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# Executive Orders

## EXECUTIVE ORDER EWE-76-13

WHEREAS, the Comprehensive Employment and Training Act of 1973 (Public Law 93-203), which is commonly referred to as CETA, establishes a new decentralized Federal, State and local system of manpower programs that provide job training, employment opportunities, education, and other services for economically disadvantaged, unemployed, and underemployed persons; and,

WHEREAS, CETA requires the Governor to coordinate the manpower policy, plans, and services of the prime sponsor and the State agency, throughout the State of Louisiana and to act as the prime sponsor for planning and delivery of manpower and related services in those areas in the state not under the jurisdiction of other federally designated prime sponsors of the State; and,

WHEREAS, the term "manpower" includes training and education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are unemployed, underemployed, and economically disadvantaged; and,

WHEREAS, manpower programs provide skill training, rehabilitation, transitional employment experience, job placement and related child care, social and health services; and

WHEREAS, it is vital that State and local agencies closely coordinate their efforts in developing plans which meet the locally determined needs in recommending meaningful programs to alleviate employment problems, in reducing duplication and gaps in manpower services, and in effectively and economically utilizing State and Federal manpower funds; and,

WHEREAS, employment and training programs should be integrated with all human services to serve better the trainable segment of our society; and,

WHEREAS, the 1973 CETA law requires the State Manpower Services Council be established in accordance with the guidelines set forth in the Comprehensive Employment and Training Act of 1973 as amended, and the Secretary of Labor's rules and regulations as published in the Federal Register (Vol. 39, No. 108, Section 95.13(d)) and any subsequent regulations thereto,

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

1. The Governor's State Manpower Services Council is created and established consisting of not more than twenty-seven members composed of one representative of the Department of Employment Security, the Department of Education, and such other State agencies as may be subsequently determined to have a direct responsibility and function in overall manpower training and utilization within the State; organized labor; business and industry; and general public; clients; community based organizations; and each prime sponsor to constitute one-third of the Council, to be designated by the chief elected official in the prime sponsor jurisdiction. All other members, including the Chairman, shall serve at my pleasure. The Chairman shall be designated by the Governor.
2. The Council shall meet at regular intervals and at other times it deems advisable. The Department of Employment Security shall provide staff and support services.
3. The Governor's State Manpower Services Council shall advise the Governor, prime sponsors, State agencies and the public on statewide manpower policy; coordinate State agency and prime sponsor manpower plans; monitor State agency and prime sponsor manpower programs and services; prepare and submit an annual manpower report to the Governor; and carry out all other duties as prescribed in the Comprehensive Employment and Training Act of 1973, and applicable rules and regulations pertaining thereto.
4. All State agencies and prime sponsors dealing with manpower related programs shall cooperate in a coordination of planning process, identification of common goals and objectives, sharing of data, and allocation of resources toward these ends which shall be manifested in linkages with the State Manpower Services Council, other State agencies and prime sponsors.
5. All State agencies and prime sponsors dealing with manpower related programs shall support and aid the Governor's State Manpower Services Council in its manpower coordination initiatives, which shall include review of agency and

prime sponsor plans. All State agencies and prime sponsors shall provide annual plans, requests for grants, and any modifications thereto to the Governor's State Manpower Services Council for review, analysis, and comment.

6. Each State agency and prime sponsor responsible for manpower related programs shall exchange manpower program information and data among the State agencies and the CETA prime sponsors through this Council as well as coordinate and communicate with the State Council and all local manpower program advisory councils.
7. The Governor's State Manpower Services Council shall continuously monitor all manpower programs of each State agency and prime sponsor or subgrantee dealing with manpower or manpower related programs.
8. The Governor's State Manpower Services Council shall provide, upon request, technical assistance to manpower agencies and prime sponsors, whenever possible.

Be it further resolved that Executive Order No. 37 is hereby rescinded and recalled, and is null, void and of no effect.

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 16th day of August, A.D., 1976.

**EDWIN EDWARDS**  
Governor of Louisiana

**Executive Order EWE-76-14**

WHEREAS, the people of the State of Louisiana historically and currently have sustained, supported and encouraged the many forms of artistic expression, including the fine arts, opera, drama, dance, cinema, and music, and the allied fields in architecture and design; and

WHEREAS, this State has produced, nurtured and attracted artists and artisans of note whose talents and reputations are renowned not only regionally but also nationally and even internationally, and the art patrons

and the citizens themselves have consistently welcomed these persons, both professional and amateur, as valued members of the community; and

WHEREAS, Louisiana has vigorously participated in the National Foundation on the Arts and the Humanities Act since its enactment in 1965, through the generous and positive efforts of the member chapters of the Louisiana Council for Music and the Performing Arts, Inc., other arts councils and organizations, and numerous State and local governmental agencies; and

WHEREAS, the Legislature has fostered the State's role in this public endeavor to stimulate the arts by appropriating funds for cultural enrichment and further has recognized the statewide interest and demonstrated community participation by creating the new Department of Culture, Recreation and Tourism and specifically provided that State programs and functions relative to the arts be administered by this Department; and

WHEREAS, there is need to establish in and integrate into this Department a State arts agency for the encouragement and promotion of the arts generally and the efficient administration of the grants application for funding.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by virtue of the power and authority vested in me by the Constitution and by the laws of the State of Louisiana, do hereby create and establish the Louisiana State Arts Council and provide for the Division on the Arts in the Office of Program Development of the Department of Culture, Recreation and Tourism, said Division to perform and have responsibility for the powers, duties, and functions pursuant to USCA Title 20, Section 951 et seq relative to the National Endowment for the Arts and as provided by R.S. 25:301 through 25:306, both inclusive, and the functions of the State relative to the arts as herein stipulated.

FURTHER, the Louisiana State Arts Council shall be an agency of the State consisting of seventeen members appointed by the Governor composed of persons who have a recognized interest, experience, expertise, or knowledge in the arts or in a particular field of artistic endeavor or administration. Members shall serve a term of four years; provided that the initial members shall be appointed as follows: four members for a term of one year; four members for a term of two years; four members for a term of three years and five members for a term of four years. Provided that said members of the Council shall serve for no compensation but are authorized to receive reasonable actual and travel expenses insofar as funds are made available. The

Council shall, by majority vote of a quorum, annually elect its officers, including a chairman and a vice-chairman; provided that the first chairman shall be the president of the Louisiana Council on Music and the Performing Arts, Inc. The Council shall be domiciled in Baton Rouge, Louisiana, but is authorized to hold public meetings elsewhere in the state.

FURTHER, Louisiana State Arts Council shall receive applications for matching or other funds and requests for technical assistance, make recommendations thereon, review and approve, by majority vote of a quorum, such grant applications from local governmental units and private arts councils and other groups and report its decision to the Director and the Secretary, advise annually on the design and execution of a State plan consistent with the goals and policies of the Department as provided by Federal and State law, rules and regulations, and submit such plan to the National Endowment on the Arts.

FURTHER, the Secretary of the Department of Culture, Recreation and Tourism, upon the recommendation of the Assistant Secretary of the Office of Program Development, and upon the approval of the Louisiana State Arts Council, is hereby authorized and directed to appoint a professional Director of the Division on the Arts, and employ staff necessary and proper to effectuate this order insofar as funds are appropriated; provided that the said Assistant Secretary shall coordinate existing and future clerical personnel to include the administrative functions of the Division; and further provided that the Governor shall designate the Director provided herein, that the Division shall function in the State Art, Historical and Cultural Preservation Agency, and that grants applications shall be received and approved by the Office of the Governor until the Department is effectively operative under the provisions of Act No. 519 (House Bill No. 400 by Messrs. R. Laborde, et al) of the 1976 Regular Session of the Legislature.

FURTHER, it is directed that the Department of Culture, Recreation and Tourism is hereby designated as the sole recipient for accepting and administering any and all Federal funds awarded to and allocated to the State of Louisiana for any purpose covered by any provision of this order and for carrying out the purposes of any Federal law concerning the arts.

FURTHER, the Division on the Arts shall perform and be responsible for the State activity and programs concerning the arts which shall include, but not be limited to, the following:

1. act as the coordinating agent to assign and place State-owned arts received by it;
2. sustain and promote artistic activity in and of the State of Louisiana;
3. inform the citizens of the state of the unique creative efforts of Louisiana artists, both those who have flourished in Louisiana in the past and those who are presently active;
4. exhibit the works of outstanding Louisiana artists and craftsmen, and award prizes and medals for excellence therein;
5. publish periodically bulletins, catalogs, and other educational and informative material to stimulate interest in and appreciation of Louisiana arts;
6. propose a State plan for the arts and community-based arts development;
7. prepare and distribute materials necessary for the application and explanation of grants, administer, process, review and evaluate each such application for eligibility, qualification, form and conformity with Federal and State laws, rules and regulations, goals and policies, and advise the Council thereon; and
8. cooperate with and recommend to the Department of Education, local school boards, colleges and universities, and the Department of Employment Security programs which promote artists in school and the arts generally.

FURTHER, the Department is hereby charged to establish, through the Division, a fair and equitable distribution of funding or technical assistance or both to all areas of the arts having substantive artistic or cultural relevance to Louisiana or the United States, pursuant to R.S. 49:951 through 49:967, both inclusive.

FURTHER, it is hereby directed that the Division and the Council shall recognize the tremendous accomplishments of the State Arts Council established by Executive Order Nos. 9 and 80 and the Louisiana Council on Music and the Performing Arts, Inc., its chapters, and committee chairmen and shall continue the programs fostered thereby, and shall expand and shall further assist to develop, stimulate and promote artistic expression of merit and excellence throughout the state.

FURTHER, it is directed that under the transfer of functions provided for by this order, any pending or

unfinished business of the Council established by Executive Order Nos. 9 and 80 shall be taken over and be completed by the Secretary with the same power and authority as the agencies from which the functions are transferred. The Secretary shall be the successor in every way to said Council from which such functions are transferred, and every act done in the exercise of such functions by the Secretary shall be deemed to have the same force and effect under any provisions of the Constitution and laws in effect on the effective date of this order as if done by the agency from which such functions are transferred.

It is hereby specifically provided that all such obligations hereafter shall be deemed to be the obligations of the Department to the same extent as if originally made by its officers. In like manner, and in order to prevent any violation of the provisions, terms or conditions of any gift, donation, deed, will, trust or other instrument or disposition by which property of any nature or description has been vested in any agency affected by this merger, consolidation and transfer, or diversion from the purposes for which such property was donated, deeded, devised or bequeathed or otherwise vested in any such agency, it is hereby specifically provided that each and every instrument or disposition hereafter shall be deemed to have been vested in the Secretary in the same manner and to the same extent as if originally done so. In addition, the provisions of this order shall not be construed or applied in such a way as to prevent full compliance by the State or any agency thereof with the requirements or any Act of the Congress of the United States or any regulations made thereunder by any officer or agency of the Federal government by which Federal aid or other Federal assistance from the United States has been or is hereafter made available to this state or any subdivision or agency thereof, anything contained in this order to the contrary notwithstanding, and such compliance hereafter shall be accomplished by the Secretary.

FURTHER, it is directed that all books, papers, records, money, choses in action and other property heretofore possessed, controlled, or used by the Council in the exercise of functions hereby transferred are hereby transferred to the Division of Arts.

FURTHER, it is hereby ordered that Executive Order Nos. 9 and 80, issued on August 1, 1972, and February 27, 1975, respectively, are rescinded and for all intents and purposes shall be considered null, void, and with no effect.

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 7th day of September A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

## Emergency Rules

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

The following emergency rules were adopted on August 26, 1976, by the State Board of Elementary and Secondary Education as an immediate response for clarification in the area of teacher certification in view of the beginning school term.

(a) Rule 3.01.70.v (9)

An amendment to Bulletin 746, 1971 edition, as follows:

Page 1, Paragraph 1, Line 3: Insert "at an approved institution" between the words "program" and "appear."

Page 1, Paragraph 1, Line 14: Delete word "approved," and change word "an" to "a."

Line 15: Delete word "program" and insert the following: "institution which has been approved by the State Board of Elementary and Secondary Education."

Page 1, Paragraph 2, Line 1: Delete "the degree" and insert "certification."

Page 2, Paragraph 1, Line 2: Delete in its entirety the sentence beginning with "An approved," and insert the following: "An approved teacher education institution is one that offers teacher education programs which are submitted to the State Board of Elementary and Secondary Education for approval at

five-year intervals. These programs include general education requirements, professional education requirements, and subject matter discipline requirements.”

(b) Rule 3.01.70.v (10)

An amendment to Bulletin 746, 1971 edition, as follows:

Page 7, under “Additional Authorization on a Certificate” should read: “Additional authorization should be requested by letter and must be substantiated by an official transcript from a regionally-accredited institution.”

(The following emergency rules were adopted on August 26, 1976, by the State Board of Elementary and Secondary Education in order that Federal funds will not be jeopardized.)

(a) Rule 5.01.32.a

Approval of the revised Bulletin 1196, Policies of Operations Bulletin, School Food Service Program.

(b) Rule 3.05.00 Special Services

(c) Rule 3.05.01

Adoption of amended 1977 Annual Migrant Project Application.

Earl Ingram  
Director

**DECLARATION OF EMERGENCY**

**Health and Human Resources Administration  
Division of Human Services  
Bureau of Aging Services**

The Louisiana Health and Human Resources Administration, Division of Human Services, has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to place into effect on September 1, 1976, a revised formula for the distribution of funds under Titles III and VII of the Older Americans Act. Federal regulations, Administration on Aging, Program Issue 76-30, dated June 29, 1976, require that the funds available be obligated by the State prior to September

30, 1976. If the funds are lost, it will have a negative impact on the health and welfare of the older citizens of Louisiana.

Funds under Title III of the Older Americans Act have been allocated to each of the eight planning districts based on the percentage of the state’s population sixty years of age and older and the percentage of the state’s population sixty years of age and older who are below the poverty level and reside in the District. With the passage of the 1975 amendments to the Older Americans Act, the Conference Committee of the House and Senate and the Administration on Aging have stressed the need to provide services to the elderly residing in rural areas on a priority basis. Considering this, we have revised the formula used to allocate funds to include the percentage of the state’s population sixty years of age and older, and the percentage of the state’s population sixty years of age and older who are below the poverty level, and the percentage of land area included in the district. The specific formula previously used is as follows:

$$\frac{\begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \end{array} + \begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \text{ below} \\ \text{poverty} \end{array}}{2} = \text{Percentage of total} \\ \text{funds a district receives}$$

The revised formula is as follows:

$$\frac{\begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \end{array} + \begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \text{ below} \\ \text{poverty} \end{array}}{3} + \begin{array}{c} \text{Percentage} \\ \text{State land} \\ \text{areas} \end{array} = \text{Percent-} \\ \text{age of} \\ \text{total} \\ \text{funds a} \\ \text{district} \\ \text{receives}$$

Information on this change has been provided to the district agencies (Area Agencies on Aging) which would be affected by this change. All districts are in agreement with the proposed formula except District I—New Orleans. The impact on New Orleans is that the percentage of funds allocated would be slightly decreased due to the concentration of persons in a smaller land area. The role of the Area Agency on Aging is to pool and mobilize resources. There are limited resources and/or lack of resources in the rural areas. The need to better meet the needs of the rural elderly, at least on a proportionate basis has led us to the revised formula.

William H. Stewart, M.D.  
Commissioner

## DECLARATION OF EMERGENCY

### Health and Human Resources Administration Division of Management

The Louisiana Health and Human Resources Administration has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on October 1, 1976, certain amendments to Louisiana's Comprehensive Annual Services Program Plan, including a Federally required increase in the median family income used in the computation of Title XX benefits. The controlling Federal regulations were promulgated in the Federal Register Vol. 40, No. 125, page 27,361, June 27, 1975, and Vol. 40, No. 239, page 57,705, Dec. 11, 1975. The Title XX median annual income has been increased from \$11,430 to \$12,600. This will result in a new monthly income eligibility level for a family of four of \$493. If this adjustment is not made, Louisiana will be out of compliance with Federal regulations and subject to losing approximately \$40 million in Title XX funds during fiscal year 1976-77. About one million Louisiana residents who are eligible for services under this program would be adversely affected.

Other amendments to the Plan are:

1. Inclusion of room and/or board as a component of the service definition to allow for reimbursement under Title XX when room and/or board is an integral but subordinate part of a service. Services to be amended include health related, family counseling, educational and training, employment, home management, recreational, and protective.
2. Inclusion of cost of food for home delivered and/or congregate meals to allow service providers the option of having contracts, which may include the cost of food.
3. Inclusion of all the services (as defined in the State Plan) as protective services provided without regard to income for protection of eligible children and adults from emotional or physical harm. Services include: adoption, day care for adults, day care for children, education and training, employment, family counseling, family planning, foster care, health related, home delivered and/or congregate meals, home management, homemaker and chore, housing improvement, information and referral, maternity, recreational and transportation.
4. Inclusion of the revised definition of family to allow for greater flexibility in establishing methods of eligibility determination. Family means the basis

family unit consisting of one or more adults and children, if any, related by blood, marriage, or adoption and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each may be considered a separate family. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons may be considered one-person families.

5. Amend component No. 5 under Education and Training to read: School social work services to eligibles when not otherwise available without cost, providing individual and group therapy, liaison services to parents, school administration, and other agencies, identification of social problems, etc. This is to allow for clarification of services delivered.
6. Amend component No. 5 under Health Related Services to read: Arrangement for provision of hospital and/or home sitter services. This is to allow eligible persons to receive the necessary health services in their own homes.

William H. Stewart, M.D.  
Commissioner

## Rules

### RULES

#### Licensing Board for Contractors

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*(Editor's Note: The following rules were adopted by the Louisiana State Licensing Board of Contractors on September 8, 1976, to become effective September 20, 1976.)*

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The annual fee for renewal of licenses shall be \$100.00 for any one major classification or subdivision thereof and \$50.00 will be charged for each specialty, additional major classification or subdivision thereof. In addition, there will be a \$25.00 charge for each examination and a \$25.00 charge for a structural change.

Emery L. Villar  
Executive Director

## RULES

### Board of Elementary and Secondary Education

The following rules were duly advertised for consideration, and, after the appropriate waiting period, acted upon favorably by the Board at the regularly scheduled meeting of August 26, 1976.

(a) Rule 4.02.01

Adoption of Title VI Plan for 1977, Part I and Part II.

Earl Ingram  
Director

## RULES

### Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services (DFS) has adopted revised eligibility criteria for day care services for children provided through vendor payment.

The revised policy for day care eligibility shall be as follows:

To provide day care as a preventive measure when the child's family is unable to provide adequate care and supervision. This shall include only the following case situations.

1. Protective care situations in which a certified protective service case is active with a child protection center or DFS protective service unit, or there are indications of borderline neglect.
2. A parent or caretaker because of mental or physical illness or mental retardation is unable to care for child and no other caretaker is available or willing to provide care and supervision.
3. A referral recommending day care services is received from another agency such as Mental Health, Parish Health Unit (EPSDT Program), hospital, or physician because of developmental, emotional, or behavioral difficulties observed in the child; or these difficulties are observed by

the DFS service worker and a service plan is developed in cooperation with an agency such as the above.

This revision does not affect present policy which makes provision of day care services available to AFDC recipients engaged in a work or training program and to Title XX eligible parent or caretaker who is employed.

Those persons adversely affected by this revised eligibility criteria have been provided timely notice of the intended action.

William H. Stewart, M.D.  
Commissioner

## RULES

### Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services has adopted the following revised pharmaceutical services program to meet the proposed budget appropriation of \$30.4 million. Even though the program has been redesigned, nearly all of the more essential prescription needs of the eligible recipient will be provided for.

All legend drugs will be provided except the following therapeutic classifications:

1. Anorexics, such as amphetamines.
2. Multiple ingredient anti-anemia preparations. (Ferrous Sulfate, Ferrous Gluconate, Folic Acid and injectable Vitamin B<sub>12</sub>, will be payable).
3. Cough and cold preparations.
4. Certain gastro-intestinal drugs such as antacids and digestants.
5. Minor tranquilizers, such as Valium, Librium, and Meproamate.
6. Vitamins or vitamin containing products. (B<sub>12</sub> injection, Folic Acid, D, K, and Nicotinic Acid are payable).
7. Enzymes and the following miscellaneous drugs:

Alidase  
Ananase

Kutapressin  
My-B-Den



Andromedicone	Orenzyme
Avazyme	Oxsoralen
Avazyme 100	Papase
Cymolase	Pedameth
Chymoral	Quinamm
Clomid	Trisoralen
Combined Pollen	Varidase
Antigen	Water for injection
Enuretrol	Wydase
Gelfoam	Xanthinux

William H. Stewart, M.D.  
Commissioner

## RULES

### Health and Human Resources Administration Division of Health

*(Editor's Note: The following rules and regulations regarding vital statistics and vital records are adopted by the Commissioner, Louisiana Health and Human Resources Administration, to become effective October 1, 1976.)*

#### Vital Statistics and Vital Records— Rules and Regulations Local Registrars

##### A. Notice of Deaths Filed—Registrar of Voters

At the commencement of business each working day the local registrar of vital records in each of the parishes of the state shall prepare, in triplicate, by parish of residence of the decedents, separate lists, of all the death certificates filed with the local registrar on the previous working day.

These lists shall be prepared in triplicate on forms provided by the State Registrar of Vital Records and shall contain, as a minimum, the name of decedent, date of death, and address and parish of residence. Upon completion, each day, the original list for each parish shall be addressed to the Registrar of Voters affected. The local parish list shall be delivered to the Office of the local Registrar of Voters and all other lists shall be placed in the U.S. Mail addressed to the registrars of voters in the respective parishes of residence of the decedents.

##### B. Forwarding of Death Certificates—Local Registrars

After the list of deaths for the previous working day has been prepared for the registrars of voters, the original certificates of death shall be attached to the duplicate copy of the lists prepared for said registrars of voters and said duplicate list and original certificates of death shall be immediately placed in the U.S. Mail daily, addressed to the Registrar of Vital Records, P.O. Box 60630, New Orleans, Louisiana 70160. In the event any death certificate fails to contain the address or parish of residence of the decedent, for any reason, the local registrar shall not withhold or delay in forwarding that original certificate, together with those attached to the above lists to the Registrar of Vital Records daily.

##### C. Forwarding Birth Certificates—Local Registrars

All certificates of birth received on the previous working day by the local registrars shall be forwarded to the State Registrar of Vital Records daily with the transmittal sheet furnished by said State Registrar. They shall be mailed with the death certificates referred to in Paragraph B above.

##### D. Accurate and Complete Certificates of Birth and Death

Local registrars of vital records shall not accept for filing or transmittal to the State Registrar any certificate of birth or death until said certificate has been accurately and fully completed by the person preparing said certificate, whether it be a physician, funeral director, or any other individual.

##### E. Local Registrars—Death Certificates—Certification—Fees

Local registrars, in accordance with law, may for ninety days from date of death, issue, over their signature and that of the State Health Officer, under seal, certified copies of death certificates made from an original or duplicate of original in their possession. They shall collect the fee provided by law for each certified copy, shall maintain an accurate record of copies furnished, to whom furnished, and fees collected and shall promptly remit the fees, record of fees collected, and number of copies certified as directed by the State Registrar on forms furnished by him. Copies of said certificates shall only be issued to those persons authorized by law to receive them, and application for said copies shall be in writing, signed by the applicant, and accompanied, in advance, with the necessary fee to cover the cost of copy or copies requested. If checks are tendered in payment of said fees, they shall bear the name, address, phone number, and driver's license or Social Security number of the person issuing the check; however, this provision shall be waived as to checks issued by funeral homes or directors.

Each working day, the local registrar shall promptly return by mail to the State Registrar all copies of death certificates which have exceeded the ninety-day delay after death on the previous working day and shall not thereafter retain any copies or certified copies of said certificates, and local registrars shall not thereafter validly certify said expired certificates. Thereafter, all copies of said certificates of death shall remain in the possession of the State Registrar, and he shall be the only person authorized to issue certified copies.

**F. State Registrar—Certified Copies of Death Certificates**

The State Registrar of Vital Records shall indicate on the original of each death certificate the date that said certificate is received in his office. The State Registrar shall indicate by date stamp, the date requests for certified copies of death certificates are received in his office. The State Registrar shall, within forty-eight hours, or two working days, process and mail certified copies of death certificates to fill requests received in his office.

William H. Stewart, M.D.  
Commissioner

**RULES**

**Health and Human Resources Administration  
Division of Youth Services**

The power to administer oaths and pass authentic acts in connection with any documents relative to obtaining support for dependent children from their absent parents is hereby granted to the support enforcement services agents of the Division of Youth Services of the Louisiana Health and Human Resources Administration.

A "support enforcement services agent" is defined as any employee of the Division whose duty it is to enforce support obligations owed by absent parents to their family and children, to locate absent parents, or to establish paternity and obtain family and child support.

It is expressly forbidden for the agent to charge any fee for any oath which he takes or for any authentic act which he passes by virtue of this rule.

William H. Stewart, M.D.  
Commissioner

**RULES**

**Board of Practical Nurse Examiners**

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*(Editor's Note: The following rules were adopted by the Louisiana State Board of Practical Nurse Examiners on August 13, 1976, to become effective October 9, 1976.)*

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**8. Procedure for Adoption of Rules**

- 8.1 Prior to the adoption, amendment, or repeal of any rule, the Board shall give at least fifteen days notice of its intended action.
- 8.2 Prior to the adoption, amendment, or repeal of any rule, the Executive Director of the Board shall cause to be published in the Official Louisiana Journal and Louisiana Register a notice of the Board's intended action.
- 8.3 Said notice shall include a statement of either the terms of substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.
- 8.4 Additionally, the Executive Director of the Board shall mail said notice to all persons who have made timely request of the Board for said notice.
- 8.5 Upon the adoption of a rule, the Board, if requested to do so by an individual party, either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.
- 8.6 If the Board finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than fifteen days notice, it shall adopt said rule pursuant to the provisions of R.S. 49:953.
- 8.7 When a rule is adopted, amended or repealed in compliance with Federal regulations, the Board's notice of intent, if such is necessary, and the actual text of the rule as published in the Louisiana Register, shall be accompanied by the citation of the Federal Register issue in which the determining Federal regulation is published.

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

A. Such petition shall:

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

B. The Board shall consider the petition at the next regularly scheduled meeting upon receipt of said petition, at which meeting the Board shall deny the petition in writing, stating reasons therefor, or shall initiate rule-making proceedings in accordance with this part.

8.9 Upon the adoption of a rule by the Board, the Executive Director shall cause said rule to be published in the Louisiana Register and a certified copy of said rule to be filed with the Division of Administration.

8.10 Rules shall be effective upon publication in the Louisiana Register.

**9. Rules for Adjudication and License Suspension and Revocation Proceedings**

These views shall apply to adjudication proceedings as defined in R.S. 49:951 and license suspension and/or license revocation proceedings conducted by the Board.

9.1 All parties who do not waive their rights will be given an opportunity for hearing after reasonable notice.

9.2 The Board shall notify all interested parties in writing by certified mail at the last address furnished by said interested party.

9.3 This notice shall contain:

- a. The time, date, place, and nature of the hearing;
- b. A statement of the legal authority under which the hearing is to be held;
- c. A reference to the applicable statutes and rules involved;
- d. A short statement of the matters affected.

9.4 All interested parties shall be afforded the opportunity to respond, and present evidence.

9.5 Informal disposition may be made of any case by stipulation, agreed settlement, consent order, or default.

9.6 The Board shall make a record of all cases of adjudication, license suspension and/or license revocation; said record shall contain:

- a. All notices, pleadings, motions and rulings;
- b. All evidence received or considered or a resume thereof;
- c. Offers of proof, objections, and rulings thereon;
- d. Proposed findings;
- e. Any decision or opinion or report of the Board.

9.7 The Board shall adhere to the rules of evidence as mandated in R.S. 49:955.

9.8 A final decision shall be in writing and stated in the record. A final decision shall include findings of fact and conclusions of law. Interested parties shall be notified by mail of any decision or order.

9.9 A final decision shall be subject to rehearing by the Board, for the grounds stated in R.S. 49:959 provided that the request for rehearing is filed within ten days of the date of mailing of the final decision.

9.10 If such rehearing is granted it shall be limited

to the grounds upon which the rehearing was ordered.

- 9.11 A person aggrieved by a final decision or order of the Board may seek judicial review of said decision or order by filing a petition for review in the Civil District Court for the Parish of Orleans within thirty days of the date of mailing of the final decision, or, if a rehearing is requested, within thirty days after the decision thereon.

## 10. Declaratory Orders and Rulings

- 10.1 Any interested party may petition the Board for a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the Board.
- 10.2 Said petition shall contain the following information:
- a. The full name, address, and telephone number of the petitioner;
  - b. The interest asserted by the petitioner;
  - c. Specific reference to the statute, rule, or order with respect to which the declaratory order or ruling is sought;
  - d. A concise statement of the purpose, reasons, and nature of the declaratory order or ruling sought.
- 10.3 Said petition shall be considered by the Board at its next regularly scheduled meeting, provided that the petition has been filed at least thirty days prior to said meeting.
- 10.4 The order or ruling rendered by the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

Helen W. Sheehan, R.N.  
Executive Director

## RULES

### Real Estate Commission

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*(Editor's Note: The following rules were adopted by the Louisiana Real Estate Commission on*

*August 12, 1976, to become effective September 20, 1976.)*

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1. Applications for broker or salesman licenses, accompanied by a license fee and separate examination fee, are required to be received by the Commission at least eleven days prior to the date of examination in order to obtain the required examination admittance authorization. Official admittance authorization and driver's license or other photographic evidence of applicant's identity must be presented to the examination monitor before an examination will be administered to any applicant.
  - A. Salesman and broker examinations shall be held monthly excluding January and December.
  - B. Applicants who fail to pass the initial examination will be allowed to take a second examination at any subsequent regular examination period provided that they remit a new examination fee and obtain official examination admittance authorization.
  - C. Applicants who fail to pass the second examination shall have their applications and license fees returned by the Commission. Those applicants who fail to pass the second examination shall be allowed to take additional examination(s) at any subsequent regular examination period not less than six months beyond the date of their last examination failure, provided that they resubmit their application, license fee, new examination fee and obtain official examination admittance authorization.
  - D. Applicants who, for any reason, are disqualified on an examination may retake said examination at any subsequent regular examination period provided that they remit a new examination fee and obtain official examination admittance authorization.
  - E. Applicants are not allowed to possess or utilize any reference material, slide rules, protractors, tables or computers during examinations.
  - F. Examinations will be administered only at designated examination centers, on the prescribed date and at the prescribed time as shown on admittance authorization, and only after all of the requirements of this section have been met.

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5. All renewal applications shall be submitted for receipt by the Commission by October 15 in order for licenses to be issued in proper statutory time. The responsibility for timely submission of renewal applications rests solely with each individual licensee. Failure to timely submit applications for renewal shall be cause for suspension of license.

A. Salesmen's licenses shall be renewed subsequent to renewal of their sponsoring broker's license.

B. Salesmen's renewal applications shall be signed by the sponsoring broker and submitted to the Commission together with the renewal fee.

C. Renewal applications of salesmen who intend to transfer from one broker to another at the beginning of the license year shall be signed by the new sponsoring broker, and no transfer fee is required. However, any request for change of sponsoring broker received subsequent to actual issuance of renewal license shall be assessed a transfer fee regardless of the date upon which the original renewal application was submitted.

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6. Applications for renewal of delinquent licenses shall be accepted by the Commission only during the calendar year following the last date on which applicant held a valid license. Delinquent applications shall be accompanied by an affidavit which explains the reason(s) for delinquency before renewal license will be issued.

A. Formerly licensed brokers or salesmen who are not eligible for renewal shall apply for licenses as initial applicants.

B. Examination requirements shall apply to all applicants who are not eligible for renewal.

C. Applicants who have been previously licensed but who have not been licensed during any of the three calendar years immediately preceding their date of application are subject to all educational requirements of initial applicants.

D. Applicants who were previously licensed at least two consecutive years during three calendar years immediately preceding the date of application may obtain a waiver of all or part of the educational requirements at the discretion of the Commission.

\* \* \* \*

8. In accordance with R.S. 37:1442, all requests for transfer of salesmen's licenses from one sponsoring broker to another shall be signed by the new sponsoring broker and forwarded to the Commission with the required transfer fee. Additionally, any broker who returns a salesman's license to the Commission for transfer or cancellation shall sign and forward to the Commission one copy of the letter by which said broker notifies a salesman that his license has been returned to the Commission.

A. Transfer fees are waived in the event that the transfer is due to the death of a sponsoring broker.

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13. Advertising:

A. All advertising of property by real estate brokers shall be stated in the exact name as shown on their real estate broker's license.

1. Brokers shall have the actual authority of the owner of any property before they represent or advertise the said property in any way.

2. All advertising by real estate brokers shall be a clear, concise, true, and up-to-date representation of the thing advertised.

3. All advertising, whether printed, by radio, television, display, or of any other nature, must contain the name and telephone number of the advertising broker. The name and telephone number of salesmen and/or broker-affiliates may appear in advertising of the sponsoring broker, however, it must be displayed in a manner distinctively subordinate to that of the sponsoring broker.

4. No advertisement shall be made by telephone number alone.

B. A licensed broker or salesman offering property in which such licensee owns an interest shall state in any advertisement that the owner is a licensed real estate agent.

C. No real estate broker shall offer or advertise to the public the service of "free appraisal" unless said broker is fully qualified and/or certified in the field of real estate appraisal by competent authority. Any real estate broker who, nevertheless, advertises or offers the service of "free

appraisal," shall furnish a complete written copy of each appraisal that is requested in response to such offer or advertisement.

D. Any broker who uses a franchise, trade, service, professional, or any other name or symbol in connection with any broker activities, shall:

1. Register such name or symbol with the Louisiana Real Estate Commission.
2. State to the public on all documents and advertising, with the exception of standard picket yard signs, a prominent declaration to the effect that his real estate brokerage office is independently owned and operated.
  - a. The name of the associated organization shall not overpower the balance of the registered name of the broker.
3. The broker's name may not be less than fifty percent of the surface area of the entire combined area of both the broker's name and the name or symbol of the organization with which the broker is associated.

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26. Unless registered in Louisiana as hereinafter specified, no person, partnership, or corporation shall sell or offer for sale in Louisiana any out-of-state real estate in a subdivision which is subject to the Federal Interstate Land Sales Full Disclosure Act except through a licensed resident Louisiana real estate broker.

A. Prior to the time when subject real estate is offered for sale, such person, partnership, or corporation shall make application to the Commission for registration in this State. Applications for registration shall contain the following information and supporting documents:

1. Name, address, and whether the applicant is a person, partnership, or corporation;
  - a. Partnership: the names and addresses of the individual members thereof;
  - b. Corporation: names and addresses of officers and members of board of directors and place of incorporation.

2. Legal description of the real estate offered for sale, including area maps and recorded plats;

3. Name and address of legal owner of the subject real estate;

4. A certified, audited financial statement disclosing the current financial condition of the developer;

5. A statement of title to the property including all encumbrances with recording data on the day of application;

6. Copies of the instruments by which the property was acquired and documentary evidence stating whether mortgagee or trustee of a deed of trust will or will not subordinate his interest in the real estate to the interest of a purchaser;

7. Copies of sales contracts intended to be used. Such contracts shall contain a provision granting to the purchaser an unconditional right to rescind the contract for a period of fourteen days following execution of same. Such contracts shall also contain, a provision entitling the purchaser, if he has not seen the land, to an unconditional right of refund of all payments made under the contract after inspecting the land provided the inspection is made within one month from the date on which the contract was actually executed.

8. A zoning or other governmental regulations statement disclosing whether or not such regulations have been satisfied;

9. A copy of an offering statement which sets forth the material facts with respect to the subject real estate.

B. After receiving the application, the Commission may require such additional information deemed necessary.

C. The Commission shall require a personal inspection of the property by a person(s) designated by it to determine whether, in general, the property can be utilized as indicated by the subdivider. All such inspection expenses incurred shall be borne by the applicant who shall deposit with the inspector in advance a sum sufficient to cover such expenses.

- D. Applicants shall appoint the Louisiana Secretary of State to act as the applicant's agent for the service of all judicial process or legal notices directed to such applicant. Service upon the agent so designated shall be equivalent to personal service upon the applicant.
- E. If the requirements set forth herein are met, the Commission shall register the subdivision for a period of one year. The subdivider shall renew each year by furnishing the Commission with all information as would modify or change the information previously submitted. Should the Commission deem that an additional inspection is necessary, the cost of making same shall be paid by the subdivider in the manner provided for initial registration.
- F. Neither the subdivider or any representative of the subdivider shall in any manner refer to the Commission or any member or employee thereof in selling, offering for sale, advertising or otherwise promoting the sale, mortgage, or lease of such real estate, nor make any representation whatsoever that such real estate has been inspected, approved, endorsed or in any way recommended by the Commission or any Louisiana official, department or employee.
- G. The Commission shall have the power to withdraw any registration and/or issue a cease and desist order to any subdivider subject to these rules and regulations, upon determination that any Federal or State law or Commission rule has been or is about to be violated.

\* \* \* \*

40. Approved real estate schools, with the exception of Louisiana colleges and universities, shall designate their courses as Real Estate I (30 hour statutory requirement for salesmen), Real Estate II and III (balance of 90 hour statutory requirement for brokers).

- A. Each school shall furnish to the Commission for each course(s) it conducts, the exact location, time and date schedule for all classes including the time of the final examination.
  - 1. The information required by this paragraph shall be filed by the school to be received by the Commission at least fourteen days prior to the date of beginning of each course(s) conducted.

- B. Within three days following the beginning of each course(s), all schools shall furnish:
  - 1. The name of each instructor and a detailed copy of each course curriculum, including allocation of hours of classroom instruction to each topic.
  - 2. Tuition.
  - 3. A notarized list certifying the names of all persons enrolling in course(s).

- C. Within ten days following the completion of each course(s), all schools shall furnish:
  - 1. A notarized list of those persons satisfactorily completing course(s) certifying that the named students personally attended the minimum required statutory classroom instruction and passed a comprehensive final examination.
  - 2. A copy of the final examination for course(s).

Failure to comply with the requirements of this article shall be grounds for immediate loss of school certification.

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45. Effective January 1, 1978, branch offices of all Louisiana real estate brokers must be managed and/or supervised by a resident (in-house) Louisiana real estate broker.

Alvin J. Unick  
Director

## RULES

### Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission has adopted the following seasons and bag limits for the 1976-77 waterfowl seasons:

Ducks—West Zone—Fifty-five days, November 6 through November 28 (twenty-three days); December 11 through January 11 (thirty-four days).

Ducks—East Zone—Fifty days, November 20 through December 5 (sixteen days); December 18 through January 20 (thirty-four days).

Point system categories for regular duck season (both zones): One hundred points: Canvasbacks (closed areas same as last year); seventy points: Mallard Hen, Woodduck, Black Duck, Hooded Merganser, Redhead (closed areas same as last year); twenty-five points: Mallard Drake, Mottled Duck, Wigeon, Ring Necked Duck, All Other Ducks; ten points: Pintail, Gadwall, Green Winged Teal (Cinnamon Teal), Blue Winged Teal (Cinnamon Teal), Shoveler, Scaup, Red-Breasted Merganser, American Merganser.

Caddo, St. Charles, St. Mary Parishes and that portion of Ward 1, formerly designated as Ward 6, of St. Martin Parish, and Catahoula Lake in Rapides and La Salle Parishes are closed for Canvasback and Redhead.

Geese—Statewide—Seventy days, November 6 through November 28 (twenty-three days); December 11 through January 26 (forty-seven days).

Daily bag limits and possession limits: five in the aggregate of Blue, Snow, and White-fronted geese, of which not more than two may be White-fronted (Specklebellies). Canada Geese closed.

Special Scaup Season: January 21 through January 31 (eleven days); five daily-ten in possession (Scaup only).

The Commission also adopted, by reference, all Federal waterfowl regulations, including shooting hours, prohibitions against baiting, prohibitions against the use of rifles or shotguns capable of holding more than three shells, and prohibitions against shooting ducks and other waterfowl from motorboats.

J. Burton Angelle  
Director

Such regulations include general provisions, provisions for registration of radiation machines and facilities, provisions for licensing radioactive material, standards for protection against radiation, radiation safety requirements for industrial radiographic operations, the use of X-rays in the healing arts, the use of sealed radioactive sources in the healing arts, the use of analytical X-ray equipment, the use of particle accelerators, requirements for radioactive mineral tailings and industrial by-Product piles, and notices, instructions and reports to workers; inspections. It also includes the adoption of applicable portions of the U. S. Department of Transportation regulations, insofar as they pertain to radioactive materials, for regulation of intrastate transportation of such hazardous materials.

The proposed regulations will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on any working day after September 1, 1976, in the Public Documents Room at the offices of the Division of Radiation Control, 4845 Jamestown Avenue, Baton Rouge, Louisiana.

Interested persons may submit, in writing, their views and opinions in support of or in opposition to approval on or before October 11, 1976, to the following address:

Louisiana Department of Conservation  
Division of Radiation Control  
P. O. Box 14690  
Baton Rouge, Louisiana 70808

or orally or in writing by appearing before the Commissioner at a public meeting on October 14, 1976, at 10:00 a.m. in the Conservation Hearing Room, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana.

R. T. Sutton  
Commissioner

# Notices of Intent

## NOTICE OF INTENT

### Department of Conservation

The Commissioner of Conservation hereby gives notice of intention to consider and give approval of a complete revision of the Louisiana Radiation Regulations, formerly promulgated by the Louisiana Board of Nuclear Energy under the authority of R.S. 51:1051 et seq., such authority having been transferred to the Commissioner by the Natural Resources and Energy Act of 1973, R.S. 30:501 et seq.

## NOTICE OF INTENT

### Educational Television Authority

The Louisiana Educational Television Authority proposes to adopt the following rule. Interested persons may address written comments to the Authority at Box 44064, Baton Rouge, Louisiana 70804 prior to October 5, 1976.

**Policy on Compensation and Cooperative Programming With Regard to Noncommercial Stations Not Licensed to the Louisiana Educational Television Authority**



## I. Network Affiliation Agreements

To maximize the availability of instructional television programs, where it is deemed desirable, the Louisiana Educational Television Authority (LETA) shall seek to extend this programming to communities where it does not operate a station, but where there is a noncommercial station licensed to another entity, by contracting with said entity for the broadcast of specified programs.

- (a) Notice of Intent—A licensee desiring to become a network affiliate shall submit a notice of intent to contract not later than November 1st preceding the State fiscal year in which the contract will be in effect. The notice of intent shall be a standard form developed by the Authority staff and shall set forth a contract amount to be determined by multiplying the station rate by the total broadcast hours requested by the Authority.
- (b) Contract—The agreement shall be reduced to writing setting forth all terms.
- (c) Station Rate Formula—A station contracting as a network affiliate shall be compensated at a rate equal to the average hourly cost of operation of the station facilities contracted for, which shall be equal to the station's operating expenses as certified to the Corporation for Public Broadcasting (CPB) in the most recent CPB annual survey preceding the submission of notice of intent to contract, less amounts received from the Authority under Sections I and II of this policy in the year covered by the survey, divided by the total annual hours of operation in the year covered by the survey.

$$\text{Station Rate} = \frac{\text{Operating expenses—LETA receipts}}{\text{Annual hours of operation}}$$

- (d) Accountability—A network affiliate shall provide such supporting records or information as may be requested by the Authority or Legislative Auditor.

## II. Supplemental Community Service Grants

“To serve the public interest through educational and public television and radio in accordance with Federal and State law, the Louisiana Educational Television Authority may compensate eligi-

ble licensees with an annual supplemental community service grant. . . .”

- (a) Eligibility—To be eligible to receive a supplemental community service grant, a licensee must have received a community service grant from the Corporation for Public Broadcasting in the Federal fiscal year immediately preceding the final date for receiving applications for compensation under this provision.
- (b) Application—The Authority shall receive applications from eligible licensees not later than November 1st preceding the State fiscal year in which the grant will be awarded. Application shall be made on a standard form developed by the Authority staff and requiring such data as may be necessary for computing the amount of the grant.
- (c) Compensation—The supplemental community service grant shall be one-half the community service grant received from the Corporation for Public Broadcasting in the year which establishes the licensee as eligible to receive a supplemental community service grant.
- (d) Reciprocity—To maximize the availability of programming to all citizens of Louisiana, any licensee receiving a supplemental community service grant shall, upon request by the Authority, make available to the Authority for statewide broadcast any program produced by the licensee. Conversely, any program originated by the Authority and not covered by a network affiliation agreement shall be made available for broadcast to a licensee provided however, that no availability is required from either party where such broadcast would be inconsistent with the rights of the program.
- (e) Accountability—Recipients of a supplemental community service grant shall provide their annual financial statement to the Authority which shall include a statement outlining the use of the grant and shall provide such other supporting records or information as may be requested by the Authority or the Legislative Auditor.