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Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM NO. 62

Subject: Printing Procedures

Effective Date: November 1, 1975

This Policy and Procedure Memorandum rescinds, supersedes, and cancels Policy and Procedure Memorandum No. 48, including any and all previous delegation of authority pertaining to PPM No. 48, and the addendum of September 21, 1972.

All administrative boards, commissions, departments, agencies, institutions, and offices with the Executive branch of the State Government shall purchase all requirements of printing and engraving through Central Purchasing, Division of Administration

Exceptions: Louisiana State University and Agricultural and Mechanical Colleges, Louisiana State Department of Highways, and the Port Authorities.

All requisitions for printing, engraving, and binding shall be submitted directly by the agency to Central Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative. Certified library binding should be handled on a release order through the agency's purchasing section using the State contract for certified library binding and rebinding books.

Requisition: All items of printing, binding, or engraving shall be requisitioned on a Purchase Requisition (Form DA 101 or DA 101 A. If agency is on FACS, use FACS 101) and only like items shall be requisitioned on each requisition form.

Example:

- (1) Printed letterheads
- (2) Engraved letterheads
- (3) Flat forms
- (4) Snap sets (same size)
- (5) Continuous forms
- (6) Card forms
- (7) Etc.

Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construc-

tion, numbering information, etc.) and a sample or a clean layout. The sample must be a complete original. A Xerox copy or a reference to a previous order will not be acceptable.

When preparing a requisition, the agencies must use a fourteen-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year money is to be encumbered), complete specifications, and include an original sample.

Any and all requisitions received by Central Purchasing, Division of Administration, not meeting the above requirements shall be returned to the agency submitting such requisitions prior to entering the job request.

Suspension

Acts 1972, S.C.R. No. 99 provides for a suspension of all laws or parts of laws requiring printed reports by State boards, commissions, departments, or agencies as follows: "Therefore, be it resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that all laws or parts of laws that require or authorize State boards, commissions, departments, and/or agencies to prepare, print, or publish and distribute annual or biennial reports to the Governor, the Legislature, or both of them, or for public distribution, are hereby suspended to the extent of such requirements or authorizations; provided, however, that said suspension shall not apply to any laws or portions of laws requiring or authorizing reports required by laws or regulations of the United States Government of any of its agencies in order to obtain or continue to receive Federal funds, grants, or assistance."

Special Permission

Act 16, Section 15 - 1975 Legislature

Section 15. No State agency, in fiscal year 1975-1976, shall print any bulletin, leaflet, house organ, or circular, except those required by law. All printed matter shall be effected in a uniform manner as to size, quality of paper, and use of color as contained in standards to be established by the Division of Administration and approved by the Legislative Budget Committee.

The Division of Administration, with the approval of the Legislative Budget Committee, shall be empowered to make such exceptions that may be in the best interests of the State of Louisiana.

Provided, however, that no provision of this section shall be deemed in any manner to apply to either house of the Legislature, its committees nor to the Legislative Council, the Office of the Legislative Auditor or other agency or authority of the Legislature.

Standard Specifications

State Publications:

Size: 6 x 9, 5½ x 8½, 8½ x 11, or 9 x 12

Paper: Text 50 lb. or 60 lb. white offset
Cover 65 lb. No. 1 Antique Cover (Standard colors)

Ink: Text one color
Cover one color

Binding: On individual basis

Copy:

1. Camera-Ready:
Typed, computer printout, or previously printed book, unless it has been copyrighted.
2. Set-type for 6 x 9 or 5½ x 8½
10-point type on 12-point slug x 25 picas wide by 45 picas deep including folio. Agency may select type faces from those available. Smaller type may be used in tabular matter; also to save number of pages.

Set-type for 8½ x 11
10-point type on 12-point slug x 42 picas (2 columns with 2-pica gutters) wide by 56 picas deep including folio. Agency may select type face from those available. Smaller type may be used in tabular matter; also to save number of pages.

The method of printing would determine the feasibility of photographs.

Example:

Letterpress-(all type) No photographs should be used.

Offset-Photographs can be used.

Newsletters, Leaflets, Etc.

Size: 8½ x 11 or 17 x 11

Stock: 50 lb. or 60 lb. offset
60 lb. or 70 lb. enamel

Ink: One color (both sides)

Fold: 8½ x 11 size to 8½ x 5½ or to fit No. 10 envelope
17 x 11 size to 8½ x 11 or 8½ x 5½ or fit to No. 10 envelope

Copy:

- (a) Camera-ready or
- (b) set type—image area
8½ x 11 size—7½ x 10
17 x 11 size—16 x 10

Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in your newsletter, leaflet, etc. Photographs should be held to a limited number.

The Commissioner of Administration, or his designated representative, may be empowered to make certain exceptions that may be in the best interest of the State. However, application for such exceptions must be in writing and must present detailed information in support of such request.

Classes of Printing: The State printing contract covers thirty-one categories of printing and binding. Central Purchasing, Division of Administration reserves the right to assign each request for printing to the proper contractor, to the Division of Administrative Services, or to award to a commercial printer as a result of competitive bids taken by the State printing agent.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B (3) Delegation of Authority: The Commissioner of Administration may delegate the purchase of printing to any instrumentality whenever the best interests of the State will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Department when the Commissioner deems it more desirable or practical to do so.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

1. Republished items specifically limited to:
 - a. Technical or scientific books
 - b. Pamphlets, reports, maps and charts
 - c. Tax and tariff schedules
 - d. Subscriptions to newspapers, magazines, and periodicals.

2. Art work and similar professional services.
3. College yearbooks and student newspapers.
4. Athletic, cultural or entertainment programs, posters, and tickets.

Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the Commissioner of Administration. Such application must be in writing and must present detailed information in support of the request.

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43:1-30.

Forms Management: Forms that are warehoused by the State for State agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management, 655 Choctaw Drive, Baton Rouge, Louisiana. If you do not have a forms register or the warehouse requisition, you may obtain these by calling Forms Management (389-5546).

Administrative Services: If a State agency is certain their printing will be handled by Administrative Services they can fill out an Administrative Service printing request. This form along with an original sample, may be sent directly to Administrative Services, a DA 101 does not have to be included with this request. If the State agency needs any of these request forms they may call 389-7474.

Information: All requests for information shall be directed to Division of Administration, State Printing Agent, 1500 Riverside Mall, North of the Capitol Annex, Baton Rouge, Louisiana. Questions regarding specifications deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the printing office and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency and all requests will be handled promptly.

Charles E. Roemer, II
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on October 24, 1975, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

An applicant seeking the presidency of a college or university under the management of the Board of Trustees for State Colleges and Universities must possess an earned doctorate degree from a recognized university.

The necessity for this rule is the urgent need to receive applications and appoint a replacement for Dr. George Walker, President of Northeast Louisiana University, who has requested retirement on December 31, 1975.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953B.

Bill Junkin
Executive Director

Rules

RULE

Department of Agriculture

(Editor's Note: As a result of the public hearing held at 10:00 a.m. on November 6, 1975, the following rules and regulations were adopted by the Louisiana Department of Agriculture for implementation and enforcement of Act 627 of the 1975 legislative session pertaining to cotton buyers.)

Application

Application for a license to engage in the business of cotton buyer shall be filed with the Department and

shall be in a form prescribed by the Department. Such application shall set forth the name of the applicant, its principal officers if the applicant is a corporation, or the active members of a partnership if the applicant is a partnership; the location or locations of the principal office or place of business of the applicant and the location or locations in this state at which the applicant proposes to engage in the business of cotton buyer; the fiscal year upon which the business of the cotton buyer is or will be operated, and such additional information as the Department may require.

The application shall be accompanied by a financial statement of the applicant setting forth the assets and liabilities and the net worth of the applicant and such other information with respect to the financial resources of the applicant and applicant's ability to pay producers and their agents for cotton purchased from them as the Department may require. If the applicant has been engaged in business as a cotton buyer for one year or more, the application shall set forth the aggregate dollar amount paid to producers for cotton during the last completed fiscal year of the applicant. If the applicant has been engaged in a business for less than one year or has not theretofore engaged in business as a cotton buyer, the application shall set forth the estimated aggregate dollar amount to be paid by the applicant to producers for cotton to be purchased from them during the next succeeding fiscal year.

Bonds

All bonds which are issued to a cotton buyer under this Act shall not be cancelled during the period for which the license shall be issued. All bonds shall have a common expiration date of June 30th of each year. All bonds shall obligate the bonding company to cover the act of contract regardless of delivery date. The Department shall furnish the bond forms to be used by the bonding companies for the cotton buyer's bond.

Fees

The application for a license to operate as a cotton buyer as defined in this part, or a renewal thereof, shall be accompanied by a fee of \$50.00. All fees collected by the Department hereunder shall be used to pay the expenses of administration of this part.

Term of License; Renewal

Each license issued under Act 627 shall terminate on the 30th day of June following the date of issuance unless otherwise extended by the Department. Licenses must be renewed on an annual basis accompanied by a current financial statement, application, license fee, and

\$50,000 bond or continuance certificate of previous bond. Failure to renew the cotton buyer license shall revoke the authority of said merchant to do business in the state as a cotton buyer.

Posting of License

Upon application for a license, payment of the license fee thereof, and posting of \$50,000 bond, the Department shall issue to the licensee a license certificate, evidence that a license has been issued or renewed and a bond filed. A copy of this license or renewal thereof issued by the Department hereunder shall be posted in the principal office of the licensee in this state.

Inspection of Premises, Books and Records

The Department may inspect the premises used by every cotton buyer in the conduct of his business and his books, accounts, and records at least once each year and such books, accounts, and records shall at all times during the business hours be subject to inspection by the Department.

Suspension and Revocation of License

The Commissioner may temporarily suspend the license of any cotton buyer who fails to file a financial statement, who fails to keep his bond in force, or who otherwise violates any provisions of this part or the rules and regulations adopted under it.

Within five days of the suspension, the Commissioner shall hold a hearing at which the suspended cotton buyer shall be heard in opposition to the suspension. At the conclusion of the hearing, the Commissioner shall have authority to vacate the suspension and restore the license, or to revoke the license. In the event the cotton buyer fails to comply with a suspension or revocation order, the Commissioner may apply to the courts for injunctive relief to restrain any violation of this part. The cotton buyer shall also have recourse to the courts to review any decision, rule or regulation of the Commissioner which he alleges to be arbitrary, capricious or unreasonable.

Contracts

The Department of Agriculture will require all cotton buyers to furnish a copy of every contract to the Department upon initiation of said contract.

Dave L. Pearce
Commissioner

RULES

Department of Conservation

Regulation No. 3 as Revised—Requirements for Abandonment of All or Any Portion of a Facility, or any Service Rendered by Means of Such Facility Under Section 555(B) of the Act and for Connections Under Section 555(H) of the Act

a. This regulation shall apply to requirements of a natural gas transporter to abandon all or any portion of a facility, or any service rendered by means of such facility, pursuant to the provisions of Section 555(B) of the Act; and for requirements of an intrastate natural gas transporter to effect connections in accordance with the provisions of Section 555(H) of the Act.

b. For the purposes of this Regulation No. 3, the word “facilities” as used herein shall be interpreted to exclude:

(1) Auxiliary Installations. Installations (excluding gas compressors) which are merely auxiliary or appurtenant to an existing transmission pipeline system and which are installed only for the purpose of obtaining more efficient or more economical operation of authorized transmission facilities, such as: valves; drips; yard and station piping; cathodic protection equipment; gas cleaning, cooling and dehydration equipment; residual refining equipment; water pumping treatment and cooling equipment; electrical and communication equipment and buildings.

(2) Replacement of Facilities. Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: Provided, that such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: Provided further, that such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(3) New Delivery Points. Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer.

(4) Taps. Taps on existing transmission pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas from a producer.

c. The Commissioner shall issue his permission and approval for the abandonment of all or any portion of the facilities of an intrastate natural gas transporter subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities only after the intrastate natural gas transporter shall have demonstrated, to the satisfaction of the Commissioner, that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted or that the public interest and energy needs permit such abandonment. Application for abandonment shall be made to the Commissioner in writing, executed under oath by an individual having authority to execute same with a copy to all interested parties and shall include the following information:

(1) Description and location, if applicable, of the facility, or portion thereof, or the service rendered by such facility, or portion thereof, to be abandoned.

(2) If a gas sales contract:

- (a) The exact legal name and status of the seller and purchaser and the name, title and mailing address of the person or persons to whom communications concerning the notice are to be addressed.
- (b) Date of contract.
- (c) Term of contract.
- (d) Quantities of gas, including the daily quantity of gas that seller is obligated to deliver and the minimum daily quantity that buyer is obligated to receive, as well as measurement-pressure base and service if firm or interruptible/curtailable.
- (e) Type of sale.
- (f) Point of delivery.
- (g) The minimum and maximum delivery pressure.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

The Commissioner may request such additional information as in his opinion is reasonably necessary in order to properly evaluate the application.

d. If no opposition to the application of the

intrastate natural gas transporter, filed pursuant to Section 555(B), is submitted to the Commissioner by an interested party in writing within fifteen days of the notice thereof, the Commissioner may permit and approve abandonment without the necessity of holding a public hearing in connection with the application.

e. Where an agreement as to the terms and conditions of abandonment has been reached between the transporter and the person or persons who are parties to a contract relating to the use of facilities or services to be abandoned, the intrastate natural gas transporter shall make application for said abandonment to the Commissioner on such forms as provided by the Commissioner. The application shall be accompanied by a letter or agreement signed by the parties or an authorized agent of the parties, verified under oath and containing the information specified on the abandonment application. The Commissioner shall have fifteen days after receipt of the notice thereof to take action on the application. Failure to act within this fifteen day period shall constitute a finding by the Commissioner that all requirements of the regulations and of Section 555(B) have been met, and he shall be deemed to have granted his permission and approval of the abandonment of either the facilities or services rendered thereby or both in accordance with and pursuant to the terms and conditions of the agreement. Provided however, the Commissioner may defer action on the application upon his own motion for an additional fifteen days if cause exists and the applicant is so notified of such action.

f. An intrastate natural gas transporter desiring to obtain pregranted permission and approval of the Commissioner for the abandonment of all or any portion of its facilities subject to the jurisdiction of the Commissioner, or any services to be rendered by means of such facilities, may at any time make application for said abandonment to the Commissioner on such forms as provided by the Commissioner. The application shall be accompanied by a letter or agreement signed by the transporter and the person or persons who are parties to a contract relating to the use of the subject facilities or services or an authorized agent of the parties evidencing the concurrence and agreement of the parties, verified under oath and containing the information specified on the abandonment application.

The Commissioner shall have fifteen days after receipt of the notice thereof to take action on the application. Failure to act within this fifteen day period shall constitute a finding by the Commissioner that all requirements of the regulations and of Section 555(B) have been met, and he shall be deemed to have granted his permission and approval of the abandonment of either the facilities or services rendered thereby or both

in accordance with and pursuant to the terms and conditions of the agreement. Provided however, the Commissioner may defer action on the application upon his own motion for an additional fifteen days if cause exists and the applicant is so notified of such action.

g. Applications for the approval of any abandonment of facilities, or of any service rendered by means of such facilities, subject to the provisions of Section 555(B) of the Act, which occurred subsequent to December 8, 1973, and prior to March 1, 1974, shall be filed with the Commissioner within thirty days after the effective date of these regulations, and shall be deemed approved by the Commissioner, if no objection thereto is filed with the Commissioner by any interested party, or if the Commissioner does not otherwise notify the applicant within twenty-five days subsequent to receipt of the application.

h. All applications to the Commissioner requesting approval for an intrastate natural gas transporter to connect its system with, move gas into or receive gas from another pipeline system, including pipelines or pipeline systems owned by it, within the terms of Section 555(H) of the Act, shall be made in writing, executed under oath by an individual having authority and shall include the following information:

(1) Point of connection or connections.

(2) Status or character of each pipeline, specifying whether said line or lines carry intrastate gas or interstate gas and whether they have been deemed jurisdictional by the Federal Power Commission.

(3) In the event either pipeline involved carries interstate gas then in such event a statement shall also be included as to whether or not each such pipeline has been exempted from jurisdiction under the Natural Gas Act by the Federal Power Commission.

(4) Applicant will include a statement that the owner of any other intrastate natural gas pipeline connected with either of the pipelines proposed for connection has been notified of the proposed new connection.

(5) Anticipated volumes of natural gas to be transferred or exchanged from one pipeline to another.

(6) Term of exchange or transfer.

(7) Reasons for interconnection.

The Commissioner may request such additional informa-

tion as in his opinion is reasonably necessary in order to properly evaluate the application.

i. Public interest does not require the issuance of an order authorizing any action taken by an intrastate natural gas transporter which would be covered by the provisions of Section 555(H) of the Act where imminent danger to life and property can be eliminated by such action. Provided, however, that every person undertaking such action shall so advise the Commissioner immediately by telegram stating briefly the circumstances and shall within ten days file a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of the action, the facts warranting invocation of this paragraph, and the anticipated period of the stated emergency. Emergency operations undertaken without order pursuant to this paragraph shall be discontinued upon the expiration of the emergency or as otherwise ordered by the Commissioner. All facilities installed for such temporary action shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commissioner in writing and under oath within ten days following the removal of facilities constructed for emergency operations pursuant to this paragraph. Every person undertaking any such action pursuant to this paragraph desiring to continue such action shall file application with the Commissioner prior to the expiration of the exempt period provided herein. No such temporary or emergency action shall be undertaken by any intrastate natural gas transporter with respect to making a connection with another intrastate natural gas pipeline without prior notice to every other intrastate natural gas pipeline transporter then connected with either of the pipelines proposed for connection. Said notice may be verbal, to be immediately confirmed in writing, or in writing initially, but shall be given to the aforesaid parties prior to making the connection.

This revised regulation shall become effective on November 20, 1975, and shall supersede and replace Regulation No. 3 made effective March 1, 1974. Any filing with respect to this regulation initiated after the effective date hereof shall be in compliance with Regulation No. 3, as revised.

Regulation No. 8—Regulations Governing the Issuance of Orders Relative to the Transporting of Gas Using the Excess Capacity of Intrastate Gas Pipelines Pursuant to Section 501 et seq. of the Natural Resources and Energy Act of 1973
Chapter 7, Title 30 of the Louisiana Revised Statutes of 1950, As Amended

a. All definitions in this regulation are in accordance with those of Regulation No. 1.

b. This regulation shall apply to the rights of the Commissioner pursuant to Section 501 et seq. of the Act to determine whether or not excess capacity exists and to investigate the need for using said excess capacity of an intrastate natural gas transporter hereinafter identified as transporter with respect to transporting a gas supply owned by a person other than the proposed transporter.

c. All applications to the Commissioner by an owner(s) of intrastate natural gas for an order directing a transporter to transport said owner's gas in the transporter's intrastate pipeline system hereinafter identified as transporter's pipelines, pursuant to the provisions of Section 553 of the Act shall be in writing, verified under oath by an individual having authority, shall be in the form approved by the Commissioner, shall be noticed upon the proposed transporter by certified mail, and shall contain the following information:

(1) The legal status of the applicant as shown below and a statement in writing of applicant's financial capabilities to construct, operate, maintain and terminate any required connecting lines onto the transporter's pipelines.

- (a) If a sole proprietorship, state the name and address of the person owning said company.
- (b) If a partnership, state:
 - (i) Name, address and percentage of interest of each and every partner owning twenty percent or more interest.
 - (ii) If said partnership is an affiliate of another entity, state the name and address and legal status of said affiliate.
- (c) If the applicant's legal status is a corporation, state:
 - (i) The name and address of each shareholder owning twenty percent or more of the shares, together with the number and percentage of any class of voting shares of the corporation which such shareholder is authorized to vote, and
 - (ii) The name and address of each affiliate of the corporation who could derive direct benefit from the proposed use of transporter's pipelines, together with, in

the case of an affiliate controlled by the corporation, the number of shares and percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that corporation and, in the case of an affiliate which controls that corporation, the number of shares and the percentage of any class of voting stock of that corporation, directly or indirectly owned by the affiliate.

(iii) The nature of the services rendered by the applicant and those affiliates identified in item (c) (ii) above and to whom.

(iv) State of incorporation.

(2) The operating capability of the applicant.

(a) Evidence of approval to construct, operate, and maintain any connecting pipeline facilities from the applicable State and Federal agencies.

(b) Design information and details to conclusively demonstrate that all of the applicant's connecting lines are properly sized for the proposed flow volumes and in full accordance with all State and Federal laws, rules and regulations, including but not limited to Parts 191 and 192, Title 49, of the Code of Federal Regulations, as amended.

(c) A concise description of applicant's existing operations pertaining to the application.

(3) Excess capacity requested for which the proposed user thereof is willing to pay whether such capacity is used or not.

(4) The period of time that the gas is to be transported.

(5) If gas proposed for transportation is to be delivered to the transporter's pipelines from a third party's pipeline, where the third party is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana, and the subject gas is to be purchased from said third party, the applicant is not required to furnish the information as set forth in Part c., items (6) through (10), but item (7) (e) is required.

(6) Complete geological information on the productive zone(s) which is proposed to supply the gas reserve subject to this application, including structural maps, fault trace maps, isopachous maps, and copies of all logs used in the geologic evaluation.

(7) All well history, well test, reservoir and production data including, but not limited to, the following:

(a) Basic well information including total depth, plug-back total depth, perforated interval, net productive sand, sand top and base or water level, electrical survey (1-inch and 5-inch), porosity logs, side wall and conventional core analysis, and any other logs or well surveys (including bottom-hole pressure survey information).

(b) Complete well test information including deliverability tests obtained on each well completed or tested in the productive zone(s).

(c) Complete monthly production history and production test reports on all wells which have produced from the productive zone(s).

(d) Estimated deliverability from well(s) to be connected during the period gas is transported hereunder.

(e) Complete chromatographic gas analysis of the gas to be transported, the content of sulphur, inert components and water, heating value, gravity and temperature.

(f) Measurement basis for all data submitted.

(8) Copies of all lease information including unitization data, lease expiration dates, royalty and any special provisions pertaining to leases from which gas is to be produced and delivered to the transporter's pipelines.

(9) History of any past gas deliveries from well(s) to be connected to the transporter's pipelines, and whether past deliveries were made into pipelines under the control of the Federal Power Commission as of the date of application.

(10) Copies of abandonment orders from any previous gas deliveries.

(11) A conformed copy of the gas sales contract(s) involving the gas to be transported and a detailed

statement concerning the end use of the gas. If the gas proposed for transportation:

- (a) Is to be delivered from applicant's pipeline:
 - (i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless applicant is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.
- (b) Is to be delivered from a third party's pipeline:
 - (i) The applicant shall provide the sources of all gas in the said pipeline and all dispositions therefrom unless the third party is a certified intrastate natural gas transporter or has been authorized by the Commissioner to construct and operate facilities for the transportation of natural gas in the State of Louisiana.
 - (ii) The applicant shall provide a conformed copy of all gas sales and transportation contracts which in any way could affect the jurisdictional status of any of the transporter's facilities.

(12) Schematic flow diagram of the producing facilities to be used by the applicant for connecting onto the transporter's pipelines. The schematic should include all wellhead equipment, lines, valves, separating, and scrubbing equipment, all safety and shutdown controls, all liquid and gas metering equipment complete with capacity and pressure specifications for all above mentioned equipment.

(13) Map showing location of all facilities to be used in the installation along with:

- (a) Proposed point(s) of entry onto the transporter's pipelines.
- (b) Proposed point(s) of discharge of the gas from the transporter's pipelines.
- (c) Location of any other interconnects on the applicants intrastate system with other pipeline systems.

(14) Maximum pressure at which applicant can deliver gas at proposed inlet, and maximum pressure

required by applicant at proposed outlet point(s) of transporter's pipelines, and maximum and minimum daily volumes of gas to be transported.

(15) Schematic flow diagram showing all facilities to be installed at the outlet point(s) indicating all necessary control, metering, and emergency shutdown devices.

d. The applicant shall furnish all the foregoing information pertaining to the application for excess capacity to the proposed transporter. Where any of this information is on file with the Commissioner, the applicant shall so state, and not be required to submit same with its application.

e. As a prerequisite to filing an application, it is required that the applicant provide written evidence to the Commissioner that the applicant has explored in good faith with the proposed transporter the feasibility of utilizing the transporter's pipelines.

f. Upon receipt of the application referenced in Part c. hereinabove, the Commissioner shall notice and hear the matter in accordance with the Commissioner's applicable Rules of Procedure. In determining whether or not excess capacity exists in the specific segment(s) of the transporter's pipelines in which the applicant's gas is to physically flow, the Commissioner shall take into consideration the following matters:

(1) The specific intrastate pipeline system(s) in which the gas is proposed to be transported, and the point(s) that the gas is to enter the transporter's pipelines and is to be discharged therefrom.

(2) The period of time that said gas is to be transported.

(3) Whether or not the quality specifications of the gas to be transported, including the content of sulphur, inert components, water, ethane and heavier hydrocarbons, heating value, gravity and temperature meet or exceed the highest quality specifications of the gas then being transported in the transporter's pipelines.

(4) The volume of gas required for the transporter's own use.

(5) The existing character, pressure, gas flows, conditions, and all operating data relative to transporter's pipelines and whether any of the involved pipeline(s) now, or has ever been engaged in the transportation of interstate gas.

(6) Pressure required by the transporter to re-

ceive the gas and the pressure(s) at which the gas would have to be redelivered for the applicant or for the account of the applicant.

(7) Pressure limitations and all other limitations of the transporter's pipelines determined in accordance with all applicable State, Federal, and local laws and agency rules, regulations, and orders including but not limited to such matters as population density along the transporter's pipelines and good engineering procedures, practices, and calculations.

(8) Any and all matters applicable to or in any way connected with the applicant's gas, well(s) from which the gas is derived, facilities involved with the foregoing, or otherwise which could possibly subject the proposed transporter's pipelines, facilities or gas, to control by or within the jurisdiction of the Federal Power Commission, or any Federal regulatory body having similar jurisdiction.

(9) Any requirement which would cause the transporter to alter or modify any of its existing pipeline facilities or operating pressures, gas flows, or procedures in such a way as to result in the abridgment, violation, or abrogation of any of its existing contract obligations whatsoever whether such agreements or obligations are due to gas purchases, gas sales, or gas transportation, and whether serviced by the involved or another segment(s) of the transporter's pipelines.

(10) Any requirement which would cause the transporter to alter or modify any involved segment of its pipeline(s), or facilities either by way of installing, operating, or maintaining additional pipelines or compression facilities, looping of existing pipelines, or otherwise, so as to create or increase pipeline capacity.

(11) All contractual obligations by a transporter existing as of thirty days after the date of application or date of hearing, whichever is sooner, requiring the utilization of pipeline capacity, including but not limited to the following:

- (a) The maximum existing contract purchase obligations of the transporter under contracts for the purchase of gas supplies, subject to change based on actual maximum deliverability under the gas purchase contracts.
- (b) The maximum existing contract delivery obligations of the transporter pursuant to its contracts for the sale of gas, which obligation shall always mean the transporter's maximum contractual delivery obligation, reduced solely by an amount equal to the physical inability

of each purchaser of the transporter to receive its maximum contract quantities or the physical inability of a party for whom gas is being transported to utilize its maximum contract quantity.

- (c) The maximum existing contract obligations of a transporter to receive and redeliver gas or equivalent gas under gas transportation or gas exchange contracts, subject to the provisions of item (b) immediately above.
- (d) The maximum contract delivery obligations of transporter under any and all outstanding bona fide offers by the transporter to third parties which would require the utilization of any of transporter's pipelines, and affect transporter's pipeline capacity, which offer(s) is outstanding as of thirty days after the date of application or date of hearing, whichever is sooner.
- (e) The maximum existing contract purchase and delivery obligations of the transporter under all contracts including but not limited to gas purchase, sales, and transportation agreements. In determining the maximum contract, purchase, and delivery obligations, the greater of the sums of transporter's maximum purchase or delivery obligations will control, subject only to the provisions of items (a) and (b) above.

(12) Any adverse effect utilization of capacity in the segment(s) specifically involved would have on the transporter's ability to operate its pipeline system and meet its existing contractual obligations.

g. Where it is found that excess capacity exists within a pipeline on a part-time or temporary basis and the Commissioner accordingly orders the transportation of gas during the periods when such excess capacity may be available, it shall be the responsibility of the owner of the gas being transported in the available excess capacity, and its buyer or the recipient of such gas, to adjust production and purchase or utilization of said gas so as not to impair the transporter's ability to render adequate service to its customers.

h. Prior to the issuance of any order hereunder, the applicant shall prove to the Commissioner's satisfaction that the gas proposed to be carried in the excess capacity of the transporter's pipelines and the involved and related facilities of all parties, have not been, are not now, nor will be subject to control by or within the jurisdiction of the Federal Power Commission, or any

Federal regulatory body having similar jurisdiction, or any successor agency thereof. Further, any order issued hereunder shall provide that if, pursuant to such order, any gas carried or to be carried by a transporter or any involved or related facilities of any party has been, is, or could be subject to the jurisdiction of the Federal Power Commission, or any successor agency thereof, said order shall be considered violated thereby, and shall ipso facto terminate, and end all obligations and duties of the transporter required thereunder without further action by the transporter or the Commissioner.

i. Every order issued by the Commissioner hereunder shall set the effective term thereof, quality, quantity, measurement and balancing, and further, after notice and hearing, if the parties cannot agree, shall fix the rates and charges to be paid by the owner of the gas to the transporter for the transportation of the gas, all in accordance with Section 553(E) of the Act.

j. The applicant whose gas is being carried in the transporter's pipelines shall retain title to its gas at all times while in transit. Every order by the Commissioner directing that a transporter carry the gas of the applicant in the excess capacity of the transporter's pipelines shall provide that said order shall not be effective unless and until the owner of the gas has executed in favor of the transporter a written indemnity and hold harmless agreement, in form as prescribed by the Commissioner, with good and sufficient surety, in an amount as determined by the Commissioner, protecting and indemnifying such transporter from and against any and all responsibilities, claims, losses, liabilities, damages of any nature or kind whatsoever, as well as any and all costs associated therewith, and whether for personal injury, property damage, or otherwise, including those of the transporter, the owner of the gas, third parties, or gas customers of the transporter, which may arise by virtue of any compliance by the transporter with such order, except that the written indemnity and hold harmless agreement shall not exonerate the transporter for any liability arising from his own negligence or fault.

k. Every order issued by the Commissioner hereunder shall provide that in the event the transporter ordered to carry the applicant's gas has a specific need for the excess capacity of its pipeline(s), or a part thereof, to transport its own gas or the gas of its subsidiaries or of its parent or of a subsidiary of its parent, or to satisfy the requirements of its own transportation or sales contracts for which it then possesses adequate gas supply to fulfill, may in whole or in part terminate said order by giving written notice. Said notice shall be served by certified mail by the transporter on the Commissioner and the applicant, shall specify the date on which effective, which shall be not

less than ninety days of the date of said notice. If no opposition thereto is filed with the Commissioner by the applicant, or the Commissioner issues no objection in writing to the transporter and applicant, it shall be conclusively presumed for all purposes that all requirements of the Act are satisfied, that the transporter has a bona fide need for the excess capacity as stated in the notice, and that the public interest and the purposes of the Act would be best served by termination of the use of the excess capacity of the transporter's pipelines in whole or in part, and the order shall ipso facto terminate in accordance with the provisions of the notice. The above ninety day requirement may be waived by a written agreement filed with the Commissioner and approved by the Commissioner, said agreement to be signed by the interested parties or an authorized agent of the parties and verified under oath.

Either upon the filing of opposition by any party affected by the proposed termination, or upon his own initiative without opposition, the Commissioner shall investigate the purported need of the transporter to so utilize its excess capacity and to disapprove the transporter's termination of the contract if, in fact, the transporter does not have a bona fide need for the excess capacity; or if, in the opinion of the Commissioner, the public interest and the purposes of the Act would best be served by continuation of the transportation of the gas of the other person user. Any such opposition made by parties affected or by the Commissioner shall be made within thirty days from the date of receipt by the Commissioner of notice of termination from the transporter and such opposition shall be in writing and served by certified mail on the transporter and the Commissioner. The Commissioner may call a public hearing in order to obtain additional information required to approve or disapprove the proposed termination. Notice of any such opposition shall suspend the proposed termination of use of transporter's excess capacity until such time as the Commissioner issues an order approving or disapproving same.

l. Every order issued by the Commissioner hereunder shall provide that in the event of any emergency which could cause danger to person or property, a transporter may without any order or permission of anyone, including the Commissioner, and without liability to any person, including the owner of gas being transported in excess capacity of the transporter's pipelines, terminate in whole or in part the transportation of said gas during the period of the emergency. The transporter as soon as practicable must notify the owner of said gas and the Commissioner of said emergency, the reason therefor, and the expected duration thereof. Upon the termination of the emergency, the transporter shall notify the Commissioner and the owner of the gas,

and shall forthwith comply with applicable order(s) of the Commissioner.

m. If either the transporter or applicant is rendered unable, wholly or in part, by force majeure to carry out its obligations, on such party's giving notice and reasonably full particulars of such force majeure, in writing or by telegraph, to the other party within a reasonable time after the occurrence of the cause relied on, then the obligations of the party giving such notice, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused.

n. If for any reason conditions occur during the term of the applicable order which would render continued compliance with the order impracticable, dangerous to person or property, or illegal, the transporter may apply immediately to the Commissioner for relief from all or a portion of the requirements of the order.

o. Every order issued by the Commissioner shall identify the source(s) of gas approved for transportation in the transporter's pipelines and the gas shall be limited to the sources so identified.

p. Every order issued by the Commissioner shall provide for the filing of periodic reports including but not limited to reports necessary to determine the quantity, quality, and balancing of gas being transported in the excess capacity of transporter's pipelines.

q. In the event the applicant is unable to demonstrate to the satisfaction of the Commissioner that it has the necessary financial standing so as not to jeopardize the financial position of the transporter, then the applicant will be given an opportunity to provide and file a performance bond with the Commissioner in favor of the transporter.

The amount of the bond shall in no event be less than the amount sufficient to cover the greater of the sums determined from items (1) and (2) or (3) and (4) below:

- (1) An amount determined as the product of
 - (a) Applicant's estimated peak day volume,
 - (b) Sixty days, and
 - (c) Estimated rate and charges for the transportation service, plus

(2) An estimated amount to reimburse the proposed transporter for the cost involved in establishing input and output points (delivery points) and related

facilities for receiving and delivering gas as proposed by the applicant;

- (3) An amount determined as the product of
 - (a) The excess capacity (expressed as a daily volume) for which applicant is to pay transporter whether used or not,
 - (b) Sixty days, and
 - (c) The estimated rates and charges for the transportation service, plus

(4) An estimated amount to reimburse the proposed transporter for the cost involved in establishing input and output points (delivery points) and related facilities for receiving and delivering gas as proposed by the applicant.

The estimated rates and charges and estimated costs involved in establishing delivery points and related facilities shall be the applicant's best estimate at the time of application, but the actual amount of surety and bonding capability of the applicant shall be subject to revision by the Commissioner at such time as actual rates and charges and volume of gas to be transported, if any, have been determined by the Commissioner or have been agreed upon as between applicant and transporter or transporters.

r. Every order issued by the Commissioner shall provide that the excess capacity obtained by the applicant shall not be assigned in whole or in part unless agreed to in writing by the transporter and approved by the Commissioner.

s. The following general rules will affect all proceedings initiated under Sections a. – s. of this regulation.

(1) Except as provided herein, by law, or by the Act, all applications, reports, approvals, orders, and notices to interested parties, the method of serving same, and all public hearings conducted under the Act shall be in accordance with the Rules of Procedure of the Commissioner, this regulation, applicable law, and the Act.

(2) This regulation set out herein applies only to the provisions of the Act (Chapter 7, Title 30).

(3) Unless prohibited by specific provision of the Act or by law, the Commissioner may waive any or all of the requirements of the foregoing regulation and grant additional time to comply with any provision of the Act on written request, and upon reasonable cause shown if he finds that the application and enforcement thereof

will make undue hardship on the person affected, or will seriously impede the efficiency of the Commissioner's administration of the Act and that the application or enforcement thereof is not necessary to the accomplishment of the purposes of the Act.

(4) This regulation, in the absence of an emergency, may not be amended, or new regulation promulgated without notice and opportunity for public hearings, as provided for in Title 30, Chapter 1, Section 6 of the Louisiana Revised Statutes of 1950, as amended. This regulation shall become effective on and after November 20, 1975.

R. T. Sutton
Commissioner of Conservation

RULES

Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted by the Board of Elementary and Secondary Education on October 30, 1975, to be effective on November 20, 1975.)

4.01.30 Diplomas

4.01.30.a The State Superintendent shall issue diplomas to graduates of private schools when requested by the proper officials.

4.01.30.b All high school diplomas issued by the State Department of Education shall bear the signature of the President of the State Board of Elementary and Secondary Education, the State Superintendent of Education, the local school superintendent, and the principal of the school issuing the diplomas.

Earl Ingram
Director

RULES

Commission on Fire Fighting Personnel Standards and Education

(Editor's Note: The following rules were adopted by the Commission on Fire Fighting Personnel

Standards and Education on November 4, 1975, to be effective November 20, 1975.)

I. Meetings

- A. Meetings shall be called by the Chairman upon his own volition, or upon the written request of five members of the Commission.
- B. The Commission shall meet at such times and places in the State of Louisiana as it deems proper. It shall be the duty of the Chairman, with the concurrence of the Commission, to name the date, time and location of all meetings of the Commission and to see that all interested parties are notified.
- C. Executive session meetings may be called at any time. The Executive Director, upon request of any appointed Commission member, must poll all other appointed Commission members by telephone or personal contact to see if they agree to the need for the executive session meeting. If five or more agree, the Executive Director will so notify the Chairman, who shall call the meeting. If the Chairman cannot be contacted, the Vice Chairman shall automatically assume the power to call the meeting. If both the Chairman and Vice Chairman are unavailable, the duty passes to the Secretary of the Commission.
- D. A meeting of the Commission is a meeting which, though it may last for several days, shall be considered one meeting. The intermediate adjournments from day to day, or recesses taken during the day, do not destroy the continuity of the meetings, which in reality constitute one session.
- E. A meeting of the Commission shall be closed by moving "to adjourn".

II. Quorum

- A. Five appointed members of the Commission shall constitute a quorum for the transaction of business.
- B. The quorum refers to the number present, not to the number voting.

III. Rules of Order

- A. In the absence of other authority, meetings of this Commission shall be governed by *Atwood's Rules for Meetings*.

IV. Changes in Rules and Procedures

- A. Amendments to the rules and procedures must be presented in writing thirty days in

advance and shall require a two-thirds majority vote. Such amendments shall be effective immediately upon passage.

V. Order of Business

- A. The Commission shall conduct business in the following order:
 - 1. Reading the minutes of the previous meeting (and their approval).
 - 2. Reports of any standing committees.
 - 3. Reports of any special committees.
 - 4. Special orders.
 - 5. Unfinished business and general orders.
 - 6. New business.
- B. The minutes of the Commission are read only once a day at the beginning of the day's business.
- C. At every meeting of the Commission the Chairman shall have an agenda of the order of business provided by the Executive Director for the use of the Commission, which shall show everything that is to come up during the meeting. If it is desired to transact business out of its normal order, it is necessary to suspend the rules, which can be done by a two-thirds vote.

VI. Voting

- A. Motions and issues in question will be decided by the majority of those voting members present. A majority vote means in excess of fifty percent.
- B. Only appointed Commission members may vote on any issue. There shall be no vote by proxy.

VII. General Procedures

- A. In debate each member of the Commission has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question as long as any member who has not yet spoken on that question desires to speak. No one can speak longer than ten minutes at a time without permission of the Commission.
- B. Debate must be limited to the merits of the immediately pending question—that is, the last motion stated by the Chairman that is still pending.
- C. Any other interested person attending any Commission meeting has the same right as Commission members to discuss proposed actions and is governed by the same accepted rules and procedures.

- D. If a member of the Commission is elected to office, appointed to a committee, or has any other duty placed on him and he is unable or unwilling to perform the duty, if present, he should decline it immediately and, if absent, he should, upon learning of the fact, at once notify the Chairman orally or in writing that he cannot accept the duty.
- E. The Executive Director must be kept informed of the makeup, status, and progress of special committees.
- F. No Commission member may delegate his representation to another party. Persons attending Commission meetings for the purpose of gaining information for an absent Commission member will be treated as any other guest.

VIII. Commission Members and Terms

- A. Commission membership is set by State act as consisting of nine persons appointed by the Governor for six year terms, except that original appointments are made for three members to serve two years; three members to serve four years and three members to serve six years, so that at all times, the terms of the members of the Commission shall be staggered, and the term of three of the members of the Commission shall expire every two years. In addition to the other members of the Commission, the State Examiner for Municipal Fire and Police Civil Service, the Coordinator of the Louisiana State University Firemen's Training Program and the Director of the Division of Continuing Education of Louisiana State University shall serve as ex officio members of the Commission.

IX. Elected Officers and Their Terms of Office

- A. The Commission shall elect a chairman, vice chairman and secretary from among the appointed members at its first meeting and thereafter shall elect similar officers at the first meeting following new appointments to fill regular terms.
- B. A new election will be held to fill the unexpired term of any officer leaving office early.

X. Duties of the Chairman

- A. The Chairman is expected to be familiar with parliamentary law. His duties are generally as follows: To open the session, at the time at which the Commission is to meet, by