E. Clients' personal allowance must be provided by the facility for all residents, not to exceed \$5.00 per week for clients ages thirteen and up and \$2.50 per week for clients below age thirteen.

4. Recreation Costs.

A. Recreational program and services, including, but not limited to, such items as reading materials, athletic equipment, games, etc.

B. Individual client's dues for youth clubs, scouts, community centers, etc., if not financed from personal allowance.

C. Clients' admission fees to sporting or other recreational and cultural events, including cost of snacks and treats purchased on outings, if not financed from personal allowance.

5. Education Costs. Educational cost items which must be reported are listed on the cost reporting forms provided by DHHR. The entire cost of educational services must be recorded and reported separately.

6. Care Costs.

A. Client-care staff, social workers, other specialized staff and direct-line supervisors of staff responsible for the twenty-four-hour program of care and supervision of the clients, including salary, wages, maintenance and fringe benefits if not met through the State's program under Titles XIX, XX, IV-B, grants, vocational rehabilitation, Department of Education, or other state or federally funded programs.

B. Transportation intrinsic to the well-being of the client, including but not limited to visits with relatives, prospective foster or adoptive parents, and other activities or events that are an integral part of the twenty-four-hour program of care and not available through another resource. Expenses for an attendant, when required, may be met if not already charged to the state's program under Titles XIX, XX, IV-B, or other publicly funded programs.

7. Health Cost. In all of the examples of allowable expenses below, it is expected that a facility will attempt to utilize public resources prior to employment of or contracting with totally private

medical vendors or purchase of medical supplies. Examples of public resources would include Title XIX medical vendors for eligible OHD individuals; state or city supported clinics and hospitals for immunizations, examinations and other screening services, emergency treatment, and on-going special treatment needs (such as the Handicapped Children's Program for orthopedic problems, the Charity Hospital system for dialysis needs, and mental health clinics for counseling and medication, the local education agencies for evaluation services for individuals under age twenty-two, local civic organizations for glasses, wheelchairs, etc.

Routine medical services shall be provided by the facility and may be reimbursed as part of the rate when not available through public resources. These routine services shall include:

A. Periodic medical examinations that include vision, hearing, and routine screening and laboratory examinations as determined necessary by the physician.

B. Immunization.

C. Tuberculosis control.

D. Physician services, minimally to supervise the general health conditions and practices of the facility and be available for emergencies on a twenty-four-hour, seven-days-a-week basis.

E. Nursing services as appropriate.

F. Initial and periodic dental examinations and routine treatment, including provisions for emergency treatment at all times.

G. Dental hygiene program.

H. Psychological testing and counseling when provided routinely to all clients.

I. Psychiatric examination and treatment when provided routinely for facility clients.

J. Medical appliance upkeep, repairs, and purchase of medical supplies for the general facility population.

Extraordinary medical services provided by a facility shall be reimburseable if prior approval for the expense has been secured from the Office of Human Development for a particular child. Examples of extraordinary medical services might include eye glasses and other corrective appliances, special diagnostic tests or treatment needed by a particular child, psychiatric treatment purchased for a particular child, special dental needs such as orthodontics and oral surgery, and so on. At the time the extraordinary need is identified to OHD, a decision will be made regarding whether another resource is available to cover the cost (including parental payment), whether payment will be made directly to the vendor, or whether the facility will incur the expense and be reimbursed by OHD.

8. Administrative Costs.

A. Interest on current obligations and mortgage loans reasonably related to client care. The interest rate must not be in excess of what a prudent borrower would pay.

B. Allowance shall be permitted for a salary for an owner-administrator of a proprietary facility only if he/she is performing the duties of an administrator and would otherwise have to employ another individual to perform these duties. Allowance for a salary of an owner-administrator shall be limited to the national average of salaries for owner-administrators of similarly sized, similarly staffed facilities. Operating cost of living quarters and automobiles provided an administrator for his/her convenience will be considered part of their compensation.

The administrators who are not owners are also limited to the national average of salaries for administrators of similarly sized, similarly staffed facilities.

C. Premiums for officer/owner's life insurance are allowable only if the beneficiary is the officer/owner's family. Premiums will be included as part of the officer/owner's compensation and subject to the limitations set forth in B.

D. With the following specific exceptions, taxes are an allowable cost: Federal income or excess profit tax; state income or excess profit tax; taxes relating to financing; special assessments

(would be capitalized and amortized); taxes for which exemptions are available; taxes on property not related to direct client care; self-employment (FICA) taxes applicable to individual proprietors, partners, etc.; fines or penalties of any kind.

E. Cost for the following types of advertising are allowable: Classified newspaper advertising to recruit personnel or solicit bids; telephone yellow page advertising, except in the event that such advertisement is promotional in nature.

F. Membership costs and costs for conferences and meetings are allowable if related to client-care activities and efficient operation of the facility. Allowable costs include: dues, registration fees, travel, meals and lodging only for the period of a conference. Membership dues and other expenditures related to civic or social organizations are specifically disallowed.

G. Accident or hospitalization insurance for the clients. Insurance claim reimbursements should be credited to the respective expense account for health care.

H. Audit costs are allowable but certified audits are not required by Department of Health and Human Resources since this report will be audited.

I. Clerical salaries and costs related to general administration.

J. Attorneys' fees. Actual fees incurred for nonlitigation legal services which are directly related to child care will be allowed.

K. Bad debts, charity and courtesy allowances are deductions from revenue and are not includable as allowable costs.

9. Personnel and Salary Maximums.

Maximum limits on the number of direct care personnel employed will be based on individual facility requirements to be determined in conjunction with the facility and DHHR Licensing and Certification.

Louisiana State Civil Service salary schedules will be used in determining the maximums allowable. Facilities may maintain separate salary schedule, with the limitation being the above maximums.

10. In-Kind Contributions.

In-kind contributions represent the value of non-cost contributions provided by: the facility; other public agencies and institutions; and private organizations and individuals. In-kind contributions may consist of charges for real property and equipment and value of goods and services directly benefiting and specifically identifiable to all clients in the approved program.

Specific procedures for the facilities in placing the value on in-kind contributions from private organizations and individuals are set forth below:

A. Valuation of volunteer services. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteer service may be counted as a program cost if the service is an integral and necessary part of an approved program.

1. Rates for volunteer services. Rates for volunteers should be consistent with those regular rates paid for similar work in other activities. Rates used should be consistent with those paid for similar work in the labor market in which the facility competes for the kind of services involved.

2. Volunteers employed by other organizations. When an employer other than the facility furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

B. Valuation of materials. Contributed materials include office supplies, maintenance supplies, or workshop and classroom supplies. Prices assessed to donated materials should be reasonable and should not exceed the cost of the materials to the donor or current market prices, whichever is less, at the time they are charged to the facility.

C. Valuation of donated equipment, buildings, and land, or use of space. The value of donated property will be determined as follows:

1. Equipment and buildings. The value of donated equipment or buildings should be based on the donor's cost less depreciation or the current market prices of similar property, whichever is less. The title of the donated equipment and building must be legally in the name of the facility.

2. Land or use of space. The value of donated land or its usage charge should be established by an independent appraiser, i.e., private realty firm.

D. Valuation of Other Charges. Other necessary charges incurred specifically for an indirect benefit to the program on behalf of all clients may be accepted as program costs provided they are adequately supported and permissible under the approved program. Such charges must be reasonable and properly documented.

The following requirements pertain to the facility's supporting records for in-kind contributions from private organizations and individuals:

A. The extent of volunteer services must be supported by the same methods used by the facilities for its employees.

B. The basis for determining the charges for personal services, material, equipment, and buildings must be documented.

Unallowable Costs for Services Provided

1. Fund raising; public relations.

2. No monies paid to an attorney or a law firm as a retainer, rather than as legal fees for services actually performed, will be allowed.

3. Payments made by the facility as gifts, assessments, or paybacks to parent organization.

4. Income producing expenses, including depreciation of equipment to secure self-generated revenue.

Limits of Reimbursement

1. Fiscal Limitation. The availability of state and federal funds may result in a uniform rateable reduction of fees. Adjustments will also be limited and considered separately.

2. Reasonable Cost Limits. Payments to facilities for client services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services.

3. Profit Limits. An allowance of a reasonable return on equity capital invested and used in the provision of client care is allowable as an element of the reasonable cost of covered services. The amount allowable on an annual basis will be determined by applying to the provider's equity capital a percentage basis equal to 1½ times the average of the rates of interest on special issues of public debt obligations issued by the Federal Hospital Insurance Trust Fund. A profit factor will be allowed only for proprietary facilities.

4. Occupancy Limits. Those facilities which operate at less than fifty percent capacity will be penalized by using the fifty percent occupancy level.

5. Other Limits. Costs which are unallowable for federal participation will be paid by the state up to the maximum allowable under the section entitled "Allowable Costs for Services Provided."

Payment procedures do not include a year-end settlement. Revised rates are effective July 1 of each year based upon the actual expenditures per cost reports received August 1 of the preceding year. Retroactive adjustment will not be made except for over-payments which result from the inclusion of unallowable costs in the cost report. Therefore, management decisions which increase cost will not affect the current rate and will increase future rates only if justified.

Current economic indicators will be used to determine an inflation factor in calculating the per diem rate.

Definitions

1. Equity Capital. The net worth of a facility, excluding those assets and liabilities which do not relate to direct client care. Specifically, equity capital includes: (1) a facility's investment in plant, property, and equipment (net of depreciation) related to direct client care, plus funds deposited by a facility which leases plant, property, or equipment related to client care and is required

by the lease to deposit such funds, and (2) net working capital maintained for necessary and proper operation of client-care activities.

2. **Fiscal Year.** The twelve-month period used by the facility for federal income tax purposes. This does not apply to state or federal fiscal year.

3. **Net Working Capital.** Working capital is the difference between current assets and current liabilities. Net working capital is working capital reduced by any amount determined to be excessive for the necessary and proper operation of client-care activities.

4. **Plant, Property, and Equipment.** Fixed assets related to client care are, for example, building, land, fixtures and equipment, goodwill, and other assets not part of current assets.

5. **Proprietary Facilities.** Facilities, whether sole proprietorships or corporations, organized and operated with the expectation of earning profit for the owners, as distinguished from facilities organized and operated on a nonprofit basis, as confirmed by the Internal Revenue Service.

6. **Related Organization.**

A. **Related to facility.** The facility, to a significant extent, is associated or affiliated with, or has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

B. **Common ownership exists** when an individual or individuals possess significant ownership or equity in the facility or organization serving the facility.

C. **Control exists** where an individual or an organization has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or facility.

7. **New Facility.** Any facility not receiving funds from DHHR the entire preceding state fiscal year; or any facility closed for more than three months during its preceding fiscal year; or any facility which has a change in ownership; or any facility which has been certified by DHHR for a change in its level of care.

8. **Client.** Any person receiving services in the facility.

9. **Level of Care.** A facility's level of care shall be a determination made by DHHR Licensing and Certification based on the needs of the population served, the services offered, the direct care staff-to-patient ratio, and staff qualifications. A description of these levels is available from DHHR Licensing and Certification. A facility may be certified for more than one level of care if such is appropriate.

Any new facility desiring OHD participation and any facility requesting a change in their level of care must first reach an agreement with OHD regarding the need for the particular level of care desired, based on the population served, and the population needing to be served.

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

NOTICE OF INTENT

Department of Natural Resources

Notice is hereby given, in compliance with the Louisiana Administrative Procedures Act, that the Department of Natural Resources intends to adopt a regulatory program to implement Act 592 of 1979 relative to the taking in kind of state owned royalty crude oil and the disposition thereof through rules or processing agreements with qualified refiners in the state.

Interested persons may obtain a copy of the proposed rules by contacting William C. Huls, Secretary, Department of Natural Resources, at 625 North Fourth Street, Baton Rouge, Louisiana, or by telephone at (504) 342-4500.

A public hearing will be held at 10:00 a.m., December 14, 1979, in Senate Committee Room E, State Capitol Building, Baton Rouge, at which time all interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally

or in writing. Written comments prior to the hearing should be forwarded to William C. Huls, Box 44396, Baton Rouge, Louisiana 70804.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of Title 30 of Louisiana Revised Statutes of 1950, a public hearing will be held in the City Council Chamber, City Hall, New Orleans, Louisiana, at 9:00 a.m., Friday, December 7, 1979.

At such hearing the Commissioner of Conservation will consider evidence relative to the termination of Statewide Order No. 29-H, which concerns well spacing and allowable assignment for oil wells completed in any "New Pool," as defined therein.

The Office of Conservation proposes that, with the issuance of the Oil Production and Proration Order for January and February, 1980, the allowable assignment for every oil well (including those wells which were previously assigned allowables based on the provisions of Statewide Order No. 29-H) will be based on the Depth Bracket Allowable Schedule adopted by Office of Conservation Order No. 151-A-1.

Further, the Office of Conservation proposes that, effective January 1, 1980, the spacing provision requirements for wells in pools developed or being developed under Statewide Order No. 29-H would be regulated in accordance with the requirements as set forth in Statewide Order No. 29-E. Also, any special order which adopted the spacing provision requirements of Statewide Order No. 29-H would be amended by reference, and such spacing provision requirements considered expunged coincident with the termination of Statewide Order No. 29-H, and simultaneously therewith, the spacing provision requirements of Statewide Order No. 29-E be considered adopted.

Any other matters pertinent to the termination of Statewide Order No. 29-H shall also be considered at the hearing. Written comments and inquiries will be accepted until the hearing, and may be addressed to: R. T. Sutton, Commissioner of Conservation, Department of Natural Resources, Box 44275, Baton Rouge, Louisiana 70804.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Department of Revenue and Taxation

The Department of Revenue and Taxation intends to adopt newly composed regulations covering all sections of the Corporation Franchise Tax Law, R.S. 47:601-617, inclusive, for which law no previous regulations have been legally promulgated. The newly promulgated regulations will be applicable to any Corporation Franchise Tax period beginning after December 31, 1979.

Shirley McNamara, Secretary of Revenue and Taxation, Box 201, Baton Rouge, Louisiana 70821, or her designee at the same address, is responsible for responding to inquiries about the proposed regulations, and will accept written inquiries and comments relative thereto at any time through and including Thursday, December 4, 1979. The proposed regulations may be inspected at the Office of the Secretary, Room 401, Capitol Annex, Baton Rouge, Louisiana at any time between the hours of 8:00 a.m. and

4:00 p.m., Monday through Friday, except on those days which may have been declared official holidays for state employees.

Shirley McNamara, Secretary
Department of Revenue and Taxation

NOTICE OF INTENT

**Department of Revenue and Taxation
Petroleum, Beverage and Tobacco Tax Section**

Notice is hereby given that the Secretary of the Department of Revenue and Taxation proposes to promulgate the following regulations authorized by R.S. 47:1511 relating to R.S. 47:800-815, dealing with the enforcement of the Louisiana Special Fuel Tax Law. The proposed regulations will become effective on January 1, 1980.

Interested persons may comment on the proposed rules, in writing, through December 4, 1979, to Mr. Malcolm D. Brumfield, Manager, Petroleum, Beverage and Tobacco Tax Section, Department of Revenue and Taxation, Box 201, Baton Rouge, Louisiana 70821.

By virtue of the authority granted the Secretary of Revenue and Taxation under the provision of R.S. 47:1511, the following rules and regulations relative to the enforcement of the Louisiana Special Fuels Tax Law (R.S. 47:800-815) are hereby promulgated.

I. No interstate user of special fuels who has operations in Louisiana shall commence operations without first procuring a license for that purpose from the Secretary of Revenue and Taxation, together with a surety bond guaranteeing the payment of any and all taxes, penalties, and interest due. The name and address shown on the cab doors must be in agreement with the name and address on the surety bond and the monthly tax report. In a lease agreement, the surety bond and monthly report shall be required of whoever furnishes the fuel. The name and address of the user must be on both cab doors and the vehicle must have a working odometer or hub meter at all times.

II. Every interstate user must keep satisfactory records of:

A. The miles traveled in all operations within and outside the State of Louisiana.

B. The fuel purchased and used in propelling motor vehicles both within and outside the State of Louisiana.

1. Purchases of special fuels from licensed dealers (service stations and truck stops) must be recorded on special fuels invoices and the original submitted with user report when applying for a refund or upon request.

2. Copies of invoices recording bulk purchases from suppliers must be submitted with quarterly user report. Gallons purchased from suppliers must be shown by invoice on the user's tax report in addition to total gallons removed from bulk storage facilities and placed in fuel supply tanks of motor vehicles.

3. Special fuels invoices showing odometer reading and license number, together with other required information, must be carried in the cab of the truck as evidence of the source of the tax-paid fuel in the fuel supply tank of the vehicle.

4. The totalizer meter reading on the measuring device of any tax-paid bulk storage tank maintained by all users in the State of Louisiana and the inventory of tax-paid fuel on hand must be recorded at the beginning of operations on the first day of every month.

III. Miles per gallon are to be determined by:

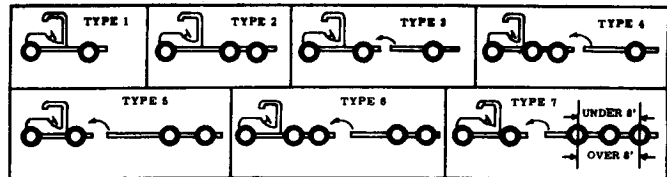
A. The total miles traveled divided into the total gallons placed in the fuel supply tanks of the motor vehicles.

1. Entire operations as a whole in all states or
2. Computed by vehicle.

B. Miles per gallon factor will be set by the Secretary of

Revenue and Taxation if records are not complete. The factor set by the Secretary is based on the number of axles on the vehicle.

	Diesel	LPG
Type 1	5 MPG	5 MPG
Type 2	5 MPG	5 MPG
Type 3	5 MPG	5 MPG
Type 4	5 MPG	3 MPG
Type 5	5 MPG	3 MPG
Type 6	4 MPG	2½ MPG
Type 7	4 MPG	2½ MPG



IV. Reports and supporting schedules must accurately reflect the miles traveled, gallons put in vehicle, gallons purchased and gallons consumed in all states in which the user operates, together with all other information as follows:

A. Business Master File number must be indicated by user requesting refund.

B. User license number must be shown in proper space.

C. Name and address (must agree with name and address indicated on surety bond and on cab doors of vehicles.)

D. Type of fuel consumed must be indicated and separate reports submitted for diesel fuel and liquefied petroleum gas.

E. Purchase information:

1. Each bulk purchase must be listed and supported by a copy of the purchase invoice.

2. Purchases from service stations or truck stops must be listed in total by station.

3. Gallons removed from tax-paid storage must be shown and added to service station purchases to arrive at gallons placed in fuel supply tanks in Louisiana.

F. Quarterly beginning and ending inventories must be shown to determine withdrawals from storage.

G. Any user requesting a refund must furnish complete information concerning other states in which he operates.

H. Tax report must be signed by an authorized agent as being true and accurate. Any evidence of the submission of a refund claim that is fraudulent either by information included on report or any supporting evidence will result in the entire claim for refund being voided at the Secretary's discretion. Any person found guilty of filing a fraudulent claim shall be fined up to one thousand dollars, or imprisonment not to exceed two years, or both, at the discretion of the Court.

V. Refunds are permitted whenever a bonded interstate user of special fuels pays tax to another state on fuel exported from Louisiana and is bonded and files reports in all states in which he operates in accordance with the requirements of these states. The user's exportation of tax-paid fuel must exceed the importation in order to qualify for a refund. Refunds will be reduced according to special fuels tax owed, and not remitted to another state as required. Certified copies of user reports to other states must be supplied upon request as supporting evidence of payments to those states.

VI. Users requesting a refund must submit the Quarterly User's Report of Special Fuels indicating the states in which they operate and where user reports are filed as required. Miles traveled, gallons consumed and gallons purchased for each state in which they operate must be shown, together with copies of fuel purchase invoices from suppliers and original invoices of fuel purchased

from Louisiana dealers to verify tax-paid special fuels purchased in Louisiana. Tax-paid purchases of special fuels must be delivered by a supplier into the properly marked bulk storage facilities of the user or purchased from a licensed dealer (service station or truck stop) of special fuels.

VII. Users requesting a refund must submit the originals of the special fuels invoices which record the purchase of special fuels from a service station or truck stop with the Quarterly User's Report of Special Fuels. An "original invoice" means the first or top sheet of an invoice, bearing the original inked imprint, issued by a seller to a purchaser covering the product or products sold, except where the use of a credit card is authorized, the name and address may be carbon-imprinted. Invoices from service stations or truck stops must be submitted within the current quarter. Any invoices dated thirty days prior to the beginning of the current quarter will be disallowed. Invoices recording purchases of special fuels in bulk must also accompany the Quarterly User's Report of Special Fuels as evidence of the source of the tax-paid special fuels. Transactions shall be recorded indelibly without any alterations. Any erasures, changes, or corrections on invoices, such as changes in date, gallonage or name may result in prosecution or in rejection of the entire claim. When corrections are necessary, these shall be certified to by the dealer in an affidavit. Any incomplete invoice will be disallowed. The original invoice shall be dated, serially numbered and provide spaces for the following information:

A. The name and address of the dealer must be preprinted or mechanically imprinted.

B. Name and address of user recorded on invoice must agree with name and address indicated on bond and cab doors of vehicles.

C. Odometer or hub meter reading and license number.

D. Number of gallons of special fuels purchased, together with price per gallon and total price of gallons purchased.

VIII. Properly filed claim for refund must be submitted with the Quarterly User's Report of Special Fuels. Any claim for refund not submitted within six months of the date that the report is due will be disallowed. Refund claims for users who have bulk purchases will be approved and returned to the users who in turn will forward the original approved refund certificate to their suppliers for credit. The supplier will attach these approved refund certificates to his Supplier's Monthly Report of Special Fuels as a deduction. No refunds will be made for less than two dollars. In no case will the refund exceed the gallons paid to other states unless user can prove that some operations in some other states do not affect Louisiana. Refunds may be less than the gallons paid to other states because reports to some states may be computed on a different basis from that required by Louisiana.

Malcolm D. Brumfield, Manager
Petroleum, Beverage and Tobacco Tax Section

NOTICE OF INTENT

Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt rules, regulations and policies to implement Legislative Act 187 of 1978, Regular Session (R.S. 48:461.23) governing the exemption of nonconforming tourist oriented directional information signs from removal requirements of state law. The Secretary will accept written comments and requests for a draft of said rules, regulations and policies until 4:15 p.m., December 9, 1979, at the following address: Mr. John C. Young, Assistant to General Counsel, Louisiana Department of Transportation and Development, Box 44245, Capitol Station, Baton Rouge, Louisiana 70804.

The substance of the intended rule making action is to permit an

area which would be adversely affected by the removal of an outdoor advertising device to take advantage of the Economic Hardship Exemption provided by R.S. 48:461.23.

These rules and regulations are to become effective December 20, 1979.

George A. Fischer, Secretary
Department of Transportation and Development

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Community Services

The Department of Urban and Community Affairs, Office of Community Services, will hold a public hearing from 9:00 a.m. to 3:00 p.m., Monday, December 3, 1979, in the Mineral Board Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. The purpose of the hearing will be to receive comments and consider adoption of the State Plan for the Department of Energy's Weatherization Assistance program for low income people: Title X, Chapter II, Part 440.14, Public Law 34-385, *Federal Register*, Volume 42, Number 105, June 1, 1977.

Copies of the State Plan may be obtained from the Department of Urban and Community Affairs. Interested persons may submit their written views and opinions until 4:30 p.m., December 4, 1979. Address written comments and requests for the State Plan to: Rose Trahan, Department of Urban and Community Affairs, Office of Community Services, Box 44455, Baton Rouge, Louisiana 70804, phone (504) 925-3728. Reasonable opportunity for oral comment will be permitted at the hearing.

Harvey R. H. Britton, Sr., Secretary
Department of Urban and Community Affairs

NOTICE OF INTENT

Department of Wildlife and Fisheries Stream Control Commission

The Louisiana Stream Control Commission hereby gives notice that it intends to make a revision to the State of Louisiana Water Quality Criteria, specifically, the Commission intends to revise the segment description of Barnes Creek to read as follows:

Barnes Creek—Tulla to Calcasieu River

The purpose of this revision is to recognize the fact that Barnes Creek is frequently dry above Tulla and that numerical Water Quality Criteria cannot be maintained in such an intermittently dry stream bed.

A public hearing will be held regarding this proposed action at the December 27, 1979, meeting of the Louisiana Stream Control Commission. Interested persons may comment on the proposed revision, in writing, until 4:30 p.m., December 21, 1979, at the following address: Mr. J. Dale Givens, Executive Secretary, Louisiana Stream Control Commission, Drawer FC, University Station, Baton Rouge, Louisiana 70893. Oral comments will be heard at the meeting to be held at 9:30 a.m., on December 27, 1979, in the Mineral Board Auditorium, State Lands and Natural Resources Building, 625 North Street, Baton Rouge, Louisiana.

Further information regarding this proposed action is available for inspection at the following locations: Louisiana Stream Control Commission, Room 135 Geology Building, Louisiana State University, Baton Rouge, Louisiana; Louisiana Department of Health and Human Resources, Room 403 State Office Building, 325

Loyola Avenue, New Orleans, Louisiana; DeRidder City Hall,
Municipal Circle Drive, DeRidder, Louisiana.

J. Dale Givens, Executive Secretary
Stream Control Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries Division of Water Pollution Control

The Louisiana Department of Wildlife and Fisheries, Division of Water Pollution Control, hereby gives notice that it will hold a series of public hearings as required under 40 CFR, Part 25 of the public participation regulations. The schedule of Basin Plan Hearings listed in the October 20, 1979, *Louisiana Register* for the Terrebonne, Pearl, Lake Pontchartrain, Red, Ouachita, Sabine, Calcasieu and Mississippi River basins, along with the **208 Water Quality Management Plan**, are hereby rescheduled. The hearings will be held at the following indicated dates, times and places in an effort to obtain comments on the final drafts of the revised 303(e) Basin Plans as mandated by Public Law 92-500 as amended.

Atchafalaya River and Mermentau-Vermilion-Teche Basins, December 10, 1979, 10:00 a.m., Public Meeting Room, Lafayette Public Library, Lafayette; Barataria Basin, December 10, 1979, 7:00 p.m., Powell Auditorium, Nicholls State University, Thibodaux; Pearl and Lake Pontchartrain Basins, January 23, 1980, 10:00 a.m., Boardroom, Wildlife and Fisheries Building, 400 Royal Street, New Orleans; Red River and Ouachita Basins, January 24, 1980, 2:00 p.m., Alexandria City Council Room, City Hall, Alexandria; Sabine and Calcasieu Basins, January 25, 1980, 2:00 p.m., Calcasieu Parish Police Jury Meeting Room, Parish Government Building, Lake Charles; Upper and Lower Mississippi River Basin, January 22, 1980, 7:00 p.m., Royal Ballroom, Louisiana State University Union, Baton Rouge.

The revised 303(e) Basin Plans represent a logical framework for analyzing water quality problems in a complete hydrological unit or river basin. These Basin Plans provide a means for accomplishing areawide planning as mandated by Section 208 of Public Law 92-500, as amended.

The **208 Water Quality Management Plan** - a final draft report will also be presented for review and comment at the Baton Rouge Public Library on January 22, 1980. This report, along with the revised 303(e) Basin Plans, will form the basis for the state to implement a program directed at improving and/or monitoring the quality of the waters of the state while taking into consideration the effects of both point and nonpoint source discharges and planned or projected development and growth within the water quality management planning basins of the State of Louisiana.

All interested persons will be afforded an opportunity to submit comments and views on the above listed Basin Plans and **208 Water Quality Management Plan**. Written comments should be directed to the following address no later than ten days after the respective hearing: Mr. J. Dale Givens, Chief, Division of Water Pollution Control, Drawer FC, Baton Rouge, Louisiana 70893.

J. Dale Givens, Chief
Division of Water Pollution Control

Potpourri

Department of Natural Resources Office of Conservation

Legal Notice

In accordance with the laws of the State of Louisiana, and particularly Title 30 of Louisiana Revised Statutes of 1950, a public hearing will be held by the Commissioner of Conservation in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana at 2:00 p.m., December 14, 1979.

At such hearing the Commissioner of Conservation will hear testimony from Conservation Specialist, Incorporated, relative to the disposal of waste products into the subsurface by means of disposal wells which are identified as Conservation Specialist, Incorporated Waste Disposal Number One Well, and Waste Disposal Number Two Well, with the injection interval at a depth of 4400-4600 feet. The proposed wells are located in the Southeast Quarter of Section 17, Township 6 South, Range Ten East, Pointe Coupee Parish, Louisiana, being approximately four miles West-Northwest of Erwinville, Louisiana. Types of waste to be disposed of are aqueous solutions of salts and organic liquids.

Prior to authorizing the drilling and use of these wells for disposal of waste products, the Commissioner of Conservation must find that the applicant has met all of the requirements of Statewide Order No. 29-N which became effective August 20, 1977.

Oral and written comments will be received from any interested party at the public hearing.

Written comments which will not be presented at the hearing must be received not later than 5:00 p.m., December 13, 1979, at the Baton Rouge Office. A summary of the proposed plan is available for inspection in the Office of Conservation, 625 North Fourth Street, Baton Rouge, Louisiana and in the Lafayette District Office of Conservation, 315 Audubon Street, Lafayette, Louisiana. Comments should be directed to: Arnold C. Chauviere, Assistant Commissioner, Office of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re: Pointe Coupee Parish, Waste Disposal Wells.

R. T. Sutton
Commissioner of Conservation

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