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Executive Orders

EXECUTIVE ORDER EWE-76-4

WHEREAS, the National Historical Publications and Records Commission was created to cooperate with and encourage appropriate Federal, State, and local agencies and private and nongovernmental institutions, societies, and individuals in collecting, preserving, editing, and publishing the papers of outstanding citizens of the United States and other documents as may be important for an understanding and appreciation of the history of the United States; and

WHEREAS, the preservation, collection, and publication of important historical papers and documents is best achieved through the coordinated efforts of an advisory commission.

NOW, THEREFORE, I do hereby create the Louisiana Historical Records Advisory Commission, to be composed of not more than twenty-one members, for the purpose of collection, preservation, and publication of papers of outstanding citizens of the State of Louisiana and other historical papers and documents as may be important for a better understanding and appreciation of the history of the State of Louisiana and of the United States; provided that the Director of the archives and records service of the Secretary of State and the Director of the State Art, Historical and Cultural Preservation Agency, or its successor, shall be ex officio members of said advisory commission.

The Commission shall be composed in the following manner:

1. A majority of the members of the Commission shall be persons of recognized professional qualifications and experience in the administration of historical records, or in a field of research which makes extensive use of such records, and
2. The remaining members of the Commission shall possess a known interest in the administration and use of historical records. To the extent possible the members of the Commission shall represent the public and private archival and research institutions and organizations of this state.

The initial members, except ex officio members, shall be appointed for staggered terms so that the terms

of no more than one-third of the members of the Commission will expire each year. Thereafter, the members of the Commission shall be appointed for terms of three years.

The Commission shall be headed and coordinated by the State Archivist who shall, for the purpose of this executive order, serve as Historical Records Coordinator of the Louisiana Historical Records Advisory Commission.

The Louisiana Historical Records Advisory Commission shall serve as an advisory body for planning of historical records and for projects developed and carried out under the program in this state. The Commission may perform the following duties, including, but not limited to:

1. Sponsor surveys of the condition and needs of historical records in this state, and publish the results of the surveys;
2. Solicit or develop plans for historical records projects to be carried out in this state by institutions or by the Commission with financing by the National Historical Publications and Records Commission;
3. Review historical records projects proposed by institutions in this state and make recommendations thereon to the National Commission;
4. Develop, revise annually and submit to the national commission recommended state plans for historical records projects following priorities prescribed by the National Commission; and
5. Review, through reports and otherwise, the operation and progress of approved historical records projects in the state financed by the National Commission.

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 22nd day of April, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-76-5

WHEREAS, the President of the United States has announced a White House Conference on Handicapped Individuals to be held in May, 1977; and

WHEREAS, the Conference offers the opportunity of providing direction and action that will greatly influence services and programs concerned with the handicapped citizens of Louisiana and the nation; and

WHEREAS, the purpose of the Conference is to stimulate a national assessment of problems faced by handicapped individuals, to generate a national awareness of these problems, and to develop recommendations for legislative and administrative actions, to allow individuals with handicaps to live fuller and more independent lives; and

WHEREAS, in order to take an effective part in the Conference, Louisiana must have an effective plan to present Louisiana's position on vital concerns of the handicapped;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, by the Constitution and laws of this State, do hereby order and direct the following:

1. The Governor's Planning and Advisory Council on Handicapped Persons is created and established to consist of not more than twenty-five members to be appointed at such time as will facilitate the work of the Council.
2. The Governor's Planning and Advisory Council on Handicapped Persons shall plan Louisiana's participation in the White House Conference on Handicapped Individuals.
3. The Governor's Planning and Advisory Council shall take whatever steps are necessary and proper for Louisiana to participate in and benefit from the Conference.
4. The Governor's Planning and Advisory Council on Handicapped Persons shall elect its officers and shall conduct open public hearings in various areas of the state in order that interested citizens may make their views known to the Council, and in order to encourage public awareness of the needs of the handicapped and of the Conference.
5. The Governor's Planning and Advisory Council shall hold a state conference prior to the

national conference to receive presentations from professional leaders in the social, health, and education fields on the varied needs of the handicapped.

6. Administrative responsibility for the Governor's Planning and Advisory Council shall be vested in the program administrator of the Division of Vocational Rehabilitation of the Department of Education who shall provide administrative assistance with respect to the Conference; all activities will be coordinated with the Division of Human Services of the Louisiana Health and Human Resources Administration and with the Governor's Committee for the Employment of the Physically Handicapped.

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 26th day of April, A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on April 23, 1976, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Article 5, Section 2 of the Bylaws for the Board of Trustees for State Colleges and Universities shall be amended to include:

- Subsection F. Grievance Committee
- Subsection G. Legislative Committee.

The necessity for this rule is the impending legal action on a suit which has to be heard by the Grievance Committee and the necessity for the Legislative Committee's recommendations on requested legislation before the upcoming Regular Session of the Louisiana Legislature.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:553B.

Bill Junkin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency rule was adopted on April 22, 1976, by the State Board of Elementary and Secondary Education as an immediate response to a need in the local schools to allow full-time certified teachers to teach outside their certified field for limited periods under certain conditions.

Rule 3.01.52.c

Bulletin 741 (1966 edition, interim and 1976 edition) is amended in respect to certified teachers being allowed to teach outside their field under specified conditions. The specified conditions are that a full-time certified teacher may teach outside of his certified field up to two periods if (1) he has twelve hours of course work in the area he will be teaching out of his certified field, and (2) if he has the approval of the State Department of Education, Bureau of Teacher Certification.

Earl Ingram
Director

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission on April 27, 1976, adopted the following resolution, as per R.S. 49:953B:

Whereas, biologists of the Louisiana Wildlife and Fisheries Commission have found there are harvestable amounts of white shrimp in a certain portion of the Louisiana coastal nursery area, and

Whereas, it is recommended that a special four-day white shrimp season be opened west of the Atchafalaya River.

Now, therefore, be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby declare a

special four-day white shrimp season to begin at 7:35 p.m. Central Daylight Time, on Tuesday, April 27, 1976, and close at midnight, Saturday, May 1, 1976, in a certain area from the Atchafalaya River, westward to the Sabine River/Texas State Line and to include Calcasieu Lake, with special said season being open to both wing nets and trawls. However, night trawling shall be prohibited in Calcasieu Lake.

Be it further resolved that the Director be and is hereby authorized through May 31, 1976, to extend and close said season regardless of the above stated periods if found to be biologically necessary.

J. Burton Angelle
Director

Rules

RULES

Department of Agriculture Milk Division

(Editor's Note: These rules will become effective on June 9, 1976.)

Whereas, Dave L. Pearce, Commissioner of Agriculture of the State of Louisiana, acting through Howard P. Brosset, Chief of the Milk Division of the Louisiana Department of Agriculture, did, pursuant to R.S. 40:931.4, Sub-part C, Title 40 of the Louisiana Revised Statutes of 1950, as amended, and consistent with the applicable provisions of the Administrative Procedures Act, and in accordance with the decision from the 19th Judicial District Court, East Baton Rouge Parish, hold a public hearing in Baton Rouge, Louisiana, December 17, 1975, for the purpose of considering amendments to Production Marketing Area No. 1 and Production Marketing Area No. 2 concerning the provisions of the American Dairy Association of Louisiana, Inc. Upon the basis of the evidence introduced at the hearing and the record thereof, I have determined in my decision of April 2, 1976, that there shall be one statewide program of promotion, research, advertising and nutrition education, administered by American Dairy Association of Louisiana, Inc. in a nondiscriminatory manner.

Pursuant to R.S. 40:931.4, a referendum was held April 2, 1976, on the recommendations with respect to American Dairy Association of Louisiana, Inc.

Whereas, more than two-thirds of the votes in the referendum in Production Marketing Area No. 1 and Production Marketing Area No. 2, having been duly tabulated on April 23, 1976, and determined in favor of the recommended decision;

Therefore, under and by the authority vested in me by Act 31 of 1974, and consistent with the applicable provisions of the Administrative Procedures Act, I declare the referendum, this 23rd day of April, 1976, to be in favor of the amendments as recommended for Production Marketing Areas No. 1 and No. 2 and hereby declare the amendments to be effective June 9, 1976, as follows:

Production Marketing Area No. 1

- A. Amend Production Marketing Area No. 1 by adding thereto ss 1.25 (A) and ss 1.25 (B).

ss 1.25(A) Promotion, Research, Advertising and Nutrition Education Fund.

The "Promotion, Research, Advertising and Nutrition Education Fund" is a "fund" into which payment will be made pursuant to ss 1.49 (i).

ss 1.25(B) "American Dairy Association of Louisiana, Inc." or "A.D.A." is a nonprofit corporation organized under the laws of Louisiana whose Board of Directors is composed of not more than eighteen regular members, two-thirds of whom shall be producer members and one-third of whom are handler members.

* * * *

- B. Amend Subsection 1.49 (i) of Production Marketing Area No. 1 so as to read as follows:

ss 1.49(i) Subtract an amount equal to the total receipts of producer milk at handler's plant, multiplied by six cents per hundredweight and on or before the twentieth day of each month, each handler shall pay to the American Dairy Association of Louisiana, Inc. such amount as the Promotion, Research, Advertising, and Nutrition Education Fund. The American Dairy Association of Louisiana, Inc. shall administer the fund in accord with the provisions of Subsection 1.79.

* * * *

- C. Amend Production Marketing Area No. 1 by adding thereto a Subsection 1.79 so as to read as follows:

ss 1.79 Administration of the Promotion, Research, Advertising and Nutrition Education Fund.

The Promotion, Advertising and Nutrition Education Fund shall be administered by the American Dairy Association of Louisiana, Inc., in conformity with the provisions hereinafter set forth:

(a) Each handler's obligation under Production Marketing Area No. 1, Subsection 1.49 (i) shall be strictly complied with to create the maximum benefit from this cooperative endeavor and to this end in the event that any such obligation is not faithfully complied with within ten days of the date or dates specified herein, the American Dairy Association of Louisiana, Inc. is authorized to institute legal proceedings for the enforcement thereof and to collect such sum or sums as is determined due and owing together with legal interest and attorney's fee.

(b) The Board of Directors of the American Dairy Association of Louisiana, Inc., is charged with the responsibility of creating and implementing a single, statewide program of promotion, research, advertising and nutrition education. Under this program, the total sum of allowances received by American Dairy Association of Louisiana, Inc. shall be used by that group in funding the statewide program which is ultimately adopted by the Board of Directors of American Dairy Association of Louisiana, Inc. Such an approach shall exclude any credit or refund arrangement with any individual producer group. American Dairy Association of Louisiana, Inc. shall furnish an annual audit of its receipts and expenditures prepared by a certified public accountant to the Commissioner and any other interested persons.

Production Marketing Area No. 2

- A. Amend Production Marketing Area No. 2 by adding thereto ss 2.18 and ss 2.19.

ss 2.18 Promotion, Research, Advertising and Nutrition Education Fund.

The "Promotion, Research, Advertising and Nutrition Education Fund" is a "fund" into which payment will be made pursuant to ss 2.62 (i).

ss 2.19 American Dairy Association of Louisiana, Inc.

"American Dairy Association of Louisiana, Inc." or "A.D.A." is a nonprofit corporation

organized under the laws of Louisiana whose Board of Directors is composed of not more than eighteen regular members, two-thirds of whom shall be producer members and one-third of whom are handler members.

* * * *

B. Amend Subsection 2.62 (i) of Production Marketing Area No. 2 so as to read as follows:

ss 2.62 (i) Subtract an amount equal to the total receipts of producer milk at handler's plant, multiplied by six cents per hundredweight and on or before the twentieth day of each month, each handler shall pay to the American Dairy Association of Louisiana, Inc. such amount as the Promotion, Research, Advertising, and Nutrition Education Fund. The American Dairy Association of Louisiana, Inc. shall administer the fund in accord with the provisions of Subsection 2.102.

* * * *

C. Amend Production Marketing Area No. 2 by adding thereto Subsection 2.102 so as to read as follows:

ss 2.102 Administration of the Promotion, Research, Advertising and Nutrition Education Fund.

The Promotion, Advertising and Nutrition Education Fund shall be administered by the American Dairy Association of Louisiana, Inc., in conformity with the provisions hereinafter set forth:

- (a) Each handler's obligation under Production Marketing Area No. 2, Subsection 2.62 (i) shall be strictly complied with to create the maximum benefit from this cooperative endeavor and to this end in the event that any such obligation is not faithfully complied with within ten days of the date or dates specified herein, the American Dairy Association of Louisiana, Inc. is authorized to institute legal proceedings for the enforcement thereof and to collect such sum or sums as is determined due and owing together with legal interest and attorney's fee.
- (b) The Board of Directors of the American Dairy Association of Louisiana, Inc., is charged with the responsibility of creating and implementing a single, statewide pro-

gram of promotion, research, advertising and nutrition education. Under this program, the total sum of allowances received by American Dairy Association of Louisiana, Inc. shall be used by that group in funding the statewide program which is ultimately adopted by the Board of Directors of American Dairy Association of Louisiana, Inc. Such an approach shall exclude any credit or refund arrangement with any individual producer group. American Dairy Association of Louisiana, Inc. shall furnish an annual audit of its receipts and expenditures prepared by a certified public accountant to the Commissioner and any other interested persons.

Dave L. Pearce
Commissioner

RULES

Board of Trustees for State Colleges and Universities

(Editor's Note: The following rules were adopted by the Board of Trustees for State Colleges and Universities on April 23, 1976, to be effective May 20, 1976. This series of revised rules supercedes policies and procedures from the old State Board of Education under which the Board of Trustees has been operating.)

Part IV

Education Policies and Procedures

Section 4.1 Agreements Between Institutions

The Board authorizes colleges and universities to enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs, in accordance with applicable laws.

Section 4.2 Evaluations

The Board authorizes and encourages evaluation of the various colleges by representatives of standard-setting associations and accrediting agencies.

Section 4.3 Religious Classes

No credit shall be given for courses in religion given by nonfaculty personnel off campus.

Section 4.4 Course Numbering System

All freshman level courses offered at colleges and universities under the Board shall be numbered 100 through 199. All first semester freshman courses shall be designated by odd numbers (e.g. English 101-103, etc.); and all second semester freshman courses shall be designated by even numbers (e.g. English 102-104, etc.). An identical system shall be used for sophomore, junior, and senior courses, except that the numbers 200-299, 300-399, and 400-499 respectively be used.

Section 4.5 Foreign Study

Each college and university under the jurisdiction of the Board may grant credit hours for studies at foreign universities and colleges. Credits shall be given in the same manner as on-campus programs.

Section 4.6 Reporting Student Credit Hours

The Board establishes the fourteenth class day following the beginning of classes for reporting of student credit hours at the institutions under the jurisdiction of the Board.

Section 4.7 Television Instructional, National

The Board leaves to the discretion of the college presidents the matter of giving college credit for national television instruction.

Section 4.8 Reciprocal Recognition of Credits

All institutions under the jurisdiction of the Board are to recognize undergraduate credits gained by students at other institutions under the jurisdiction of the Board.

Section 4.9 Requests for New Degree Programs

- A. All new degree programs are to be sent to the Academic Affairs Committee for study and recommendation before being placed before the Board.
- B. The Board's deadlines for filing new academic programs will be as follows:
 1. Letter of intent: The Board requests the

letter fifty-two weeks before February 1 or September 1 submission dates.

2. Program applications shall be received by the Board no later than November 1 for January review and no later than June 1 for August review.

Section 4.10 ROTC Programs

The Board authorizes all colleges and universities under its jurisdiction to apply for ROTC units.

Section 4.11 Honorary Doctorates

The Board authorizes the college presidents under the jurisdiction of the Board to give honorary doctorates to outstanding persons, these doctorates to be given with the prior approval of the Board under receipt of recommendations submitted in written form.

Principles: For an institution of higher learning the practice of awarding honorary degrees is an acceptable means of expressing its ideals, however, the authority to grant such degrees rests with the Board. Honorary degrees are to be granted in recognition of truly distinctive, creative achievement. They are not to be used to obtain a good commencement speaker, a contribution to the university or to encourage reciprocity with other institutions. A reasonable balancing of degrees among various fields of endeavor should be maintained.

Section 4.12 Honorary Doctorates

Types of Degrees: Degrees which may be awarded are: Doctor of Science (D. Sci.), for distinction in the area of science or medicine; Doctor of Humane Letters (LH. D.), for significant contributions in the humanities or to the welfare of mankind, Doctor of Letters (Litt. D.), accorded to a writer, poet, editor, or critic; Doctor of Fine Arts (D.F.A.), for contributions in the fine arts; Doctor of Laws (LL. D.), the highest accolade, for pre-eminence in any field.

In exceptional circumstances, with approval of the Board, other degrees may be conferred.

No honorary degree shall be awarded which could be confused with an earned degree granted by any institution in the State of Louisiana.

The honoree should represent eminent achievement of lasting importance in intellectual, scholarly, or creative fields of endeavor or should have performed

with high distinction in public service, or, made significant contributions to society in general. The individual chosen should be of exemplary moral character. Particular consideration should be given to those whose contributions have not heretofore been widely recognized by other institutions.

Certain categories of individuals should be excluded from consideration for honorary degrees: Present faculty or staff members of the granting institution; Louisiana elected officials in office at the time of selection and conferral; persons chosen solely in hope of financial gain by the institution; those who would decline to receive the degree in person; and lastly, any who have previously received honorary degrees from other institutions in Louisiana.

Selection Process: The selection of honorees is an administrative matter but must be consistent with the Board guidelines stated herein.

Number of Degrees: To emphasize and preserve the value of an honorary degree, each institution is hereby limited to a maximum of two per academic year.

Section 4.13 Major Fields

All schools authorized to grant Master of Education degrees shall have a minimum requirement of twelve hours in a major field other than in Education. The Master of Science or Master of Arts Degrees shall have a minimum requirement of eighteen hours in the major field in which the degree is granted.

Section 4.14 Twelve-Week Summer Session

The Board authorizes the institutions of higher learning under its jurisdiction to carry out summer programs of varying length up to twelve weeks, provided they first present such programs to the Board. The normal summer session is recognized as being nine weeks.

Part VII

Faculty and Staff Personnel Policies and Procedures

Section 7.1 Age

A. Administrative Personnel

Presidents of colleges and universities, and anyone holding a position in an administrative capacity under the Board shall be retired at the age of sixty-five years, with the provision that a

person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

B. Extension—Beyond Age Sixty-five (Effective only until June 30, 1977)

1. No person shall be continued in the employment of the Board beyond the end of the fiscal year in which that person reaches the age of sixty-five years unless, on application made for such continuation, the Board finds that such a person is mentally, physically, temperamentally, and morally fit to perform his duties, in which event the Board may, at its discretion, extend the employment of such person one year at a time, but not beyond the end of the fiscal year in which such person reaches the age of sixty-eight years.
2. Any person requesting retention beyond the age of sixty-five years shall submit an application in writing prior to April 1 of the year in which such person would be retired.
3. All applications for extension must be supported by the concurrence and written certification by the president of the institution that, in his opinion, the person recommended is mentally, physically, temperamentally, and morally fit to continue in service and to perform his duties satisfactorily for one additional year beyond the age of sixty-five years, or for one year additional beyond the retirement period previously extended, together with such other pertinent information and reasons for continuing the employment as are within the knowledge of the party making the certificate. If the party making the certificate knows the facts through his own personal knowledge, he shall so state. If the recommendation for retention is based upon the recommendation of or information by a dean, department head, or other similar official having knowledge of the facts, the application shall be accompanied by a similar certificate executed by such dean, department head, or other such person. The Board shall have the right to require such other information or evidence as it deems necessary in each case.
4. All employees at the institutions under the jurisdiction of the Board who have reached

the age of sixty-five must take and pass a physical examination showing that they are physically able to continue working in their present positions without injury to their health; written results of the examinations shall be made a part of the personnel records in the institution and must be reported to the Board.

5. All college and university presidents shall be directed immediately to abide by the present policy of the Board and shall exercise judgment in each individual request for continuation of employment after the age of sixty-five for one year for those employees who meet the criteria set forth by the Board; any statement in handbooks or documents of the colleges and universities that categorically denies any employment after age sixty-five shall be eliminated. Renumeration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.

C. Termination of Extensions Beyond Age Sixty-Five

The policy of the Board which allows each college and university president to exercise his judgment in individual requests shall be continued until June 30, 1977, in accordance with present policy. On June 30, 1977, the termination of employment will be mandatory at age sixty-five, with the provision that a person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

Section 7.2 Personnel Actions

A. Consolidation to a Single Item

All personnel changes shall be incorporated in a single item to be brought before the Board for its action.

B. Conversions of Basis – Nine to Twelve Months

Unclassified personnel whose employment status is being changed from nine months to a twelve-month basis shall be increased in salary by no less than one-third of their nine-month salary. Any such employee whose status changes from a twelve-month to a nine-month salary amount shall be decreased by no more than

one-fourth of their previous twelve-month salary.

C. Notification in Advance

All requests for leave of absence and all personnel actions must be in the hands of the Board members at least ten days before such action is finalized, except in extreme emergency situations.

Section 7.3 Personnel Benefits

A. Annuities

The heads of institutions under the jurisdiction of the Board are authorized to make withholdings from salaries of employees for annuity purposes and to purchase annuities from the funds withheld in accordance with Section 403(b) of the Internal Revenue Code of the United States.

B. Social Security

The Board authorizes the President of the Board to sign agreements with the Public Employees Board of Louisiana to provide Social Security coverage for employees at the institutions under the jurisdiction of the Board who are not eligible for membership in any other retirement system.

Section 7.4 Personnel Policies

A. Classified Employees

The Board grants authority to the college president under its jurisdiction, or their appointed representatives, the right to hire or dismiss any classified employee.

B. Chief Executive Vacancies

For all State appointments concerning vacancies in the chief executive position at an institution under the jurisdiction of the Board, prior notice shall be provided the Board members in sufficient time in order that all applicants who shall meet the earned doctorate qualification may be given an official application for such vacancies and that the proper committee, after hearing and interviewing such applicants, may make recommendations to this Board for final selection.