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# Executive Orders

## EXECUTIVE ORDER EWE-77-5

WHEREAS, present ferry transportation crossing of the Mississippi River services the communities of Lutchter and Vacherie in St. James Parish and the communities of Reserve and Edgard in St. John the Baptist Parish, as well as adjacent areas; and

WHEREAS, potential economic development, increased mobility of the people, increased use of the ferry, traffic hazards on the river, and other factors appear to justify the construction of a single fixed bridge crossing in order to service these parishes and surrounding communities; and

WHEREAS, a fixed crossing to replace the out-moded ferry service should enhance and stimulate the commercial and industrial development of the parishes of St. James and St. John the Baptist, as well as surrounding and adjacent areas; and

WHEREAS, such a river crossing facility would improve the social and human standards of safety, and would stimulate and foster the well-being and convenience of the citizens of these developing river parishes.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby direct the Secretary of the Department of Transportation and Development and the commission hereby established to study the economic feasibility of constructing and maintaining a bridge, located in either St. James or St. John the Baptist parishes, or both, to cross the Mississippi River, and, in connection therewith, to use such powers, discharge such duties and perform such functions as may be required, in accordance with the provisions of R.S. 48:1093, and other laws which may be applicable to such a project.

FURTHER, I do hereby create and establish the St. James-St. John the Baptist Bridge Authority as an advisory commission to me and to the Legislature. Such commission shall be composed as follows: The Secretary of the Department of Transportation and Development (who shall serve as Chairman), two members who are electors of and domiciled in St. James Parish, and two members who are electors of and domiciled in St. John the Baptist Parish, and such other members the Governor may appoint from time to time. The initial members shall be Durel J. Matherne, Jr. and Monseigneur Arthur

J. Lieux, of St. James Parish, and Donald J. Boudreaux and Janice Meadox, of St. John the Baptist Parish. Members shall serve at the pleasure of the Governor and without compensation.

This authority shall report periodically to the Governor and the Legislature on its findings.

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

**EDWIN EDWARDS**

**Governor of Louisiana**

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The following emergency policy was adopted by the State Board of Elementary and Secondary Education at its regular meeting on March 24, 1977, in order to guarantee due process to schools under the provisions of Act 274 of 1975; thereby, delay cutting off of transportation and other services and materials to any schools in Louisiana as provided in the Attorney General's Opinion No. 77-479.

#### Rule 4.01.11

Adoption of Attorney General's Opinion No. 77-479, dated March 21, 1977, as policy and procedure regarding bus transportation, thereby rescinding and setting aside any present policy.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

\* \* \* \*

Opinion No. 77-479  
March 21, 1977

Brother Felician Fourrier, S.C.  
Member, State Board of Elementary  
and Secondary Education  
P. O. Box 2028  
Baton Rouge, Louisiana 70821

Dear Brother Fourrier:

You have requested an opinion from this office which has as its subject matter the public bus transportation of children attending nonpublic schools. Your concern is with our State law that limits this service to the children attending only those nonpublic schools which have been approved by the Board of Elementary and Secondary Education (BESE).

Specifically, your question is whether or not, at this particular point in time, either BESE or any local school board may properly discontinue the providing of public bus transportation for the benefit of students attending a nonpublic school which has been adjudged by either BESE or the Department of Education as not meeting the requirements for approval of such school.

It is our understanding that, at the present time, BESE through the Department of Education has defined the academic standards that must be met by public schools in order to obtain State approval. These academic standards and requirements are specifically set out in Bulletin 741. Your concern is the legality of the action by BESE or the Department of Education in applying Bulletin 741 to nonpublic schools as State academic standards for approval.

It is opinion that BESE cannot, constitutionally or legally, deny approval to any nonpublic schools unless and until it adopts proper criteria for such approval consistent with the mandate of the Louisiana Constitution of 1974.

Essentially, the Constitution, as adopted, provides that:

"Article VIII, Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school."

This section of Article VIII makes it abundantly clear that BESE is mandated by the Constitution to approve any private school upon its providing the Board satisfactory evidence that such a school has implemented a sustained curriculum of a quality at least equal to that prescribed for similar public schools.

It is our opinion that this mandate clearly implies that the Board must, of necessity, create and adopt appropriate regulations and procedures for the evaluation of private schools, and that such evaluation must be based upon the singular consideration of whether the sustained curriculum of that school is of a quality at least equal to that of similar public schools. By further implication, this constitutional mandate necessarily precludes BESE from implementing standards of criteria for approval which addresses any other aspect of the operation and conduct of the private school other than in the area of what the Constitution has termed "sustained curriculum".

We find it necessary at this time to clarify Opinion No. 76-1878 issued by this office on January 13, 1977. The sole impact of Opinion No. 76-1878 is to the effect that a local school board does not have the power to provide bus transportation to any student attending a school which is not approved by BESE. It is not, by

implication or otherwise, authority for BESE to disapprove nonpublic schools under its existing regulations and standards as set out under Bulletin 741.

An even cursory examination of Bulletin 741 leads one to conclude that the requirements thereof relate to a variety of criteria other than a mere examination of school curriculum. Furthermore, the language of the Constitution implicitly mandates the Board to create standards for nonpublic school approval of a different nature than the standards which they have adopted for the public schools.

Were this not the case the Constitution would have merely provided that private schools shall be approved upon their meeting the same standards as BESE would fix for the public sector. However, when the Constitution speaks in terms of standards which are measured by the quality of the curriculum of the private school being equal to that of the quality of the curriculum in a similar public school, this concept must be interpreted as meaning BESE cannot apply Bulletin 741 in toto, as the measure by which nonpublic schools should be approved.

The Board has clearly recognized this self-evident constitutional limitation in implementing the provisions of Act 274 of 1975 (R.S. 17:11) in that they have appointed a nonpublic advisory committee to submit to the Board a proposed set of standards and guidelines for the approval of nonpublic schools.

We find it necessary to suggest that an imminent curtailment of bus transportation to children of nonpublic schools constitutes a disastrous and serious irreparable injury to countless citizens of this state without their being afforded any adequate due process of law in terms of review process of the suitability of the schools which their children attend for approval.

With these considerations in mind, it is our opinion that the Board of Elementary and Secondary Education cannot within the limitations of the Constitution of 1974, either approve or disapprove any nonpublic schools on the basis of the criteria as contained in Bulletin 741, and BESE should, therefore, defer any consideration of nonpublic schools' approval until such time as they have adopted criteria by way of regulations or amendments to Bulletin 741 and an administrative due process procedure for review of these schools' application. Meanwhile, under our existing laws and the Constitution, it is imperative that public bus transportation be continued to the children on nonpublic schools without interruption pending appropriate criteria as above mentioned.

After approval, these children are entitled, under our Constitution, to the same privileges and rights, as any other child attending school in our state, be it public or private.

If this office can be of any further assistance, please do not hesitate to contact us.

William J. Guste, Jr.  
Attorney General

## Rules

### RULES

#### Board of Trustees for Colleges and Universities

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*(Editor's Note: The following rules were adopted by the Board of Trustees for Colleges and Universities on March 25, 1977, to become effective on April 20, 1977.)*

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Part I, Bylaws of the Board of Trustees for State Colleges and Universities, Article III, Section 1, Election of Officers, shall read as follows:

#### "Section 1. Election of Officers

At the first regular or special meeting of the Board in the calendar year, the Board shall elect a President and a Vice-President. The President and Vice-President shall be members of the Board. Each of these officers shall hold office for one year or until a successor has been elected."

Part II, General Operating Procedures, Section 2.7, Committees, shall read as follows:

"A. The Board shall have seven standing committees: 1. Finance, 2. Physical Plants, 3. Academic Affairs, 4. Student Affairs, 5. Athletic, 6. Grievance, and 7. Legislative.

Each committee shall be composed of at least five members appointed by the President."

(This is a technical amendment to bring Section 2.7 into conformity with the Bylaws passed in public hearing on June 25, 1976).

Part VII, Faculty and Staff Policies and Procedures, Section 7.1 shall read as follows:

**A. Extension Beyond Age Sixty-five for Non-classified Personnel**

1. The policy of retirement at age sixty-five shall be retained with the option of requesting, on a year by year basis, an extension of service for not more than three years when the applicant shall reach the age of sixty-eight. The applying faculty member shall submit the request for extension of employment by September 30 of the fiscal year in which he/she becomes eligible.
2. Each college or university shall form a Faculty Review Committee composed of five members:
  - a. The current Student Government Association President shall appoint a senior-level student from within the appropriate department;
  - b. The faculty shall elect annually from within its ranks seven members. Three of these seven faculty will serve on the Review Committee. In order to arrive at the three committee members, the applying faculty member and the college or university administration will, on a rotating basis, each withdraw two of the seven elected faculty members; and
  - c. The President of the college or university shall appoint one member of the Review Committee who shall serve as chairman.
3. The Committee shall be charged with the responsibility of interviewing the applicant, recording testimony from any interested faculty or student of the college or university, or any person called upon to testify before the Committee, and of securing all required application forms including records from two physicians attesting to the mental and physical fitness of the applicant. The Chairman of the Committee shall write the committee report and forward this to the college or university President.
4. The President shall receive all information from the Review Committee and shall make his recommendation for approval or disapproval and forward all information to the Board of Trustees for State Colleges and Universities for its action.

**B. Extensions Through Summer Sessions**

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

**C. Extension Beyond Age Sixty-Five for Board Staff**

1. The Executive Director of the Board shall make recommendation to the full Board for staff extension of service beyond age sixty-five.

**D. President Emeritus**

Remuneration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.”

Part IX, Athletic Policies. Section 9.11A(5) shall read as follows:

- (5) Faculty and Full-time Employees—Reduced price on purchase of season tickets only.”

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

**RULES**

**Board of Elementary and Secondary Education**

**Rule 3.01.51a**

Revision to Bulletin 741, Handbook for School Administrators, Revised 1977, Requirements for High School Graduation.

Adoption of requirements of Act 83 of the 1976 Legislature which mandates a one-semester or one-half credit in the Free Enterprise System as a prerequisite to graduation for all students graduating from Louisiana public high schools during and after the 1977-78 school session.

Approved teachers certified in social studies, business education, and distributive education to teach the Free Enterprise System Course.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

**RULE**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted regulations to allow reimbursement under Title XIX for medically necessary services rendered at an ambulatory surgical center. The recommended policy and procedures are as follows:

**I. Definition of Ambulatory Surgical Center Services.**

The services rendered must be medically necessary preventative, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician, osteopathic physician or dentist (for emergency and life threatening situations and for early and periodic screening, diagnosis, and treatment eligibles with prior authorization) in a facility which is not part of a hospital but which is organized and operated to provide medical care to patients.

This type facility will not provide services or other accommodations for patients to stay overnight. Therefore, the ambulatory surgical center shall have a system to transfer patients requiring emergency admittance or overnight care to a fully licensed and certified Title XIX hospital following any surgical procedure performed at the facility.

**II. Basis of Payment.**

Reimbursement for services rendered at an ambulatory surgical center to eligible Title XIX patients will be paid on a per diem basis per patient. This fee covers all operative functions attendant to medically necessary surgery performed at the center by a private physician, osteopathic physician or dentist; including admitting and laboratory tests, patient history and physical, operating room staffing and attendants, recovery room cases, and discharge. It includes all supplies related to the surgical care of the patient while in the center. The per diem payment excludes the physician fee, the radiologist fee, or the anesthesiology fee.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

**RULE**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted a rule which limits to eighteen the number of days per calendar year for which the Medicaid program will make payment for the reservation of a bed in all intermediate care facilities for the mentally retarded (IFC/MR).

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

**RULE**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services (OFS), has adopted rules and regulations pertaining to eligibility requirements for implementation and administration of that part of Public Law 94-401(1976 Amendments to Title XX of the Social Security Act) which provides for grants to child day care providers to employ welfare recipients. Public Law 94-401 was administratively detailed in the Federal Register, Volume 42, No. 20, page 5,864, January 31, 1977.

The time period for which grants may be paid to child day care providers for employing welfare recipients dates retroactively from September 7, 1976, and continues through September 30, 1977. The limited period in which the program is operative made it urgent to implement the program timely in Louisiana.

Grants are made by the Office of Family Services to qualified child day care providers for employment of eligible welfare recipients. A qualified child day care provider is defined as an individual in whose facility at least twenty per cent of the total number of children regularly served are partly or totally funded under Title XX. In addition, the day care facility must have a day care license issued by the Office of Family Services.

An eligible welfare recipient is defined as an individual who meets the following requirements:

1. Must have been certified for Aid to Families With Dependent Children continuously during the ninety-day period immediately preceding the date on which the employee was hired.

2. Must have been employed by the day care provider on or after September 7, 1976.
3. Must have been a full-time employee of the center for a period in excess of thirty calendar days before the center can bill OFS for reimbursement.
4. Must not have displaced any other individual from employment in the center.
5. Is not a migrant worker.

Grants (reimbursement of expenses related to employment of AFDC recipients) may be paid to qualified public, nonprofit private, and proprietary child day care providers, through contracts with the Office of Family Services, for salaries paid to employ eligible welfare recipients provided the grants do not exceed the following amounts: (1) \$5,000 to public and nonprofit private providers for each recipient per year, and (2) \$4,000 to proprietary providers for each recipient per year.

Implementation and administration of this employment program has been accorded a high priority within the Office of Family Services in order that eligible AFDC recipients may participate in the program.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

## RULES

### Department of Natural Resources Office of Conservation

In Volume 2, Number 9, of the Louisiana Register of September 20, 1976, and in the Official State Journal of September 17, 1976, the Commissioner of Conservation gave notice of intention to give approval of a complete revision of the Louisiana Radiation Regulations and to hold a public hearing thereon.

The public hearing was held on October 14, 1976, with several members of the public giving oral testimony before the Commissioner and members of the Nuclear Energy Advisory Committee. In addition, numerous written comments were submitted prior to the hearing.

All substantive comments were given careful consideration, and the proposed revision of the Louisiana Radiation Regulations was reviewed by the Nuclear Energy Advisory Committee.

Having received a favorable recommendation for adoption by the Nuclear Energy Advisory Committee,

the Commissioner of Conservation hereby announces the adoption and promulgation of this revision of the Louisiana Radiation Regulations, to take effect immediately.

The Department of the State Register has exercised its option under R.S. 49:954.1C to decline publication of the new Radiation Regulations in the Louisiana Register. Copies of the Radiation Regulations may be obtained after printing from: Office of Conservation, Division of Radiation Control, P. O. Box 14690, Baton Rouge, Louisiana 70808.

R. T. Sutton  
Commissioner of Conservation

## RULES

### Board of Nursing

#### Unit I

##### 1.01 Statement of Purpose.

The Louisiana State Board of Nursing is a legally created administrative agency acting within the governmental structure of the State and possessing legal power. To safeguard life and health of the citizens of Louisiana, the Law Governing the Practice of Nursing, Louisiana Revised Statutes of 1950, as amended by Act 351 of 1976, delegates to this Board the responsibility to establish and publish standards of nursing practice; to regulate the practice of nursing by the registered nurse; to provide for examination and licensure of the nurse practicing as a registered nurse; and to establish standards for educational programs preparing individuals for nursing practice.

##### 1.02 Purpose of Rules.

The purpose of these rules and regulations is to assist in the transaction of the business of administering and implementing the spirit and intent of the Law Governing the Practice of Nursing in accordance with Chapter 11 of Title 37 of Louisiana Revised Statutes of 1950, as amended by Act 351 of 1976.

##### 1.03 History

Louisiana nurses were among the first in the nation to recognize the value of having a nurse practice act administered by a board of nursing to set standards for nursing education, to examine candidates, and to license practitioners. The first proposal for a nurse practice act



in Louisiana in 1904 was unsuccessful. Prior to 1904 only three states had boards of nursing.

The Louisiana State Board of Nursing came into existence in July, 1912, when Act 138 became law. At that time the name was "The Louisiana Nurses' Board of Examiners." Five physicians were designated to administer the provisions of that law because women were not permitted to hold public office. They could not vote.

The original Act was amended in 1922 and stipulated that there should be at least one nurse member. By that time women could vote. The Act was subsequently amended in 1926 to provide for three registered nurse members and two physician members. The Board became known as "The Louisiana State Board of Nurse Examiners" in 1942 when the Act was amended. The 1966 amendment called for five registered nurses and two physicians. Act 351 of 1976 designated seven registered nurse members and two physicians to serve as ex officio nonvoting members of the Board. The name was changed to "The Louisiana State Board of Nursing."

#### 1.04 Philosophy.

The Board of Nursing, both by virtue of its legal status and its professional character, is dedicated to the belief that its purpose is to serve the people of Louisiana and to protect their health and welfare.

The Board members believe that their major responsibility is to see, in so far as possible, that those persons who practice nursing are competent and safe.

Further, they believe that sound nursing education is a prerequisite for the attainment of high standards of nursing practice. They believe that each member is obligated to demonstrate personal integrity, impartial judgment, wisdom and dedication to a high standard of service in Board activities.

### Unit II

2.01 Duties of the Board directly related to nursing education programs as cited in Section 918 of Act 351.

The Board shall:

1. Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed.
2. Approve schools which meet the licensing requirements of the Board.
3. Provide for hearings for nurse education programs when approval is withdrawn or denied.
4. Adopt and revise rules and regulations.

5. Have all other powers necessary and proper to the performance of their duties.

#### 2.02 Definitions

1. Approval: The program has fulfilled requirements set forth in Board rules and regulations. Graduates from Board-approved programs are eligible to apply for registered nurse licensure.
2. Board: The Louisiana State Board of Nursing.
3. Clinical facility: An institution, agency or organization whose primary purpose is to provide care or services supportive to the promotion or maintenance or restoration of health.
4. Cooperating agency: An organization, institution or agency which by agreement accepts students for educational experiences selected by the nursing program.
5. Course: A distinct unit of instruction which has been organized for presentation within a specific time frame. In a nursing course this refers to all the related learning experiences deemed necessary by the faculty to meet the stated objectives.
6. Curriculum: The planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure.
7. Director: The registered nurse with the authority and responsibility for the administration of the program and implementation of the curriculum. This title is used regardless of the person's official title in the controlling institution.
8. Faculty: The group of persons employed for administration, teaching, guidance or research functions in the program preparing candidates for registered nurse licensure.
9. Objectives: The aims, goals, or purposes of the nursing program.
10. Philosophy: A statement which includes and identifies the beliefs accepted by the faculty and the controlling institution about nursing education.
11. Recommendations: Statements of desirable standards for the development of quality program. Strongly urged by the Board, but not mandatory.
12. Requirements: Mandatory standards with which schools shall comply in order to be approved.
13. School or Nursing Education Program: These terms are used interchangeably to designate an educational unit whose purpose is to prepare practitioners of nursing and whose graduates are eligible to apply to write the registered nurse licensing examination.
  - A. Associate: A program leading to an associate degree in nursing conducted by an educational unit that is an integral part of a college, community college or university.
  - B. Baccalaureate: A program leading to a baccalaureate degree in nursing, conducted by an

educational unit (department, division, school or college) that is an integral part of a college or university.

C. Diploma: A program leading to a diploma in nursing conducted by a single purpose unit controlled by a hospital, a corporation, or other authority.

14. Shall: Requirements which must be met.
15. Should: Recommendations or desirable standards that are not mandatory.
16. Sponsoring institution: The organization or agency responsible for the administration and operation of the nursing program.
17. Standard: A criterion by which quantity, quality, and extent of performance is measured.
18. Survey: The Board's collection of information for review purposes in granting, continuing, renewing, or denying approval. At the discretion of the Board, this information may be collected by such methods as on-site visits with review of records, reports and other data; or by submission of records, reports or other data as required or requested by the Board.

#### 2.03 Approval.

All nursing education programs, and courses in Louisiana preparing persons for examination, licensure, and registration to practice nursing under Title 37, Louisiana Revised Statutes, Chapter 11, as amended by Act 351 of 1976, shall meet the requirements of the Board of Nursing, in order to receive Board approval.

#### 2.04 Purposes of Approval.

1. To insure the safe practice of nursing by establishing curriculum requirements and standards for persons seeking registered nurse licensure in Louisiana.
2. To assure that graduates of these programs meet the educational and legal requirements for admission to State Board licensing examinations and to facilitate their endorsement to other states and countries.
3. To foster continuous evaluation and improvement of nursing programs and nursing education.
4. To grant legal recognition to schools which, upon survey and evaluation, are determined by the Board to have met the requirements.

#### 2.05 Types of Approval

1. Initial: Approval is granted to a new program which, upon application by the controlling institution and after survey and Board evaluation, is determined by the Board to be ready to admit students. Initial approval terminates when the Board considers the program's application for full approval upon graduation of its first class of students. The

controlling institution shall submit an application for full approval to be considered at the first regularly scheduled Board meeting following graduation of its first class of students.

2. Full: Approval is granted to a program which after survey and evaluation is determined by the Board to have complied with Section 918 and these rules. Eligibility to apply for full approval follows graduation of the first class of students.
3. Conditional: Approval is accorded for one year to any school previously having initial or full approval if there is evidence of deficiencies in meeting minimum requirements. If Board standards are not met within the defined period, they may extend the period of conditional approval or remove the school's approval status by written notice to the controlling institution.

#### 2.06 Approval Procedure.

Surveys of schools are made at least every five years or at the discretion of the Board. A written report of the survey is made by a representative of the Board and a copy is sent to the chief administrative officer of the institution, the director of the nursing program and each Board member. Directors are at liberty to submit comments, corrections, or additional materials. The report is reviewed at the next regularly scheduled Board meeting following the survey visit.

School representatives have the right to be present when their survey report is reviewed by the Board.

Action on the approval status of the program is taken following the review of the survey. The Board shall make its decision regarding the approval status of a school, based on considerations of the program's pre-survey report, annual report, and the survey report. If standards are not met, the Board shall specify the deficiencies and may make recommendations for corrective action. If deficiencies are not corrected within the specified time, and following a hearing before the Board, the Board shall exercise its legal authority to set the type of approval or to withdraw the approval status of the school.

#### 2.07 Standards and Requirements for Nursing Education Programs.

##### 2.071 Philosophy, Objectives, and Goals.

1. The nursing education program shall have a clear statement of philosophy consistent with that of the controlling institution and congruent with current concepts in nursing education.

2. The faculty shall develop, accept, periodically review, and revise philosophy as needed.
3. The philosophy shall include, but not be limited to, a definitive statement of faculty's beliefs about: (a) nursing, (b) man, (c) health, (d) society, and (e) teaching and learning.
4. There shall be a delineation of the characteristics of the graduate being prepared as differentiated from those of other types of nursing programs.
5. There shall be a written description of the competencies of the graduate. Knowledge and skills shall be appropriate to the type of graduate being prepared. Broad areas for consideration include, but are not limited to: (a) nursing process or problem solving, (b) nursing skills, and (c) role behaviors.

#### 2.072 Administration, Organization, and Control.

1. There shall be a governing body which has legal authority to conduct the nursing program, determine general policy, and assume financial support.
2. The sponsoring institution and cooperating agencies shall be approved by the appropriate accrediting bodies.
3. The program shall have comparable status with other educational units in the controlling institution.
4. The controlling institution shall have an organizational chart showing relationships and channels of communication within the institution. There shall be on file documents which show relationships with cooperating agencies.
5. The controlling institution shall have a written and current contract with each cooperating agency used by the program for clinical learning experiences.
6. There shall be a registered nurse (director) with the authority and responsibility to administer the program in compliance with established policies of the controlling institution. The director shall provide for:
  - A. Developing and maintaining productive relationships within the controlling institution and the community.
  - B. Participating in the preparation of the budget and administering monies allocated to the school. Official copies of financial and budgetary documents shall be available to the Board. A fiscal report shall be submitted to the Board annually.
  - C. Screening and recommending candidates for faculty appointment, retention, and promotion.
  - D. Evaluation and distribution of instruction responsibilities in light of quality nursing educational needs; i.e. effective and safe student/faculty ratio.
  - E. Making readily available current administrative policies.

- F. Making readily available reports and minutes of faculty committees.
- G. Storing of all school records to prevent loss, destruction, or unauthorized use.
- H. Planning learning experiences and arranging for written agreements between the administration of the nursing program and the providers of resources.

#### 2.073 Faculty and Faculty Organization.

1. Number: There shall be a faculty body adequate in numbers, qualifications and continuity of employment to implement the program in nursing in relation to its stated philosophy, purposes and objectives; number and size of classes admitted annually; experience and preparation of the faculty; the number of community health agencies used in the program as well as their geographic location. (A school-program-experiencing a nurse faculty resignation rate of more than one third of the total faculty, in any given year, shall so notify the Board and write an explanation, justification, and documentation. Action by the Board will be taken following an evaluation and/or hearing to determine the effect on the quality of the educational program. Such action may result in a program being placed on conditional approval.)
2. Qualifications: The nurse faculty members shall have academic preparation and professional work experience appropriate for their positions. In addition, each nurse faculty member shall hold a current license to practice as a registered nurse in Louisiana.
  - A. The director shall hold at least a master's degree, preferably in nursing, with experience in the areas of nursing education and administration. The Board shall be notified immediately when a director vacancy occurs and when the position is filled.
  - B. The nurse faculty member responsible for theory and clinical courses in nursing shall have a master's degree in nursing, effective after January 1, 1983.
  - C. Nurse faculty members with a minimum of a baccalaureate degree in nursing and appropriate experience may continue provided:
    - (1) They are under the direction of a nurse faculty member with master's in nursing preparation; and
    - (2) Have a specific time plan for completing master's degree in nursing; and
    - (3) Constitute less than one third of total full-time equivalent faculty after January 1, 1983. (A school in which more than one third of the faculty do not hold a master's degree, shall so notify the Board. Action by the Board will be taken following an evalua-

tion and/or hearing to determine the effect on the quality of the educational program. This may result in a program being placed on conditional approval.)

- D. Faculty shall maintain expertise in clinical or functional areas of responsibility.
  - E. Nurse faculty members shall have had a minimum of two years of clinical experience.
3. Faculty shall function under the same policies that affect other faculty members in the controlling institution.
  4. There shall be written personnel policies for faculty regarding the following: (a) qualifications for position, (b) faculty workload, (c) contract, (d) salary scale and promotion policies, (e) vacation and sick leave, (f) leave of absence for study, (g) retirement plan, (h) health service, and (i) personal and professional growth.
  5. Individual faculty members shall be furnished with a written job description.
  6. Records on faculty shall be kept current and confidential, and shall include the following data: (a) application for present position, (b) official college transcripts(s) of education received, (c) professional work experience, (d) letter(s) of appointment including areas of responsibility and teaching load, and (e) written evidence of maintenance of expertise in area of responsibility.
  7. Faculty shall be organized with written policies and procedures to guide its activities.
  8. Committees necessary to carry out the school's functions shall be established with the duties and membership of each committee clearly defined.
  9. All nonnurse faculty shall have academic and professional education and experience in the field of their specialization in accordance with the policies of the controlling institution.
  10. Selection of qualified faculty members, faculty policies and practices shall be in accord with State and Federal laws on nondiscrimination.
  11. There shall be secretarial, clerical staff, and support service sufficient to meet the needs of administrative and instructional personnel.

#### 2.074 Student Selection and Guidance.

1. Each program in nursing shall develop admission standards for entry into the nursing major.
2. Each student admitted to the nursing program shall hold a high school diploma or its equivalency.
3. All nursing programs shall have in writing and available to students, policies for:
  - A. Admission, transfer, promotion, termination, and graduation which shall be consistent with those of the controlling institution and with these rules.

- B. Student health and welfare, counseling and guidance, financial aid and scholarships.
- C. Placement and advancement in the program by means of challenge examinations, previous education, or both, provided they are consistent with the policies of the controlling institution.
- D. Reasonable rebates on tuition if the student is unable to complete the program.
- E. Keeping students informed of the approval or accreditation status of the nursing education program.
- F. Assuring that recruitment or program activities present accurate information about the program.
- G. Safeguarding the confidentiality of students' records.
- H. Complying with provisions of Federal and State laws related to nondiscrimination and individual rights to privacy.
- I. Allowing student participation in faculty committees.

#### 2.075 Educational Facilities, Resources, and Services.

1. The controlling institution shall provide facilities, resources, and services needed for effectively developing, implementing, and continuing the nursing program.
2. The location and arrangement of educational facilities shall be such that there is an identifiable center for each nursing education program. The center shall include:
  - A. Facilities for instruction based on the objectives of the program, the size of the student group and the teaching-learning strategies.
  - B. Classrooms, lecture-demonstration room, multi-purpose room, conference room, and library.
  - C. Offices for administrative personnel, faculty and secretarial staff.
  - D. Storage space for equipment and instructional materials.
  - E. Audio-visual equipment and models appropriate to instructional techniques which shall be accessible to students.
3. Library holdings shall be adequate for effective use in teaching and study by faculty members and students:
  - A. Holdings shall include reference books on nursing and related subjects, periodicals of the nursing profession and allied fields.
  - B. Materials shall be organized, maintained, and located so that they are readily available.
  - C. A qualified librarian and staff shall be employed.

4. Cooperating agencies shall be approved by the Board. When an agency is to be used for clinical practice there shall be joint planning by all parties concerned. Written evidence shall be submitted to the Board that there has been cooperative discussion and planning among all schools of nursing utilizing a specific agency thereby providing for the safety and well being of patients (clients) and assuring that learning opportunities for all students shall be safeguarded.
5. There shall be documented evidence that the faculty discusses the knowledge and skills of the graduates with nurses, employers, and consumers in the area served by the program. This discussion should include mutual concerns, mutual understanding of philosophies and goals, and appropriate utilization of the graduates.

#### 2.076 Curriculum.

1. The curriculum shall include content, instructional activities, and learning experiences to achieve curriculum and course objectives.
2. Nurse faculty shall select course content and organize learning activities to provide for continuity, sequence, and integration of learning experiences.
3. Objectives shall be developed within the framework of the philosophy and goals of the program. They shall give direction for development and implementation of courses.
4. The curriculum shall include content from the natural, physical, biological, behavioral, and socio-cultural sciences and nursing.
5. Provision shall be made for developing skills in the utilization of the nursing process essential to effective care of patients of all ages in a variety of settings. These skills include, but are not limited to:
  - A. Utilization of the problem-solving approach to make appropriate judgments.
  - B. Effective communication and interpersonal relationships with patient, family, and colleagues.
  - C. The preventive, comforting, caring and curative roles.
  - D. Essential manipulative and technical tasks.
  - E. Executing prescribed medical regimens.
  - F. Identifying the realities of the medicomoral and legal situations encountered in nursing practice.
  - G. The curriculum should provide for the development of such other knowledge and skills as deemed necessary by the faculty and/or the changing role of the registered nurse.
6. The nursing courses shall provide for classroom and clinical laboratory instruction so that concepts taught in the classroom are applied in the clinical situation. Classroom and clinical instruction shall be

concurrent. Provision shall be made for learning experiences with patients having nursing care needs in all age groups and stages of illness; with adults and children receiving medical and surgical therapy; with those having mental illness; and with mothers and infants.

#### 2.077 Instruction.

1. Nurse faculty members shall select, teach, guide, and evaluate all learning experiences in the classroom and clinical facilities.
2. Nurse faculty shall write objectives for nursing courses in behavioral terms and shall identify the changes expected in the student's behavior as a result of the learning process.
3. Nurse faculty shall recognize individual differences among students and this should be given consideration in the instructional plan.
4. Course outlines shall be written by nurse faculty. They shall be periodically reviewed and revised as indicated. They shall reflect the objectives of the specific course and shall contribute to the objectives of the program.

#### 2.078 Evaluation.

1. Faculty shall have documented evidence of on-going systematic evaluation of each component of the curriculum.
2. Evaluation shall include, but not be limited to:
  - A. Philosophy, objectives, and goals of the curriculum.
  - B. Teaching-learning experiences.
  - C. Expected competencies of the graduate.
  - D. Employment functioning of graduates.
  - E. Student's self-evaluation of courses.
  - F. Instructor's evaluations of students.
  - G. Performance of graduates on State Board test pool examinations. (A school or program experiencing a failure rate of one fifth or more of the first-time candidates on State Board examinations in any given year, shall so notify the Board. Action by the Board will be taken following an evaluation and/or hearing. Such action may result in a program being placed on conditional approval and/or removal of approval status.)
3. Written reports of Board surveys and recommendations (if any) shall be shared with faculty and students.

#### 2.079 Major Change.

1. A program shall obtain Board approval prior to instituting a major change.

2. A request for major curriculum change must be submitted and approved by the Board at a regularly scheduled Board meeting, six months prior to date of implementation. (The schedule for board meetings is published annually.)
3. The following are considered to be major changes:
  - A. Change in the controlling institution, department or division.
  - B. Change in philosophy, goals, and objectives that would result in graduate competencies different from those previously approved by the Board;
  - C. Addition or deletion of a clinical facility providing a large portion of the clinical experiences.
4. A program proposing a major change shall submit:
  - A. Evidence that the sponsoring institution has approved the curriculum change.
  - B. Rationale for the proposed change.
  - C. Course objectives, outlines, bibliographies, and other relevant materials.
  - D. A concise presentation of current and proposed curriculum.
  - E. A time table for implementation of the change.
  - F. An explanation of the anticipated effect on: (1) currently enrolled students, (2) functions and roles of graduates of the changed program.
  - G. A planned method for evaluating the results of the change.
3. The nursing education program (or in the instance of "A," the sponsoring institution) shall notify the Board in writing when:
  - A. There has been a change in administration or control of the program; when there is a director vacancy; and when the vacancy is filled.
  - B. More than one third of the faculty members resign in any calendar year.
  - C. Their State Board examination failure rate on first-time writers is more than twenty percent in any calendar year.
  - D. Changes in the objectives of the program are contemplated.
  - E. There is to be a reorganization of the curriculum.
  - F. There has been a decision to discontinue using an approved agency for clinical practice.
  - G. A new faculty member has been employed, (an official college transcript shall be on file for each faculty member).
  - H. Employment of a faculty member has been terminated.
4. The Board shall require such other reports from schools as deemed necessary to determine eligibility for continued approval.

#### 2.081 Criteria for Selection and Use of Cooperating Agencies.

- #### 2.080 Records and Reports.
1. The nursing education program shall maintain the following records: (a) student records, (b) faculty records, (c) graduates' transcripts, (d) graduates' follow-up studies, (e) minutes of faculty and committee meetings, (f) reports to sponsoring institution, (g) reports to the Board of Nursing, (h) program bulletins, (i) school's self-evaluation reports, (j) budget and fiscal accounting records, and (k) accreditation reports to voluntary agencies, when appropriate.
  2. Each nursing education program in Louisiana shall submit an annual year report to the Board on the designated date. Twelve copies shall be submitted according to guides and forms provided by the Board and shall include but not be limited to information on the following: (a) philosophy, goals, and objectives, (b) organizational structure, (c) major curriculum changes since last report, (d) evaluation of courses and overall program, (e) nurse faculty member's academic preparation, major teaching responsibility and evidence of continuing education, (f) faculty-student ratio, (g) student admissions, withdrawals, graduations, (h) copy of budget or fiscal accounting records, (i) previous Board recommendations and progress in meeting them.
  1. Board approval for use of an agency shall be secured before students are assigned for clinical practice. (Board approval is not required for agencies that are visited on field trips or in which students have limited observational experiences.) At the discretion of the Board, an on-site survey may be made by a Board representative.
  2. Agencies shall have Joint Commission on Accreditation of Hospitals (JCAH) accreditation or that of another appropriate accrediting body. The Board expects that an agency which has such approval offers competent medical and supporting services (i.e., dietary, pharmacy, x-ray, etc.) The Board expects that an agency which has such approval provides a safe and healthy work environment. The Board representative assesses the environment in which learning is expected to occur. The cooperating agency has the right to expect students and faculty to comply with the cooperating agency's policies and procedures.
  3. Four major criteria to be considered by the Board's representative in surveying an agency are:
    - A. Evidence of high quality nursing care:
      - (1) Use of individualized nursing care plans.
      - (2) Methods and criteria for making patient assignments.

- (3) Availability, completeness, and currency of the policy procedure manuals.
  - (4) Findings of nursing audit and quality control.
- B. Evidence of excellence of the nursing service department:
- (1) A stated philosophy of patient care that is utilized to give direction to nursing care activities.
  - (2) The provision of sufficient numbers of nursing personnel to meet the needs of the patients and to serve as role models for students.
  - (3) The adequacy of the preparation of nursing personnel for their roles.
  - (4) The provision for regular, planned evaluation of patient care.
  - (5) The existence of clearly defined written personnel policies including job descriptions for all categories of nursing personnel.
  - (6) The provision for means of communication between faculty and agency administrative personnel and between faculties of all schools using the agency.
  - (7) The provision for a planned program for orientation, for inservice, and for continuing education programs for nursing personnel.
  - (8) Evidence that the agency's personnel understand their relationship to faculty and students and that the responsibility for coordination is specifically identified.
- C. The availability of teaching facilities and resources:
- (1) Designated conference areas on, or in close proximity to, units utilized for students' practice.
  - (2) Classroom space with adequate seating and with teaching aids to meet the needs of the program.
  - (3) A library with standard medical and nursing references and a selection of current professional periodicals.
  - (4) Reference materials in the clinical areas such as: hospital procedure and policy manuals, medical dictionary, tests specific to the clinical specialty.
  - (5) An adequate number of patients demonstrating a sufficient variety of nursing care needs to meet the objectives established by the faculty for this experience (as evidenced by unit capacity, average daily census, patient diagnoses, nursing care plans for patients, etc.).
- D. The suitability of the physical plant as shown by the:
- (1) Provision of individual patient units and patient care areas arranged so as to facilitate nursing care.
  - (2) Adequacy of supplies needed for effective nursing care.
  - (3) Provisions made for the safety of patients and personnel.
  - (4) Overall plant maintenance.
  - (5) Accessibility of the agency to the school.
  - (6) Physical arrangements made for students and faculty (i.e., locker and dressing room, office space, food service facilities, etc.).
4. There shall be on file a current, written contract (agreement) signed by the administrative heads of the sponsoring institution and the cooperating agency.
- A. There shall be written contracts (agreements) between each clinical facility utilized for student learning and the administrative head of the sponsoring institution.
  - B. All written contracts (agreements) shall be reviewed by the Director annually and shall be signed on the date of review.
  - C. Copies of all written contracts (agreements) shall be on file.
- 2.082 Closing a Program.
- 1. The Board shall be notified when the controlling institution makes a decision to discontinue an approved program.
  - 2. All requirements for Board approval shall be maintained until all students have transferred or graduated.
  - 3. All students shall have assistance with transfers. A list of students who transfer to another program shall be submitted to the Board.
  - 4. The Board shall be notified of the arrangements for safe storage of the permanent records of the program and its students. It is recommended that the following records be retained: (a) student's application for admission to the program, (b) a copy of the student's final transcript, (c) a copy of each curriculum offered, and (d) a list of each graduation class with date of graduation.
- 2.083 Procedure for Establishing a New Program.
- 1. A controlling institution desiring to establish a new program shall submit a letter of intent to the Board.
  - 2. The letter of intent shall be accompanied by twelve copies of the following:
    - A. General information about the controlling institution.
    - B. Purpose and need for establishing the program.
    - C. Basic data on which need was determined.

- D. Organizational and administrative relationships of the controlling institution and the program.
  - E. Sources, kinds, and amounts of financial support.
  - F. Sources and locations of potential students, faculty, office, library, classrooms, clinical laboratory, conference rooms, and other resources.
  - G. Evidence of community readiness to accept and support the program in appropriate ways.
  - H. Philosophy, purposes, and approval status of the controlling institution.
  - I. The major facilities to be used for clinical laboratory experience.
  - J. Tentative time table for the next twelve months.
  - K. Any other evidence of compliance with the requirements of these rules.
  - L. Request signed by the appropriate administrative officer in the controlling institution.
3. The Board may request further information including substantiating evidence of:
    - A. Availability and adequacy of clinical facilities.
    - B. Availability and adequacy of required nursing and general education courses as prescribed in these rules.
  4. The Board, after review and evaluation of the information submitted, shall advise the controlling institution of any requirements not met and any recommendation(s) the Board may have. When all aforementioned requirements are met, the controlling institution may proceed by employing a qualified director and in no instance later than twelve months prior to the expected date of admission of students.
  5. The Director shall develop and provide the Board with:
    - A. A tentative plan for the program, including operational statements of philosophy, objectives, type of curriculum, organizational and administrative policies.
    - B. Plans for use of clinical facilities and resources.
    - C. A budget plan.
    - D. A plan describing qualifications, numbers and conditions of employment of faculty.
    - E. An organization chart indicating lines of administrative and program authorities and control and other relationships of authority and cooperation.
  6. The Director shall employ qualified faculty at least six months prior to admission of students. The faculty shall develop the program and plan for its implementation. The faculty shall write:
    - A. Statements of philosophy, purposes, and objectives.
    - B. The policies relating to organization and administration of the faculty.
    - C. The curriculum design.
    - D. The course objectives in behavioral terms.
    - E. A description of evaluation methods and tools.
    - F. A plan for the use of all assigned facilities and resources including the clinical areas in co-operating agencies.
    - G. A plan for student's rights, welfare, and guidance.
  7. The Director shall confer with and submit progress reports as directed by the Board. Twelve copies of all documents shall be submitted for consideration by the Board at least two regular scheduled Board meetings prior to the date for admitting the first class of students. (The schedule for Board meetings is published annually.)
  8. The Board shall grant initial approval when the information submitted and an on-site survey by the representative of the Board shows evidence that the Board's requirements have been met. This must occur prior to any public announcement of the opening of the program or pre-admission of students into the nursing program.

Ms. Merlyn M. Maillian, R.N.  
Executive Director  
Board of Nursing

## RULES

### Offshore Terminal Authority

#### Amendment to the Environmental Protection Plan

At a meeting of the Board of Commissioners of the Offshore Terminal Authority held on Tuesday, March 29, 1977, at 2:00 p.m. in the Executive Suite, 29th floor, International Trade Mart, New Orleans, Louisiana, the Environmental Protection Plan of the Offshore Terminal Authority (hereinafter called the "Plan") was amended. The original Plan was adopted by the Board of Commissioners of the Authority on January 15, 1974, and was filed that same date in the office of the Secretary of State. The entire text of the Plan was also published in the Official Journal of the State of Louisiana. In addition to the March 29, 1977, amendment, the Plan has been amended on September 30, 1975, August 3, 1976, and January 27, 1977. The general subject matter of the March 29, 1977, amendment to the Plan is as follows:

Chapter 1 of the Plan has been amended to change the title of Section 1 from "Scope and Purpose" to "Statutory Authority;" to revise the definitions of "act," "aromatic compounds," "board of com-



missioners," "check-off list," "erosion," "hazardous substance," "national contingency plan," "operational and contingency plan," "receiving terminal," "regional contingency plan," "safety zone," and "three directors;" to add definitions of "environmental monitoring program" and "licensee;" to delete the title and paragraphs a and b of Section 3 and to replace them with a new Section 3 entitled "Scope and Purpose;" to delete paragraph b of Section 4; and to add new Section 5 entitled "Amendment" and to add a new paragraph d thereto concerning further amendment of the Plan; to renumber Section 5 as Section 6; and to combine paragraphs a and b of Section 6 into a single paragraph.

Chapter 2 of the Plan has been amended to remove the list of studies from subsection 2 of Section 2 and to place them in a comprehensive bibliography designated Appendix B to the Plan; to change part of paragraph d of subsection 1 of Section 3 into a footnote; and to delete the last sentence of paragraph c(4) of subsection 2 of Section 3.

Chapter 3 of the Plan has been amended to delete footnotes 1, 4, 5, 6, and 7; to change footnote 2 to footnote 3 and to move it from Section 2 to Section 5; to change footnote 3 to a new footnote 1 and to revise its content based on the State and Local Coastal Resources Management Act of 1976; to eliminate from subsection 2 of Section 2 certain outdated material; to add a new footnote 2; to change paragraph b of subsection 1 of Section 2 to paragraph b of subsection 1 of Section 4; and to change footnote 8 to footnote 4.

Chapter 4 of the Plan has been amended to delete footnotes 1 and 2; to revise subsection 1 of Section 2 by deleting the first sentence of paragraph a and replacing paragraph 6 with subsection 1 of Section 3; to add paragraph b of subsection 1 of Section 2 as a new paragraph f of subsection 2 of Section 2; to subsection 1 of Section 3 and to renumber subsections 2, 3, 4, 5, 6, and 7 accordingly; to revise paragraph c(2) of Section 5 to replace the reference to owners or operators with a reference to the licensee; and to delete paragraph c(3).

Chapter 5 has been amended to delete footnote 1; to revise paragraphs b and c of Section 3 to reflect the issuance of State and Federal deepwater port licenses; to delete paragraphs d through r of Section 3; and to revise paragraphs c and h(7) of Section 4, and paragraphs b, c, and h of Section 6, to change the references to the Louisiana Wildlife and Fisheries Commission to the Department of Wildlife and Fisheries.

Chapter 7 has been amended to delete footnote 1; to change the title of Section 3 from "Federal Agencies" to "Coordination with Federal, State, and Local Agen-

cies" and to revise Section 3 to provide for coordination by the Authority with the environmental protection programs of Federal, State, and local agencies and to eliminate the descriptions of the programs and functions of the agencies discussed in former Section 3; and, to delete Section 4.

Chapter 8 has been amended by deleting from paragraph d the reference to the Division of Administration and by providing that any amendments to the Plan shall take effect as provided in the Authority's General Rules and Regulations and the Louisiana Administrative Procedures Act.

Copies of the Plan, as amended, are available and may be obtained from the Offshore Terminal Authority, 1844 International Trade Mart, New Orleans, Louisiana 70130.

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

Shepard F. Perrin, Jr., Executive Director  
Offshore Terminal Authority

## **RULES**

### **Board of Practical Nurse Examiners**

#### **Section I General Board Policies**

1. **Organization.**  
The Louisiana State Board of Practical Nurse Examiners consists of nine 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 R.S. 37:961-979.
2. **Location.**  
The domicile of the Louisiana State Board of Practical Nurse Examiners shall be 1408 Pere Marquette Building, New Orleans, Louisiana.
3. **Executive Staff.**  
There shall be an executive staff comprised of the

Executive Director and Associate Executive Director, who shall be professional nurses currently registered in the State of Louisiana.

4. Advisory Committee.

4-1. There shall be an Advisory Committee for Practical Nursing Education to the Louisiana State Board of Practical Nurse Examiners which shall consist of not less than eight and not more than ten active members. The Chairman of the committee shall be a registered nurse member of the Board.

4-2. The purpose of the Advisory Committee shall be to advise the Board of Practical Nurse Examiners in matters which require study and/or investigation relating to practical nursing or practical nursing education in Louisiana. Committee action shall take the form of recommendations only.

5. Duties and Powers of the Board.

The Board in accordance with R.S. 37:969 shall have all such powers and duties as written. In addition the Board shall:

5-1. Appoint an executive director and associate executive director.

5-2. Adopt, amend, or repeal rules in accordance with procedures set forth in the provisions of R.S. 49:953.

5-3. Establish rules and regulations for adjudication and license suspension and revocation proceedings.

5-4. Deny, revoke, or suspend any license to practice practical nursing.

5-5. Determine the passing score for the State Board Test Pool Examination.

6. Procedure for Adoption of Rules.

6-1. All rules of the Board shall be adopted, amended, or repealed in accordance with the Administrative Procedures Act, R.S. 49:953.

6-2. Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule.

a. Such petition shall:

- (1) Be in writing.
- (2) State the name and address of its author.
- (3) Contain a statement of either the terms of substance of the proposed rule, amendment, or repeal.
- (4) State the reasons or grounds for the proposed rule, amendment, or repeal.
- (5) Include any data, views, or arguments in support of the rule, amendment, or repeal.

b. The Board shall consider the petition within ninety days after receipt of said petition, at which time the Board shall deny the petition in writing, stating reasons therefore, or shall ini-

tiate rule-making proceedings in accordance with this part.

7. Rules for Adjudication and License Suspension and Revocation Proceedings.

All adjudication proceedings (as defined in R.S. 49:951) and license suspension and/or license revocation proceedings conducted by the Board shall be in accordance with the Administrative Procedures Act, R.S. 49:955-965.

8. Declaratory Orders and Rulings.

8-1. Any interested party may petition the Board for a declaratory order or ruling as to the applicability of any statutory provision or of any statutory provision or of any rule or order of the Board.

8-2. Said petition shall contain the following information:

- A. The full name, address, and telephone number of the petitioner.
- B. The interest asserted by the petitioner.
- C. Specific reference to the statute, rule, or order with respect to which the declaratory order or ruling is sought.
- D. A concise statement of the purpose, reasons, and nature of the declaratory order or ruling sought.

8-3. Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least thirty days prior to said meeting.

8-4. The order or ruling rendered by the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

**Section II  
Definitions**

In addition to those definitions in R.S. 37:961, the following terms used in this manual are defined as follows:

1-1. Accreditation—To certify officially indicates that minimum requirements of the Board have been met.

1-2. Adult Program—A program conducted for individuals who have completed high school and are seventeen years of age or older.

1-3. Approval—Examination to determine suitability, subject to refusal.

1-4. Board—Louisiana State Board of Practical Nurse Examiners.

1-5. Cooperating agencies—Those outside the administrative control of the school that provide educational resources for the program.

1-6 Coordinator/charge instructor—A professional nurse licensed in the State of Louisiana responsible for the development and supervision of the program.

1-7. Course outline—A systematic plan presenting a summary of the significant courses to be included in the curriculum.

1-8 Curriculum—The complete group of courses, hours, laboratory, skills, and clinical experiences that are organized in a systematic manner to meet the objectives of the program.

1-9 Licensure examination—Refers to the National League of Nursing State Board Test Pool Examination for Practical Nurse Licensure.

1-10. Policy—A course of action adopted and followed by an institution or program.

1-11. Program—Refers to a practical nursing course within a school.

1-12. Requirements—Minimum standards which schools must meet to be approved or accredited.

1-13. Secondary program—A program conducted for individuals who are enrolled in high school, have completed the tenth grade and are sixteen years of age or older.

1-14. Shall—Denotes mandatory compliance.

1-15. School—An educational institution conducted by the Board of Elementary and Secondary Education.

### Section III Program Establishment

#### 1. Initial Request.

1-1. A school contemplating the establishment of a program of practical nursing shall submit the following preliminary information:

- A. Purpose for establishing a program to include community needs and readiness to support a program.
- B. Sources of potential students, faculty, and funds.
- C. Availability of physical and clinical facilities.
- D. Tentative timetable for initiating program.
- E. Survey of employment opportunities for potential graduates.

#### 2. Initial Requirements.

2-1. Programs in practical nursing shall be established in an educational institution approved and conducted by the Board of Elementary and Secondary Education.

2-2. A school shall provide appropriate and adequate facilities for a practical nursing department to include: (a) classroom, (b) laboratory, (c) office, and (d) library.

2-3. A school shall have sufficient funds available to employ qualified persons and to maintain adequate equipment and supplies.

2-4. Cooperating agencies shall have appropriate accreditation and be approved by the Board.

#### 3. Initial Survey.

3-1. A Board representative shall conduct a survey of the school and proposed clinical facilities to ascertain that the initial requirements have been met.

3-2. A report of the initial survey shall be submitted to the Board and the school shall be notified of the Board's decision.

#### 4. Application and Approval.

4-1. Upon approval of the initial survey, the school director shall complete and submit an application form supplied by the Board office.

4-2. The application form and proposed plans shall be submitted for Board approval and the school shall be notified of the Board's decision.

4-3. Upon approval of the application, a coordinator/charge instructor shall be employed to develop a tentative plan for the overall program.

4-4. The school's program of practical nursing shall be given initial approval status upon the date of enrollment of the first class.

### Section IV Program Projection

#### 1. Faculty and Staff.

1-1. Qualifications—All practical nursing instructors shall:

- A. Be professional nurses currently registered with the Louisiana State Board of Nursing.
- B. Continue their professional preparation through continuing education, workshops, seminars, and membership in professional organizations.

1-2. Minimum Number of Faculty.

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

B. Dietitian/nutritionist—Shall teach a minimum of thirty hours of normal nutrition and thirty hours of diet therapy.

C. Clerical staff—On a part or full-time basis, appropriate to the needs of the program, shall be assigned to the practical nursing department and the number of work hours per week shall be reported on the biannual report.

1-3. Faculty Meetings—Shall be scheduled regularly to evaluate and improve the program progressively and continually. Minutes shall be recorded and filed for Board review at the time of survey.

2. Organization and Administration.

2-1. The controlling body shall insure adequate financial support, facilities, and leadership which will provide an appropriate educational environment for students and faculty.

2-2. An organizational chart shall be developed to depict the relationship of the practical nursing program to the school administration, other school programs, institutions, and agencies.

2-3. Appropriate channels of communication for requisitioning, purchasing, and grievance for students and faculty shall be clarified in writing.

2-4. The charge instructor/coordinator shall be responsible for the implementation of the program plan.

2-5. An advisory committee shall be formed. Members shall be representative of a broad spectrum of the community selected for their interest in practical nurse education and willingness to serve. Minutes of the meetings shall be recorded and copies shall be filed for Board review at the time of survey.

2-6. The school shall provide for the protection of all student records, faculty personnel records, contractual agreements, communications, and other pertinent program information against loss, destruction, and unauthorized use.

2-7 A master rotation schedule shall be developed for each class to show: (a) beginning date, (b) course of study, (c) clinical practice areas, (d) term hours and dates, and (e) completion date.

3. Student Personnel Policies.

3-1. Policies for admission, evaluation, level advancement, and completion shall be developed, implemented, and evaluated by the faculty and shall be consistent with the policies of the school.

3-2. Policies shall be planned to provide for student welfare as related to health, counseling and guidance, financial aid, hospitalization and liability insurance.

3-3. Policies shall be developed to provide opportunity for students to participate in appropriate student organizations which foster development of skills in self-direction, leadership, and professional activity.

3-4. Policies shall be clearly stated concerning student employment during enrollment in the program.

3-5. Policies regarding absences shall be in writing. Students unable to achieve the program objectives due to excessive absence shall be advised to withdraw with permission to reenter when the course is repeated.

3-6. The school bulletin shall give an accurate description of the practical nursing program policies.

3-7. A student handbook shall be developed by the nursing faculty to include the policies relating to:

(a) admissions, (b) grading system, (c) suspension and/or dismissal, (d) itemized list of fees, (e) attendance requirements, (f) health policies, and (g) completion requirements.

4. Educational Facilities.

4-1. Classrooms, laboratories, teaching equipment, and supplies shall be adequate to meet the needs of the curriculum and the size of the program in both the school and the cooperating agency.

4-2. Offices shall be of sufficient size and number to provide for uninterrupted work and to insure privacy for conferences with students and staff. There shall also be adequate space for clerical staff, school files, and other essential equipment.

4-3. A library, readily accessible to students and faculty, shall provide current reference books and periodicals.

5. Cooperating Agencies.

5-1. Clinical affiliation with cooperating agencies shall meet the following requirements:

A. Hospitals providing one or more of the major clinical nursing fields shall be accredited by the Joint Commission on Accreditation of Hospitals.

B. Nursing homes shall be licensed by the Louisiana Department of Health and Human Resources, Licensing Section, Division of Management.

C. Other facilities shall be approved by proper authorities or the Board.

5-2. Contractual agreements shall be executed between the program and cooperating agencies specifying their respective responsibilities, conditions or reservations held by hospital or school, and provisions for revising or terminating the contract.

5-3. All contracts and agreements shall be current.

5-4. Hospital Administrator, Director of Nursing Service, and others responsible for patient care shall be aware of the objectives of the practical nursing program and shall participate in the furthering of such objectives in so far as it is consistent with the objectives of the hospital staff.

5-5. Where there is a single cooperating hospital to be used for clinical practice, the hospital shall maintain an average daily census which will permit selected student assignments in the four basic areas of nursing, namely medical, surgical, obstetrical, and pediatric.

5-6. Prior to student assignment to the practice area, a consultation between the administrative agents of the hospital and the program shall be held. It shall include information pertaining to:

A. Student skill level.

- B. Specific details relating to days, hours and areas of practice, uniforms, student medical evaluations, liability insurance, and hospitalization.
  - C. Delineation of classroom and/or conference area available to students and instructors.
  - D. Provision for periodic conferences between nursing service personnel and instructors to discuss student assignments and evaluations.
- 5-7. All students assigned to clinical practice areas shall be supervised by an instructor within the required ratios.

6. Curriculum Requirements.

6-1. Development—The curriculum shall be developed and written by the nursing faculty to reflect their philosophy and objectives and within the Board approved Curriculum Guide for Practical Nurse Education issued by the Louisiana State Department of Education.

6-2. Length of Program—A program shall be no less than 1,440 hours of scheduled instruction with at least 630 hours being classroom instruction. Theory and practice shall be concurrent progressing from the simple to the complex.

- A. Adult program instruction and clinical experience shall be no less than twelve months and no more than fourteen months including vacation and holidays.
- B. Secondary program instruction and clinical experience shall be no longer than two years.

C. Part-time evening program instruction and clinical experience shall be no less than twelve months and no longer than two years.

6-3. Levels of Instruction—The curriculum shall be divided into five terms with diet therapy and pharmacology being integrated into Terms III, IV, and V. Clinical experience shall be planned to coincide with theory, however the progression may vary according to the availability of clinical facilities.

Term I—Introduces vocational adjustments, basic nursing practice, normal nutrition, body structure, and normal function.

Term II—Provides theory and practice in nursing skills, principles of microbiology, pharmacology, growth and development, and introduction to abnormal body conditions.

Term III—Presents the theory of medical-surgical nursing care, maternal-newborn nursing, nursing care of children, and provides clinical experiences concurrently.

Term IV—Emphasizes total patient care, patients with common medical-surgical problems, pediatric disorders, and aging changes. Psychiatric nursing care, concepts and principles are introduced.

Term V—Permits nursing care in more complex nursing situations, enabling the student to adjust to the role and responsibility of the graduate.

6-4 Suggested Program of Studies.

|          |                                      | Class and Lab Hours | Clinical Practice   |
|----------|--------------------------------------|---------------------|---------------------|
| Term I   | Fundamentals of Practical Nursing I  | 195                 | Selected Experience |
|          | Body Structure and Function          | 45                  |                     |
|          | Nutrition (Normal)                   | 30                  |                     |
| Term II  | Fundamentals of Practical Nursing II | 100                 | 9 weeks             |
|          | Growth and Development               | 20                  |                     |
| Term III | Medical-Surgical Nursing I           | 30                  | 2 weeks             |
|          | Maternal and Newborn Nursing         | 40                  | 4 weeks             |
|          | Nursing Care of Children             | 20                  | 3 weeks             |
| Term IV  | Introduction to Psychiatric Nursing  | 20                  | 2 weeks             |
|          | Medical-Surgical Nursing II          | 70                  | 7 weeks             |
| Term V   | Medical-Surgical Nursing III         | 60                  | 9 weeks             |

7. Admissions.

7-1. Regular admissions shall meet the following requirements:

- A. Grade placement of 9.5 in reading and 8.5 in mathematics on the achievement test battery.
- B. Seventeen years of age or older for adult programs; Sixteen years of age or older for secondary programs.
- C. Citizen of the United States or have filed a declaration of intention.
- D. High school completion verified by transcript or State Department of Education equivalency for adult programs; completion of sophomore year for secondary programs.
- E. Health certification by a licensed physician.
- F. Finger printing.
- G. Demonstrate socially acceptable conduct.
- H. Practice good interpersonal relationships.
- I. Interviewed by faculty and/or admissions committee.
- J. Meet all admission requirements as set by the Board, faculty, and school administration.
- K. Admitted at beginning of Term I by class.

7-2. Advanced Standing.

A. Individuals applying for advanced standing shall meet the following requirements:

- (1) Formal preparation in a planned program of nursing education within the previous five years, documented through an official transcript, records, and references.
- (2) Formal preparation of theory and practice in a health-related field documented through an official transcript, records, and references.
- (3) Louisiana licensed practical nurse who wishes to improve employment opportunities by completing the approved program in practical nursing.
- (4) Meet all admission standards for regular admissions.
- (5) Score satisfactorily on the standardized tests provided by the National League for Nursing: Pre-Admission and Classification Examination (PACE), Three Units of Content (TUC), and Nursing Including Pharmacology (NIP).

- B. Evaluations for advanced standing shall be made by the nursing faculty based upon the above requirements.
- C. A course of study shall be developed and recommended by the nursing faculty to include a minimum of six weeks enrollment to provide sufficient theory and practice to meet the requirements for completion.
- D. Records of advanced standing admission tests, course of study, and program achievement shall

be maintained in addition to those records maintained for regular students.

7-3. Readmission.

- A. A student who has been away from the program for more than one year shall be considered a new applicant.
- B. At the discretion of the nursing faculty, based upon individual evaluations, credit may be granted for units of the program previously completed.

8. Withdrawals

8-1. A student shall attend five consecutive days to be considered officially enrolled in the program.

8-2. A student withdrawing during the initial five day period is not considered officially enrolled.

8-3. An officially enrolled student withdrawing after the initial five days shall be considered a drop-out.

8-4. A record of each drop-out including name, date, and reason shall be maintained and submitted to the Board on the biannual report.

9. School Records.

9-1. Student Records—Individual files shall be maintained for each student officially enrolled and shall contain: (a) application, (b) admission test scores, (c) high school transcript, (d) health certification, (e) progress reports, (f) student instructor conference reports, (g) course of study—theory and clinical, (h) evaluation form, (i) final record form, (j) transcript, and (k) licensing examination score.

9-2. Faculty records—Individual files shall be maintained for each instructor to include: (a) application, (b) job description, (c) terms of employment, (d) advancement, (e) educational improvements, (f) participation in professional organizations, and (g) research and/or publication.

9-3. General records—Shall be maintained and shall include: (a) faculty minutes, (b) advisory committee minutes, (c) reports to the Board, (d) materials of historical interest, and (e) master rotation plan for each class.

10. Board Reports and Records.

10-1. Appropriate forms are to be obtained from the Board office.

10-2. All programs shall submit the following reports:

- A. Student evaluation—to be submitted in duplicate accompanied by one dollar fee for each student officially enrolled in the program.
- B. Biannual report—to be completed in triplicate; one copy to remain at the school; two copies to be submitted on July 1 and January 1 to Health

Occupations Division, Bureau of Vocational Education.

- C. Final record—to be completed in duplicate for each student upon completion of the program. One copy to remain in the student's file; one copy to be submitted to the Board office.
- D. Faculty qualification record—to be submitted on each newly appointed faculty member and to be up-dated as additional preparation is acquired.
- E. Contractual agreement—copies for each co-operating agency.

### **Section V Program Progression**

- 1. Program Changes.
  - 1-1. Regular evaluation, revision, and improvement of programs is encouraged.
  - 1-2. Changes which require Board approval before implementation are: (a) admission policies, (b) organization, (c) curriculum, (d) expansion of existing program, (e) nursing faculty, and (f) hospital affiliation.
- 2. Teaching Methods.
  - 2-1. The teaching assignment shall be reasonable, allowing time for preparation of classes, counseling of students, and improving methods of instruction.
  - 2-2. Course outlines shall be developed on a current basis and used by faculty and students.
  - 2-3. The program shall use a variety of teaching tools and methods including: lectures, discussions, reports, audiovisual aids, field trips, resource lectures, role-playing, demonstration and laboratory practice.
  - 2-4. Nursing care plans shall be presented in a pre-clinical session.
  - 2-5. Post clinical conferences shall be held to provide opportunity for sharing experiences, evaluating, and improving patient care.
  - 2-6. Subject matter shall be scheduled concurrently with related clinical assignments.
- 3. Measuring Academic Achievement.
  - 3-1. Evaluation shall be a scheduled progressive activity designed to assist and improve the development of the student, faculty, and program.
  - 3-2. Policies regarding the level of achievement which a student must maintain to progress in the program shall be well defined.
  - 3-3. Level advancement shall be made on an individual basis, dependent upon test scores, clinical performance, interpersonal relationships, and ethical conduct.
  - 3-4. Student self-evaluation is recommended.

3-5. Evaluation and grading systems shall be realistic and consistent with the objectives of the program.

3-6. Instructional evaluations shall be made based upon the performance of students, standardized tests, and the State Board Test Pool Licensure Examination.

3-7. Programs having a class in which there is a twenty percent failure rate on the State Board Test Pool Examination shall be required to:

- A. Administer pre-admission tests recommended by the Board.
- B. Determine the probable factor.
- C. Submit progress reports at stated intervals.

- 4. Completion.
  - 4-1. Requirements for completion shall be clearly stated and shall include satisfactory evidence of having met the total requirements of personal fitness, scholastic and skill achievement.
  - 4-2. Final record forms shall be completed and submitted to the Board for each student completing the program.
  - 4-3. Transcripts for each student shall be completed, filed, and made available upon request of the graduate.
  - 4-4. Placement and follow-up studies of graduates are recommended.

### **Section VI Program Approval and Accreditation**

A practical nursing program which has been established, projected, and has progressed within the minimum requirements as set forth in this manual shall be issued accreditation status.

A Board representative shall conduct a survey of each program periodically, at the discretion of the Board, to determine that minimum requirements are being met.

- 1. Objectives shall be to:
  - 1-1. Assure students that the program in which they are enrolled is providing optimum opportunity for nursing education, clinical experience, and eligibility to write the State Board Test Pool Examination for Practical Nurse Licensure.
  - 1-2. Insure those requiring nursing care that students and graduates possess the necessary skills and knowledge to provide safe nursing practice.
  - 1-3. Evaluate the quality and competency of the practical nursing programs in attaining their own stated philosophy and objectives.
  - 1-4. Encourage within each program self-evaluation for the development and improvement of the practical nursing program.

1-5. Assist each program in attainment of all minimum requirements essential for the continuation of quality education.

2. Types shall be:

2-1. Initial approval shall be issued to programs that have received Board approval to establish a program in practical nursing and shall be limited to three years, or until the completion of two classes. Programs with initial approval shall be reviewed annually.

2-2. Accreditation shall be issued to programs that meet the minimum requirements established by the Board. Programs with accreditation shall be surveyed at least every five years.

2-3. Accreditation renewal shall be issued to programs that maintain the minimum requirements established by the Board.

2-4. Provisional approval shall be issued to programs that do not maintain minimum requirements. Programs placed on provisional approval shall be reviewed annually and shall meet the requirements of the Board at the end of a two-year period. Programs on provisional approval shall not admit new students.

### Section VII

#### Discontinuation of a Program

1. Voluntary.

The director of a program shall advise the Board by letter of the decision to close a program of practical nursing and submit a written plan for terminating the program.

1-1. Discontinuation may be accomplished by:

A. Arranging transfer of students to another approved program of practical nursing with provision for a minimal loss of student time.

B. Closing the program gradually by discontinuing admissions and officially closing on the date the last student graduates.

1-2. All requirements and standards shall be maintained until all students are transferred or graduated.

1-3. Provisions shall be made for the protection and accessibility of all records of a practical nursing program that has been discontinued.

2. Involuntary.

If the stipulations of provisional approval have not been met, withdrawal of approval shall be determined at the next regular meeting of the Board.

2-1. The director of the program shall be notified to appear before the Board for a hearing.

2-2. Following withdrawal of approval:

A. The school shall be removed from the list of accredited programs of practical nursing approved by the Board.

B. Only those students presently enrolled and approved by the Board shall be permitted to complete the program and apply for licensure.

2-3. A school may reapply for a practical nursing program after minimum requirements have been incorporated.

### Section VIII

#### Licensure

1. Qualifications.

An applicant for a license to practice as a practical nurse shall:

1-1. Be of good moral character.

1-2. Be a citizen of the United States or have taken out first citizenship papers.

1-3. Be a graduate of an accredited program in practical nursing.

1-4. Attain a score of three hundred fifty or above on the State Board Test Pool Examination for Practical Nurse Licensure.

2. Application.

Each applicant shall complete an application form and submit to the Board office with the appropriate fee.

3. Types.

3-1. Examination—candidates who have completed an accredited program in practical nursing shall:

A. Complete and submit application form accompanied by two passport size photographs bearing the signatures of both the applicant and instructor on back.

B. Remit a twenty-five dollar fee for the State Board Test Pool Examination and original license.

C. Write the first scheduled examination following a program completion and application.

D. Receive notice of the date, time, and location of the examination.

E. Be issued an admit card.

F. Present admit card for admission to the examination center.

G. Score three hundred fifty or above on the State Board Test Pool Examination.

H. Be permitted to write the examination a second and third time if the initial writing is unsuccessful.

I. Be required to return to a program of practical nursing for evaluation of deficiencies if the third examination is unsuccessful.

J. Remit a fee of fifteen dollars for each subsequent examination.

3-2. Endorsement.

3-2-1. An applicant who is licensed under the laws of another state and meets the qualification for



licensure in Louisiana may apply for endorsement and shall:

- A. Complete and submit an application form accompanied by two passport size photographs bearing applicant's signature on the back.
- B. Provide a photostatic copy of current license for temporary permit.
- C. Remit seventeen-dollar fee for application processing and Louisiana license.
- D. Complete application requirements within one year.

3-2-2. An applicant who is licensed under the laws of Louisiana and requests endorsement to another state shall:

- A. Complete and submit a verification form.
- B. Remit two-dollar fee for processing.
- C. Receive verification of licensure by the Board.

#### 4. Temporary Permit.

A temporary permit to practice as a practical nurse in the State of Louisiana pending receipt of the permanent license shall:

- 4-1. Be issued to graduates of an accredited practical nursing program pending the results of the first State Board Test Pool Examination.
- 4-2. Be issued to qualified applicants for licensure by endorsement.
- 4-3. Not be extended beyond the original expiration date.
- 4-4. Be presented at the time of employment.
- 4-5. Require applicant to sign their names as "P.N. (T.P.)."

#### 5. Renewal.

Each license shall be renewed annually. Renewal forms shall be:

- 5-1. Mailed annually by the Board office to the last known address.
- 5-2. Completed and returned with a fee of five dollars before January 31 of each year.
- 5-3. Delinquent after January 31 of each year, reinstated upon completion of renewal application and remittance of five-dollar renewal fee and five-dollar delinquent fee. A list of delinquent licenses shall be compiled and mailed to all health-related agencies on March 1 of each year.

#### 6. Inactive Status.

A licensee desiring to retire from practice shall:

- 6-1. Notify the Board by registered mail.
- 6-2. Be placed on inactive status.
- 6-3. Not remit annual renewal fee.
- 6-4. Be reinstated by applying for renewal and remitting five-dollar renewal fee.

#### 7. Change of Name.

A licensee who requests change of name shall submit

a photostatic copy of legal document and fee of two-dollars.

#### 8. Change of Address.

A licensee who has a change of address shall notify the Board office as soon as possible.

#### 9. Lost, Stolen, or Destroyed License.

A licensee requesting a duplicate license shall:

- 9-1. Obtain verification of renewal form from the Board office.
- 9-2. Complete and submit with one-dollar fee.

#### 10. Roster.

A roster of all persons licensed as practical nurses in Louisiana shall be published annually; it may be purchased through the Board office for a fee of one dollar.

#### 11. Fees shall be:

- 11-1. Paid by cash, personal check, or money order.
- 11-2. Charged for all non-negotiable checks. The fee is two dollars.
- 11-3. Nonrefundable.

#### 12. Denial, Revocation, or Suspension of License.

12-1. The Board may revoke or suspend any license to practice practical nursing issued by the Board, or applied for, or, other wise discipline a licensee upon proof that the person:

- A. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing; or
- B. Is guilty of a crime; or
- C. Is unfit, or incompetent by reason of negligence, habit, or other causes; or
- D. Is habitually intemperate or is addicted to the use of habit forming drugs; or
- E. Is mentally incompetent; or
- F. Is guilty of unprofessional conduct; or
- G. Has violated any of the provisions of this part.

Mary E. Rogers, R.N., Associate Director  
Board of Practical Nurse Examiners

## RULES

### .01 Applicability; Effective Date

#### Board of Regents

##### **Regulations and Procedures for Making Payments to Non-Public Institutions of Higher Education for Educating Louisiana Residents Pursuant to Act 562 of the 1975 Regular Session of the Louisiana Legislature as Amended by Act 491 of 1976 and Further Amended by Act 522 of the 1976 Regular Session of the Louisiana Legislature**

In promulgating these regulations and procedures, the Board of Regents makes the following findings: That both the Federal and State of Louisiana Constitutions prohibit the enactment of any law respecting an establishment of religion and that Act 562 of the 1975 Regular Session of the Louisiana Legislature, as amended by Act 491 of 1976 and further amended by Act 522 of the 1976 Regular Session of the Louisiana Legislature, was enacted within the framework of such constitutional proscriptions; that the Act as amended has a secular purpose; that the public has an interest in nonpublic institutions of higher education and that a program of reimbursement to such nonpublic institutions will have the effect of saving the taxpayers of Louisiana substantial amounts of money which would have to be expended to expand public institutions of higher education in order to meet the growing demands of such institutions if nonpublic institutions were not available to meet the increasing student load; that the Act as amended specifically prohibits reimbursement thereunder to any institution which discriminates on the basis of race or religion in its admission policies and prohibits reimbursement for educating any student majoring in theology or divinity or for the support of intercollegiate athletics; that, by reason of the Federal and State constitutional proscriptions, the Act as amended also prohibits aid being utilized by a recipient institution for any sectarian or religious purpose or for the support of intercollegiate athletics; and that the Board has the power and authority to promulgate these regulations in order to ensure that the administration of the Act as amended conforms with applicable Federal and State constitutional proscriptions and to provide for the orderly administration and enforcement of the Act as amended within the framework of all constitutional provisions.

Pursuant to the provisions of Act 562 of the 1975 Regular Session of the Louisiana Legislature, as amended by Act 491 of 1976 and further amended by Act 522 of the 1976 Regular Session of the Louisiana Legislature (R.S. 17:2053, et seq.), the following regulations and procedures are adopted by the Board of Regents:

The regulations and procedures contained herein shall apply to the program of reimbursement to non-public institutions of higher education provided for by Act 562 of the 1975 Regular Session of the Louisiana Legislature (R.S. 17:2053, et seq.), as amended by Act 491 of 1976 and further amended by Act 522 of the 1976 Regular Session of the Louisiana Legislature, and as may be further amended from time to time. These regulations and procedures shall be effective beginning with the expenditure, reporting, and verification of reimbursement awarded for the 1977 fiscal year, and shall apply in all respects for subsequent years.

### .02 Definitions

In these regulations the following terms have the meanings indicated:

- A. "Act as amended" means Act 562 of the 1975 Regular Session of the Louisiana Legislature, as amended by Act 491 of 1976 and further amended by Act 522 of the 1976 Regular Session of the Louisiana Legislature.
- B. "Board" means the Board of Regents.
- C. "Eligible institution" means an institution designated in paragraph D of the Act as amended provided such institution admits students without regard to race, religion, color, or national origin, and admits and matriculates students without regard to employment status.
- D. "Louisiana resident" is defined in Policy Memorandum 31, dated May 15, 1974, of the Office of the President of the Louisiana State University System, which is attached as Appendix I to these regulations. Section 3 of this Memorandum does not apply to these regulations.
- E. "Program" or "academic program" means any series of courses arranged in a scope and a sequence leading to a degree or certificate or which constitutes a major.
- F. "Religious, seminarian, theological, or divinity academic program" or "majoring in theology or divinity" means matriculation in any series of courses arranged in a scope and a sequence either leading to a degree or certificate from the eligible institution which indicates specialization in the study of religion or in religious, seminarian, theological, or divinity studies, or constituting a major in any of such subject matters under the rules and regulations of the eligible institution.
- G. "Student" means only a student who is enrolled in an eligible institution who is a Louisiana

resident; and who is not majoring in theology or divinity.

- H. "Full-time student" is any student who has, as an undergraduate student, completed not less than twelve hours of recognized credit courses of study during a semester; or who has, as a graduate student, or a professional student, completed not less than nine hours of recognized credit courses of study during a semester.
- I. "Part-time student" is any student who has, as an undergraduate student, completed less than twelve hours of recognized credit courses during a semester; or who has, as a graduate student or a professional student, completed less than nine hours of recognized credit courses during a semester.
- J. "Professional student" is any student who is enrolled in a professional school, such as law, veterinary medicine, dentistry, medicine, etc.
- K. "Graduate student" is a student who has at least a bachelor's degree, and who has been formally accepted for graduate study in pursuit of the master's degree, the specialist degree or the doctorate degree.
- L. "Undergraduate student" is a student who is pursuing a bachelor's or associate degree.
- M. "State funds" are funds paid to an eligible institution pursuant to the Act as amended.

#### .03 Computation of Amount of Semiannual Award

A. The amount of the semiannual reimbursement available to each eligible institution shall be determined in accordance with the provisions of paragraphs B and C of the Act as amended, and in accordance with the following rules:

- (1) In the computation of the amount of any semiannual award to an eligible institution, the Board shall consider both "full-time students" and "part-time students" for the computations for reimbursement in accordance with paragraphs B and C of the Act as amended.
- (2) In the classification of a student for purposes of computation of reimbursement, there shall be excluded therefrom any student majoring in theology or divinity. Also excluded will be those students who are not students at the primary campuses of the eligible institutions. One or more institutions cannot be reimbursed in aggregate in excess of the limit for any one student.
- (3) An eligible institution cannot claim for reimbursement a student that is concurrently enrolled in a public institution of higher learning.

B. The required information shall be fully completed and filed with the Board and shall reflect the pertinent data for the preceding completed semester or semesters for which reimbursement is allowed under the Act as amended. The information and format required may be revised from time to time by the Board in a manner consistent with these regulations. Information requirements and format will be furnished to all eligible institutions prior to the fall semester each year. However, this does not preclude the possibility of changes occurring at other times either by law or by necessity.

C. For purposes of Section A, a student shall be deemed to be majoring in theology or divinity if, on or before the date of filing for reimbursement for any period, he has become a declared major in religion or in religious, seminarian, theological or divinity studies, or has otherwise advised or indicated to the institution that he is seeking a degree or certificate indicating the type of specialization which characterizes a religious, seminarian, theological, or divinity academic program. In determining reimbursement under the Act as amended, all credit hours of all such students majoring in theology or divinity shall be deducted, even if some credit hours are in nonreligious subjects which do not relate directly to such a program.

D. In the computation of total payments due any eligible institution with respect to the fifteen percent limitation imposed under paragraph F of the Act as amended, the term "total educational and general expenditures" shall mean those expenditures that are generally accepted and as defined and established by the National Association of College and University Business Officers (NACUBO). In order to determine this fifteen percent limitation amount, it will be necessary for the eligible institutions to furnish a copy of their operating budgets to the Board. This will be required since annual financial statements will not be prepared until after disbursements are claimed and dispensed.

E. Reimbursement will be at one hundred percent of the amount generated if sufficient appropriated funds are available and on a pro rata basis if funds are insufficient for a one hundred percent implementation.

F. In the computation of the amount of semiannual reimbursement to an eligible institution, there shall be excluded those students for which the institution is receiving funds under any other program authorized by the Louisiana Legislature.

#### .04 Administration of Program

A. The Board shall have the authority to verify the information submitted pursuant to Section .03 by

examining the registration or other pertinent data upon which submissions are based and, should there be any discrepancies, to reconcile these differences and make the appropriate revisions to the reimbursement amount. The institution shall be given notice of any changes and an opportunity to discuss these changes with the Board prior to revision of the reimbursement amount.

B. The data required by the Regents must be completed and submitted no later than January 31 and June 27 of each fiscal year for which reimbursement is sought, and shall consist of a Pre-expenditure Affidavit containing statements that the institution shall use State funds solely for academic purposes and shall not use any State funds for the support of intercollegiate athletics and that the institution shall use the State funds only for nonsectarian or nonreligious purposes. Copies of all information constituting an application will be timely distributed to all known eligible institutions, together with a copy of these regulations.

The Pre-expenditure Affidavit shall be in a form as prescribed by the Board; must be executed by the chief executive officer of the institution; and shall contain his certification that State funds shall be used solely for academic purposes; that no funds have been or will be received from the State for educating students then majoring in theology or divinity; that no funds received from the State have been or will be used for sectarian or religious purposes; that no such funds have been or will be used to support a religious, seminarian, theological, or divinity program or to support intercollegiate athletics of said institution; that the institution admits students without regard to race, religion, color, or national origin and without regard to employment status; and that the institution has adopted and will maintain and adhere to the accounting procedures described in Section E (of this Regulation .04) until all State funds applied for have been expended and accounted for to the Board.

C. Following the receipt of applications, and based upon its determination under Section .03, semiannual reimbursements will be paid as soon as possible to the eligible institutions after receipt and verification of all data from all institutions and approval of payment by the Commissioner of Higher Education.

D. No reimbursement shall be paid to any eligible institution if it has failed to submit an adequate Utilization of Funds Report for any preceding semester in compliance with these regulations. (Refer to .04 F.)

E. All eligible institutions shall adhere to the following accounting procedures in connection with their receipt, expenditure, and accounting of State funds pursuant to these regulations:

- (1) Each institution will prepare its annual financial statements in accordance with generally accepted accounting principles as outlined in the National Association of College and University Business Officers' administrative service manual, college and University Business Administration.
- (2) The budget for each institution must identify the specific areas of activity for which State funds will be expended.
- (3) State funds, when received by the institution, must be placed in a special revenue account.
- (4) Each budgeted segment of the institution must have an expense account number, where appropriate, for recording the expenditure of State funds.
- (5) Each institution will retain for a minimum period of one year following reimbursement sufficient documentation of the State funds expended to permit verification by the Board that no funds were spent for sectarian or religious purposes, or in support of a religious, seminarian, theological, or divinity program, or intercollegiate athletics.
- (6) Should it become necessary to conduct a verification or audit of the institution's records in connection with its expenditure of State funds, this process shall be conducted with dispatch and a minimal disruption of the institution's activities. It shall be strictly limited to such information and data as is necessary to determine whether or not there has been a misuse of funds. If the institution fails to cooperate fully with the Board in a manner to facilitate prompt and accurate completion of the verification or audit, it shall be ineligible to receive any further funds under the Act as amended until it complies with the law and these regulations.

F. Prior to the end of each semester, the Board will send to all eligible institutions a Utilization of Funds Report and a Post-expenditure Affidavit. The Utilization of Funds Report shall be certified to by the chief executive officer or chief financial officer of the institution and shall require the institution to describe and itemize the purposes for which State reimbursement funds have been expended during the preceding semester. The Post-expenditure Affidavit shall be executed by the chief executive officer of the institution and shall certify to the same stipulations required in the Pre-expenditure Affidavit. These reports and affidavits must be completed and filed in accordance with the requirements of these regulations before any application for reimbursement for a subsequent semester will be acted upon.

G. Each eligible institution receiving reimbursement under the Act as amended shall maintain complete and sufficient records of the residence status of all students who have been included by the institution in the computation of reimbursement and shall retain all such records for a period of not less than one year from the date upon which reimbursement has been applied for with respect to said students.

H. In addition to certifying in the Pre-expenditure and Post-expenditure Affidavits that it admits students without regard to race, religion, color, or national origin and without regard to employment status, each eligible institution shall submit to the Board, when it first makes application for reimbursement under the Act as amended following issuance of these regulations, copies of all written policies governing the admission of students.

#### .05 Prohibited Uses of State Funds

A. Act 491 and 522 of the 1976 Regular Session of the Louisiana Legislature amended Act 562, in part, to impose certain prohibitions on the use of funds awarded under Act 562. Specifically, Act 491 and Act 522 require that State funds be used solely for academic purposes and prohibit any use of such funds for religious purposes or for intercollegiate athletics. The Board was specifically directed by Act 491 to promulgate regulations implementing those provisions.

B. An eligible institution receiving funds under the Act as amended will be in compliance with the requirement that it uses those funds solely for academic purposes if it expends those funds in areas and services incidental to and in direct support of its primary missions of instruction, research, and public service. That requirement prohibits the use of State funds for the auxiliary enterprises of the institution, such as dormitories and cafeterias, and for independent operations which are primarily funded by foundation or government grants or other funds not derived through the normal revenue sources of the institution. If an institution is in doubt whether possible uses of State funds might be for something other than an academic purpose, it should consult with and seek the advice of the Board in advance of the commitment.

C. Prior to the 1976 amendments to Act 562, the Attorney General of Louisiana had given the Board a formal opinion that required that the Act be administered in such a fashion that no funds awarded under the Act be used for religious or sectarian purposes. Consistent with that opinion and with the decisions of the United States Supreme Court, the religious use prohibition contained in the Act as amended will be

administered to prohibit the use of any funds awarded under the Act to support religious instruction, religious worship, or other activities of religious nature. Listed below are several potential uses of State funds which would violate the religious use prohibition. This list is not intended to be all-inclusive, and, if any recipient institution is in doubt whether any other possible use of the funds might violate the religious use prohibition, it should consult with and seek the advice of the Board in advance of any such expenditure.

- (1) Student Aid: State funds may not be used for student aid if the institution imposes religious restrictions or qualifications on eligibility for student aid, nor may they be paid to students then enrolled in a religious, seminarian, or theological academic program.
- (2) Salaries: State funds may not be used to pay in whole or in part the salary of any person who is engaged in the teaching of religion or theology, who serves as chaplain or director of the campus ministry, or who administers or supervises any program of religious activities.
- (3) Maintenance and Repair: State funds may not be used to pay any portion of the cost of maintenance or repair of any building or facility used for the teaching of religion or theology or for religious worship or for any religious activity.
- (4) Utilities: If an institution has any building or facility that it used in whole or in part for the teaching of religion or theology or for religious worship or for any religious activity, State funds may not be used to pay utility bills unless those buildings or facilities are separately metered. If buildings or facilities used for any religious purpose described in the preceding sentence are separately metered, the cost of providing heat, electricity, and water to those buildings or facilities cannot be paid with State funds.
- (5) Capital Construction and Improvements: If State funds are used to construct a new building or facility or to remove an existing one, the building or facility may not be used for the teaching of religion or theology or for religious worship or for any religious activity at any time in the future.

D. State funds may not be used to pay in whole or in part the salary of any person who is engaged, either full-time or part-time, in coaching, recruiting, or any other phase of intercollegiate athletics or to support intercollegiate athletics in any manner. If an institution is in doubt whether possible use of State funds might violate the intercollegiate athletic use prohibition, it should consult with and seek the advice of the Board in advance of the commitment.

E. In the event an institution uses State funds for other than academic purposes or violates the prohibition against a religious use of State funds or a use of State funds to support intercollegiate athletics, it shall be ineligible to receive further State reimbursement until repayment of the funds expended in violation of such prohibitions has been made. If the Board determines that there has been such a violation and that the responsible officers knew or reasonably should have known that it was doing so, the Board shall notify the institution, and the Board may declare that institution ineligible to receive further State funds under the Act, either for a specified number of years or permanently, and so notify the institution. Representatives of the institution shall be given notice and opportunity to appear before the Board and present pertinent information prior to any declaration of ineligibility.

F. An eligible institution's right to have a decision of the Board reviewed shall be such as may be provided by law.

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

**Appendix I**  
**Policy Memorandum 31**  
**May 15, 1974**

**1. Regulations Regarding Residence Classification**

1.1. A resident student is defined as a student who has been domiciled in the State of Louisiana continuously for at least one full year immediately preceding the first day of classes of the term for which resident classification is sought. A non-resident student is a student not eligible for classification as a resident student under these regulations.

1.2. One who enrolls as a nonresident shall continue to be so classified throughout his attendance as a student, unless and until he demonstrates that he is eligible for reclassification as a resident under these regulations. A nonresident student shall be eligible for reclassification only after he establishes that his previous domicile has been abandoned and that he has been domiciled in Louisiana continuously for at least one full year immediately preceding the first day of classes of the term for which reclassification is sought.

1.3. A person who was eligible to be classified as a resident of Louisiana under these regulations for at least two years and then moves to another state retains the right to enroll himself or any of his dependents as a resident for a period equal to the

number of years he was thus eligible; but the right shall expire upon the person's residing continuously for a period of at least five years in another state, or outside of the State of Louisiana continuously for a period of ten years.

1.4. A person who was eligible to be classified as a resident of Louisiana under these regulations does not lose the right to be classified as a resident during the period of employment in a foreign country. In cases of prolonged employment in a foreign country, evidence of retention of United States citizenship is required.

1.5. An individual on a student visa is to be classified as a nonresident.

1.6. A member of the diplomatic service of another country who is assigned to full-time duties in Louisiana may enroll himself or his dependents as residents.

1.7. A member of the armed forces currently stationed in Louisiana may enroll his dependents as residents.

An individual on active duty in the armed forces currently stationed in Louisiana may be classified as a "temporary resident" upon submission of an appropriate statement signed by his unit commander verifying his being on active duty and stationed in Louisiana. The classification of "temporary resident" is valid only for the semester or summer term for which it is established. It must be renewed at each registration. "Temporary resident" cannot be acquired when assigned to Louisiana for the primary purpose of attending a college or university.

1.8. An individual who was permanently stationed in Louisiana as a member of the armed forces for a continuous three-year period, and his dependents, may be classified as residents provided that the individual has been domiciled continuously in Louisiana during the time between separation from the armed forces and registration. The foregoing requirement for a continuous three-year period may be satisfied if the individual has been permanently stationed in Louisiana for a continuous period of more than two years but less than three years, and has been employed and domiciled full time in the state for a period after separation sufficient to make up the said continuous three-year period.

1.9. A member of the armed forces who was eligible for classification as a resident of Louisiana under these regulations immediately prior to entering the armed forces retains the right to enroll himself and any of his dependents as residents as long as he is in the armed forces and for a two-year period after separation from the armed forces.

1.10. Residence status is not determined for students auditing only or for students enrolled in

extramural or correspondence courses of the Division of Continuing Education.

1.11. Students who have been classified as residents of Louisiana under regulations now superseded shall not be reclassified as a result of these regulations.

## 2. Classification Procedures

2.1. The residence status of an applicant or student is determined by the Office of the Registrar on each campus in accordance with these regulations and is based upon evidence provided in the application for admission and related documents.

2.2. An application for reclassification from non-resident to resident status shall be filed with the Office of the Registrar not later than twenty-one calendar days following the first day of classes of the term for which such reclassification is sought. Such application shall include any information or documents required by the Office of the Registrar, together with any supporting evidence which the student desires to submit.

## 3. Appeals Procedures

3.1. Any student may appeal the decision of the Office of the Registrar pursuant to paragraph 2.2., above. This appeal must be filed not later than twenty-one calendar days after notice of such decision is mailed to him by filing with the Office of the Registrar a formal appeal in writing which shall be forwarded to the Chairman of the System Residence Appeals Committee.

3.2. The System Residence Appeals Committee shall consist of three members appointed by the President from the LSU System administrative staff. The Committee shall function as an appellate body with appropriate legal counsel. The Committee shall recommend to the President of the University the reclassification of any student who has appealed his classification as a nonresident if the Committee finds from the evidence submitted that the student is entitled to reclassification under these regulations.

3.3. Failure to comply timely with the appeals procedure shall constitute a waiver of all claims for reclassification for the applicable term or terms.

M. D. Woodin, President  
Louisiana State University System

## RULES

### Department of Revenue and Taxation

Pursuant to the authority vested in me by law, Article 47:303 of the Louisiana Sales Tax Rules and

Regulations published October 1, 1973, is hereby amended to read as follows:

### Article 47:303. Collection

R.S. 47:303A deals with the collection of tax from dealers. All of the taxes imposed under R.S. 47:302, and, by reference in R.S. 47:322 to those imposed under R.S. 47:321, are governed by these provisions. Every person engaged as a dealer, which R.S. 47:301 defines to be either party to a transaction creating a tax liability under this Chapter, is made liable for collection of the tax. "Dealer" includes both the seller and the purchaser of tangible personal property, the person who uses, consumes, distributes or stores tangible personal property in this state to be used or consumed here if a Louisiana sales tax has not previously been paid thereon, the lessor or lessee, the rentor or renter of tangible personal property rented or leased within this state, and the person who performs or furnishes any of the services covered by R.S. 47:301(14) or the person for whose benefit the services are furnished.

The importation of tangible personal property from other states or from foreign countries to be used, consumed, distributed, or stored to be used or consumed in this state is treated the same as if the articles had been sold at retail for any of those purposes within the state, and such articles are thereby taxable to the person who causes them to be imported. This tax levies immediately, and can be collected immediately. There shall be no tax on the importer, however, if a Louisiana sales tax has been previously been paid. This section clearly provides that there shall be no duplication of the tax.

If a tax similar to that imposed by this Chapter is imposed by the state from which property is imported and if the state from which imported allows a credit to persons who import tangible personal property into that state for any sales or use tax which might have previously been paid to the State of Louisiana, a credit will be allowed against the Louisiana sales or use taxes for the tax paid to the other state. In order for the credit to be operative, both of the qualifying conditions must be met. The importer must have paid a similar tax upon either the sale or use of the same identical property in another state and the other state must allow a credit similar to this credit. The only exception to the double qualification standard is in the case of military personnel who are enlisted for two years or more who purchase automobiles outside the State of Louisiana while on their tour of active duty. In this instance, the credit will be allowed for the taxes paid the other state, whether or not that state allows a similar credit for Louisiana taxes paid.

The use tax imposed by this Chapter is based on

either the cost of the tangible personal property being imported or its fair market value at the point at which it comes to rest in the State of Louisiana, whichever is the lesser of the two. Most frequently, the value upon which the Louisiana use tax is based will be less than original cost on which the taxpayer paid tax in the state of purchase. In those instances, credit will be allowed against the Louisiana use tax only in an amount equal to the tax rate paid to the other state, as distinguished from local government in the other state, applied to the value being taxed under the Louisiana law. No credit will be allowed against the Louisiana use tax for taxes paid to political subdivisions in another state or to foreign countries. In no event will a credit greater than the tax imposed by Louisiana on any particular piece of tangible personal property be allowed.

In any case in which a taxpayer claims credit for a tax paid to another state, he must be in a position to prove payment of the tax before the credit will be allowed. The precise proof required will vary with the nature of the property and the circumstances surrounding its importation into the State.

R.S. 47:303B deals with the collection of tax on vehicles. In view of the regulatory function performed by the Vehicle Commissioner in issuing license plates for the registration of vehicles and in issuing certificates of title to vehicles, this section provides that all taxes levied by this Chapter on the sale or use of vehicles shall be paid to the Vehicle Commissioner as the agent of the Collector of Revenue before a certificate of title or vehicle registration can be issued. The Vehicle Commissioner serves as agent for the Collector of Revenue only with respect to those vehicles required to be registered and/or titled with the Vehicle Commissioner. Generally, this covers all vehicles which have been found to be safe for highway use and can pass safety inspection. While this subsection makes the Vehicle Commissioner the agent of the Collector of Revenue for purposes of collecting the taxes, the Collector of Revenue is the only proper party to defend or institute any legal action involving the tax imposed by this Chapter with respect to any motor vehicle, automobile, motorcycle, truck, truck-tractor, trailer, semi-trailer, motor bus, house trailer, or any other vehicle subject to the vehicle registration or title requirements. Conversely, the Collector of Revenue has no authority or jurisdiction whatever in the issuance of vehicle registration licenses or vehicle titles. This is the absolute domain of the Vehicle Commissioner.

The sales tax levied by R.S. 47:302A(1) and by R.S. 47:321 is due at the time of registration or transfer of registration as required by the Vehicle Registration License Tax Law. The use tax levied by R.S. 47:302A(2)

and by R.S. 47:321 on the use of a vehicle in this state is due at the time first registration in this state is required by the Vehicle Registration License Tax Law. That law basically requires that a vehicle purchased in Louisiana be registered immediately upon purchase. Consequently, the sales tax is due at the time of the purchase transaction. The Vehicle Registration License Tax Law basically provides that the vehicle shall be registered in this state immediately upon its importation for use in Louisiana. The use tax, therefore, becomes due when the vehicle has entered the state for use.

For purposes of the sales tax, every vendor in this state is required to furnish to a purchaser at the time of a sale, a sworn statement fully describing the vehicle including the serial number, the motor number, the type, year, and model of the vehicle, the total sales price, the amount of any allowance, and a full description of any vehicle taken in trade, the net difference being paid by the purchaser between the vehicle purchased and the one traded in, and the amount of sales or use tax to be paid. Every component of the vehicle attached thereto at the time of the sale and which is included in the salesprice, including any labor, parts, accessories, or other equipment, are considered to be a part of the vehicle and not a separate item of tangible personal property. The Vehicle Commissioner has the right to examine the statement furnished to the purchaser at the time of the sale and in any case in which he determines that the total sales price or the allowance for the vehicle traded in do not reflect reasonable values, he may adjust either to reflect the fair market value of the vehicle involved. Generally, this will be done by reference to current values published by the National Automobile Dealers Association. This revaluation is solely for the purpose of determining the proper amount of sales or use tax due and in no way influences the prices agreed upon between the buyer and the seller. The Vehicle Commissioner also has the authority to require affidavits from either the vendor or the purchaser, or both, to support a contention that some unusual condition adversely affected the cited sales price. In any event, the minimum tax due shall be computed on the consideration cited as the difference paid by the purchaser between the vehicle purchased and the vehicle traded in.

In order for a transaction involving motor vehicles to qualify for "trade-in" treatment for sales/use tax purposes, the following additional conditions must be met:

1. Ownership of the "trade-in" vehicle must be transferred to the seller of the "new" vehicle simultaneously with or prior to the taking of delivery by the purchaser of the "new" vehicle from the seller.



2. In those cases where special equipment must be installed on the "new" vehicle or where delivery of the "trade-in" vehicle cannot be made, an additional period of time will be allowed for the installation of the special equipment of delivery of the "trade-in" vehicle provided the "new" vehicle and the "trade-in" vehicle cannot be in the purchaser's service at the same time.
3. The actual trade-in value of the "trade-in" vehicle must be established by the purchaser and the seller at or prior to the time of the transfer of ownership of same to the seller, provided such value must be established within ten days after delivery.
4. The certificate of title to the "trade-in" vehicle must be in the name of the purchaser of the "new" vehicle.
5. In the event the "new" vehicle is not delivered to the purchaser at the time the "trade-in" vehicle is delivered to the seller, there must be an obligation on the part of the purchaser to take delivery from the seller of the "new" vehicle.
6. The records of both the seller and the purchaser must reflect a complete description of the transaction.
7. At the time of transfer of ownership of the "new" vehicle, the invoice from the seller must reflect not only the sales price of the "new" vehicle but also a complete description of the "trade-in" vehicle, including the amount of the actual trade-in value.
8. The sales or use tax due the State of Louisiana shall be computed on the gross sales price of the "new" vehicle in the case of a sale, or on the cost price of the "new" vehicle in the case of a transaction subject to the use tax, less the previously established actual trade-in value of the "trade-in" vehicle.

In order to constitute a trade-in to be used as a method of reducing the sales or use tax, there must be a transfer of ownership and the value of the "trade-in" vehicle must represent a part of the purchase price of the "new" vehicle. A payment in cash, check or in any other form in lieu of a reduction in or a part of the purchase price of a "new" vehicle does not constitute a trade-in. The accounting principles used in arriving at the value of any given vehicle for sales or use tax purposes and for trade-in purposes must be consistent.

In any case in which a governing body of any parish or municipality, or the school board of any parish or municipality, has imposed a sales or use tax on the sale

or use of motor vehicles, the Vehicle Commissioner is authorized to enter into an agreement with the governing body by which the Vehicle Commissioner will collect the tax on behalf of the said parish, municipality, or school board. The Vehicle Commissioner is authorized to withhold one percent of all such taxes collected for parishes, municipalities, or school boards to be used by the Commissioner to pay the cost of collecting and remitting the balance of the tax to the respective parishes, municipalities, and school boards. Such local taxes shall be paid to the Vehicle Commissioner in the same manner as the State sales or use taxes and no title or vehicle registration shall be issued until the taxes have been paid.

The exemption set forth in R.S. 47:301(10) whereby isolated or occasional sales of tangible personal property are not subject to the taxes imposed by this Chapter if made by a person not engaged in such business does not apply to sales of motor vehicles covered by this subsection. Isolated or occasional sales, also commonly referred to as casual sales, of vehicles are specifically defined to be sales at retail and subject to the tax imposed by this Chapter.

The Vehicle Commissioner may require any dealer engaged in the business of selling motor vehicles, automobiles, motorcycles, trucks, truck-tractors, trailers, semi-trailers, motor buses, house trailers, or any other vehicle subject to the Vehicle Registration License Tax Law or the Title Registration Law to furnish information relative to their sales on any periodic basis designated by the Vehicle Commissioner. Such statements shall set forth the serial number, motor number, type, year, model of the vehicle sold, the total sales price, any allowance for trade-in, a description of the trade-in, the total case difference to be paid by the purchaser, and any sales or use taxes to be paid. The Vehicle Commissioner is also authorized to secure whatever other additional information is necessary for proper administration of this Section.

For credits allowed against a tax imposed by this Chapter for taxes paid to another state, see the third paragraph of R.S. 47:303A and the regulations issued thereunder.

R.S. 47:303C deals with sales made by auctioneers. Generally, the sales tax law contemplates a situation in which the owner of property, or a person having title to property, sells tangible personal property to another person, thereby creating a taxable transaction. In this instance, the sales tax law places a liability upon the seller to collect the Louisiana sales tax from the purchaser and remit the tax to the Collector of Revenue. Because of this basic concept, a special provision has

been included in the statute to cover sales which do not fall within that general method of doing business. In the case of auctioneers, the actual owner of the property turns it over to the auctioneer who conducts the sale and consummates the final transfer of title, as a third party, from the owner to the purchaser. He may well represent a number of property owners at one auction sale.

In view of the unique position occupied by auctioneers with relationship to the owner of the property being sold, this subsection requires that all auctioneers shall register as dealers and must display their registration certificate to the public as a condition of doing business in this State. The auctioneer is then held responsible for collecting all State and local taxes on articles sold by him and is responsible for properly reporting and remitting the amount collected.

Shirley McNamara, Secretary  
Department of Revenue and Taxation

## **RULES**

### **Department of Transportation and Development Office of Public Works**

#### **Section 5.0.0.0. Rules and Regulations for Installing Control Devices on Free Flowing Water Wells**

As announced in the Louisiana Register and in the Official Journal of the State, the rules and regulations for installing control devices on free flowing water wells were adopted April 4, 1977, and are to be effective June 1, 1977. The rules and regulations stated herein were prepared and adopted in accordance with State Act 606 (1976).

##### **Section 5.1.0.0. Purpose**

In 1976 the Louisiana Legislature enacted State Act 606 that amended R.S. 38:3094 by giving to the Director of the Department of Public Works (presently known as the Assistant Secretary of the Office of Public Works within the Department of Transportation and Development (DOTD), the authority "to require the well owner or lessee to install control devices on free flowing water wells producing in excess of twenty-five thousand gallons per day."

The Rules and Regulations stated herein were prepared in response to the above quoted legislative directive and are intended to conserve the ground water resources of the state by reducing the yield of free

flowing wells to twenty-five thousand gallons per day or less. To accomplish this requirement, the well owner or lessee shall install a flow control device in accordance with the Rules and Regulations as stated herein.

##### **Section 5.2.0.0. General Rules and Regulations**

The Rules and Regulations as stated herein apply to all free flowing water wells producing in excess of twenty-five thousand gallons per day. A free flowing well is one that is allowed to flow under natural conditions at or near the ground surface. The responsibility for determining the well's yield shall be as outlined in Section 5.2.3.0.

##### **Section 5.2.1.0. Exemptions**

The following water wells are exempt from the provisions of the Rules and Regulations stated herein: wells producing saline water in connection with petroleum production, wells that already have appurtenances that control the well's flowing yield, wells that have pumps, and wells that flow into storage or pressure tanks.

##### **Section 5.2.2.0. Effective Date**

The effective date of the Rules and Regulations as stated herein is June 1, 1977.

##### **Section 5.2.3.0. Determination of Well Yield**

It shall be the responsibility of the Office of Public Works, DOTD, to determine, at no cost to the landowner or lessee, the yield of the well. If the landowner or lessee disagrees with the measurement made by the State and wishes to have a third party measure the yield, the costs shall be borne by the landowner or lessee. The method used to measure the well yield shall be acceptable to the State of Louisiana.

##### **Section 5.2.4.0. Wells in a State of Disrepair or Nonuse**

If a well is in such a state of disrepair that it cannot be used and a control device cannot be installed, it shall be considered abandoned and be plugged in accordance with the provisions of Chapter III entitled "Rules, Regulations, Standards, and Methods for the Plugging and Sealing of Abandoned Water Wells and Holes," which became effective September 1, 1975.

##### **Section 5.3.0.0. Responsibility of Landowner or Lessee**

A. The landowner or lessee shall be the party responsible for installing a control device on the free

flowing well. The police jury of the parish where the well is located, after being so appraised, may request the Office of Public Works, DOTD, to require (in writing) the responsible party to install a control device within ninety days after receipt, by certified mail, of notice from the State of Louisiana. If, for some reason, the landowner or lessee cannot satisfy the deadline, he shall inform (in writing) the Office of Public Works, DOTD, of his intent and proposal, and the time when the control device will be installed. Letters should be addressed to: Department of Transportation and Development, Office of Public Works, P. O. Box 44155, Baton Rouge, Louisiana 70804, Attention: Water Resources Branch.

B. The landowner or lessee shall allow representatives of and contractors employed by the Office of Public Works, DOTD, to enter the property and visit the well site to either measure the well yield, install a control device (see Section 5.5.0.0.), or inspect the completed work.

Section 5.4.0.0. Responsibility of  
State of Louisiana

A. It shall be the sole responsibility of the State of Louisiana to determine whether a control device should be installed on a well.

B. At the request of a parish police jury, the Office of Public Works, DOTD, may make a survey to locate and report on the location of free flowing water wells.

C. The State of Louisiana may enter into a financial cooperative agreement with the police jury of the parish where the well is located to have a control device installed on those wells that are freely flowing twenty-five thousand gallons per day or more.

D. The State of Louisiana shall in no way be held responsible for a well "sanding up" or failing to yield water after a control device is installed on the well.

Section 5.5.0.0. Failure of Responsible Party  
to Install a Control Device

A. If the responsible party fails to comply to the letter from Office of Public Works, DOTD, within the specified or approved time allowed for the installation of a control device on a free flowing well, or does not offer in writing a reasonably timed alternative, or does not declare the well abandoned, the police jury of the parish where the well is located may petition the Office of Public Works, DOTD, to install a control device on the well. The responsible party shall be required to reimburse to the State of Louisiana the expense incurred for

installing this control device or be considered in violation of R.S. 38:3096, which permits a civil penalty of not more than one thousand dollars a day for each day of violation and for each act of violation.

B. The landowner or lessee of the land at the time of the installation of the control device shall be held liable for reimbursement.

Roy Aguiard, Assistant Secretary  
Office of Public Works

## RULES

### Department of Wildlife and Fisheries

The Louisiana Department of Wildlife and Fisheries, via resolution of the Wildlife and Fisheries Commission, has adopted the following rules:

#### Bait Shrimp Regulations

WHEREAS, Act 238, 1976 authorizes the Commission to set rules and regulations for bait shrimp.

NOW, THEREFORE, BE IT RESOLVED that the following rules and regulations are adopted by the Commission:

1. An application for a bait shrimp permit must be filed with the Department prior to May 1 in order that an onsite inspection may be made by the Wildlife and Fisheries Commission to determine that the applicant has adequate facilities areated and/or water circulate holding tanks, at his shore-side facility and aboard the fishing vessel, to maintain shrimp in a live condition. No bait shrimp permits will be issued after June 30.
2. The individual bait dealer will provide an affidavit or notarized statement disclosing that he is an established resident of Louisiana and a bona fide bait dealer presently operating in this capacity.
3. At the time of issuance of the permit, the dealer will post a one thousand dollar property or performance bond or a certified check in that amount to establish his obligation in meeting the terms of the permit.
4. The bait dealer will post signs on the principal vessel with at least twelve-inch letters, visible

from either side and from the air. The signs will list the registration number of the vessel used and the permit number identifying him as a bait dealer. Only one vessel will be used per bait permit.

5. The equipment used in the taking of live shrimp for bait will consist of a trawl of not more than twenty-five feet along cork line, a live-well, bait skiff, or live-box which may be a part or separate from the principal vessel used. Other gear used must not, in any way, conflict with existing laws for the taking of salt-water shrimp.
6. The bait dealer shall have no more than fifty pounds of dead shrimp in his possession (aboard the boat and shore plant) at any time. No restrictions are stipulated regarding the number of live shrimp in his possession.
7. The individual bait dealer will advise the Louisiana Wildlife and Fisheries Commission as to his principal area of operation or the area where he intends to catch shrimp for bait.
8. No shrimp to be sold as live bait will be taken before sunrise or after sunset (no night fishing).
9. The permit or a copy of must be in the possession of the bait dealer or a designated full-time employee when taking live shrimp for live bait during the special bait season.
10. This permit is not transferable.
11. The permit holder will submit to the Department not later than September 1 a report showing the total poundage, by species, of shrimp taken during this special season.
12. The penalty for not complying with any of these regulations is the forfeiture of the one thousand dollar bond or cash and loss of the privilege of obtaining a bait shrimp permit the following year.

\* \* \* \*

Nature Trail for Pearl River  
Wildlife Management Area

WHEREAS, the Sierra Club has met in the past with the Louisiana Wildlife and Fisheries Commission for the purpose of establishing a nature trail on the Pearl River Wildlife Management Area, and

WHEREAS, this nature trail will be a joint venture between the Louisiana Wildlife and Fisheries Commission and the Sierra Club, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is to erect identification signs along the trail and the Sierra Club is to prepare a publication identifying the various plants, etc. along this trail, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has now erected the signs and the Sierra Club is completing the printed guide, and

WHEREAS, it is recommended that certain rules and regulations be established for this trail, and

WHEREAS, these rules are as follows:

1. Cutting, breaking or collecting leaves, plants, etc. is absolutely prohibited. The Commission will however, provide educational groups conducting sponsored field trips into the area with a written permit to collect leaves and other plant material for permanent study collections. All such permitted collections will be made from the Pearl River Wildlife Management Area away from the marked trail. No one is authorized to give you oral permission to collect.
2. No picnicking on the trail. This does not apply to the parking area, however, no garbage disposal will be provided and you should take your own trash back to an authorized disposal area.
3. No horses, bikes, or motorized vehicles are permitted on the nature trail.
4. No dogs or firearms permitted except as specified in wildlife management area regulations.
5. Hunting seasons use: Some kind of hunting season is open on the area usually from the first Saturday in October until mid-January, and a turkey season is usually held during portions of March and April. During squirrel and turkey seasons it is directed that you not use the trail before 9:30 a.m. During the gun hunting season for deer you need to wear the highly visible hunter orange outer garments that are required as a safety measure for deer hunters. See Hunting, Fishing and Trapping Regulations published annually by the Louisiana Wildlife and Fisheries Commission.

6. Penalty: Whoever violates the foregoing rules and regulations for each offense, shall be prosecuted and subject to penalties under R.S. 57:764, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts these rules and regulations to assure the maximum benefit for all users of the trail.

\* \* \* \*

St. Tammany Wildlife  
Refuge Mineral Lease

WHEREAS, the State Mineral Board has received an application for a mineral lease on the one thousand three hundred-acre St. Tammany Wildlife Refuge which is owned and operated by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, the Mineral Board has requested that the Commission provide appropriate rules and regulations for inclusion in the advertisement for bids and also in any mineral lease that may be issued on this property, and

WHEREAS, this Refuge occupies a long narrow strip of marshland bordering the north shore of Lake Ponchartrain, and

WHEREAS, a study of the area has revealed that mineral operations under appropriate regulations could be conducted without damage to the surface of the Refuge, now

THEREFORE BE IT RESOLVED that the following rules and regulations are hereby adopted by the Louisiana Wildlife and Fisheries Commission to be used for the purpose of controlling any mineral operations that may take place on, under or adjacent to the Refuge boundaries:

1. No drilling and production operation or canals shall be permitted on the surface of the area.
2. All drilling shall be by directional means from Lake Ponchartrain or from adjacent land or waters along the boundary of the Refuge.
3. Drilling and production activities in Lake Ponchartrain shall be restricted for a distance of five hundred feet along the entire Refuge boundary. Access to directional drilling locations in Lake Pontchartrain shall be by most direct route from deep water to prevent excessive damage to

aquatic vegetation and erosion to shoal area and shoreline.

4. Lessee shall comply with all rules and regulations of the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries and the State Mineral Board for the protection of game and wildlife, and particularly no hunting, fishing or any other activity harmful to wildlife shall be permitted on any part of the leased land or any other part of the Refuge.
5. All development not otherwise specified above shall be subject to approval of the Department of Wildlife and Fisheries and the State Mineral Board.
6. All of the State and Federal pollution control regulations shall be adhered to.
7. The willful or continued violation of any of the aforesaid regulations shall constitute cause for revocation of the lease.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Notices of Intent

## NOTICE OF INTENT

### Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to adopt the following changes to its Rules 3, 4, 5, and 6 based on Sections 87 and 88 of R.S. of 1950, Title 37, Chapter 2 as follows:

Rules will read as follows:

3. Every certified public accountant and public accountant who is registered with the Board and who is engaged in the practice of his profession on his own behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.
4. All firms of certified public accountants or public accountants practicing public accounting in the

State of Louisiana shall file annually with the Board a certification of its members and shall promptly notify the Board of any changes in its partners.

5. Each professional accounting corporation practicing public accounting in the State of Louisiana shall, at the time of incorporation, as well as annually thereafter, file with the Board a certification of its shareholders and shall promptly notify the Board of any changes in its shareholders. In addition, such corporation shall furnish to the Board an insurance certificate evidencing that it carries professional liability insurance in the amount of fifty thousand dollars for each shareholder, and for each certified public accountant in its employ to a maximum of two million dollars.
6. An original letterhead must be attached to the certification referred to in Rules 3, 4, and 5 above. Licensed employees or associates may be shown on stationery but such names shall be separated from that of the individual practitioner or those of the partners or shareholders by an appropriate line. Deceased and retired partners or shareholders shall be appropriately identified.

Lydia F. Parek, Executive Director  
Board of Certified Public Accountants

## NOTICE OF INTENT

### Department of Commerce

Notice is hereby given in accordance with the requirements of R.S. 36:954B, Act 513 of the 1976 Regular Session, of the implementation of the Plan for Reorganization, dated February 28, 1977, and revised March 15, 1977, for the Department of Commerce.

The agencies and effective dates of transfer or abolition are:

- I. Transfer as provided in R.S. 36:801 at 12:01 a.m., May 20, 1977:
  1. State Banking Department (R.S. 6:1; 6:151-167; 6:381-402; 6:571-593; 6:646; 6:701-936; 6:1031-1047; R.S. 17:3027).
  2. Louisiana Insurance Rating Commission (R.S. 22:1401-1446).
  3. Louisiana Racing Commission (R.S. 4:141-181).
  4. Commissioner of Securities (R.S. 51:361-371; 51:701-719).

- II. Transfer as provided in R.S. 36:802 at 12:01 a.m., May 20, 1977:

1. State Athletic Commission (R.S. 4:61-85).
2. Louisiana State Science Foundation (R.S. 51:1301-1311).
3. Louisiana Cemetery Board (R.S. 8:61-78).

- III. Transfer as provided in R.S. 36:901-906 at 12:01 a.m., May 20, 1977: The Louisiana Film Commission (Executive Orders 26 and 49 of 1973).

- IV. Transfer as provided in R.S. 36:907 at 12:01 a.m., May 20, 1977: The Board of Commerce and Industry (Article XIV, 14(b.2) of 1921 Constitution made statutory by Article XIV, (A) (10) of the 1974 Constitution; R.S. 51:921-946; R.S. 47:3201-3206).

- V. Transfer as provided in R.S. 36:921-926 at 12:01 a.m., May 20, 1977:

1. The Department of Commerce and Industry (R.S. 51:921-938).
2. Department of Occupational Standards (R.S. 37:1-15).

- VI. Transfer as provided in R.S. 36:803 at 12:01 a.m., May 20, 1977:

1. State Board of Certified Public Accountants of Louisiana (R.S. 37:71-93).
2. Board of Examiners of Certified Shorthand Reporters (R.S. 37:2551-2559).
3. State Licensing Board for Contractors (R.S. 37:2151-2163).
4. Louisiana State Board of Cosmetology (R.S. 37:491-556).
5. Louisiana Licensing Board for Marine Divers (R.S. 37:2251-2264).
6. Louisiana State Radio and Television Technicians Board (R.S. 37:2301-2318).
7. Board of Examiners in Watchmaking (R.S. 7:1581-1612).
8. State Board of Architectural Examiners (R.S. 37:141-158).
9. Louisiana Real Estate Commission (R.S. 37:1431-1459).
10. Louisiana Motor Vehicle Commission (R.S. 32:1251-1259; R.S. 6:951-964).

The Governor, the Joint Legislative Committee on Reorganization, the Commissioner of Administration, and the Secretary of the Department of Commerce have given their approval to this notice of intent and its implementation.

Documents relating to this notice of intent will be available for public inspection beginning April 18, 1977, at the Office of the Undersecretary of the Department of Commerce, which is located in the State Land and Natural Resources Building, 11th Floor, Baton Rouge, Louisiana.

Edwin Edwards, Governor  
State of Louisiana

Edmund Reggie, Chairman  
Joint Legislative Committee on  
Reorganization of the Executive Branch

Charles E. Roemer, II, Commissioner  
Division of Administration

Gilbert C. Lagasse, Secretary  
Department of Commerce

#### NOTICE OF INTENT

##### Department of Culture, Recreation, and Tourism

Notice is hereby given in accordance with the requirements of R.S. 36:954, Act 513 of the 1976 Regular Session, of the implementation of the Plan for Reorganization, dated March 17, 1977, for the Department of Culture, Recreation, and Tourism.

The agencies and effective dates of transfer or abolition are:

- I. Transfers as provided in R.S. 36:3, Part II, Chapter 14 at 12:01 a.m., May 20, 1977:
  - A. Clinton Confederate Memorial Cemetery.
  - B. Jackson Confederate Memorial Cemetery.
  - C. Confederate Memorial Hall (1921 Constitution, Article 18, Section 4, made statutory by 1974 Constitution, Article 14, Section 16).
- II. Transfers as provided in R.S. 36:3, Part III, Chapter 14 at 12:01 a.m., May 20, 1977:
  - A. Louisiana Archaeological Survey and Antiquities Commission (R.S. 41:1601-1613).
  - B. State Parks and Recreation Commission (R.S. 56:1681-1696; 56:1731-1732; 56:1741; 56:1801-1808).
  - C. Louisiana Tourist Development Commission (R.S. 51:1251-1260; 51:1271-1276).
- III. Transfers as provided in R.S. 36:803 at 12:01 a.m., May 20, 1977:

- A. The State Board of Library Examiners (R.S. 25:222-223).
- IV. Transfers as provided in R.S. 36:908 at 12:01 a.m., May 20, 1977:
    - A. The Board of Directors of the Louisiana State Museum, previously the Board of Managers of the Louisiana State Museum (R.S. 25:341-348; R.S. 25:801(C)).
  - V. Transfers as provided in R.S. 36:909 at 12:01 a.m., May 20, 1977:
    - A. The Board of Commissioners of the Louisiana State Library (R.S. 25:2-4; 25:8-9).
  - VI. Abolished and transferred as defined in R.S. 36:3, Part IV, Chapter 14 at 12:01 a.m., May 20, 1977:
    - A. State Art, Historical and Cultural Preservation Agency (R.S. 25:801(A)(B) and R.S. 25:802-812).
    - B. Atchafalaya Basin Division of the Louisiana Department of Public Works (R.S. 38:2351-2361).
    - C. Bureau of Outdoor Recreation (R.S. 56:1801-1808).
    - D. Louisiana State Library (R.S. 25:1; 25:5-7; 25:10-17; 25:222-223; 25:451-455; 25:631-636).
    - E. Toledo Bend Forest Scenic Drive Commission (R.S. 48:1401-1406).
    - F. Louisiana Art Commission (R.S. 25:301-306).
    - G. Board of Commissioners of Louisiana Arts and Science Center (R.S. 25:571-584).
    - H. Board of Commissioners of Camp Moore Confederate Cemetery (R.S. 29:432-435)
    - I. Edward Douglas White Memorial Commission (Act 16 of 1960).
    - J. Louisiana Historical Preservation and Cultural Commission (R.S. 25:521-527).
    - K. Old Arsenal Museum Commission (R.S. 25:551-553).
    - L. Old State Capitol Memorial Commission (Act 250 of 1948, Act 233 of 1954).
    - M. Orleans Parish Landmarks Commission (R.S. 25:381-382).
    - N. Board of Managers of the Louisiana State Weapons Museum (R.S. 25:671-677).
    - O. Television-Louisiane (R.S. 25:701-703).
    - P. Louisiana Arboretum Commission Board (R.S. 56:1732).
    - Q. Governor's Atchafalaya Basin Commission (R.S. 38:2351-2361).

The Governor, the Joint Legislative Committee on Reorganization, the Commissioner of Administration, and the Secretary of the Department of Culture,

Recreation, and Tourism have given their approval to this notice of intent and its implementation.

Documents relating to this notice of intent will be available for public inspection beginning May 20, 1977, in the Office of the Undersecretary, Department of Culture, Recreation, and Tourism, which is located on the 5th floor of the Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana.

Edwin Edwards, Governor  
State of Louisiana

Edmund Reggie, Chairman  
Joint Legislative Committee on  
Reorganization of the Executive Branch

Charles E. Roemer, II, Commissioner  
Division of Administration

Sandra S. Thompson, Secretary  
Department of Culture, Recreation,  
and Tourism

## NOTICE OF INTENT

### Board of Dentistry

Pursuant to R.S. 49:953 notice is hereby given that the Louisiana State Board of Dentistry proposes to adopt, effective July 1, 1977, the following rules and regulations:

1. Notice of Employment of Dental Hygienists.

Each dentist shall inform the Louisiana State Board of Dentistry of the name and license number of the dental hygienists employed by him or her. The Board must be notified of any change in employment within ten days of such change.

All comments or requests for public hearing should be addressed to Anthony J. Milazzo, Jr., Secretary-Treasurer, 505 Saratoga Building, New Orleans, Louisiana, 70112, on or before 5:00 p.m., Friday, May 6, 1977. If requested, a public hearing will be held on Friday, June 3, 1977, at 9:00 a.m., in Suite 505 of the Saratoga Building, 212 Loyola Avenue, New Orleans, Louisiana 70112.

Anthony J. Milazzo, Jr.  
Secretary-Treasurer  
Board of Dentistry

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its May 26, 1977, meeting, the following policies, procedures and regulations. Public notification made herein indicates no final approval.

1. Standards for the approval of nonpublic elementary and secondary schools.
2. Policy regarding teaching out of field of certification by virtue of twelve semester hours in a noncertified area.
3. Consideration of limiting consulting fees for applications for Federal funds to five percent of the grant.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., May 10, 1977, at the following address: State Board of Elementary and Secondary Education, P. O. Box 44064, Capitol Station, Baton Rouge, Louisiana 70804.

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

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

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## NOTICE OF INTENT

### Office of the Governor Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to adopt the following rule and regulation (subject to the approval of the Consumer Protection Advisory Board and the Attorney General) on May 5, 1977, at 5:00 p.m., at the Division's office, Suite 1218, Capital Bank Center, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of, or in opposition to, this intended adoption of this rule by personally visiting the above office during its



## NOTICE OF INTENT

### Office of the Governor Louisiana Surplus Property Agency

Notice is hereby given that the Office of the Governor, Louisiana Surplus Property Agency, proposes to adopt the following Plan of Operations. Interested persons may submit written comments through June 26, 1977, to: Don C. Marrero, Director, Louisiana Surplus Property Agency, P. O. Box 44351, Baton Rouge, Louisiana 70804.

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*(Editor's Note: The Department of the State Register has elected not to publish the exhibits referred to in these proposed rules. The exhibits are available for public inspection at the Louisiana Surplus Property Agency's Office, 1635 Foss Drive, Baton Rouge, Louisiana.)*

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#### Part I—Legal Authority

- A. 1. Executive Order.  
Executive Order EWE-77-\_\_\_, dated \_\_\_, 1977, (Exhibit 1) authorizes the name of the State Agency to be the Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor. This Executive Order authorizes the Director of the State Agency to have all the powers, duties, and responsibilities enumerated in the Plan of Operations as approved by the General Services Administrator.
2. Attorney General's Ruling.  
The Attorney General's Ruling No. \_\_\_, dated \_\_\_, 1977, establishes the legality under the State law of the State of Louisiana that the Executive Order EWE-77-\_\_\_ has the effect of law. (Exhibit 2)
3. Appropriations Bill.  
The Appropriations Bill No. \_\_\_ dated \_\_\_, 1977, establishes the legal authority for the Revolving Fund of the State Agency to be used as the means of financing for the State Agency's operations. (Exhibit 3)

#### Part II—Designation of State Agency

- A. 1. The Louisiana Federal Property Assistance Agency in the Executive Branch of the Office of the Governor is designated as the agency responsibility for administering the Federal surplus

- (g) The name or names of the individuals or officers of the organization who shall be responsible for the disbursement of any contributions.
- (h) The names and addresses of all professional solicitors to be used in the solicitation drive.
- (i) Whether or not the charitable organization is incorporated and, if so, in what state.
- (j) Whether or not the charitable organization has a Federal income tax exemption under Section 501 of the Internal Revenue Code.
- (k) Whether or not the charitable organization has a tax exempt status in the State of Louisiana.

2. Misrepresent to prospective contributors or to the general public the purpose of the organization and the purpose for which the funds are solicited or are to be solicited.
3. State and/or imply in news releases, brochures, advertisements, pamphlets, or such other means, or when soliciting funds, that the charitable organization is incorporated by the State of Louisiana and/or has a Federal income tax exemption when such is not the case.

C. The provisions of this rule shall not apply to religious institutions as defined in "A(5)," educational institutions recognized and/or approved by the State Department of Education or the appropriate State educational board, any hospital organized under the laws of this State, or any voluntary health organization organized under the laws of this State and/or under Federal laws.

D. Whoever fails to register the information required in Section B of this rule with the Governor's Consumer Protection Division violates R.S. 51:1405(A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.

E. In any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

F. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

Charles W. Tapp, Director  
Consumer Protection Division

property program in the State of Louisiana. (See Part I—Legal Authority.)

2. Organization of the Agency.

The State Agency has agency status in the Executive Branch of the Office of the Governor under the supervision of the Director of the State Agency as chief executive officer reporting to the Executive Assistant to the Governor. The Director has the authority to fill positions in the organization either in or out of the merit system as he determines to be in the best interests of the services provided the donees. The main segments of the organization are:

- a. Director (chief executive officer).
- b. Administration.
- c. Procurement, Compliance, and Utilization.
- d. Operations and Property Distribution.
- e. North Louisiana Distribution Center.

(Exhibit 4—Major Functions)

(Exhibit 5—Department Organization Chart)

(Exhibit 6—Agency Organization Chart)

3. Facilities.

The main headquarters and offices of the State Agency are located at 1635 Foss Drive, Baton Rouge, Louisiana. The central facilities for the State Agency are at this location, which includes approximately twenty-nine thousand square feet of covered space, two hundred thousand square feet of outside storage space, and nine hundred square feet of parking space. This facility is owned by the State of Louisiana and is rent-free. New headquarters which would provide more covered space for display and offices, and an improved refurbishing compound are being sought in the Greater Baton Rouge area, for the benefit of the donees. To establish equitable distribution throughout the state, a new distribution center will be located in North Louisiana and will include an office, warehouse(s), and an outside storage area.

Part III—Inventory Control  
and Accounting System

A. Inventory Control.

1. Scope of Accountability System.

The State Agency shall maintain accurate accountability records of all donable property approved for transfer to the State Agency and donable property received, warehoused, distributed, and disposed of by the State Agency.

Accountability records of all passenger motor vehicles and single items having an acquisition cost of three thousand dollars or more on which restrictions are imposed shall be maintained so as to be able to identify the items.

2. Checking Property into State Agency Custody.

a. All property received shall be checked in promptly as soon as full identification can be completed.

b. The approved copy of the Standard Form 123(SF-123) is used as the basis of checking property into the State Agency. (Exhibit 7). The Inventory Adjustment Voucher shall be used for property received without SF-123. (Exhibit 8). To supplement these, available shipping documents, invoices, trucking bills of lading, donees reports, etc. will be used.

c. Exceptions or differences in a line item on the SF-123 are noted when the item(s) are received to reflect any increase or decrease as it affects the line item. This action will be documented to report any change in the amount initially allocated on a report of overages/shortages. This action is subsequently posted to the Property Receipts Register.

d. The SF-123 is considered as an order, therefore any differences, over or short, are recorded on the Shortage/Overage Report form. Copies of this form in every case are forwarded to the General Services Administration (GSA) Regional Office involved. A copy is also mailed or delivered to the disposal activity when the record of receipt shows a variance from the quantities and items shown on shipping documents, when available for verification.

e. In accordance with the requirements of Federal Property Management Regulations (FPMR) 101-44.115, concerning overages, when the estimated fair value or acquisition cost of a line item of property is over five hundred dollars it will be listed on SF-123 and sent to the GSA Regional Office for approval.

3. All issues of property to eligible donees are recorded on a Distribution Document (Invoice), with provisions made for recording name of

item, State application number, quantity, government acquisition cost, and service charge. (Exhibit 9)

4. Periodic Verification of Property on Hand.

- a. A financial verification of the property on hand at the end of each month at the State Agency is made and reconciled with the books in accordance with accepted accounting practices.
- b. A physical inventory will be completed each fiscal year and will be taken on a rotating basis each quarter. This physical inventory will be compared with stock card records as each segment is completed. All differences will be properly noted, recorded, and will become part of the regular accounting system. Any adjustments on items shall be reported to the Director for approval and any necessary followup and corrective action.

5. Tracing Property from Receiving Document to Issue Document.

- a. Each line item on the Receiving Report requires a stock record card including noun nomenclature, State serial number, government acquisition value, and quantity received and issued. All issue sheets shall record the same information when an item has a unit acquisition cost of seventy-five dollars or more and is nonconsumable. This is in accordance with the State Property Control Regulations and Louisiana Revised Statutes, Title 39. This provides an audit trail from property receipt to property issue.
- b. Items with an acquisition cost of less than seventy-five dollars or which are consumable (less than one year of life in use) shall be recorded on a stock record card with like items. The stock record card shall include noun nomenclature, State serial number, government acquisition value, and quantity received and issued. A lot number is assigned to those like items and the lot is shown with a weighted acquisition cost. The quantity is adjusted with each issue and receipt. The acquisition cost is adjusted with each shipment receipt and each time the issues are greater than the oldest State serial number shipment received. The ser-

vice charge is adjusted for all the items in the lot at the time the weighted acquisition cost is adjusted. This first in, first out inventory system balances the lot of the same items against the stock card.

- c. Stock Record Card postings reflect the same information on receipts and issues and this record alone will allow tracing from receipt to issue. (Exhibit 10)

6. Means of Determining Quantity of Various Types of Property Donated to Individual Donees.

- a. A file folder is maintained in the State Agency for each eligible donee. This folder will hold a copy of each Distribution Document, monthly status of account, correspondence, reports, and other items involving relations with the donee.
- b. All issues are posted to a Master Control Card maintained for each eligible donee, which allows for an accumulative total of the acquisition value of items received by the donee.
- c. A separate compliance record card is maintained by donee on items with a unit acquisition cost of three thousand dollars or more and on all passenger motor vehicles on which restrictions are imposed. A tabulation of the distribution made to each unit is made monthly.
- d. A Summary of Distribution to record the acquisition cost of property transferred to each eligible unit is prepared monthly.

7. Disposal of Property of No Value to Program.

- a. Property will be reported to GSA for transfer to another state or disposed of by public sale, dumping, or abandonment as authorized. Appropriate records are maintained to cover such disposals, in accordance with the procedures and requirements of FPMR 101-44.205.

B. Financial Accounting.

1. Scope.

A double entry financial accounting system provides a full accounting of all property requested, screened, received, issued, and dis-

posed of, plus income, expenses, and status of the Revolving Fund. The system includes:

- a. Distribution Documents (invoices).
- b. Accounts Payable.
- c. Accounts Receivable.
- d. Sale Register (issues).
- e. Property Receipts Register.
- f. Deposits Slip and Vouchers.
- g. Master Control Card.
- h. Cost Center Responsibility Report (budget control).
- i. General Ledger.
- j. Payment of Bills and Expenses.
- k. Monthly Financial Report.
- l. In-use Inventory.
- m. State Property Inventory Control Report.
- n. Record of Disposals.
- o. Statistical Analysis Reports.

#### Part IV—Return of Donated Property

##### A. 1. Return of Property by Donee.

When a determination has been made that property has not been put in use by a donee within one year from the date of receipt of the property, or when the donee has not used the property for one year, thereafter, under the terms and conditions of the Application, Certification, and Agreement form signed by the chief executive officer or other authorized representative of the donee as a condition of eligibility (and repeated on the reverse side of each Distribution Document), the donee, if property is still usable as determined by the State Agency, must either:

- a. Return the property at its own expense to the State Agency warehouse.
- b. Transfer the property to another eligible donee within the state or to a Federal agency as directed by the State Agency.
- c. Make such other disposal of the property as the State Agency may direct.

2. The State Agency will periodically emphasize this requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities.

#### Part V—Financing and Service Charges

##### A. Financing.

1. The State Legislature approves the budget for

the State Agency and an appropriations bill is signed into law by the Governor each fiscal year which allows the State Agency to operate a Revolving Fund. This allows the State Agency to receive service charges from donees in order to defray the costs of the State Agency within the approved budget. (See Part I—Legal Authority.)

2. Funds expended, advanced, or commitments made or incurred shall be paid or provided for from the receipts of the State Agency's Revolving Fund prior to the close of the fiscal year.
3. The Revolving Fund is established with the State Treasurer to maintain the revenues from service charges to cover the costs of the State Agency as may be necessary to administer and operate the program and must be used only for such purposes and for the short and long-term benefit of the donees.

4. All income from service charges and other monies received by the State Agency are deposited to the Revolving Fund. Payments covering all expenses are made by State check. All remittances must be in the form of checks drawn on the account of the donee and made payable to the State Agency. All expenditures made from the Revolving Fund will be in accordance with Federal regulations involved, FPMR 101.44.202(C)(5).

5. Any surplus in the Revolving Fund which is evident shall be passed directly to the donees' benefit through reduction in the service charges for the current inventory during the fiscal year. Surpluses, during the fiscal year may be utilized by the Director to acquire additional distribution facilities, improve existing facilities, or other capital expenditures deemed by the Director to be in the best overall interests of the donees. In the event the program is to be terminated, service charges will be reduced to the extent that any surplus will be passed on to the donees on the useable inventory.

##### B. Service Charges.

1. Services charges are established for items at the time of receipt of the property and are designed to effect full recovery of the cost of operations of the State Agency.
2. The charges assessed each item shall be fair and equitable in relation to the costs incurred by the

State Agency incident to the transfer, and the services performed by the State Agency.

3. The service charge shall be a percentage of the acquisition cost of the item. The percentage shall be based on the last quarter's actual expenses and those expenses allocated to service functional areas of the operations. The percentage of the function in relation to percentage of the acquisition cost of the property donated during the period from July 1, 1976 through December 31, 1976 is noted as example:

| <u>Service Functional Areas</u> | <u>Percentage</u> |
|---------------------------------|-------------------|
| Administration                  | 1.1%              |
| Document Processing             | .9%               |
| Accounting/Inventory Control    | .6%               |
| Warehousing                     | 2.3%              |
| Refurbishing/Rehabilitation     | .5%               |
| Screening                       | .7%               |
| Compliance/Utilization          | .2%               |
| Transportation                  | 4.8%              |
| <b>Total</b>                    | <b>11.1%</b>      |

4. The service charges for each item shall be marked clearly on each item or lot. The handling charges shall consist of the sum of the functions of administration, document processing, accounting/inventory control, warehousing, screening, compliance/utilization percent of function total times the acquisition cost. Those percentages shall be based on the last quarter's financial statement. (Example: The handling charge percent of acquisition cost based on the period shown in Part V, Section 3, would be 5.8%). Refurbishing charges shall be noted on the item and shall be based on the actual material cost and labor involved in refurbishing/rehabilitating the item. Transportation costs shall be noted on the item and shall be based on the actual miles traveled and the loading/unloading time. Those costs for the period noted in Part V, Section 3, were \$.72 per mile and \$8.50 per man-hour for loading/unloading, packing, and crating. Each shipment would have the cost allocated among the items. This system provides for a fair and equitable service charge based on the costs of the services rendered. The Director has the authority to reduce the service charges due to property condition. The Director may request the GSA Regional Office for a reduction on high acquisition cost items when in poor condition, or when the item is to be used for secondary purposes.

5. State law provides that capital expenditures must be paid in full when purchased. Those items considered as capital expenditures will be depreciated over the four quarters of the fiscal year in which they are purchased (or budgeted) for the purpose of calculating service costs. If not purchased during that fiscal year, those accumulated funds will be returned to the donees in the form of reduced service charges on inventory during the fiscal year.

C. Minimal Charges.

1. Service charges for items requested by a donee and which are shipped directly from the Federal holding agency to the donee shall be based on a percentage of the acquisition cost of the item which is derived from the percentage of the costs for each of the functions performed by the State Agency. The percentages in Part V, Section 3, are used here as an example of the minimal charge on direct shipments by service functional area:

| <u>Service Functional Area</u> | <u>Percentages</u> |
|--------------------------------|--------------------|
| Administration                 | 1.1%               |
| Document Processing            | .9%                |
| Screening                      | .7%                |
| Compliance/Utilization         | .2%                |
| <b>Total</b>                   | <b>2.9%</b>        |

2. Transportation costs, if transportation is provided by the State Agency, shall be charged on the last quarter's cost per mile and the cost of loading, unloading, crating, and packing. Transportation arranged by the donee shall be paid direct by the donee and must be provided in a timely manner in order not to lose the priority for the item.

D. Special Donations.

1. In cases involving major items of property or otherwise where unusual expenses may be incurred, the State Agency may negotiate the service charge with the donee.

E. The State Agency Monthly Donation Report of Surplus Personal Property will be used to measure performance. (Exhibit 11)

F. The Director has the authority to reduce the service charge when he believes that an element of the charge is not applicable, or when he deems it to be in the best interests of the program.

Part VI—Terms and Conditions  
on Donable Property

shall be subject to the requirements of a conditional transfer document. (Exhibit 14)

- A. 1. The State Agency will require each eligible donee, as a condition of eligibility, to file with the Agency an Application, Certification, and Agreement form outlining the certifications and agreements, and the terms, conditions, reservations, and restrictions under which all Federal surplus personal property will be donated. Each form must be signed by the chief executive officer of the donee agreeing to these requirements prior to the donation of any surplus property. The donee shall be defined as the unit which is authorized to pay for the item(s) and which otherwise meets the qualification requirements. The certifications and agreements, and the terms, conditions, and reservations and restrictions will be printed on the reverse side of each State Agency Distribution Document, which shall be signed by the chief executive officer of the donee or his certified designee, whose name must be provided the State Agency in writing over the signature of the chief executive officer of the donee. (Exhibit 9)
2. The following periods of restriction are established by the State Agency on all items of property with a unit acquisition cost of three thousand dollars or more, and, on all passenger motor vehicles:
  - a. Passenger motor vehicles—eighteen months from the date the property is placed in use.
  - b. Items with a unit acquisition cost of three thousand dollars to ten thousand dollars—eighteen months from the date the property is placed in use.
  - c. Items with a unit acquisition cost over ten thousand dollars—thirty months from the date the property is placed in use.
  - d. Aircraft (except combat type) and vessels (fifty feet or more in length) with a unit acquisition cost of three thousand dollars or more—sixty months from the date the property is placed in use. Such donations shall be subject to the requirements of a conditional transfer document. (Exhibits 12 and 13)
  - e. Aircraft (combat type)—restricted in perpetuity. Donation of combat type aircraft shall be subject to the requirements of a conditional transfer document. (Exhibit 14)
3. For good and sufficient reasons, such as the condition of the property, or the proposed use (secondary utilization, cannibalization, etc.), the State Agency may reduce the period of restriction on items of property falling within the provisions of Part VI, 2.c. and d., at the time of donation, but not less than for a period of eighteen months from the date the property is placed in use.
4. The State Agency, at its discretion, may impose such terms, conditions, reservations, and restrictions as it deems reasonable, on the use of donable property other than items with a unit acquisition cost of three thousand dollars or more, and passenger motor vehicles.
5. The State Agency has imposed the following terms and conditions which shall be applicable during the period of compliance:
  - a. Each passenger motor vehicle and any motorized heavy equipment (such as bulldozers, tractors, etc.) shall bear the official decal of the donee or the name of the donee in letters not less than three inches in height on each side of the item during the period of compliance.
  - b. Donees which are defined as State agencies shall maintain those items which are movable, nonconsumable and have a fair market value of seventy-five dollars or more and have been obtained from the Federal surplus property program on the inventory control system defined in the State Property Control Regulations of August 20, 1976.
  - c. Donees which are not defined as State agencies shall maintain those items which are movable, nonconsumable and have a fair market value of seventy-five dollars or more and have been obtained from the Federal surplus property program on an inventory control system during the period of compliance. That inventory control system shall show the location of the items.
6. Failure to comply with the provision in Part VI, Section 5, will cause the State Agency to impose the following penalties on the donee:

- a. Return of the item to the State Agency at the donee's expense.
  - b. A fine of one percent-per-day of the acquisition cost of the item shall be imposed on the donee for each day the restriction is not met.
  - c. The donee shall be declared ineligible as a participant in the program for a period of ninety days.
  - d. The Director may set aside the condition and penalties in Part VI, Section 5 and Part VI, Section 6. a., b., and c., in writing, for good and sufficient reasons.
7. Whenever information is obtained by the Director of the State Agency from utilization reports, or periodic surveys, or from other sources, which indicates that a donee has failed to place property into use for the public benefit acquired for within the prescribed period of time, or that there has been a loss, or theft, or related acquisition, use, or disposal of property during the compliance period, the Director shall immediately initiate the appropriate investigative and compliance action as prescribed in Part X, Section 4. When an investigation proves failure on the part of the donee to comply with this Part, the Director shall impose the penalties listed in Part VI, Section 6.a., b., and c.
- B. 1. The State Agency may amend, modify, or grant release of any term, condition, reservation, or restriction, it has imposed on donated items of personal property in accordance with the standards prescribed in this plan, provided that the conditions pertinent to each situation have been affirmatively demonstrated to the satisfaction of the State Agency and made a matter of public record. (Exhibit 17)
2. The State Agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the GSA may determine necessary because of the characteristics of the property.
3. The State Agency will impose on all donees the statutory requirement that all items donated must be placed into use within one year of donation and be used for one year after being placed in use or otherwise returned to the State Agency, while the property is still usable.

#### Part VII—Nonutilized Donable Property

- A. 1. All property in the possession of the State Agency for twelve months, which cannot be utilized by eligible donees shall be reported to the GSA for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the State Agency shall either:
- a. Transfer the property to the State Agency of another state or to a Federal agency.
  - b. Sell the property by public sale.
  - c. Abandon or destroy the property.
2. In the event of disposal by transfer to another State Agency in another state or by public sale, the State Agency may seek such reimbursement as is authorized in accordance with FPMR 101-44.205.

#### Part VIII—Fair and Equitable Distribution

- A. 1. General Policy.  
The State Agency shall arrange for a fair and equitable offering of available surplus property to the eligible units in the state, based upon their relative need and resources and their ability to utilize the property in their program.
2. Determinations.  
The following criteria shall be used by the Director of the State Agency in determining the relative needs and resources of donees and their ability to utilize the property:
- a. The population of the parish of the donee based on the 1976 Preliminary Population Estimates For Louisiana By Parish. Source: Louisiana Tech University, official depository of U.S. Bureau of Census Materials.
  - b. The per capital income of the parish of the donee. Source: 1974, Bureau of Economic Analysis, Department of Commerce.
  - c. The percent of the average-employed-persons-to-the-population of the parish of the donee. Source: Research and Statistics Unit, Department of Employment Security, 1974, and Louisiana Tech University, 1976 Preliminary Population Estimates By Parish.
  - d. The daily average school attendance of the parish of the donee. Source: Louisiana Department of Education, 1974-1975.

e. The number of hospital beds (short-term general hospitals) of the parish of the donee. Source: 1975 Louisiana Hospital Statistics of the State Office of Comprehensive Health Planning.

f. Details on the scope of the donees program, financial information, and specific items of property needed.

Other factors to be taken into consideration will include:

a. Critical need on the part of the applicant due to a state of emergency or emergency such as fire, flood, hurricane, etc.

b. Quantity and/or value of surplus property received by donee to date, and specific major items of equipment previously received.

c. Interest and expressions of need on the part of the donee in the property available.

d. Ability and willingness demonstrated by donee to inspect and select property, timeliness in removing property from warehouse, or a request for direct shipment from a Federal holding agency.

e. Financial ability of donee to acquire property, repair or renovate property (if necessary), and to be able to maintain the property.

3. Applications for Surplus Property Not in Inventory.

a. A request for a specific item of property may be submitted by the chief executive officer, or his designee, of the donee to the Director of the State Agency on a Request for Property form (Exhibit 15) when the specific item is not in the inventory of the State Agency.

b. The Request for Property form shall be the only means of requesting property by the donee in order that the Director may use the same information in determining priority on competing requests for items. Priority ratings by the Director shall be made utilizing the formula based on the criteria shown in Part VIII, Section A.4, and shall be based on the information submitted by

the donee on the Request for Property form.

c. Falsification of any information on the Request for Property form submitted by the donee shall cause the donee's eligibility to participate in the program to be revoked for a period of twelve months.

4. Formula for Determining the Property Request Priorities.

The State Agency shall use this formula for determining which donee shall receive an item for which there are competing requests. The information submitted by the donee on the Request for Property form shall be the main basis for the rating. The Director of the State Agency shall have the authority to modify the rating formula on a quarterly basis and to delete and/or add categories as are necessary to maintain fair and equitable distribution among the donees. The higher the donee rating, the higher the priority the donee will have for the item utilizing the formula.

a. Population by parish of the donee:

|               |    |                 |   |
|---------------|----|-----------------|---|
| Under 10,000  | 10 | 50,001-100,000  | 5 |
| 10,001-20,000 | 9  | 100,001-150,000 | 4 |
| 20,001-30,000 | 8  | 150,001-200,000 | 3 |
| 30,001-40,000 | 7  | Over 200,001    | 2 |
| 40,001-50,000 | 6  |                 |   |

b. Per capita income by parish of the donee:

|                 |    |                 |   |
|-----------------|----|-----------------|---|
| Under \$3,000   | 10 | \$3,901-\$4,100 | 5 |
| \$3,001-\$3,300 | 9  | \$4,101-\$4,300 | 4 |
| \$3,301-\$3,500 | 8  | \$4,301-\$4,500 | 3 |
| \$3,501-\$3,700 | 7  | Over \$4,501    | 2 |
| \$3,701-\$3,900 | 6  |                 |   |

c. Percent of average-employed-persons-to-the-population by parish of the donee:

|               |    |          |   |
|---------------|----|----------|---|
| Less than 10% | 10 | 30%-35%  | 5 |
| 10%-15%       | 9  | 35%-40%  | 4 |
| 15%-20%       | 8  | 40%-45%  | 3 |
| 20%-25%       | 7  | Over 45% | 2 |
| 25%-30%       | 6  |          |   |

d. Daily school attendance by parish of the donee:

|               |    |                |   |
|---------------|----|----------------|---|
| Under 5,000   | 10 | 40,001- 60,000 | 5 |
| 5,001-10,000  | 9  | 60,001- 80,000 | 4 |
| 10,001-20,000 | 8  | 80,001-100,000 | 3 |
| 20,001-30,000 | 7  | Over 100,001   | 2 |
| 30,001-40,000 | 6  |                |   |



- e. Number of hospital beds by parish of the donee:
- |           |   |
|-----------|---|
| 0 - 25    | 5 |
| 26 - 50   | 4 |
| 51 - 200  | 3 |
| 201 - 500 | 2 |
| Over 501  | 1 |

f. State of Emergency: 10

g. Emergency: 20

h. Unencumbered funds available to acquire property:  
Yes = 10                  No = 0

i. Unencumbered funds available to repair, renovate (if necessary), and maintain property:  
Yes = 10                  No = 0

j. Ability and willingness demonstrated by donee to inspect and select property, and timeliness in removing property from warehouse:  
0 to 10

k. Scope of donees program and utilization of the item for the benefit of the residents:  
0-10

l. Interest and expressions of need on the part of the donee in the item:  
0 - 10

m. Direct pickup request from the Federal holding agency by the donee:  
5

n. Value of surplus property received by donee to date:

| Acquisition Cost (Federal) | Rating |
|----------------------------|--------|
| 0-\$ 10,000                | 10     |
| \$10,001-\$ 25,000         | 8      |
| \$25,001-\$ 50,000         | 6      |
| \$50,001-\$100,000         | 4      |
| Above \$100,001            | 2      |

o. Specific major items of equipment previously received:  
0 - 10

5. Selection and Shipment of Donable Property.

- a. The Director of the State Agency shall recommend to GSA the certification of donee screeners, as are qualified and needed, in accordance with FPMR 101-44.116.
- b. The State Agency shall, insofar as practical,

on items requested on the Request for Property form arrange for inspection and release of property directly from the holding agencies by the donee at minimal service charges to cover legitimate costs as detailed in Part V of this plan, when requested by the donee.

Part IX-Eligibility

A. 1. The State Agency will contact and instruct all known potential donees in the State on the procedures to follow to establish their eligibility to participate in the surplus property program. A listing of the potential donees in the State shall be established by using the standards and guidelines in FPMR 101-44.207, as well as the following guides:

a. Public Agencies.

1. The Louisiana Secretary of State's Roster of Officials which lists cities, towns, parishes, the judiciary, State departments, divisions, councils, boards, commissions, institutions, Indian tribes, etc.
2. The executive officers of the above units will be contacted for a listing of local departments, divisions, commissions, councils, indicating their different activities and functions.
3. The Economic Development and Planning Commissions will be contacted for lists of their recipients who might be qualified.

b. Nonprofit, tax-exempt units.

1. State Departments of Education, Higher Education, Public Health, Mental Health, Community Affairs, Youth Services, and others will be asked for listings of all local units approved or licensed by their departments.
  2. Existing listings of units now eligible to participate in the surplus property program.
  3. National, regional, and State organizations and associations.
  4. Inquiries, letters, telephone calls, etc., received relative to eligibility.
2. Contacts will be made by letter, telephone calls, general meetings, and conferences with the above groups, supplemented when necessary by news releases, informational bulletins, attendance at conferences and meetings to discuss the surplus property program.

- B. 1. Each unit will be required to file with the State Agency as a condition of eligibility:
  - a. An Application, Certification, and Agreement form (Exhibit 16) signed by the chief executive officer, of the donee accepting the terms and conditions under which property will be transferred.
  - b. A written authorization signed by the chief executive officer, or executive head of the donee activity, or a resolution by the governing board or body of the donee activity designating one or more representatives to act for the applicant, obligate any necessary funds, and execute distribution documents.
  - c. Assurance of compliance indicating acceptance of civil rights and nondiscrimination on the basis of sex in accordance with GSA regulations and requirements.
  - d. Directory information, including the applicant's legal name, address, and telephone number and status as a public agency or nonprofit, tax-exempt educational or public health unit.
  - e. Program details and scope, including different activities and functions.
  - f. A listing of specific equipment, material, vehicles, machines, or other items in which the donee would be interested in the future.
  - g. Financial information, if necessary, for the evaluation of relative needs and resources.
  - h. Proof of tax-exemption under Section 501 of the Internal Revenue Code of 1954 (for non-profit units only).
  - i. Proof that the applicant is approved, accredited, or licensed in accordance with FPMR 101-44.207.
2. All approvals of eligibility will be updated every three years.

#### Part X—Compliance and Utilization

##### A. Scope.

The State Agency shall conduct utilization reviews to insure compliance by donees with the terms, conditions, reservations, and restrictions imposed on:

1. Any property not placed in use within one year from the date of acquisition, and not used for a period of one year.
  2. Any passenger motor vehicle.
  3. Any item of property valued at three thousand dollars or more.
  4. Any item having characteristics that require special handling or use limitations imposed by GSA.
- B. 1. The State Agency will arrange to visit each donee receiving major items of property, i.e. items with a unit acquisition cost of three thousand dollars or more, and passenger motor vehicles, with Federal and/or State restrictions on the use of property at least once during the period of restriction. All such visits will be made by the compliance/utilization audit staff or administration of the State Agency.
  2. Written reports on utilization from the chief executive officer of the donee will be requested during periods of restricted activity or in the event of unusually heavy work loads at the State Agency.
  3. Each visit on compliance utilization will encompass:
    - a. General utilization of property, including items with an acquisition cost of under three thousand dollars and items under Part X, Section A.4.
    - b. Compliance with all terms, conditions, reservations, and restrictions imposed on the use of the property.
    - c. Any evidence of over supply or stockpiling.
    - d. Application advice for property needed.
    - e. Effectiveness of the surplus property program.
    - f. Recommendations for better service.
  4. A report will be prepared on each compliance visit and submitted to the Director for approval. Follow-up action on noncompliance or nonuse will be taken as necessary. Instances of suspected fraud or misuse will be reported to local law enforcement agencies or the State Police, and to the Federal Bureau of Investigation and

GSA. State Agency personnel will assist in any subsequent investigations.

#### Part XI—Consultation With Advisory Bodies, Public and Private Groups

- A. 1. The State Agency will arrange for and participate in local, regional, or statewide meetings of public and private organizations and associations which represent potential donees to disseminate information on the program, discuss procedures and problems, and obtain recommendations on determining relative needs, resources and the utilization of property and how the State Agency can provide more effective service. The State Agency will regularly provide information on the donation program to State and local officials, and to heads of nonprofit institutions and organizations, and will actively participate in, and upon request, provide speakers for conferences and meetings held by public and private organizations.
2. The State Agency, in consultation with advisory bodies and public and private groups, will invite eligible donees to submit expressions of interest and need for property items so that the State Agency may advise GSA of such requirements, including requests for specific items of property.
3. A Louisiana Federal Property Assistance Agency Advisory Board shall be established by the Director of the State Agency. It shall be composed of one representative from each of the eight areas listed in the State Agency Monthly Donation Report of Surplus Personal Property. The Director shall select the representative who is felt to best represent that segment of the donees. Advisory Board members shall advise the Director on means to improve the program in the areas which they represent. The representatives shall serve without pay or compensation.

#### Part XII—Audits

- A. 1. At the close of each month the State Agency will conduct an internal audit which will:
  - a. Reconcile the the warehouse and office records on inventory value, disposals, property received, and property issued.
  - b. Reconcile financial records in the office with the daily statements received from the State Accounting Office.

2. Annually, the audit staff of the State Agency will conduct an audit of the State Agency which shall include, in addition to fiscal affairs, a review of the conformance of the State Agency with the provisions of this Plan of Operations and the requirements of 41 CFR 101-44.
3. An external audit will be performed at least once each two years by the Legislative Auditor. It shall include an audit of all fiscal affairs and a review of the conformance of the State Agency with the provisions of this Plan of Operations and the requirements of 41 CFR 101-44. A copy of the audit will be furnished by the State Agency, immediately upon completion, to the GSA Regional Office. The Director will advise the GSA Regional Office of all corrective actions taken with respect to any exceptions or violations indicated by the audit. It is agreed that GSA may, for appropriate reasons, conduct its own audit of the State Agency following due notice to the Governor of the reasons for such audit, and may visit the State Agency for purposes of reviewing the Agency's operation when it deems it appropriate.
4. Financial records and all other books and records of the State Agency shall be available for inspection by representatives of GSA, the General Accounting Office or other authorized Federal activities.

#### Part XIII—Cooperative Agreements

- A. 1. The State Agency has the authority to enter into such cooperative agreements with Federal agencies and other State agencies as may be necessary, in accordance with FPMR 101-44.206. Such agreements may involve, but not be limited to:
  - a. Use of property by State Agency.
  - b. Overseas property
  - c. Use of Federal Telecommunication System.
  - d. Interstate transfers.
  - e. Others, as may be necessary.

#### Part XIV—Liquidation

- A. 1. In the event of, or at the time a determination has been made by State officials to liquidate the State Agency, a liquidation plan will be prepared in accordance with FPMR 101-44.201.c.14.
2. The liquidation plan shall include:

- a. Reasons for liquidation.
  - b. Schedule and estimated date of termination.
  - c. Method of disposal of surplus property on hand, consistent with the provisions of FPMR 101-44.205.
  - d. Method of disposal of the agency's physical and financial assets.
  - e. Retention of books and records for a six-year period following liquidation
3. Such plan will be submitted to the GSA and its approval secured prior to the beginning of liquidation.

#### Part XV—Forms

- A. The Distribution Document shall be used as the standard issue document and the invoice for all issues of surplus property to eligible donees or other states. (Exhibit 9) The terms and conditions shall be printed on the back of each pre-numbered Distribution Document.
- B. 1. Certain specific items require Conditional Transfer Documents in addition to the standard forms.
  - a. Noncombat type aircraft with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document. (Exhibit 12)
  - b. Combat type aircraft with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document. (Exhibit 14)
  - c. Vessels over fifty feet in length with a unit acquisition cost of over three thousand dollars require a Conditional Transfer Document. (Exhibit 13)

#### Part XVI—Records

- A. 1. All official records of the State Agency will be retained for not less than six years, except records involving property in compliance status for six years or longer will be kept for at least one year after the case is closed.

Don C. Marrero, Director  
Louisiana Surplus Property Agency

#### NOTICE OF INTENT

##### Department of Health and Human Resources Office of Health Services and Environmental Quality

Notice is hereby given that pursuant to the requirements of Public Law 92-500, the Federal Water Pollution Control Act of 1972, as amended, the Office of Health Services and Environmental Quality, Department of Health and Human Resources, hereinafter called the Office, will hold a public hearing in the auditorium of the Louisiana State Library, 760 Riverside Mall, Baton Rouge, Louisiana, on May 24, 1977, at 10:00 a.m.

The Office will present, for public comment and discussion, the State of Louisiana Construction Grants Priority List for Fiscal Year 1978 as prepared to comply with the provisions of Public Law 92-500.

Copies of the Fiscal Year 1978 Construction Grants Priority List are available for inspection in the office of the Bureau of Environmental Services, Office of Health Services and Environmental Quality, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana; the office of the Louisiana Stream Control Commission, Room 135, Geology Building, Louisiana State University, Baton Rouge, Louisiana; Southwest Regional Office, Office of Health, 302 Jefferson Street, Lafayette, Louisiana; Northern Regional Office, Office of Health, 2913 DeSaird, Monroe, Louisiana; and the Caddo-Shreveport Health Unit, 1866 Kings Highway, Shreveport, Louisiana.

Persons who desire to do so may submit data, views, or arguments relative to the proposed list, or revised system, or relative to the procedures employed in considering these items orally at the public hearing or in writing to: Bureau of Environmental Services, Office of Health Services and Environmental Quality, P. O. Box 60630, New Orleans, Louisiana, 70160.

William H. Stewart, M. D., Secretary  
Department of Health and Human Resources

#### NOTICE OF INTENT

##### Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt rules and regulations fixing the fees for procedures performed by the state health labora-

ories. These rules are being enacted under the authority granted to the Secretary by R.S. 40:29.

The rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana, as amended.

Copies of these proposed schedules may be obtained by writing to: James P. Screen, General Counsel, Legal Services, 333 Laurel Street, Suite 505, Baton Rouge, Louisiana 70801.

Interested persons may submit written comments until 4:30 p.m. May 6, 1977, to the above address.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt rules and regulations governing the procedures and charges for obtaining medical reports from State hospitals and institutions. These rules are being enacted under the authority granted to the Secretary by R.S. 44:7 and R.S. 46:1757.

The rules are being enacted pursuant to the requirement of the Administrative Procedures Act of Louisiana, as amended.

Interested persons may submit written comments until 4:30 p.m., May 6, 1977, to the following address: James P. Screen, General Counsel, Legal Services, 333 Laurel Street, Suite 505, Baton Rouge, Louisiana 70801.

#### Proposed Rule

Each State hospital or institution shall charge one dollar per page in advance to anyone interested in obtaining a copy of medical reports, records, charts, documents or other memoranda prepared by the hospital or institution staff. The remittance must accompany a written request for the material plus a written release from the patient or his legally authorized representative.

With respect to subpoenas duces tecum issued in accordance with LSA C.C.P. 1354 and R.S. 13:3661, the original records shall remain in the hospital or institution and shall not be produced at the trial or hearing,

however, in all such cases, the office or employee shall produce an exact certified copy of the subpoenaed hospital, medical or institution document. The office required to produce such documents shall charge one dollar per page for any subpoenaed or legally requested document to cover the costs of compilation, copying and certification. Such cost or fee shall not be charged in a suit filed in forma pauperis but all copies requested prior to actual filing of suit shall be subject to the charge of one dollar per page.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

### NOTICE OF INTENT

#### Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, R.S. 30:1 et seq., R.S. 49:951, et seq., and particularly R.S. 30:6B and R.S. 30:23, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m., Thursday, May 5, 1977.

At such hearing, the Commissioner will consider evidence relative to the issuance of a Statewide Order adopting rules and regulations to govern the use and/or development of salt dome cavities and/or caverns for the storage of liquid and/or gaseous hydrocarbons.

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

The Commissioner of Conservation on or after May 5, 1977, will promulgate a Statewide Order, implementing the provisions of R.S. 30:23.

Comments and views regarding the proposed Statewide Order should be directed in written form to be received not later than 5:00 p.m., May 5, 1977. Oral comments will be received at the hearing, but should be brief and not cover the entire matters contained in the written comments.

Direct comments to: R.T. Sutton, Commissioner of Conservation, Post Office Box 44275, Capitol Station, Baton Rouge, Louisiana 70804, RE: COMMENTS-SALT DOME STORAGE.

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

R. T. Sutton  
Commissioner of Conservation

## NOTICE OF INTENT

### Department of Public Safety

Notice is hereby given in accordance with the requirements of R.S. 36:954B, Act 513 of the 1976 Regular Session, of the implementation of the Plan for Reorganization, dated February, 1977, for the Department of Public Safety.

The agencies and effective dates of transfer are:

- I. Transfer as provided in R.S. 36:808 at 12:01 a.m., May 20, 1977: Commission on Law Enforcement and Administration of Criminal Justice (Executive Orders Numbers 8, 30, 55, 57, and EWE-76-3).
- II. Transfer as provided in R.S. 36:851 at 12:01 a.m., May 20, 1977: Commission on Fire Fighting Personnel Standards and Education (R.S. 40:1541-46).
- III. Transfer as provided in R.S. 36:802 at 12:01 a.m., May 20, 1977: Liquefied Petroleum Gas Commission (Article XIV, Sec. 16A of the 1974 Constitution: R.S. 40:1841-50; R.S. 3:1351-57).
- IV. Transfer as provided in R.S. 36:802 at 12:01 a.m., May 20, 1977: Fire Prevention Board of Review (R.S. 40:1578. 1-1578.5).
- V. Abolished and Transferred as defined in Part IV of Chapter 14 of Title 36 (R.S. 36:921-26) at 12:01 a.m., May 20, 1977:
  1. Department of Public Safety (R.S. 40:1301-1471.22; R.S. 26:791-97; R.S. 32:401-27; R.S. 32:851-1043; R.S. 32:1301-10; R.S. 47:531-40).
  2. State Fire Marshal (R.S. 40:1561-92; R.S. 40:1601-21).
  3. Louisiana Civil Defense Agency (R.S. 29:601-17).

The Governor, the Joint Legislative Committee on Reorganization, the Commissioner of Administration,

and the Secretary of the Department of Public Safety have given their approval to this notice of intent and its implementation.

Documents relating to this notice of intent will be available for public inspection beginning March 24, 1977, at the Office of the Secretary of the Department of Public Safety, which is located at 265 South Foster Drive, Baton Rouge, Louisiana.

Edwin W. Edwards, Governor  
State of Louisiana

Edmund Reggie, Chairman  
Joint Legislative Committee on  
Reorganization of the Executive Branch

Charles E. Roemer, II, Commissioner  
Division of Administration

Malcolm R. Millet, Secretary  
Department of Public Safety

## NOTICE OF INTENT

### Board of Regents

Notice is hereby given that the Louisiana Board of Regents, at its regular meeting on May 5, 1977, intends to adopt policy and/or rules and regulations pertaining to reconsideration of terminated academic programs.

Interested persons may submit written views and opinions up to fifteen days following publication of this notice of intent to the following address: Louisiana Board of Regents, P. O. Box 44362, Baton Rouge, Louisiana 70804. The time and location of the meeting may be obtained by telephoning (504) 389-5206.

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

## NOTICE OF INTENT

### Tax Commission

In accordance with the provisions of Section 953 of Title 49 of the Louisiana Revised Statutes of 1950, notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on May 10, 1977, at 10:00 a.m. in the Conference Room on the 5th Floor

of the Louisiana State Library in Baton Rouge, Louisiana.

The purpose is to adopt guidelines for application, classification, and assessment of land to be assessed at use value.

Interested persons may inspect a copy of the guidelines beginning fifteen days prior to the scheduled hearings, at the official domicile of the Louisiana Tax Commission in the Capitol Annex in Baton Rouge, Louisiana, and may present views or arguments relating thereto in writing at any time prior to 4:15 p.m. on May 9, 1977. All written matter should be addressed to the Louisiana Tax Commission, P. O. Box 44244, Baton Rouge, Louisiana 70804.

Those desiring to be heard at the hearing will be given reasonable opportunity to make their presentations.

C. Gordon Johnson, Chairman  
Tax Commission

## NOTICE OF INTENT

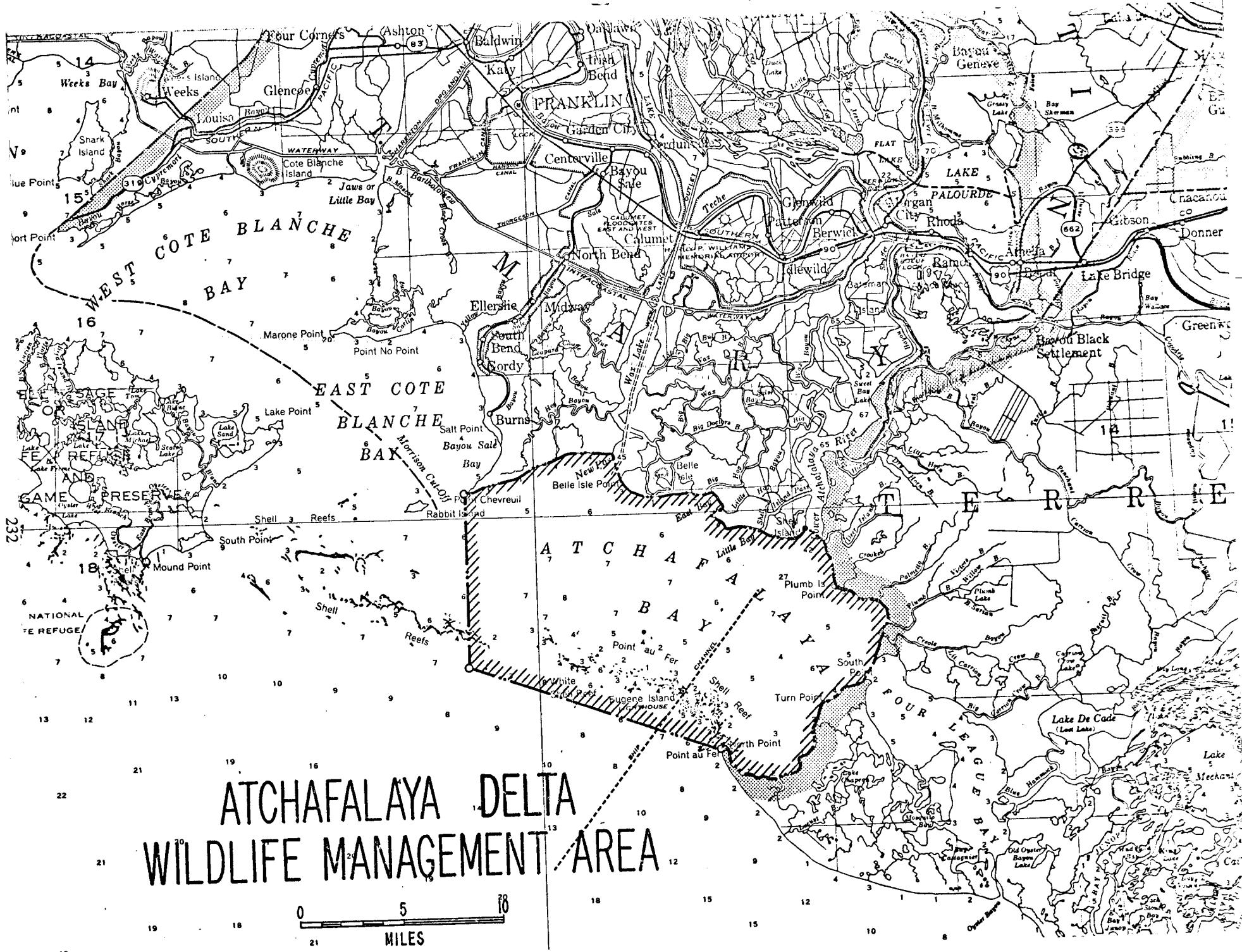
### Department of Wildlife and Fisheries

The Louisiana Department of Wildlife and Fisheries proposes to adopt, via resolution of the Wildlife and Fisheries Commission, rules relative to the following:

1. Mineral development on State Wildlife Refuges.
2. Creation of an Atchafalaya Island Wildlife Management Area in Atchafalaya Bay. The proposed area would encompass thirteen thousand acres of land and waters. Public hunting, fishing and outdoor recreation would be allowed under rules and regulations adopted by the Department of Wildlife and Fisheries. (See accompanying map.)
3. Creation of nature trails on all wildlife management areas.

Interested persons may submit their views and opinions, in writing, on or before May 10, 1977, to the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries



# ATCHAFALAYA DELTA WILDLIFE MANAGEMENT AREA







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Governor's Study Commission on Sales and Use Tax Law (see Sales and Use Tax Law, Governor's Study Commission on)  
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*EO—Executive Order ER—Emergency Rule L—Legislation  
 N—Notice of Intent P—Potpourri PPM—Policy and Procedure  
 Memorandum R—Rule*



