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Emergency Rules

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

(Editor's Note: The following emergency rule was adopted on January 27, 1976, to be effective that date.)

The Louisiana Wildlife and Fisheries Commission has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953 B) to place into effect the following dates and areas for an expanded turkey hunting season:

East of Highway 79 from Louisiana Arkansas State Line south to Homer to Louisiana Highway 9 to Athens, to Highway 154, thence east of Louisiana Highway 154 from Athens to Interstate 20; then south of I-20 to junction of Louisiana Highway 7 at Minden; then east of Highway 7 from I-20 to Ringgold; then north and east of Highway 4 from Ringgold to Castor, then east of Highway 153 from Castor to junction of Highway 155; thence east and south of 155 from junction of 153 to Black Lake Bayou; thence east and north of Black Lake Bayou to Highway 9; west and north of Highway 9 from Black Lake to junction of 156 at Creston; north of 156 from Creston to junction of 167; east of 167 from junction of 156 to junction of Highway 34 at Winnfield; north and west of Highway 34 from Winnfield to junction of Louisiana Highway 499; north and west of 499 to junction of Louisiana Highway 4; north of Highway 4 to Louisiana Highway 557 at Vixen; west of Highway 557 to Louisiana Highway 34; south and east of Highway 34 from 557 to Chatham; south of Highway 4 from Chatham to Louisiana Highway 146; south and west of Highway 146 from Highway 4 to junction of Highway 167 at Ruston; west of 167 from junction of 146 to Highway 151 at Dubach; north and west of Louisiana Highway 151 from Dubach to D'Arbonne Bayou, north and west of D'Arbonne Bayou and D'Arbonne Lake from Highway 151 to Corney Bayou; Union Parish south and west of Corney Bayou from D'Arbonne Lake to Louisiana Highway 550, north and west of Louisiana Highway 550 from Corney Bayou to the Arkansas State Line. Except that portion of Union Parish bounded on the east of Louisiana Highway 558, on the south by

Louisiana Highway 15 and the west by U.S. Highway 167 which shall be closed to turkey hunting.

The season dates will be March 27 through April 25, 1976, for a thirty day period.

All seasons are for gobblers only.

Field checks and observations were made by our technical staff on these areas and found that huntable populations were available. These areas were stocked by the Louisiana Wildlife and Fisheries Commission in the past five years. Through field observations we have observed that areas should be opened as soon after stocking with suitable populations as possible. Turkey populations have a tendency to build up for the first three to four years and decrease after that time if the releases have been a success.

This action was taken in the best interest of the sportsmen of our State and the turkey populations on these areas. This emergency action was taken after field checks by our technical staff and upon their recommendation for the 1976 Turkey Season.

J. Burton Angelle
Director

Rules

RULES

Board of Chiropractic Examiners

(Editor's Note: The following rules were adopted on January 10, 1976, to be effective February 20, 1976.)

Rules of Practice and Procedure

Section 1. Authority. These Rules of Practice and Procedure are promulgated by authority of R.S. 49:951 et seq., as amended, being the Louisiana Administrative Procedures Act. All rule-making and hearing procedures of this Board are conducted according to the Louisiana Administrative Procedures Act.

Section 2. Domicile of Board, Time of Meeting, Special

Meetings. The Board shall be domiciled in Baton Rouge, Louisiana. The regular meetings of the Board shall be held at least twice in each year for the purpose of examining applicants and at any other time the Board deems necessary, at a time and place designated by the President. Special meetings may be called by the President upon giving at least seventy-two hours notice, sent by registered or certified mail to the post office address of each member of the Board and of persons who previously have indicated that they have business before the Board.

Section 3. Definitions. By reference, all of the definitions set forth and contained in R.S. 49:951 through 49:966, inclusive, are incorporated herein, and for the purpose of hearings to be held hereunder, the following definitions shall prevail:

- (a) "Board shall mean the Louisiana Board of Chiropractic Examiners."
- (b) "Hearing" shall mean a hearing called by the Board under the authority of R.S. 37:2816A or R.S. 37:2803E.
- (c) "Appellant" shall mean the persons submitting an appeal to the Louisiana Board of Chiropractic Examiners or the person notified of an opportunity for a hearing for the purpose of either suspending or revoking a chiropractic license.

Section 4. Procedure for Adopting, Amending, or Repeal of Any Rule. The Board shall adopt, amend, or repeal any rule or regulation to govern its actions in strict accordance with R.S. 49:953.

Section 5. Commencement of Hearings. Hearings conducted by the Board shall be instituted as authorized by R.S. 37:2816 or R.S. 37:2803E.

Section 6. Notice of Hearing. The Board shall notify the person against whom a complaint has been made when said complaint appears to be sufficient cause for either suspension or revocation of a chiropractic license. This notice shall notify the person against whom the complaint is made thirty days prior to the hearing and such notice shall conform to the requirements of R.S. 49:955.

Section 7. Disposition of Complaint. The Board shall conduct such investigations, order such hearings, and take such other actions as it finds necessary to make an intelligent decision on the complaint submitted for its review.

Section 8. Appearance. The person against whom the complaint has been made and upon notice being served, must appear at the date fixed for the hearing.

Section 9. Default in appearing. In the event the person against whom the complaint has been made fails to appear at the hearing provided for and also provided that the referenced rules as to service have been complied with, the person so failing to appear or otherwise obtain approval of the Board for his absence shall be deemed to be in default, and the evidence as received by the Board at that time shall be entered into the record and may be taken as true and the order of the Board entered accordingly.

Section 10. Hearing Procedure. The hearings called according to these rules and regulations shall be conducted by the Board in accordance with the rules and procedures set forth in R.S. 49:955 et seq.

- (a) The Chairman of the Board or the Vice Chairman in the absence of the Chairman shall announce the title and docket number of the proceedings before the Board and shall introduce into the record evidence of the notice of hearing. Attorneys and/or other representatives of the appellant shall be recognized along with the representatives of the Board and other proper parties.
- (b) The appellant shall then present his evidence subject to cross-examination by the Board and other proper parties in those cases where the applicant requested the hearing to be held.
- (c) The Board shall then present its evidence subject to cross-examination by the applicant and other proper parties.
- (d) Where the Board has called the hearing on its own motion, the order of presentation of evidence shall be reversed.
- (e) The Board may make an informal disposition of the case by stipulation, agreed settlement, consent, order, or default.
- (f) The Board shall render its final decision and order in accordance with Section 5 of these rules and regulations.

Section 11. Board's Decision. The decision of the Board shall be rendered within thirty days after the matter is submitted, shall be in writing, and shall be dated

and mailed to the appellant and his attorney of record by certified mail.

Section 12. Rehearings. A decision or order of the Board shall be subject to rehearing, reopening, or reconsideration by the Board within ten days from the date of its entry. Rehearings, reopenings, or reconsiderations, shall be conducted in strict accordance with R.S. 49:959.

Section 13. Record of Hearing. The Board shall make a full recording of all proceedings before it and shall at the request of any party or person, have prepared and furnished him with a copy of the transcript or any part thereof upon payment of the costs thereof. If said record is transcribed, it shall be made a part of the record in subject hearing.

Section 14. Judicial Review of Decision. A person who is aggrieved by a final decision or order of the Board is entitled to judicial review in accordance with R.S. 49:964 whether or not he has applied to the Board for rehearing. Proceedings for judicial review may be instituted in the District Court of the parish in which the Board is located within thirty days after mailing of notice of the final decision by the agency, or if a rehearing is requested, within thirty days after the decision thereon.

* * * *

Rules and Regulations

Rule I.

R.S. 37:2801 and R.S. 37:2816 (10)

The use of steel balls or objects inserted into or attached to the ear for the purpose of effecting a bodily or physiological change is not within the scope of chiropractic in Louisiana.

Rule II.

R.S. 37:2816 (14)

Professional signs must be located on the property occupied by the professional office unless otherwise approved by the Board.

Rule III.

R.S. 37:2804 (a)

Each chiropractor must notify the secretary of the Board of Chiropractic Examiners whenever his office address changes.

Rule IV.

R.S. 37:2810

A chiropractor who holds a Louisiana license but practices in another state may attend a seminar approved

by that state board and thereby meet Louisiana's annual seminar requirements for renewal of license.

Rule V.

R.S. 37:2810

A chiropractor practicing in the State of Louisiana must attend a two day twelve hour educational seminar utilizing speakers approved by colleges accredited by ACC or CCE or attend an I.C.A., A.C.A. or an accredited chiropractic college seminar.

Rule VI.

R.S. 37:2816A(14)

A licensee may not permit his name or office to be listed in the Yellow Pages of the telephone directory as being a member of any professional association or trade organization or as being approved by such organizations or to permit such organizations to recommend or otherwise solicit patronage for him.

Jerry Hinton, D.C.
Chairman

RULES

Governor's Consumer Protection Division

On December 11, 1975, Consumer Protection Rule 3:5006 (prior notification of passengers boarding commercial passenger carrying aircraft) was repealed by Charles W. Tapp, Director of the Governor's Consumer Protection Division. This action was approved by the Consumer Protection Advisory Board on January 14, 1976, and the State Attorney General on January 19, 1976. It will become effective on February 20, 1976.

Charles W. Tapp, Director
Governor's Consumer
Protection Division

Lee Wesley, President
Consumer Protection
Advisory Board

William Guste, Jr.
Attorney General

RULES

**State Board of Elementary and
Secondary Education**

On January 22, 1976, the State Board of Elementary and Secondary Education adopted the following

rule relative to the funding of vocational education programs. The rule, to be entered in the Policy and Procedure Manual, will become effective February 20, 1976.

5.04.01 Vocational Funds—Allocation to Colleges and Universities

Vocational education funds heretofore allocated to colleges and universities are not to be so allocated.

This rule proposal was duly advertised in the Louisiana Register on December 20, 1975, in conformity with statute.

Earl Ingram
Director

RULES

Board of Registration for Professional Engineers and Land Surveyors

(Editor's Note: The following rules were adopted on January 14, 1976, to be effective on February 20, 1976.)

Bylaws

The practice of professional engineering and the practice of land surveying are regulated by Act 73 of 1950 Louisiana Legislature as amended. These bylaws are based on the Act and in cases where they conflict with the provisions of the Act, the Act controls.

1. Name and Domicile

1.1 The name of the Board is the Louisiana State Board of Registration for Professional Engineers and Land Surveyors (R.S. 37:683) and will be referred to hereinafter as the "Board."

1.2 The legal domicile of the Board is the City of New Orleans, Louisiana (R.S. 37:687).

2. Organization and Meetings

2.1 The Board shall hold at least four regular meetings each year (R.S. 37:687). A two day meeting, to be held in January, will be designated the annual meeting. The dates of all regular meetings shall be

established at a prior meeting of the Board. The Chairman may call special meetings when he considers them to be necessary and he is also required to call special meetings upon the written request of a minimum of six Board members. It shall be the duty of the Secretary to notify the Chairman of any matters which should be brought to the attention of the Board that might justify the calling of a special meeting.

When a special meeting is called, notice of the meeting shall include an agenda of all matters to be considered at such meeting. No matter not included on the agenda set up for a special meeting shall be considered or passed upon at such meeting. Regular meetings may be adjourned and reconvened at a later date when the business before the Board cannot be completed within the time originally allotted for such regular meetings. Notices of all meetings shall be mailed to each member at least ten days in advance of the scheduled date of each meeting.

2.2 Six members constitute a quorum for the transaction of business (R.S. 37:687).

2.3 At the annual meeting the Board shall:

2.3.1 Elect from its members a Chairman, Vice Chairman, and Secretary. These officers shall take office on the following first day of February and shall serve for a period of one year or as long thereafter until their successors shall have been elected. Should the Chairman's membership on the Board be terminated prior to the election of his successor, the Vice Chairman shall automatically assume the duties of Chairman until the Board is reorganized at the next regular meeting.

2.3.2 At its discretion appoint a non-member of the Board to serve as Executive Secretary. The Board shall determine the term of office of the Executive Secretary and shall fix his salary (R.S. 37:687).

2.4 "Roberts' Rules of Order" shall govern the proceedings of the Board of meetings except as otherwise provided herein or by statute.

2.5 Order of business for regular meetings:

2.5.1 Reading and approval of minutes of previous meeting

2.5.2 Selection of dates of next meeting

2.5.3 Committee meetings

- 2.5.4 Interviews and oral examinations
- 2.5.5 Reports of officers and committees
- 2.5.6 Reading of communications
- 2.5.7 Unfinished business
- 2.5.8 New business
- 2.5.9 Election of officers for ensuing term
(January meeting only)
- 2.5.10 Consideration of applications
- 2.5.11 Consideration of invoices and expenses
- 2.5.12 Adjournment

3. Officers

The officers of the Board shall consist of a chairman, vice chairman, secretary, and executive secretary (See Paragraph 2.3.1). The duties of these officers shall be as follows:

3.1 Chairman

The Chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the Secretary, sign all certificates of registration issued by the Board. He shall cause to have prepared the annual report required by Section 10 of Act 73 of 1950 and shall submit it to the Governor of the State prior to April of each year.

3.2 Vice Chairman

The Vice Chairman shall, in the absence of the Chairman, perform the duties and possess all the powers of the Chairman.

3.3 Secretary

The Secretary shall conduct and care for all correspondence in the name of the Board and shall record and file all applications, examinations, registrations, and revocations; and shall be in possession of the official seal and impress it upon all official documents upon order of the Board. He shall send members of the Board notices of all meetings ten days in advance thereof; shall keep correct minutes of all meetings of the Board including a record of all certificates of registration issued; shall examine all applications for registration and bring about the

necessary correction or supplying of missing or essential data in connection with such applications prior to consideration thereof by the Board; shall address inquiries to references to verify the qualifications, experience, and character of applicants, make arrangements as required by the Board for all written or oral examinations and interviews of applicants; supervise the written examinations and present to the Board the results of every examination and other evidence of qualification; and shall have certificates of registration prepared for those applicants who have been approved for registration by the Board. He shall receive and account for all monies derived from the operation of the Board; shall in all matters relating to receipts and disbursements, comply with Section 9 of Act 73 of 1950 (R.S. 37:689); shall audit all bills and accounts covering expenditures and shall prepare all vouchers and checks for payment of approved bills; and shall keep a register of receipts and expenditures, maintaining such financial books as will at all times show the financial condition of the Board and the validity of the registrations and of the licenses which have been issued. The Secretary, with the approval of the Board, is authorized to delegate to the Executive Secretary the performance of such of his duties as may seem advisable except such as are mandatory under the provisions of Section 9 of the Act (R.S. 37:689). In the absence of the Secretary from a meeting the Chairman shall appoint another member of the Board as Acting Secretary.

3.4 Executive Secretary

The Executive Secretary shall be a non-member of the Board employed to assist the Secretary and other members of the Board in the performance of their duties. He shall employ and supervise the work of all secretarial, stenographic, clerical, and technical assistants essential to the work of the Board, on approval of the Executive Committee and in accordance with Section 7 of Act 73 of 1950 (R.S. 37:687).

4. Standing Committees

4.1 Executive Committee

4.1.1 The Chairman, Vice Chairman, and Secretary shall constitute the Executive Committee. The Chairman of the Board shall serve as Chairman of the Executive Committee.

4.1.2 The Executive Committee shall oversee the operations of the office of the Board and shall advise the Executive Secretary as to the conduct of

the business of the Board between meetings. The Committee shall make recommendations to the Board with respect to policies and procedures.

4.2 Engineering Branch Areas and Land Surveying Committees

4.2.1 The Chairman of the Board shall appoint not less than two members to each of the following committees:

Agricultural Engineering Committee
Chemical Engineering Committee
Civil Engineering Committee
Electrical Engineering Committee
Industrial Engineering Committee
Mechanical Engineering Committee
Metallurgical Engineering Committee
Mining Engineering Committee
Petroleum Engineering Committee
Land Surveying Committee

4.2.2 It shall be the duty of each of these committees to review applications for registration in each respective branch of professional engineering and land surveying and to make recommendations to the Board concerning action to be taken thereon, to select examinations and examination questions, to recommend passing scores for the written examinations in the engineering branch areas and in land surveying, and to assign experience credit when such credit is applicable. These Committees will submit the final grades for all examinations to the Board for approval or for any other action it may see fit to take.

4.2.3 The Land Surveying Committee shall have the added responsibility of reviewing applications and making recommendations to the Board on matters concerned with the certification of persons as land surveyors-in-training.

4.3 Engineer-in-Training Committee

The Chairman shall appoint an Engineer-in-Training Committee that shall review all applications for the examination in fundamental engineering subjects and all requests for certification of persons as engineers-in-training. On the basis of these reviews the Committee shall report and make recommendations for action by the Board.

4.4 Liaison Committee

The Chairman shall appoint a liaison committee to work with similar committees of the Louisi-

ana Engineering Society and of other professional and technical organizations on matters of mutual concern.

4.5 Inspection of Curricula Committees

As the need arises the Chairman may appoint ad hoc committees to inspect and make recommendations to the Board concerning the quality of the engineering and surveying curricula, faculties, and facilities of schools within the State of Louisiana.

4.6 Finance Committee

The Chairman shall appoint a Finance Committee composed of not less than two Board members. The Secretary and Executive Secretary will serve as ex-officio members of this committee. It will be the responsibility of this committee to make studies, reports, and recommendations to the Board on fiscal matters. At the end of the fiscal year the Finance Committee shall review the annual audit and prepare a budget for presentation to the Board at its next meeting.

5. Administrative procedures

The Board shall follow the administrative procedures of the State of Louisiana as described in Chapter 49 of the Revised Statutes (R.S. 49:951 through R.S. 49:966).

6. Amendments to Bylaws

Bylaws of the Board may be amended at any regular or special meeting by a majority vote of the members comprising the Board, provided, however, that such proposed amendments have been submitted in writing to the members of the Board at least thirty days prior to the meeting. This thirty day provision may be waived at a regular meeting by the unanimous consent of the Board members present.

7. Rules and Regulations

7.1 Under the provisions of Section 8 of Act 73 of 1950 (R.S. 37:688) the Board is given power to make and promulgate rules and regulations necessary for the proper performance of its duties. In accordance with these provisions the Board shall adopt detailed requirements for the registration and certification of individuals for the practice or offer to practice professional engineering or land surveying and rules to govern corporations and other firms that provide or offer to provide professional engineering and land surveying services in

Louisiana, and shall adopt definitions of terms and other statements of general applicability as required.

8. Publications of the Board

8.1 A roster showing the names and places of business of all registered professional engineers, the branch of engineering in which professional engineers are registered, and all registered land surveyors shall be published by the Secretary of the Board during the month of April of each year (R.S. 37:691). Copies of this roster shall be mailed to each person so registered and furnished to the public upon request and upon payment of a reasonable fee. The Board shall publish a yearbook which shall include the roster, the Chairman's Annual Report to the Governor, a record of significant activities of the Board during the preceding year and the results of the annual audit (R.S. 37:690).

8.2 A pamphlet containing the current "Rules and Regulations Relative to the Registration of Professional Engineers and Land Surveyors" will be published and revised as necessary by the Board in accordance with the prescribed Administrative Procedures of the State of Louisiana (R.S. 49:951 through R.S. 49:966). The information in this pamphlet will be for the guidance of persons who intend to seek registration as professional engineers and land surveyors in the State of Louisiana.

9. Examinations

9.1 Examination in Fundamental Engineering Subjects

9.1.1 An applicant who meets the other requirements for certification as an engineer-in-training may be permitted to take the examination in fundamental engineering subjects.

9.1.2 Seniors and graduates of four year engineering curricula, including engineering curricula of State universities and colleges not approved by the Board, may be permitted to take the examination in fundamental engineering subjects provided they have duly filed applications with the Board or its representatives in accordance with the Rules and Regulations of the Board.

9.1.3 Persons enrolled in engineering graduate programs as graduate students may be permitted to take the examination in fundamental engineering subjects provided they have duly filed applications with the Board or its representatives in accordance with the Rules and Regulations of the Board.

9.2 Examinations in the Principles and Practice of Engineering

An applicant who meets the other requirements for registration as a professional engineer may be permitted to take the examination in principles and practice of the branch of engineering in which he seeks registration.

9.3 Examination in the Fundamentals of Land Surveying

An applicant who meets the other requirements for certification as a land surveyor-in-training may be permitted to take the examination in the fundamentals of land surveying. If he passes this examination he will be certified as a land surveyor-in-training.

9.4 Examinations in the Principles and Practice of Land Surveying and in Land Surveying Laws and Procedures

9.4.1 A person who has passed the examination in the fundamentals of land surveying and has met the other requirements for registration as a land surveyor may be permitted to take examinations in the principles and practice of land surveying and land surveying laws and procedures. After he passes these examinations he will be registered as a land surveyor.

9.4.2 A person holding a certificate of registration as a land surveyor in another state which was issued on the basis of requirements comparable to those of the State of Louisiana may apply for registration on the basis of comity or endorsement. Such an applicant if otherwise approved will be required to take the examination in the land surveying laws and procedures and if he passes this examination will be granted registration as a land surveyor (R.S. 37:692).

9.5 Examination Grades

9.5.1 After each examination in fundamental engineering subjects and in the fundamentals of land surveying, the Board shall review the results and by a majority vote shall specify the minimum passing score. The Executive Secretary shall issue to each person who has passed one of these examinations a letter stating that he has passed and that the fact has been properly recorded. Those who failed the examinations will be issued letters informing them that they failed. The Board has the sole authority to release examination scores.

9.5.2 The passing grade for an applicant in a branch of engineering or of land surveying shall be seventy per cent. This grade shall be based on a

weighted combination of the score (0-100%) of the written examination and an experience score (0-100%) based on the character of the experience of the individual applicant as determined by the Board by its review of his application file and the results of his oral examination and interview. The experience and the written examination scores shall be assigned equal weight for those applicants with twenty years or more of satisfactory experience. The weighting factor for the experience score for those applicants with less than twenty years of satisfactory experience shall be calculated using the following equation:

$$y = 0.500 [1 - (1 - x/20)^2]$$

Where y represents the experience weighting factor and x the number of years of satisfactory experience. For x equal to or greater than twenty this weighting factor, y, has a value of 0.500. The examination grade is the sum of the products of y times the experience score and (1-y) times the written examination score.

10. Waiver of Examination Requirements

10.1 Examination in Fundamental Engineering Subjects

10.1.1 The Board may waive the written examination in fundamental engineering subjects for an applicant who graduated from an approved engineering curriculum prior to July 1, 1959, and who has a specific record of at least eight years of experience obtained subsequent to graduation, in engineering work of a character satisfactory to the Board. Before the applicant is granted a waiver he must appear before the Board or a committee of the Board for an oral examination or an interview.

10.1.2 The Board may waive the requirement of a written examination in fundamental engineering subjects for a person who had previously passed this examination or one similar to it for which the credit for passing the examination has expired. Before the applicant is granted a waiver he must appear before the Board or a committee of the Board for an oral examination or interview.

10.1.3 The Board may waive the requirement of a written examination in fundamental engineering subjects for a person who was registered as a professional engineer by another Board prior to July 1, 1967.

10.1.4 The Board may waive the require-

ment of a written examination in fundamental engineering subjects for a person who has applied for registration on the basis of experience plus examination and who has at least fifteen years of satisfactory experience. Before the applicant is granted a waiver, he must appear before the Board or a committee of the Board for an oral examination or interview.

10.2 Examinations in the Fundamentals of Land Surveying

The Board may waive the requirement of a written examination in the fundamentals of land surveying for a person who is registered as a land surveyor in another state whose requirements for registration are not less than those in Louisiana.

11. Evaluation of Experience

11.1 General

11.1.1 No applicant will be allowed more than one year of experience for work of one calendar year.

11.1.2 The Board will not recognize experience acquired by an applicant in violation of any law.

11.1.3 An applicant for registration on the basis of graduation plus experience will not be given credit for experience obtained prior to graduation.

11.2 Education Credits

11.2.1 The satisfactory completion of each year of a four year curriculum in engineering approved by the Board shall be considered as equivalent to a year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than four years of experience for his undergraduate education (R.S. 37:692).

11.2.2 The satisfactory completion of each year of a four year curriculum in engineering that is not approved by the Board but which is recognized and supported by the State of Louisiana or Tulane University shall be considered as equivalent to a year of experience for certification as an engineer-in-training and for registration as professional engineer

on the basis of experience plus examination and as a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than four years of experience for his undergraduate education.

11.2.3 The satisfactory completion of each year of a four year curriculum in engineering that is neither approved by the Board nor recognized and supported by the State of Louisiana may be considered as equivalent to one-half year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as one-half year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than two years of experience for his undergraduate education.

11.2.4 Graduation in an approved four year curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as equivalent to two years of professional experience for registration on the basis of long established practice (R.S. 37:692).

11.2.5 The Board may allow experience credit for engineering education at the graduate level. Applicants holding a degree of Master of Science in engineering or in a branch of engineering or the equivalent thereof may be allowed a maximum credit of one year of experience for their graduate engineering education. Applicants holding a degree of Doctor of Philosophy in engineering or in a branch of engineering or the equivalent may be allowed a maximum of three years of experience, provided that no applicant shall receive credit for more than three years of experience for his graduate education in engineering.

11.2.6 The satisfactory completion of each year of an undergraduate curriculum approved by the Board for the registration of land surveyors may be considered equivalent to a year of office experience, provided the applicant has completed at least six semester credit hours or equivalent in surveying courses approved by the Board. No applicant shall receive credit for more than four years of land surveying experience for his undergraduate education (R.S. 37:692).

11.3 Work as a Contractor

The Board may consider the execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent toward qualification for registration of an applicant as a professional engineer (R.S. 37:692).

11.4 Engineering Work in Responsible Charge

The Board will not consider an applicant for registration as a professional engineer to have been in responsible charge of important engineering work unless the applicant shall have been legally authorized to practice professional engineering at the time the work was performed or shall have been in a field of employment exempt under the law from the requirement that professional engineers be registered to practice therein.

12. Approved Curricula

12.1 General

The Board shall determine which curricula are to be recognized under the provisions of the Act as "approved curricula" for the registration of persons as professional engineers and land surveyors.

12.2 Approved Engineering Curricula

12.2.1 In general, the Board will recognize as approved curricula all engineering curricula of four years or more accredited by the Engineers' Council for Professional Development (ECPD) in programs that lead to degrees in agricultural, chemical, civil, electrical, industrial, mechanical, metallurgical, mining, and petroleum engineering, and may recognize as an approved curriculum an engineering curriculum leading to the degrees specified above that were not accredited at the time, but became accredited two years later.

12.2.2 Based on an investigation by a committee of the Board, the Board may by a majority vote at a regular meeting recognize as an approved curriculum an engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of the preceding paragraph. The Secretary shall keep a record of the engineering curricula thus approved.

12.2.3 The Board may recognize that an applicant for registration as a professional engineer

has an education equivalent to a graduate of an approved curriculum provided the applicant has received a graduate degree from a department with an engineering curriculum approved by the Board. Such recognition shall be made on an individual basis as a result of the consideration of the applicant's entire record of education and the results of a personal interview and oral examination by the Board or by a committee of the Board.

12.3 Approved Land Surveying Curricula

12.3.1 The Board may recognize as approved for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act all approved engineering curricula that contain at least six semester credit hours, or equivalent, of satisfactory surveying courses.

12.3.2 The Board, by a majority vote at a regular meeting, may recognize a curriculum of a college or university of recognized standing, leading to a Bachelor of Science degree as an approved curriculum for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act provided the curriculum contains at least six semester credit hours or equivalent, of satisfactory surveying courses. The Secretary shall keep a record of the curricula approved under this provision of the Bylaws.

12.3.3 The Board may recognize that the formal education of an applicant meets the requirements of Section 12A(2)(b) if he has passed sixty semester hours, or the equivalent, of courses above the high school level including at least six semester hours, or the equivalent, of satisfactory surveying courses. The Secretary shall keep a record of this action by the Board if the above education was obtained in a two year curriculum leading to a degree or a certificate.

13. Bonding

The Board shall provide a blanket position bond of not less than \$10,000.00 covering the position of the Chairman, Secretary, Executive Secretary, and all Board members, employees, or other persons who may sign checks or handle the finances of the Board.

14. Disbursements

14.1 The Secretary shall draw voucher checks against the funds of the Board for the payment of all bills which are known to him to be proper and necessary to the conduct of his office and duties and those

authorized by the Board. The Chairman shall be empowered to authorize the expenditures of funds, in the beneficial interests of the Board and without its prior approval, up to an aggregate amount of \$500.00 in any fiscal year period, and any expenditures made under this authorization shall be reported to and approved by the Board at its next regular meeting. All checks shall be signed by the Secretary and one of the following officers: Chairman or Vice Chairman.

14.2 At the close of each fiscal year (June 30) the Secretary shall have an audit made by the certified public accountant designed by the Board of all receipts and disbursements. The report of this audit shall be ready for submission to the Board or its members before the last week in July. A copy of this audit and the financial statement prepared by the certified public accountant shall be sent to the Governor after the report of the audit has been reviewed by the Board (R.S. 37:689).

15. Compensation and Expenses

15.1 Authority to Incur Traveling Expenses (R.S. 37:685)

15.1.1 The Board will allow its members and representatives actual traveling expenses plus per diem at the rate specified in the Statutes to attend regular, special, and committee meetings. Transportation expenses will be allowed in accordance with the "General Travel Regulations" of the State of Louisiana.

15.1.2 The Board may, by prior resolution at one of its meetings, authorize any of its members or representatives to travel at the expense of the Board to attend meetings and conventions such as those of the National Council of Engineering Examiners, the Engineers' Council for Professional Development, or other allied organizations. Per diem for time spent traveling and for time spent at the meeting will be allowed. The allowance for time spent traveling shall not exceed a total of two days' per diem.

15.1.3 The Chairman of the Board may authorize the Executive Secretary, field representative, or other employees to travel at the expense of the Board in accordance with the provisions specified by the "General Travel Regulations" of the State of Louisiana.

15.2 Authority to Travel by Personal Automobile

Transportation by personal automobile to

attend meetings or conventions will be allowed and reimbursed at the mileage rate specified by the "General Travel Regulations" of the State of Louisiana. The traveler shall be reimbursed travel cost (transportation, lodging, and meals while en route) not to exceed the cost of travel by first class air rates or first class train fare plus one pullman accommodation by the most direct route.

Daniel H. Vliet, P.E.
Executive Secretary

RULES

Health and Human Resources Administration

Division of Health

The Louisiana Health and Human Resources Administration, Division of Health, has adopted the following rules regarding procedure for applications and administrative hearings for all matters handled by the Division of Health, except the Office of Vital Statistics. These rules were adopted by the Commissioner on February 6, 1976, in accordance with the Notice of Intent published in the Louisiana Register on January 20, 1976.

Rules for Conducting Enforcement and Appeal Hearings

The Division of Health, a legally constituted Division of the Louisiana Health and Human Resources Administration, is responsible for the enforcement of certain public health regulations and laws. These may be constitutional provisions, legislative statutes, regulations which are promulgated under statutory authority for inclusion in the State Sanitary Code, and Executive Orders delineating certain public health regulations or requirements. The following rules shall apply to all offices of the Division of Health, except the Office of Vital Statistics which will be governed by rules to be adopted applying to that office only.

Provision is made in the body of some of the laws and regulations for plaintiffs to seek appropriate hearings with the enforcement agency, the Division of Health, to appeal enforcement decisions or seek redress to actions being taken or contemplated against them. It is, also, the policy of the Division of Health to afford such hearing opportunities to any individual, agency, or organization, who may have cause to request a hearing, concerning any program, service or activity of the Division.

In any event, such a hearing will be scheduled and

conducted in accordance with the following rules when any plaintiff submits a written request, with substantiating evidence of the need for a hearing, to the Director of the Division of Health, P. O. Box 60630, New Orleans, Louisiana 70160.

Rules

1. All hearings shall be held in the offices of the Division of Health unless, at the discretion of the Director of the Division of Health, another mutually acceptable site is agreed upon.
2. All parties concerned with the hearing must be notified in writing at least three days prior to the proposed hearing, however, the Director or his designee may, at his discretion, waive the time interval if so requested by the party(s) for whom the hearing is held.
3. A competent stenographer shall be in attendance to record all data pertinent to the hearing. Recording equipment may be used for this purpose, if mutually agreed to by all parties concerned, at the hearing.
4. The hearing will be held by the Director of the Division of Health or his duly designated representative.
5. At the opening of the hearing, a statement will be made by the Director or his designee as to the purpose of the hearing, including a listing of any alleged violations of the state health regulations.
6. Employees and/or representatives of the Division of Health will then be heard concerning details of the alleged violations.
7. The plaintiffs for whom the hearing is held, or their legal representative, will be given ample opportunity to state his/their side of the case and present any refuting evidence.
8. Division of Health employees and/or representatives may then respond to the pleading and/or evidence introduced by the individual(s), as set forth in No. 7 above.
9. Plaintiff may then make a closing statement, if so desired.
10. The Director or his designee may make a decision on the hearing at the close of said hearing, or may elect to take the matter under advisement. If the former, the decision may be announced verbally. This must be followed by an official letter, sent by registered

or certified mail, spelling out the decision. This should be done before the close of the next working day, following the hearing. If the matter is taken under advisement, a decision must be made within five calendar days following the hearing, and the party(s) involved notified of the decision by registered or certified mail within that time.

- 11. All parties involved in hearings will be advised that, if they are affected adversely by the decision resulting from these hearings, or it is otherwise unacceptable, they have the right to appeal to a court of competent jurisdiction.

William H. Stewart, M.D.
Commissioner

RULES

Higher Education Assistance Commission

Louisiana Student Loan Program Policies and Procedures Amendments

(Editor's Note: The following rules were adopted on February 7, 1976, to be effective March 5, 1976.)

Rule 1. Who May Apply for Loans

* * *

After first, unnumbered paragraph, insert the following between the first and second (unnumbered) paragraph:

“Students who have not been graduated from high school, but who have been admitted to Louisiana colleges and universities on the basis of the Early Admissions Policy are eligible to apply for state guaranteed loans.”

* * *

Rule 2. Academic Requirements

* * *

Add additional sentence to paragraph e:

“Eligibility of graduate and professional school

students is based on grades obtained in graduate work, after initial semester or year.”

* * *

Rule 11. Loan Limits

* * *

Change paragraph b to read:

“For schools on the quarter system, disbursement for nine months course of study shall be two-thirds for first two quarters and one-third for final quarter. Disbursement for twelve months course of study shall be one-half for first two quarters (six months) and one-half for the final two quarters (six months). Regular semester disbursement is one-half Fall and one-half Spring.”

* * * *

(Editor's Note: The following changes were made in the Policies and Procedures of Louisiana State Guaranteed Student Loan Program as a result of Act No. 657 of the 1975 Louisiana Legislative Session, effective September 16, 1975.)

The first paragraph of Rule 1 is adjusted to read as follows:

Rule 1. Who May Apply for Loans

“Persons who are bona fide residents of Louisiana and U.S. citizens and who enroll or plan to enroll as fulltime undergraduate or graduate students in a college or university in Louisiana or in the United States are eligible to apply for state guaranteed loans. Also eligible to apply are medical students who have been refused admission to the medical schools or colleges in the State of Louisiana because of lack of accommodations and are fulltime students in a Commission approved medical school or college outside the State of Louisiana including those outside the United States.”

Paragraph a. of Rule 11 is adjusted to read as follows:

Rule 11. “a. All undergraduate college and vocational students are eligible to apply for \$1500 within the fiscal year, \$750 for one semester; graduate college students \$2000 within the fiscal year, \$1000 for one semester; maximum guarantee of all loans for any undergraduate college student at any one time is

\$7500; graduate college student, \$10,000. (Summer session, undergraduate college \$400, graduate college \$500, Louisiana Tech summer quarter \$500, when authorized.)”

* * * *

(Editor's Note: The following change, effective immediately, was made in the Policies and Procedures (Appendix II, Responsibility of Lender) of Louisiana Higher Education Assistance Commission as a result of Public Law 93-495, Equal Credit Opportunity Act, as interpreted in Regulation B, 12 CFR 202.)

Appendix II, Responsibility of Lender, Item C is changed to read as follows:

“C. Endorsement of the Interim Note and/or Pay-out Note by parents or guardian or other person may be required by the lender according to policies of the lending institution; provided that endorsement requirement is imposed without regard to sex or marital status of the student borrower.”

Richard W. Petrie
Executive Director

RULE

Board of Regents

(Editor's Note: The following rule was adopted January 29, 1976, to become effective July 1.)

4.1 Board of Regents' Statement on Academic Freedom, Tenure, and Responsibility

Introduction

The purpose of this statement is to establish and define a uniform, statewide policy on academic freedom, tenure, and responsibility for the public colleges and universities, including their professional schools, in Louisiana. These institutions of higher education are conducted for the common good, not for the separate interests of individuals. The Board of Regents supports academic freedom, tenure, and responsibility as a means of fostering the free search for truth and its free exposition. This statement, in its entirety, shall be

published in each affected institution's faculty handbook, along with procedures for implementation of the policy prescribed by the respective management boards, and shall be distributed to each faculty member employed in each affected institution of higher education in Louisiana.

Academic Freedom

Academic freedom is the right of members of the academic community freely to study, discuss, investigate, teach, conduct research, and publish as appropriate to their respective roles and responsibilities. Because the common good depends upon the free search for and exposition of truth and understanding, full freedom in research and publication is essential, as is the freedom to discuss scholarly subjects in the classroom.

Academic Tenure

Academic tenure is not prerequisite to academic freedom, for academic freedom is the right of all members of the academic community. Rather, tenure is a specific condition of employment which is accorded to members of the academic community who have met the requirements for tenure. Furthermore, it is a means of making the teaching profession attractive to persons of ability and constitutes only one important protection for academic freedom.

The traditional protection afforded by tenure against unwarranted dismissal of teachers has validity. Tenure is not, nor should it be, a shield for mediocrity, incompetence, or academic irresponsibility. Tenure must be earned, not given.

The uniform provisions for tenure adopted by the Board of Regents shall be implemented in all public colleges and universities including their professional schools, in Louisiana. The following statements of the Regents define the general provisions of the uniform tenure policy which shall be administered by the respective management boards:

- I. The management boards have the ultimate responsibility for hiring academic personnel and for awarding or denying tenure to academic personnel. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and employee before the appointment is consummated.
- II. Indeterminate tenure shall be earned by full-time academic personnel with respect to academic rank only.

- A. Administrators shall not earn tenure, except as members of an academic discipline.
 - B. Faculty members shall be on annual appointment at the instructor level.
 - C. Faculty members shall not be eligible for tenure at the instructor level.
 - D. Assistant professors or equivalents shall be eligible for tenure after serving the established probationary period.
 - E. Faculty members promoted to the rank of associate professor, professor, or equivalent shall be awarded indeterminate tenure and shall be informed in writing within ninety days of management board action.
 - F. Faculty members initially employed at the rank of associate professor or equivalent shall serve a probationary period of at least one year, but no more than four years.
 - G. Faculty members initially employed at the rank of professor or equivalent may be granted tenure upon appointment, or, at the discretion of the institution, may be required to serve a probationary period not to exceed four years.
 - H. Faculty members appointed to the rank of professor or associate professor while being paid from a grant or contract for services such as special lecturer, consultant, or visiting professor, may not be granted indeterminate tenure, but may be granted limited tenure, not exceeding the duration of the grant or contract.
- III. Full-time academic personnel below the rank of associate professor or equivalent shall serve a probationary period not to exceed seven years of continuous service. For the purpose of computing continuous service during the maximum seven-year probationary period, leaves approved by the respective management boards and service at all ranks shall be included.
- A. At the end of the fifth year of continuous service, such faculty members shall be evaluated for the purpose of determining eligibility for tenure.
 - B. At the end of the sixth year, the results of each individual's evaluation shall be provided to that individual. In the event tenure is to be denied to an assistant professor, twelve months written notice of termination shall be given. In the event tenure is to be awarded, affected faculty members shall be informed in writing.
- C. For the purpose of the probationary period, credit may be given for prior service at other institutions with the mutual consent of the individual institution and the appropriate management board.
 - D. Recommendations of those to be considered for tenure shall originate in the various structural units, with tenured faculty and unit heads initiating the recommendations. Final authority for granting or denying tenure shall rest with the respective management boards.
- IV. Tenured faculty shall retain their status until they retire, resign or are terminated for cause or as a result of financial exigency. Because faculty members hold tenure with an institution through an academic structural unit, termination for financial exigency may occur when the financial exigency is at the structural unit level or at the institution level as determined by procedures which include faculty participation.
- V. This policy shall become effective on July 1, 1976, and shall supersede all existing policies with the following exceptions:
- A. All persons holding tenure on the effective date of this policy shall retain their tenure.
 - B. Any person in the employ of an affected institution on the effective date of this policy shall be eligible to earn tenure under the terms and conditions of the policy in force and in effect at the time of that person's employment at that institution.
 - C. This policy shall in no way affect any rights acquired by any person employed by an institution prior to the effective date of this policy.
- VI. Within ninety days of the effective date of this policy, each tenured faculty member in each affected institution shall be notified of his/her tenured status. Within the same time period, each non-tenured faculty member shall be informed of his/her non-tenured status and shall

be informed of existing tenure policy affecting him/her.

Academic Responsibility

For academic freedom to endure, academic responsibility must be exercised. Faculties at each institution should clearly and explicitly establish minimum levels of expected professional performance and responsibility. A proper academic climate can be maintained only when members of the academic community meet their fundamental responsibilities. When a member of the academic community speaks or writes as a citizen, that person should be free of institutional censorship or discipline, but as a person of learning he/she should remember that the public may judge the profession and the institution by his/her utterances.

William Arceneaux
Commissioner of Higher Education

Notices of Intent

NOTICE OF INTENT

Department of Agriculture

Fertilizer Commission

Pursuant to R.S. 49:951 et seq., notice is hereby given of a public hearing to be held at 10:00 a.m. on March 24, 1976, in the Conference Room, Harry D. Wilson Laboratory, Louisiana State University, Baton Rouge, Louisiana.

The purpose of the hearing is to consider adoption of the following rules under authority of R.S. 3:1312. The purpose of these rules is to insure that fertilizer sold within Louisiana complies with provisions of R.S. 3:1312 et seq. relative to guarantees of available nutrients.

1. Definitions

Percentage of deficiency means the percentage of official samples of fertilizer produced by a registrant that are found by the state chemist to be adulterated as defined in R.S. 3:1311(9)(d).

2. Probation

Any registrant whose percentage of deficiency

equals or exceeds twenty-five per cent in any fiscal year beginning July 1 shall be placed on probation as provided for in the following section.

3. Terms of probation

- A. A registrant located within Louisiana placed on probation shall not ship any lot of fertilizer as defined in the Act until said lot has been sampled by an agent of the Bureau of Technical Services, Louisiana Department of Agriculture. The Director of the Bureau of Technical Services may waive sampling of any given lot for good reason.
- B. A registrant located outside Louisiana placed on probation shall not unload any lot of fertilizer as defined in the Act until said lot has been sampled by an agent of the Bureau of Technical Services, Louisiana Department of Agriculture. The Director of the Bureau of Technical Services may waive sampling of any given lot for good reason.

4. Removal from probation

The Director of the Bureau of Technical Services shall remove from probationary status any registrant whose percentage of deficiency on that weight of fertilizer equal to twenty per cent of his previous year's sales is below twenty-five per cent. Provided that, any registrant in his second year of probation shall not be removed from probation until that weight of fertilizer equal to thirty-three percent of his previous year's sales has been sampled.

5. Notification of probation

The Director of the Bureau of Technical Services shall notify each registrant of his probationary status within thirty days of classifying the registrant as probationary. Provided that, that this period shall not apply to those registrants on probation at the time of adoption of these rules. The Director shall inform the registrant of all procedures and requirements of probationary status. Registrants in the second year of probation shall be invited to a meeting of the Fertilizer Commission for discussion of future action.

6. Revocation or denial of registration

The Fertilizer Commission shall treat failure of a registrant to reduce his percentage of deficiency to below twenty-five per cent by that time in the third year of probation at which a weight of fertilizer has

been sampled that is equal to twenty per cent of the previous year's sales as "repeated failure of a registrant to meet the guaranteed weight or analysis of a fertilizer" in R.S. 3:1315 and may institute proceedings to revoke or deny renewal of a registration to sell fertilizer in the State of Louisiana under R.S. 3:1313(1).

7. Public hearing and appeal of decision

No registrant shall have his registration revoked or application for renewal denied without opportunity for a public hearing under R.S. 49:955. Further, any registrant who wishes to appeal his probationary status or any aspect of an order pertaining thereto shall do so by registered mail to the Commissioner of Agriculture within a reasonable period of time.

8. Reduction of the level at which probation is imposed or removed

As of July 1, 1976, the term twenty-five per cent shall be reduced to twenty per cent.

Interested parties should contact:

Robert F. Odom, Jr., Director
Bureau of Technical Services
P. O. Box 16390-A, University Station
Baton Rouge, Louisiana 70893

Written comments should be addressed to the above individual. All interested parties will be given a reasonable opportunity to express their views.

Dave L. Pearce
Commissioner

NOTICE OF INTENT

Louisiana Air Control Commission

The Louisiana Air Control Commission proposes to adopt Guideline No. 7 entitled "Temporary Exemption for Testing", at a hearing scheduled for 10:00 a.m., April 6, 1976, in the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans, Louisiana. Copies of the proposed Guideline may be reviewed in Room 414, Louisiana State Office Building, 325 Loyola Avenue, New Orleans, Louisiana. Reasonable opportunity for oral comments will be permitted at the meeting. Written comments may be mailed to the Louisiana Air Control Commission, P. O. Box 60630, New Orleans, Louisiana 70160 prior to the meeting.

The Commission also proposes to adopt compliance statements, emission reduction plans, requests for variance, applications for "Approval of Emissions", and any other pertinent items necessary.

James F. Coerver
Technical Secretary

NOTICE OF INTENT

Capital Area Ground Water Conservation Commission

Notice is hereby given that the Board of Commissioners of the Capital Area Ground Water Conservation District, which consists of the Parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana plans to adopt rules and regulations requiring certain ground water users, as defined in R.S. 38:3071 through R.S. 38:3084 to submit plans for the drilling of water wells in the District. The Commission will accept written comments until 8:00 a.m. on March 8, 1976, at the following address:

Capital Area Ground Water
Conservation Commission
P.O. Box 64526
Baton Rouge, Louisiana 70896

Telephone: (504) 924-7420

Oral comments may be presented at the Board's meeting, scheduled to begin at 9:30 a.m. March 8, 1976, in Room 220, 6554 Florida Boulevard, Baton Rouge, Louisiana 70896.

Austin F. Anthis
Chairman

NOTICE OF INTENT

Capital Area Ground Water Conservation Commission

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of Title 38:3071 et seq. of the Louisiana Revised Statutes of 1950, a public hearing, regarding pumpage charges, will be held in Room 220, 6554 Florida Boulevard, Baton Rouge, Louisiana at 9:30 a.m. Monday, March 8, 1976. Any user intending to make a presentation shall so advise the Board at least five days in the advance of the hearing and shall indicate the estimated time to be consumed by his presentation.