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# Executive Orders

## EXECUTIVE ORDER NO. 90

WHEREAS, the Legislature of Louisiana has enacted Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 comprising R.S. 42:1301 through R.S. 42:1303, both inclusive, authorizing the deferring of compensation for State employees and independent contractors working for compensation for the State; and

WHEREAS, subsequent to the legislative action, benefits have been made available to State employees on a very limited basis, due to the complex nature of deferred compensation plans and the difficulty of coordinating simultaneous action among the departments and agencies of the State in obtaining and offering such plans; and

WHEREAS, it is desirable to provide coordination of the deferred compensation arrangements in which State employees and independent contractors may participate in order to assure the maximum benefits at retirement and favorable tax treatment; and

WHEREAS, it is desirable that a central authority be established to administer and coordinate such deferred compensation arrangements; and

WHEREAS, the Governor of Louisiana as the State's Chief Executive Officer should implement and encourage the adoption of a coordinated deferred compensation plan for the benefit of all State employees;

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me as Governor of Louisiana and in conformance with the will of the Legislature of Louisiana, do hereby:

1. Authorize and direct the establishment of a Louisiana Public Employees Compensation Plan to implement and coordinate the benefits made available by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
2. Authorize and direct that such plan shall be administered by an administrative committee.
3. Authorize and direct that the administrative committee of the Louisiana Public Employees Deferred Compensation Plan consist of three persons to be appointed by the Governor at a

later date, each to serve at the pleasure of the Governor.

4. Authorize and direct the administrative committee to establish and maintain a public employees deferred compensation plan for use by participating agencies for administration of the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950. Agencies shall be eligible to participate in the plan pursuant to such rules as may be adopted by the administrative committee for purposes of the implementation of Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 and this Executive Order.
5. Authorize the administrative committee to:
  - A. Enter into agreements with an administrator and marketing coordinator to obtain professional guidance and assistance in establishing, maintaining, and administering a public employees deferred compensation plan for State employees.
  - B. Seek a ruling from the Internal Revenue Service concerning the Federal income tax consequences of participation in the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
  - C. Take such further actions to carry out the objectives of the plan as may be necessary, in accordance with this order and State law.
6. Authorize the Chief Executive Officer of each State department, agency and wholly-owned institution and/or instrumentality to:
  - A. Designate this administrative committee as an agent duly authorized to enter into contracts with the employees to defer compensation as provided in Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
  - B. Adopt the Louisiana Public Employee Deferred Compensation Plan and any necessary regulations, procedures and forms promulgated in connection therewith.

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 2nd day of September, A.D., 1975.

EDWIN EDWARDS

Governor of Louisiana

# Emergency Rules

## EMERGENCY RULES

### Board of Architectural Examiners

(Amendment to Part VII of  
the Rules and Regulations)

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*(Editor's Note: These rules were adopted August 1, 1975, and made effective August 6, 1975.)*

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- A) The Louisiana State Board of Architectural Examiners directs the Department of Occupational Standards to mail a letter to each Louisiana resident architect on August 12, 1975, stating that the Board will accept as a nominee for the Architects Selection Board, as provided in Act 721 of 1975, any resident architect who on or before August 22, 1975, furnishes a petition by certified mail to be received by 4:15 p.m. and verified by the Department of Occupational Standards. The petition shall contain:
- 1) The signatures of ten qualified resident architects endorsing his nomination.
  - 2) Name, signature and license number of endorsee.
  - 3) Biographical statement of 150 words or less.
- B) The Louisiana State Board of Architectural Examiners shall have the election ballots printed for each registered resident Louisiana architect. The ballots and three envelopes shall be printed, and the ballots shall contain the embossed seal of the State Board of Architectural Examiners. One envelope will be used to mail the ballot package and one of the two remaining envelopes will be used as the return envelope which shall contain the ballot which has been sealed within the third envelope. A place shall

be printed on the return envelope for the signature and license number of the qualified voter.

- C) The ballot, containing the names of the nominees, shall be mailed to resident architects September 15, 1975, and shall be as follows:

"Since four candidates are to be chosen, vote for four or less nominees."

- D) Rules governing election:

The four nominees elected will be based on plurality. No write in candidates will be counted.

If two or more candidates are elected from the same firm, the one with the least number of votes will be eliminated. A runoff will be held if two or more candidates from the same firm receive the same number of votes.

A tie runoff election will be held if two or more candidates receive the same number of votes for the fourth position.

No ballots will be counted unless signature and license number are affixed to the return envelope as required.

- E) The official ballot shall be returned to the Department of Occupational Standards, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 and shall be received on or before 4:15 p.m., September 24, 1975.
- F) The tabulation committee shall consist of O. J. Baker, D. C. LeBreton, P. Murff O'Neal, Jr., and a representative of the Department of Occupational Standards. All votes shall be tabulated Friday, September 26, 1975, and attendance at the tabulation procedure is open to the public.

P. Murff O'Neal, Jr.  
President

## EMERGENCY RULE

### Wildlife and Fisheries Commission

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*(Editor's Note: These rules were adopted by the Wildlife and Fisheries Commission on August 29, 1975, and have been in effect since that date. All necessary instructions and forms for applying for a commercial shrimp fisherman loan guarantee can*

*be obtained from the Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130.)*

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The following are the rules and administrative procedures enacted to regulate the disbursement of funds pursuant to the loan guarantee program designated as the Commercial Shrimp Fisherman Loan Guarantee Security Fund. The "Security Fund" is authorized by Act Number 14 of the Extraordinary Legislative Session of 1974, and reallocated by Act 819, Section 6, of the Regular Legislative Session of 1975.

#### **Purpose of Funds**

The purpose of the loan guarantee by the Commission is to provide security for loans made to qualified commercial shrimp fishermen by lending institutions in order that the Commercial Shrimp Fishermen may continue to operate their business as ongoing and profit making businesses.

Any violation of these provisions, misuse of funds, or misrepresentation by the borrower in securing a loan guarantee from the Commission shall subject the borrower to criminal prosecution by the appropriate authorities.

#### **Administration**

The Louisiana Wildlife and Fisheries Commission is the responsible state agency which will guarantee loan payment as provided in the Act creating the "Security Fund."

#### **Definitions**

**ACT**—When used in these regulations, the term "Act" refers to Act No. 819 of the Regular Legislative Session of 1975 creating the Shrimp Fisherman Loan Guarantee Security Fund.

**APPLICANT**—A commercial shrimp fisherman who requests through methods provided herein for a loan of money to use for continuation of operating as a commercial shrimp fisherman.

**BORROWER**—A commercial shrimp fisherman who has received a loan from a lending institution as a result of the Commission's guarantee to pay the amount of the loan in accordance with the Act and these regulations in case of default by the commercial shrimp fisherman.

**COMMERCIAL SHRIMP FISHERMAN**—An individual or group of individuals, doing business in the form

of a partnership, or a corporation, whose livelihood depends upon the capture by them of shrimp through use of trawling vessels and netting or other methods of capture customarily used in the industry for the commercial sale and distribution of shrimp.

**COMMISSION**—When used in these regulations, the term "Commission" refers to the Louisiana Wildlife and Fisheries Commission.

**LENDING INSTITUTION**—A lending institution is any Federal agency, federally insured financial institution or bank authorized to do business in Louisiana and which has agreed to lend money in accordance with the terms of the Act and these regulations to a commercial shrimp fisherman upon the condition that the commercial shrimp fisherman secures a loan guarantee from the Commission securing the proposed loan.

**LOAN GUARANTEE**—A written pledge by the Commission that should any default occur on the part of any commercial shrimp fisherman whose proposed loan with the lending institution has been approved by the Commission, the Commission will pay to the lending institution 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of the borrower's default, whichever is the lesser.

#### **Notification to Potential Applicants**

The State, and particularly the Louisiana Wildlife and Fisheries Commission, will use all necessary news media, to advise commercial shrimp fishermen of the availability of assistance under this Act and the procedures for requesting loan guarantees in accordance with, but not limited to, such measures as prescribed in the Administrative Procedures Act, R.S. 49:951, et seq.

#### **Qualifications for Loan Guarantee**

For a commercial shrimp fisherman to be eligible for participation in the loan guarantee fund, the following criteria must be met:

- (1) The applicant must be a commercial shrimp fisherman and one who has been domiciled in Louisiana for one year immediately preceding the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).
- (2) The applicant must possess a current valid Louisiana commercial license for taking shrimp, which license was acquired prior to the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).

- (3) More than 50 percent of the applicant's 1974 annual income must have been derived from commercial shrimping operations as evidenced by his State or Federal income tax return for that year.
- (4) Applicant must show a need for the loan in order to continue his livelihood as a commercial shrimper.
- (5) Applicant must show that he has been refused a loan by one area loan institution.
- (6) Applications must be submitted to the lending agency that will be making the loan.

#### **Application Forms**

- (1) Application forms are to be provided by the Commission.
- (2) Application forms are to be completed in full by applicant giving all relevant and available information.
- (3) Application forms shall explain to the applicant the conditions for payment of the loan by the Commission.
- (4) Application forms shall include provisions for options by the applicant as to monthly, quarterly, or semi-annual loan repayment.
- (5) Application forms shall explain to applicant his liability to the Commission if it is called upon to make payment under the loan guarantee.
- (6) Application forms shall contain space where the applicant may state the desired amount of the loan and the term of the loan, not to exceed ten years.
- (7) Application forms shall contain space for the applicant to state the expected use of the proposed loan as well as a summary of collateral to be offered by the applicant.
- (8) Application forms shall contain questions regarding recent efforts by applicant to obtain credit.
- (9) Application forms shall require applicants to attach all other pertinent information.

#### **Investigation of Applications**

Investigation of loan applicants shall be conducted

with the least possible delay and without infringing upon an applicant's protected right to privacy or other constitutional right.

Upon completion of the investigation, a report and recommendation shall be submitted to the agent authorized by the Commission to review applications before submitting them to the Commission for a final determination.

#### **Disposition of Application**

##### **Denial**

If an application is denied, notification of denial shall be forwarded within five days of such decision to the applicant together with a brief explanation as to why his loan request was denied.

##### **Reasons for Denial**

- (1) Noncompliance with application
- (2) Misrepresentation of information—personal or financial
- (3) Applicant does not meet requisite qualifications
- (4) Loan funds not available
- (5) Any other nonarbitrarily determined reasons

##### **Approval**

If the application is approved, applicant and the lending institution shall be notified within five days of such approval so that the loan may be executed in favor of the applicant and with the Commission's guarantee.

#### **Application Identification**

- (1) Each application shall be received and stored in an alphabetical arrangement.
- (2) Each application shall receive a separate file folder.
- (3) File folders shall be numbered so that they correspond to activity of the application; for example: Anderson 0 wherein the application has been received and is being processed; Anderson—01 the application has been approved and is awaiting loan execution; Anderson 2 the loan was denied and is inactive; Anderson 03 the loan is executed and in effect; Anderson 04 the loan has been defaulted and is under administra-

tion; Anderson 05 the approved loan has been paid off and is inactive.

#### **Powers and Duties of the Commission**

The Commission shall have the following powers and duties:

- (1) Guarantee the loan of money to qualified commercial shrimpers subject to the restrictions herein cited.
- (2) Enter into contracts with any Federal agency, federally insured institution or bank authorized to do business in Louisiana.
- (3) Provide for execution and administration by any agency in (2) above of any loan plan guaranteed by the Commission.
- (4) Provide for conditions and method of payment by the Commission under its loan guarantee whenever a borrower defaults on his loan.
- (5) Issue loan guarantees provided that an applicant has his option as to monthly, quarterly, or semi-annual repayment of the loan.
- (6) Provide for the collection of defaulted loans which have been paid by the Commission in accordance with its loan guarantee.
- (7) Perform any other acts necessary to carry out the purposes of the Act.

#### **Limitation on Guarantees**

- (1) The amount of the Commissioner's loan guarantee on any loan made by a lending institution to an applicant approved by the Commission shall not exceed 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of borrower's default, if any, whichever is lesser.
- (2) Each loan guarantee shall be limited to a maximum of \$5,000 for any individual shrimp fisherman.
- (3) The total amount of all outstanding loans guaranteed by the Commission shall not at any time exceed \$5,000,000.
- (4) The annual percentage rate of interest on any loan guaranteed by the Commission may not be greater than two percent above the prevailing

Federal Reserve rediscount rate in effect at the time of the loan application.

- (5) The term of each loan shall not exceed ten years.

#### **Security for Loans**

- (1) All lending institutions shall require the borrower to give either a first or second mortgage on the following:
  - (a) Shrimping vessel and appurtenances.
  - (b) Shrimp nets.
  - (c) Any other equipment used by borrower for commercial shrimping.
- (2) The lending institution shall require such other collateral as the borrower has available to be used as additional security on the loan.
- (3) All lending institutions shall require the personal endorsements of corporation principals, where corporation receives a loan secured by the Commission's loan guarantee, unless such requirement is waived by unanimous consent of the Commission.
- (4) All corporation applicants shall file a complete list of stockholders, together with their addresses and number of shares held. Such information must be filed prior to the approval of the application by the Commission and must also be filed annually thereafter until the loan is paid.
- (5) There shall be a full disclosure of relationships of the applicant and the lending institution with all State officials and with employees and members of the Louisiana Wildlife and Fisheries Commission. Said disclosure shall be made in the application or on an accompanying form.

#### **Loan Guarantee**

- (1) Upon approval of an applicant's application and the proposed loan contract between applicant and the lending institution, the Commission shall bind itself to guarantee the loan, subject to the limitations listed in the Act and the regulations herein, by issuing a duly executed loan guarantee form to both the applicant and the lending institution.
- (2) The loan guarantee shall provide that upon the borrower's default and upon due notice to the Commission by the lending institution the loan

shall be paid in the amount and under the limitations as prescribed herein.

- (3) The loan guarantee shall provide that upon payment of the loan by the Commission in the maximum amount allowed, the Commission shall be subrogated to that extent to the rights of the lending institution and against the borrower's collateral and personal assets.
- (4) Any payments made by the Commission under its loan guarantee shall be made from funds appropriated by the Legislature out of the Commercial Shrimp Fisherman Loan Guarantee Security Fund after the Commission has certified that a borrower has defaulted on his loan.

#### Closing and Disbursements of Loans

- (1) A lending institution shall close and disburse each loan secured by a loan guarantee from the Commission in accordance with the terms and conditions of the loan contract and guarantee.
- (2) Any change in the terms of the loan after the loan guarantee has been executed by the Commission shall vitiate the guarantee unless the new terms and conditions are subsequently approved in writing by the Commission.
- (3) Before the Commission will issue a loan guarantee the lending institution must furnish to the Commission for its approval a copy of all documents to be executed at the closing of the loan to be made to the applicant.
- (4) Subsequent to execution of the loan, the lender shall furnish a copy of the note and other documents to the Commission for its records.
- (5) In case of default by any borrower and the payment of the loan by the Commission under its loan guarantee, the lending institution shall release the original of any document connected with the loan that it may be holding to the Commission upon the written request for such release by the Commission.
- (6) The Commission shall be subrogated to the lending institution's rights to the extent of payments made on its loan guarantee and a subrogation agreement to that effect shall be executed by the lending institution.
- (7) The lending institution shall receive all payments of principal and interest and otherwise

administer the loan arrangement, but shall not take any action on the loan, transfer any security, or seek to enforce the loan without first notifying the Commission and securing its written consent.

- (8) The lending institution shall not receive any fees or commissions other than those earned for actual services rendered and which are disclosed in advance both to the applicant and the Commission.
- (9) Lending institutions shall loan the maximum amount at one time only upon a showing of good cause by the borrower. Otherwise a line of credit shall be established and each advance made to the borrower by the lending institution must be verified by the borrower as necessary to pay operating expenses or for purchase of equipment for commercial shrimping purposes.

#### Default

- (1) A lending institution shall notify the borrower and the Commission in writing whenever a loan is 30 days delinquent. The Commission shall have an additional 30 days to cure the default. If at the end of the additional 30 day period payments have not been brought up to date by the borrower, the Commission, upon written demand by the lending institution, shall mature the loan and pay the amount of the loan secured by the loan guarantee to the extent allowable under these provisions.
- (2) Upon payment by the Commission it shall notify the borrower of such payment and demand indemnity prior to enforcement of its right against the borrower's security.
- (3) The Commission shall, immediately upon payment of a loan guarantee, notify the Attorney General of the State of Louisiana who shall be the proper agent to institute proceedings to enforce repayment of the guaranteed loan.
- (4) The Attorney General shall take all appropriate steps or institute all necessary legal proceedings to collect from the borrower all monies paid by the Commission under its loan guarantee agreements, in conformity with the laws of the State of Louisiana. All such funds collected by the Attorney General shall be paid into the State general fund.

## Effective Date of Regulations

These rules and regulations shall become effective as provided for in the Louisiana Administrative Procedures Act and after approval by the Commissioner of Financial Institutions for the State of Louisiana.

J. Burton Angelle, Sr.  
Director

# Rules

## RULES

### Louisiana Archaeological Survey and Antiquities Commission

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*(Editor's Note: The following rules were adopted, on September 10, 1975, by the Louisiana Archaeological Survey and Antiquities Commission, to direct the conservation, salvage, and study of the State historic and prehistoric resources. They become effective on September 20, 1975.)*

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#### Chapter I. Regulations

**Section 1. Definitions.** As used in this instrument, the following terms shall have the following meanings:

- ( 1 ) "Regulations" means the rules and regulations provided for in Chapter I through Chapter VII hereof, and as this instrument may be amended hereafter.
- ( 2 ) "Commission" means the Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601 through R.S. 41:1613 inclusive.
- ( 3 ) "Act" means Act 378 of 1974 as appearing in the Louisiana Revised Statutes, Section 1601 through Section 1613 inclusive, of Title 41 of the Louisiana Revised Statutes of 1950 as amended.
- ( 4 ) "Lands belonging to the State of Louisiana" or "State-owned lands" means all public lands within the limits of the State, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the State of Louisiana, other than lands title to which is vested in:

- (a) The United States of America or any of its agencies, departments, or instrumentalities;
  - (b) Local political subdivisions of the State of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts;
  - (c) The three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.
- ( 5 ) "Excluded public lands" means public lands title to which is vested in or under the control and management of the public entities described in Section 1 (4), (a), (b), and (c) above.
  - ( 6 ) "Private lands" means lands which are not public lands nor owned by the United States of America, the State of Louisiana, or and department, agency, or instrumentality thereof.
  - ( 7 ) "Historic and prehistoric resources" means the entire range of archaeological sites and remains defined by R.S. 41:1607 (1). Examples of historic and prehistoric resources include:
    - (a) All locations at which evidence can be found that illuminates in any way the history, government, or culture of prehistoric and historic American Indians, Colonial peoples, and all later inhabitants of the State of Louisiana;
    - (b) Shipwrecks and the contents thereof;
    - (c) Artifacts and implements of culture of every character which are embedded in the earth or found on the surface of historic and prehistoric sites;
    - (d) Maps, records, books, and documents in any way related to the history or prehistory of Louisiana and its former occupants;
    - (e) Indian burial sites and the burial furniture associated therein.
  - ( 8 ) "State archaeological landmark" or "landmark" means a geographic area situated on State-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the Commission in the "Registry of State Archaeological Landmarks".
  - ( 9 ) "Indian burial site" means any location used by historic or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations in which interments of a significant number of Indian bodies have been

made within a compact and identifiable geographic area prior to the year A.D. 1799. Except in cases of exceptional archaeological significance as found and determined by the Commission, the following additional terms and meanings shall apply to Indian burial sites:

- (a) "Significant number" means the interment of ten or more human remains;
  - (b) "Compact area" means an area of one acre or less, or an equivalent area of any pattern or composition;
  - (c) "Identifiable geographic area" means an area in which human remains have been determined to be interred by archaeological research and the limits of which can be identified by means of natural topographic features, markers placed in the ground, or other surface indicators.
- (10) "Burial furniture" means movable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, and shell.
- (11) "Contract for survey and salvage" or "contract" means a written agreement entered into by the Commission under the authority of R.S. 41:1606 for the study, conservation, and salvage of historic and prehistoric resources within a designated State archaeological landmark.
- (12) "Investigation" means the study of a State archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.
- (13) "Contractor" means a party that has entered into a contract for survey and salvage with the Commission under the provisions of the regulations.
- (14) "Professional archaeologist" means a person who has a graduate degree in archaeology or anthropology from an accredited institution of higher education, or the equivalent, provided that such equivalent status is approved by the Commission, and which person has training and experience comparable to that required for the proposed national registry of archaeologists as endorsed by the Society for American Archaeology in May of 1975. In the case of underwater investigations, the professional archaeologist to be in charge must meet

the above qualifications and, in addition, be (or employ) a competent diver with a minimum of two full seasons of experience in underwater archaeological investigation, or the equivalent, provided that such equivalent status is approved by the Commission.

**Section 2. State-Owned Lands-Contract Required.** No person shall excavate, dig into, remove from, take, or alter a State archaeological landmark or any other archaeological site on State-owned lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage.

**Section 3. Purposes of Contracts.** A contract for survey and salvage shall be executed by the State Archaeologist or his authorized representative, acting pursuant to the authority of a resolution of the Commission approving such contract. Contracts will be granted by the Commission for the following purposes:

- ( 1) Investigations oriented toward the solution of a particular research problem;
- ( 2) Preparation of a site for public interpretation;
- ( 3) Restoration and preservation of a site as a nonrenewable cultural resource;
- ( 4) Salvaging information and specimens threatened with immediate partial or total destruction;
- ( 5) Investigations undertaken by the Commission acting through a contractor for any of the Commission purposes under the Act.

**Section 4. Manner of Investigation - Minimum Standard.** Investigations undertaken on State archaeological landmarks must be carried out in such a manner that the maximum amount of historic, scientific, archaeological, and educational information will be recovered and preserved. Such investigations must involve the exclusive use of standard and accepted scientific techniques of excavation, recovery, recording, preservation, and analysis. New or unusual techniques, and the use of earth moving machinery, must be approved in the contract. All measurements will be recorded using the metric system.

**Section 5. Contractors.** The award of contracts by the Commission will be limited to those persons and groups who can demonstrate an ability to carry out proper archeological investigations.

- ( 1) Subject to the requirements of Paragraph (2) of this section which establish a standard of archaeological competency, contracts may be applied for by:
  - (a) Scientific and higher educational institutions;