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# Executive Orders

## EXECUTIVE ORDER EWE-76-1

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*(Editor's Note: The Office of the Governor has installed a new system of numbering Executive Orders, terminating, with No. 94, the old system of simply assigning "Number One" to the first issued by a Governor and proceeding serially without regard for further identification. The new method incorporates the initials of the Governor, the year of execution, and a numerical designation. Thus, EWE-76-1 represents the first Executive Order issued by Governor Edwin Edwards in 1976.)*

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WHEREAS, the Legislature of Louisiana has enacted Chapter 18 of Title 42 of the Louisiana Revised Statutes of 1950 comprising R.S. 42:1301 through R.S. 42:1303, both inclusive, whereby the State may, by contract, agree with any of its employees to defer, in part or whole, future compensation which, except for the terms of the contract, would have been payable to such employee; and

WHEREAS, the State may, by contractual agreement, acquire, from time to time, life insurance contracts or annuity contracts from life insurance companies licensed to do business in this state; and

WHEREAS, the State may enter into deferred compensation agreements with bank trustees or custodians, with investment counseling firms or with investment companies registered with the Securities Exchange Commission under the Federal Investment Company Act of 1940; and

WHEREAS, deferred compensation benefits have been made available to State employees on a very limited basis; and

WHEREAS, it is desirable to provide deferred compensation arrangements and agreements whereby State employees may participate in order to assure substantial benefits at retirement and favorable tax treatment; and

WHEREAS, it is necessary, desirable and appropriate that a single designated authority be established to negotiate for and to enter into the contracts and agreements authorized by R.S. 42:1302A and R.S.

1302B, and other statutes, and otherwise to act for and on behalf of the State and its employees; and

WHEREAS, such commission should be fully authorized to act initially for and on behalf of the State of Louisiana and its employees subject, however, to the statutory obligation of the State agency head for which the employee or employees are employed to administer such program or programs as may be determined and established by the Commission;

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

1. Create and establish The Deferred Compensation Commission for State Employees to implement and effectuate the provisions of Chapter 18 of Title 42 of the Louisiana Revised Statutes of 1950.
2. The Commission shall consist of the following member: Mr. Delton Arceneaux, 501 Chatsworth Drive, LaPlace, Louisiana 70068, who shall be Commission chairman, Mr. Ralph J. Alvarez, 3705 Kim, Box 9462, Metairie, Louisiana 70058; and Mr. S.E. "Buck" Vines, 5656 S. Leighton Drive, Baton Rouge, Louisiana. Members of the Commission shall serve at the pleasure of the Governor and any vacancy on the Commission shall be filled by appointment of the Governor.
3. The Commission is hereby authorized, directed and empowered to act for and on behalf of the State of Louisiana in implementing the provisions of Chapter 18, Title 42, of the Louisiana Revised Statutes and especially R.S. 42:1302A and R.S. 42:1302B and, in connection therewith and in addition thereto, shall be the exclusive authority to:
  - A. Enter into contracts with any employee to defer, impart or whole, future compensation which, except for the terms of the contract, would have been payable to such employee;
  - B. Acquire, execute or obtain, by contractual agreement, from time to time, life insurance contracts or annuity contracts from life insurance companies licensed to do business in this state and to enter into deferred compensation agreements with bank trustees or custodians and with investment

counseling firms and investment companies registered with the Securities Exchange Commission under the Federal Investment Company Act of 1940;

- C. Seek a ruling from the Internal Revenue Service concerning the Federal income tax consequences of participation in the deferred compensation agreements authorized by Chapter 18 of Title 42 of the Louisiana Revised Statutes of 1950;
- D. Take such further actions to carry out the objectives of the plan and the other provisions of Chapter 18, Title 42, as may be necessary or permitted by this order and State law.

I further declare that this executive order shall supersede and replace Executive Order No. 90 issued on September 2, 1975, which is hereby recalled and annulled.

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 February A.D., 1976.

EDWIN EDWARDS  
Governor of Louisiana

#### EXECUTIVE ORDER EWE-76-2

WHEREAS, the provisions of Article 7, Part 2, Sections 18 through 25, of the Constitution of Louisiana, involving new principles, new concepts, and new approaches with respect to assessment, imposition, collection, exemption, and other matters relating to ad valorem taxation, have been approved by the people; and

WHEREAS, specific provisions, mandates and directives contained in the Constitution, require that the Legislature, among other things;

1. Define, by general law, bona fide agricultural, horticultural, marsh and timber lands;

2. Establish uniform criteria in order to determine, for assessment and related purposes, the fair market value of certain properties and use value of other properties;

3. Establish procedures and provide for review by the local governing authority, the Louisiana Tax Commission, and the courts in order to assure the correctness of assessments; and

4. Implement, by legislative action, the constitutional requirement that all property subject to ad valorem taxation shall be re-appraised and valued at intervals of not more than four years; and

WHEREAS, the provisions of Article 7, Part 2, of the Constitution contain other mandates to the Legislature as well as specific and implied authority for action by it with respect to property ad valorem taxes, homestead and other property exemptions, adjustments of millage, tax sales, tax assessors, and many other matters related to the complex area of ad valorem taxation or properties, real, personal and mixed; and

WHEREAS, it is necessary, proper, and expedient for competent persons, experienced and knowledgeable in those areas which involve the imposition, assessment, collection, and payment of such taxes, to formulate plans, suggestions, recommendations for transmission to and consideration by the Legislature during one or more of its future sessions;

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State, hereby authorize and establish the Governor's Advisory Commission on Ad Valorem Taxation to consist of those members named or indicated on the list attached to this Executive Order as well as any others who may be appointed by me.

I authorize, request, direct, and empower said Commission to meet and give full consideration to the directives, mandates, and legislative authorizations provided for in Article 7, Part 2, of the Louisiana Constitution and to make, from time to time, its recommendations for legislative action and constitutional implementation of said article and said part.

I designate J.M. Lamkin, Jr., Tax Assessor, Bienville Parish, Temporary Chairman of this Commission until its first meeting which I now call for February 19, 1976, at 10:00 a.m., in the Governor's Press Room, Fourth Floor, State Capitol Building, Baton Rouge, Louisiana, at which time and place I request the Commission to elect such officers as it considers necessary and appropriate to carry out its functions, duties, and responsibilities.

I hereby authorize the Commission to utilize the personnel, services, and facilities of the Louisiana Legislative Council and the Louisiana State Law Institute, and

to request of and utilize such counsel, assistance, personnel, facilities, and advice as may be obtained from any and all other sources, public and private, including, but not necessarily restricted to, business, labor, and private research agencies, individuals, or organizations. The Commission is also authorized to receive grants, donations, or gifts of money or services from public or private persons and entities, to be utilized to accomplish the purposes for which it is created.

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 13th day of February, 1976.

**EDWIN EDWARDS**  
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 Governor of Louisiana

**Appointees to Governor's Ad Valorem  
 Tax Study Commission**

1. Mr. J.M. Lamkin—President of the Louisiana Assessors' Association
2. Mr. Richard F. Burke—Tax Assessor, Orleans Parish
3. Mr. Charles Slay—Tax Assessor, Rapides Parish
4. Mr. Lawrence Chehardy—Tax Assessor, Jefferson Parish
5. Mr. John C. Fuchs, Jr.—President, Louisiana Savings and Loan League
6. Mr. James Graugnard—President, Louisiana Farm Bureau Federation
7. Mr. Mark H. Bonner, Jr.—Representing Louisiana Electric Cooperatives Association
8. Mr. Manning S. Broussard—Representing Police Jury Association of Louisiana
9. Mayor J. Allen Daigre—Representing Louisiana Municipal Association
10. Dr. Percy H. LeBlanc—President, Louisiana School Board Association
11. Mr. J.D. Acklin, Jr.—President, Louisiana Bankers Association
12. Mr. James A. Griffith—Representing Investor-Owned Public Utilities
13. Mrs. Fred S. Landis—President, League of Women Voters
14. Mr. C. Gordon Johnson—Chairman, Louisiana Tax Commission
15. Mr. James G. Derbes—Representing Historical Sites
16. Mr. Randy L. Ewing—Representing Louisiana Forestry Association
17. Mr. Edward W. Stagg (Designee-Fred Loy)—Representing Council for a Better Louisiana

18. Mr. Claude Leach—Chairman of the Ways and Means Committee
19. Mr. B.B. "Sixty" Rayburn—Chairman of the Finance Committee of the Senate
20. Mr. Johnny Jackson, Jr.—Representing minorities
21. Mr. Victor Bussie—Representing Labor
22. Mr. Edward Steimel (Designee — Jerome Vasocu)—Representing Louisiana Association of Business and Industry
23. Mr. M.H. "Pud" Marix—Representing industry
24. Mr. John L. Avant—Representing professions
25. Mr. Joseph P. Crist—Representing Louisiana Retailers Association
26. Mrs. Mary Zervignon—Representing the City of New Orleans
27. Mr. Robert Brooksker—Representing the Oil and Gas Industry
28. Mr. Howard L. Ledbetter—The Dow Chemical Company
29. Mr. Camille F. Gravel, Jr.—Executive Counsel to the Governor
30. Mr. Shady Wall—Representing Legislative Budget Committee

# Emergency Rules

## DECLARATION OF EMERGENCY

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

The Louisiana Health and Human Resources Administration, Division of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953 B) to make effective April 1, 1976, payment to chiropractors in the Medical Assistance Program. It is necessary to implement this program timely as Louisiana Health and Human Resources Administration was directed by Act 551 of the 1975 regular session of the Louisiana Legislature to provide for Medicaid payments to providers of chiropractic services as prescribed by 42 USC 1396d (g).

Effective April 1, 1976, the Division of Family Services is implementing a program to make payment to chiropractors for their services under the following conditions:

1. Payment will be made to chiropractors who are licensed by the state and who are certified by the Licensing and Certification Section for participation in Medicare (Title XVIII).

2. Payment will be made only for chiropractic treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by X-ray to exist) which the chiropractor is legally authorized to perform by the state (Current Procedural Terminology Code 9485). The restriction of payment for services to treatment by manual manipulation precludes payment for diagnostic X-rays taken by chiropractors.
3. Payment will be made for up to three chiropractic visits per calendar year. There is no provision for any additional visits.

All persons eligible for the Medical Assistance Program are eligible for payment in their behalf to chiropractors for services and these persons may be identified by a medical eligibility card which they receive monthly.

Notice of this change will be mailed to chiropractors eligible to participate in the program and to medical assistance recipients.

William H. Stewart, M.D.  
Commissioner

# Rules

## RULES

### Capital Area Ground Water Conservation Commission

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*(Editor's Note: The following rules were adopted on March 8, 1976, to be effective on March 20, 1976.)*

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#### Section 5.0.0.0. Rules and Regulations Requiring the Submission of Plans for New Water Wells in the Capital Area Ground Water Conservation District

R.S. 38:3076E authorized the Board of Commissioners of the Capital Area Ground Water Conservation District, which consists of the Parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana, "... to make, after notice and hearing and to enforce reasonable rules, regulations, or orders necessary from time to time to achieve the purpose and powers as outlined in this Act, ...".

#### Section 5.1.0.0. Purpose

The rules and regulations as stated herein were prepared in response to this authorization for the purpose of obtaining information that will be useful (1) in advising users of any potential problems and of the location of nearby wells in the same aquifer, and (2) to answer queries regarding the effects of pumping or changes in pumping rates.

This requirement for submission of plans shall not be construed in any way as a permit or as approval or disapproval by the Commission of the proposed wells.

#### Section 5.2.0.0. Rules and Regulations

Users shall submit to the Commission's office, their plans to install wells that will produce fifty thousand gallons per day or more. The plans shall include, at the minimum, the following information for each well: the depth of the well, the proposed screen setting(s), aquifer(s) to be screened, if known, proposed rate of yield, estimated daily use, and a map or sketch showing the location of the well. In an urban area, the location of the well should be described in reference to the nearest streets. All of the requested information should be submitted, if possible, at least thirty days prior to the beginning of drilling to the following address:

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

#### Section 5.2.1.0. Effective Date

Plans for water wells, excluding those exempted, drilled on or after March 20, 1976, the effective date of the rules and regulations as stated herein, shall be submitted to the Commission's office.

#### Section 5.2.2.0. Exemptions

A. As provided for by R.S. 38:3073 (3), the following wells are exempt from the Commission's rules and regulations for submitting plans for new water wells in the District: (1) wells less than four hundred feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes but not capable of producing fifty thousand gallons per day or more.

B. The following wells, excavations, and holes are not included in the provisions of the rules and regulations as stated herein: seismic holes; cathodic-protection holes; saline-water wells associated with secondary recovery operations; brine-injection wells; water-disposal wells; holes and excavations used in the development

and/or exploration of mineral resources, including but not limited to, gravel, salt, and sulphur; excavations and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

#### Section 5.2.3.0. Information for Exempted Water Wells

The Commission will provide information listed in Section 5.1.0.0. to any user planning to install a well that is exempted in accordance with Section 5.2.2.0.A., provided the user submits to the Commission the planning information requested in Section 5.2.0.0.

#### Section 5.2.4.0. Water Well Registration

The submission of plans as required in Section 5.2.0.0. does not in any way preempt the State's rules, regulations, and procedures for water well registration as provided for in R.S. 38:3091 through 3097.

Austin F. Anthis  
Chairman

## RULES

### Board of Trustees for State Colleges and Universities

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*(Editor's Note: The following rules were adopted on February 26, 1976, to be effective March 20, 1976.)*

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## PART VII

### Faculty and Staff Personnel Policies and Procedures

#### Section 7.1 Age

##### A. Administrative Personnel

Presidents of colleges and universities, and anyone holding a position in an administrative capacity under the Board shall be retired at the age of 65 years, with the provision that a person attaining age 65 in a school year will be permitted to continue until the end of the year.

##### B. Extension – Beyond Age 65 (effective only until June 30, 1977)

1. No person shall be continued in the employment of the Board beyond the end of the fiscal year in which that person reaches the age of 65 years unless, on application made for such continuation, the Board

finds that such a person is mentally, physically, temperamentally, and morally fit to perform his duties, in which event the Board may, at its discretion, extend the employment of such person one year at a time, but not beyond the end of the fiscal year in which such person reaches the age of 68 years.

2. Any person requesting retention beyond the age of 65 years shall submit an application in writing prior to April 1 of the year in which such person would be retired.
3. All applications for extension must be supported by the concurrence and written certification by the president of the institution that, in his opinion, the person recommended is mentally, physically, temperamentally, and morally fit to continue in service and to perform his duties satisfactorily for one additional year beyond the age of 65 years, or for one year additional beyond the retirement period previously extended, together with such other pertinent information and reasons for continuing the employment as are within the knowledge of the party making the certificate. If the party making the certificate knows the facts through his own personal knowledge, he shall so state. If the recommendation for retention is based upon the recommendation of or information by a dean, department head, or other similar official having knowledge of the facts, the application shall be accompanied by a similar certificate executed by such dean, department head, or other such person. The Board shall have the right to require such other information or evidence as it deems necessary in each case.
4. All employees at the institutions under the jurisdiction of the Board who have reached the age of 65 must take and pass a physical examination showing that they are physically able to continue working in their present positions without injury to their health; written results of the examinations shall be made a part of the personnel records in the institution and must be reported to the Board.
5. All college and university presidents shall be directed immediately to abide by the present policy of the Board and shall exercise judgment in each individual request for continuation of employment after the age of 65 for one year for those employees who meet the criteria set forth by the Board;

any statement in handbooks or documents of the colleges and universities that categorically denies any employment after age 65 shall be eliminated. Remuneration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.

Off-campus supervising teachers and principals must be in full compliance with the college and university rules and regulations in order to receive this money.

Bill Junkin  
Executive Director

C. Termination of Extensions Beyond Age 65

The policy of the board which allows each college and university president to exercise his judgment in individual requests shall be continued until June 30, 1977, in accordance with present policy. On June 30, 1977, the termination of employment will be mandatory at age 65, with the provision that a person attaining age 65 in a school year will be permitted to continue until the end of the year.

**Section 7.8 Faculty Rank**

A. Rank Distribution

Special care shall be exercised in assigning faculty ranks to new appointees and in making promotions in rank from year to year. The following table provides guidelines and limitations on assignments of ranks within each institution:

Academic Rank	Range	Percentage Not to Exceed
Professor	20-35%	35%
Associate Professor	25-35%	35%

**Section 7.13 Faculties of Laboratory Schools**

B. Off-Campus Laboratory Schools

Effective the school year 1976-77, the college or university shall pay a salary to fully qualified and certified cooperating teachers in accordance with the following schedule:

- \$200 per semester for first student teacher at a given school;
- \$175 per semester for each additional student teacher at a given school;
- \$50 per semester for each additional student teacher to a maximum of \$500 for the semester at a given school.

The college or university shall pay principals of schools where student teaching is done according to the following schedule:

\$50 per semester for each cooperating teacher used in the program to a total of ten (\$500 is the maximum per semester that may be paid a principal).

**RULES**

**State Board of Elementary and Secondary Education**

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*(Editor's Note: The following rules have been in effect on an emergency basis since November 20, 1975. They were adopted permanently on February 26, 1976, to be effective March 20, 1976.)*

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**Additions to Section 5.2 of  
the Louisiana 1975-1976 Annual Program  
Plan for Adult Education**

**5.2 Adult Indo-Chinese Refugee Education Program**

All adult Indo-Chinese refugee education funds allocated to the State of Louisiana shall be used to supplement ongoing adult education programs conducted under the provisions of the Adult Education Act and provide for the initiation, development, and/or expansion of Adult Basic Education, Adult Secondary Education, and bilingual education programs for adult Indo-Chinese refugees, sixteen years of age and older who are not currently required to be enrolled in school, offering them the opportunity to receive academic instruction with emphasis on speaking, reading, writing, computational skills, services necessary to promote literacy for the purpose of enabling them to become responsible and productive members of American society, meet requirements to receive a high school equivalency diploma, and promote the integration of Indo-Chinese refugees into American society with proper respect for the preservation of their own culture and language.

**5.21 State Administration**

A maximum of 7.5 percent of the total allotment to the State may be utilized for state administrative purposes by the Bureau of Adult and Community Education of the Louisiana State Department of Education and the State Board of Elementary and Secondary Education to pay additional costs incurred in the administration of the Indo-Chinese Refugees Adult Education Program.

## 5.22 Base Allocation to Local School Systems

A minimum of eighty percent of the total allotment for adult Indo-Chinese refugee education programs to the State shall be allocated to local public school systems through a base allocation of funds computed on the number of adult Indo-Chinese refugees, age eighteen and over, settling in a local school system, as it bears percentagewise to the total number of Indo-Chinese refugees initially resettling within the State from the relocation centers. (Allocations shall be based on figures submitted to the U.S. Commissioner of Education by the Interagency Task Force on Indo-China).

The available State funds multiplied by this percentage will give the amount available to be initially allocated to the local school board.

Example:

1. In Louisiana there was an initial estimate of 1,301 adult Indo-Chinese refugees age eighteen years and over.
2. Suppose 130 is the total number of adult Indo-Chinese refugees settling within a local parish or city school system.
3. The parish or city percent then is 1,301 divided by 130 or ten percent.
4. Suppose \$80,000 is the available State funds to be allocated to all local systems in the State.
5. The local school system's allocation then would be: \$80,000 x ten percent of \$8,000.00.

It must not be assumed by any parish or city school authority that the initial allocation to a school system can automatically be increased or that expenditures made in excess of their initial allocation will be reimbursed to that system.

## 5.23 Supplemental Allocations to Local School Systems

All adult education Into-Chinese refugee education funds relinquished to the state office by a local school system which does not plan to utilize its total allocation prior to the end of the fiscal year may be reallocated to other local

school systems based on the submission of a "Supplementary Plan and Request for Allocation of Funds" (Form DE 520, Exhibit I of the Louisiana 1975-76 Annual Program Plan for Adult Education under the Adult Education Act of 1966) with a letter justifying the need for additional funds from the local superintendent.

Supplementary requests for funds shall be approved by the State Board of Elementary and Secondary Education based upon recommendation of the Bureau of Adult and Community Education, Louisiana State Department of Education.

## 5.24 Teacher Training

A maximum of 12.5% of the total state allotment may be utilized for teacher training programs specifically designed for teachers of adult Indo-Chinese refugee education programs provided sufficient funds are available after state administration, base allocations, and supplemental allocations have been approved.

Funds may be approved and utilized for teacher training purposes in accordance with the provisions of Section 309 of the Adult Education Act and as outlined in Section 5.15 of the Louisiana 1975-76 Annual Program Plan for Adult Education.

## 5.25 Use of Funds by Local School Systems

### 5.251 Eligibility to Participate

In order for a local school system to participate in the adult Indo-Chinese refugee program it must comply with the following:

- (1) meet all requirements to participate in the Adult Education Program as stipulated in Section 1.342 of the Louisiana 1975-76 Annual Program Plan for Adult Education.
- (2) certify by letter from the local superintendent to the Bureau of Adult and Community Education that all funds will be expended solely for adult education programs and services for adult Indo-Chinese refugees.



- (3) submit to the Bureau of Adult and Community Education and local assessment of the number of adult Indo-Chinese refugees eighteen years of age and older who have resettled in the parish or city school system.
- (4) certify by letter from the local Superintendent to the Bureau that priority will be given to continuation of existing programs by those local agencies and/or organizations currently providing adult Indo-Chinese refugee education services based on local education agency evaluation of those existing programs. The local superintendent is required to contact all local agencies, private and public, which might be involved in programs for Indo-Chinese refugees.
- (5) submit to the Bureau of Adult and Community Education for approval by the State Board of Elementary and Secondary Education an intent to participate in the program by completing a "Plan and Request for an Allocation of Funds" (Form DE-520) justifying projected expenditures for the fiscal year.

#### 5.252 Rate of Reimbursement

The rate of reimbursement to the local school system by the State Department of Education to support the adult Indo-Chinese refugee education program must be equal to the exact expenditures of the operational cost of the program each month, with the total amount of approved allocations.

Reimbursement of expenditures to the local school systems will be made monthly by the State Department based upon receipt and approval of a separate Form DE-506—"Monthly Report and Request for Reimbursement" justifying adult Indo-Chinese refugee education program expenditures from the local superintendent. Form DE-506 is included as Exhibit H of the Louisiana 1975-76 Annual Program Plan for Adult Education.

#### 5.2521 Local Operational Expenditures

Local school systems may use funds allocated to them for instructional costs incurred in the operation of the adult Indo-Chinese refugee education classes only.

Instructional costs in the local adult Indo-Chinese refugee education program shall consist of the following:

- (1) teachers' salaries
- (2) paraprofessionals' salaries used in an instructional capacity
- (3) employer's contribution to retirement and/or social security for instructional personnel
- (4) teacher travel (when required)
- (5) in-service education
- (6) instructional supplies, books, and materials

All local operational expenditures for the above eligible instructional costs of the adult Indo-Chinese refugee education program shall be made in accordance with the procedures set forth in Section 6.0 of the Louisiana 1975-76 Annual Program Plan for Adult Education.

#### 5.253 Records and Reports

Each local school system participating in the adult Indo-Chinese refugee education program must prepare and submit separate forms for this program to the State Department of Education for accounting expenditures and compile all program statistics each fiscal year as stipulated in Section 6.8 of the Louisiana 1975-76 Annual Program Plan for Adult Education in order to assure non-commingling of funds.

In addition, the local agency will make two copies of the identification card issued to each Indo-Chinese refugee participant keeping one of its official Adult and Community Education. The copies of these identification cards can be used to justify the total number of refugees served in the adult education program.

The Bureau of Adult and Community Education of the Louisiana State Department of Education shall be responsible for compiling all local reports into a separate composite state report to the U.S. Commissioner of Education as a part of the financial and narrative reporting requirements under the Adult Education Act and include all information requested under Section 166.67, Sub-part G, Adult Indo-Chinese Refugee Education Program.

Earl Ingram  
Director

## RULES

### Commission on Firefighting Personnel Standards and Education

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*(Editor's Note: The following rules were adopted by the Commission on Firefighting Personnel Standards and Education on January 27, 1976, to be effective on March 20, 1976.)*

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#### Approved Subjects for Certified Fire Fighter III Training\*

General Subjects	Classroom	Practical Work or Demonstrations
Fire Information Field Investigation & Report Writing (FIFI Unit A of NFPA) a. Courtroom Testifying	5	
Building Construction a. Anticipated Fire Behavior & Spread According to Type Construction & Design	4	
*Protective Breathing Apparatus (Review) a. Operational Functions of All Types b. Principles of Operations of All Types of Self Contained	1	
Fire Streams a. Types of Nozzles & Their Effect on Streams b. GPM Flow From Nozzles c. Proper Pressures d. Major Parts of a Nozzle	3	
Fire Prevention & Inspections a. Departmental Procedures for Reporting & Correcting Hazards b. Writing Inspection Reports c. Special Detail Assignments d. Inspecting Private Fire Protection Equipment & Systems e. Private Detection & Alarm Systems f. Local & State Fire Codes g. Fire Hazards & Fire Causes h. Air Handling Systems i. Storage, Inside & Outside, And Its Effect on Fire Fighting j. Water Supplies Available (Including Private) k. Potential Salvage Information	10	8

<b>General Subjects</b>	<b>Classroom</b>	<b>Practical Work or Demonstrations</b>
<b>Water Supplies</b>	2	2
a. Effects of Pipe Sizes & System Pressure		
b. Determining Rate of Flow With Charts		
c. Local System Capacities & Limitations		
d. Friction Losses in Water Mains & Hydrants		
e. Use of Pitot Tube & Gauges		
<b>Sprinklers</b>	2	2
a. Identifying Heads & Temperature Settings		
b. Identifying Type of System—Wet, Dry, Etc.		
c. Operating Valves & Testing System		
d. Reading Gauges		
e. Effectiveness & Reasons Why System Fails to Function		
<b>Fire Alarm &amp; Communications</b>	1	
a. Fire Alarm Boxes & How They Operate		
b. Codes & Procedures for Multiple Alarms		
c. Supervisory Alarm Systems		
<b>Hazardous Materials</b>	2	
a. Symbols Identifying		
b. Precautions		
<b>Fire Pumper Familiarization &amp; Operating Principles</b>	6	6
a. Operating the Pump		
b. Basic Driving & Gear Shifting Procedures		
c. Supplying Routine Hose Lays		
d. Rule of Thumb Hydraulics		
<b>Simulated Fire Command Decisions</b>	4	
a. Basic Size-up & Decision Making		
b. Basic Fire Ground Command		
c. Simulated Command of a Rescue Situation		
<b>Review, Evaluation &amp; Completion Exercises</b>	2	1
<b>TOTAL:</b>	<b>42</b>	<b>19</b>

Note: Except for those accepted under the "grandfather" provision, all others applying to become certified as a Fire Fighter III must first be certified as a Fire Fighter II.

\*Performance objectives for the Breathing Apparatus section (according to NFPA 1001) have been completed in Louisiana's Fire Fighter II certification procedures.

## **Approved Performance Evaluations for Fire Fighter III Certification**

1-1 Scope. These requirements identify the professional level of competence required of fire department members in order to become certified at their third level of progression within the fire department, i.e., Fire Fighter III.

1-2 Purpose. The purpose of these requirements is to specify, in terms of performance objectives, the minimum requirements of professional competence required for service as a Fire Fighter III.

It is not the intent to restrict any jurisdiction from exceeding these minimum requirements.

### 1-3 General.

1-3.1 All of the performance requirements for any level of fire fighter shall meet the following criteria: It shall be performed swiftly, safely, and with competence. Each objective shall be met in its entirety.

1-3.2 It is not required for the objectives to be mastered in the order they appear. It is required, however, that any courses conducted to prepare a fire fighter to meet the performance objectives must be taught by, or under the supervision of, a Commission certified instructor for that level.

1-3.3 Performance of objectives for qualification at Fire Fighter III level may be approved by at least two Commission certified instructors working together.

1-3.4 A fire fighter must have satisfactorily completed performance objectives required of a certified Fire Fighter II before he can challenge the requirements of Fire Fighter III. This does not prevent a fire fighter from performing objectives for both Fire Fighter II and III simultaneously. As a matter of development, however, it is assumed there will be a time of active fire service between the II and III levels which will allow prior training to mellow and become more meaningful through actual use.

### 1-4 Definitions.

1-4.1 Fire Fighter: The member of a fire department who has fulfilled the entrance requirements of the department but has not met the objectives for Fire Fighter I.

1-4.2 Fire Fighter I: The fire fighter, at the first level of progression in the fire department, who has demonstrated the knowledge of and the ability to perform the objectives specified for that level, and who works under direct supervision.

1-4.3 Fire Fighter II: The fire fighter, at the second level of progression in the fire department, who has demonstrated the knowledge of, and the ability to perform the objectives specified for that level, and who works under minimum direct supervision.

1-4.4 Fire Fighter III: The fire fighter, at the third level of progression in the fire department, who has demonstrated the knowledge of, and the ability to perform the objectives specified for that level, and who works under minimum supervision, but under orders.

1-4.5 Fire Department: The agency that provides fire rescue, fire suppression, and fire prevention services to a state, parish, municipality, organized fire district, or federal institute or military facility.

1-4.6 Safely: To perform the objective without injury to self or others.

1-4.7 With Competence: Possessing knowledge, skills and judgment needed to perform indicated objective satisfactorily.

1-4.8 Swiftly: The time, as provided herein, that it takes an approved fire fighter to perform the objective satisfactorily.

1-4.9 Demonstrate: To show by actual use, illustration, simulation, or explanation.

1-4.10 Identify: To physically select, indicate, or explain verbally or in writing, using standard terms recognized by the fire service.

1-4.11 Objective: Observable or measurable demonstration of a skill, knowledge, or both.

1-4.12 Qualification: Having satisfactorily completed the requirements of the objectives.

1-4.13 Commission: The Louisiana Commission on Fire Fighting Personnel Standards and Education.

1-4.14 Certified: Having met all Commission requirements for the level of progression for which the fire fighter is applying.

## **Fire Fighter III Performance Objectives**

### 4-1 General.

4-1.1 The fire fighter shall demonstrate writing a basic fire incident report. \*Note: Correctly completing the Basic Field Incident Report as used in NFPA's

“FIFI” (Fire Information Field Investigation) will suffice.

4-1.2 The fire fighter shall demonstrate the principal types of building construction as defined in the local building code.

4-1.3 The fire fighter shall demonstrate the general fire behavior expected with each type of building construction, including the spread of fire, and the safety of the building, occupants, and fire fighters.

#### 4-2 Fire Streams.

4-2.1 The fire fighter shall construct a diagram to identify three types of fog nozzles, and identify the major parts and trace water flow through them.

4-2.2 The fire fighter, given a selection of nozzles and tips, shall identify their type, design, operation, nozzle pressure, and flow in GPM for proper operation of each.

#### 4-3 Fire Prevention and Inspections.

4-3.1 The fire fighter shall demonstrate, in writing, inspection reports as required by the authority having jurisdiction.

4-3.2 The fire fighter shall demonstrate that fire extinguishers in inspected premises are of required types and ratings, conform to fire prevention code requirements where applicable, and have been inspected and serviced within the required period.

4-3.3 The fire fighter shall identify the action to be taken under designated procedures whenever fire hazards, or suspected fire hazards, are encountered during inspections.

4-3.4 The fire fighter shall demonstrate, in writing, the procedure for effective participation in the pre-fire planning of operation practiced by the authority having jurisdiction, including the information to be obtained during fire company inspections to facilitate such plans.

4-3.5 The fire fighter shall identify the duties and responsibilities of fire company inspectors assigned to a fire prevention detail in places of public assembly.

4-3.6 The fire fighter, given details of different occupancies, shall identify the fire exit facilities for each occupancy as required by the authority having jurisdiction.

Note: The intent is for the fire fighter to be able

to recognize the exit facilities needed to meet National Fire Protection Association Life Safety Code 101, or other codes that may be adopted by the authority having jurisdiction, and apply to any type of public assembly occupancies. This might be demonstrated with an actual walking tour through a public assembly occupancy in the jurisdiction of the department.

4-3.7 The fire fighter shall demonstrate the use and operation of various roof vents, both manual and automatic.

4-3.8 The fire fighter shall demonstrate the inspection of standpipe systems for fire protection, including visual inspection of hose (where provided), nozzles, hose outlet threads, and fire department connections.

4-3.9 The fire fighter shall demonstrate a private water system for fire protection, including fire pumps, yard hydrants, hose houses, gravity and pressure types of water storage tanks, reservoirs, and draft sources.

4-3.10 The fire fighter shall identify smoke, flame, and heat detection alarm systems.

4-3.11 The fire fighter shall identify local and state fire codes concerning subjects to be noted in fire company inspections.

4-3.12 The fire fighter shall identify the areas of responsibility of other municipal and state inspection agencies, other than fire department, that exists in the city, parish, and state.

4-3.13 The fire fighter shall identify the fire hazards commonly found in manufacturing, commercial, residential, and public assembly occupancies.

4-3.14 The fire fighter shall identify common deficiencies in electrical services and electrical appliances.

4-3.15 The fire fighter shall identify standard types of chimneys and flues, including recognizing deficiencies likely to cause fires in such equipment.

4-3.16 The fire fighter shall demonstrate knowledge of spread of fire through air conditioning and utility ducts, and identify and explain the functions of automatic and manual controls of these systems.

4-3.17 The fire fighter shall identify and explain local code requirements covering the proper storage and use of flammable liquids and gases.

4-3.18 The fire fighter shall identify and explain storage codes and practices contributing to fire safety in buildings, including: proper piling, aisles, clearances, access to fire equipment, and exits.

4-3.19 The fire fighter shall identify and explain recommendations of proper outside storage and how it affects fire fighting, including: aisles, roadways, access to hydrants, access to buildings, exposure hazards, and dangers for fire fighting personnel.

4-3.20 The fire fighter shall identify water and smoke damage potential to goods, to office and manufacturing machinery, and to other valuable objects.

#### 4-4 Water Supplies.

4.4.1 The fire fighter shall identify and explain the four fundamental components of a modern water distribution system.

4-4.2 The fire fighter, given a pitot tube and gauge, shall demonstrate its use and properly read and record several various flow pressures.

4-4.3 The fire fighter, given a chart, table, size of openings, and velocity pressures, shall determine the quantity of water flowing from the openings.

4-4.4 The fire fighter, given a chart and table, shall identify and explain the approximate discharge capacities of various water pipe sizes.

4-4.5 A fire fighter shall identify the pipe sizes used in water distribution systems for residential, business, and industrial districts.

4-4.6 A fire fighter shall identify at least two causes of increased resistance or friction loss with water flowing in water mains.

#### 4-5 Sprinklers.

4-5.1 The fire fighter, given an alarm valve of an automatic sprinkler system, shall demonstrate the operation of the valve.

4-5.2 A fire fighter, given twelve various sprinkler heads, shall identify all of them correctly as to:

- (a) Temperature rating
- (b) Pendant or upright
- (c) Special types

4-5.3 A fire fighter shall identify the alarm test valve on an automatic sprinkler system.

4-5.4 The fire fighter, given an automatic sprinkler system, shall operate the alarm test valve in such a manner as to actually test the system.

4-5.5 The fire fighter, given a velocity drain valve or ball drip valve on the fire department connection of an automatic sprinkler system, shall demonstrate that the valve is operating and the pipe drained.

4-5.6 The fire fighter, given a check valve on the fire department connection to an automatic sprinkler system, shall demonstrate the direction of flow of water through the valve.

4-5.7 The fire fighter shall read and record the indicated pressures on all gauges provided on a standard wet automatic sprinkler system and name each gauge.

4-5.8 The fire fighter shall read and record the indicated pressures on all gauges provided on a standard dry pipe automatic sprinkler system and name each gauge.

4-5.9 The fire fighter shall identify and explain the reliability of automatic sprinkler systems, and shall identify eight reasons for unsatisfactory performance.

4-5-10 The fire fighter, by inspection of an automatic sprinkler system in a building, shall identify and explain if obstructions to sprinkler heads are present and what is the required clearance for the sprinkler head from obstructions.

#### 4-6 Fire Alarm and Communications.

4-6.1 The fire fighter shall demonstrate the rewinding, resetting, or both, of any fire alarm boxes or devices on the public fire alarm system as specified by the authority having jurisdiction.

4-6.2 The fire fighter shall demonstrate the ordering of multiple alarms and other calls for assistance from the fire ground when authorized to do so.

4-6.3 The fire fighter shall identify the types of supervisory alarm systems in the area of the authority having jurisdiction.

#### 4-7 Safety.

4-7.1 The fire fighter shall identify and explain the symbols used to designate hazardous materials and areas, and identify precautions that fire fighters are expected to observe and follow in such areas.

#### 4-8 Fire Pumper Familiarization and Operating Principles.

4-8.1 The fire fighter shall safely drive the apparatus for a distance and at a speed great enough to require shifting through the gears. Shifting shall be accomplished without undue clashing of gears.

4-8.2 The fire fighter shall correctly spot the pumper at a hydrant for easy connection with 2½ inch intake hose.

4-8.3 The fire fighter shall engage the pump, take water from a hydrant or booster tank, and correctly supply a routine hose lay as specified by authority having jurisdiction.

4-8.4 The fire fighter shall demonstrate a basic appreciation for fire service hydraulics by identifying from charts, rule of thumb calculations, or fire service hydraulic formulas, the correct pressure to be supplied on two separate routine hose lays as specified by the authority having jurisdiction.

#### 4-9 Simulated Fire Ground Decisions.

4-9.1 The fire fighter shall demonstrate assuming command of a fire ground operation in the absence of a fire officer.

4-9.2 The fire fighter shall demonstrate assuming command of a rescue operation in the absence of a fire officer.

4-9.3 The fire fighter shall identify the first priority given at the scene of an emergency.

These requirements are intended to meet or exceed those of NFPA 1001.

Jimmy Chapman  
Executive Director

## RULES

### Health and Human Resources Administration Division of Health

The following rules were adopted February 27, 1976, by the Commissioner, Louisiana Health and Human Resources Administration, as an addition to Chapter XI of the Louisiana State Sanitary Code.

#### Adopted Changes Chapter XI Louisiana State Sanitary Code

#### Mass Gatherings

11.3 Definitions. For the purpose of this code, the following definitions shall apply.

11.3.1 Group gathering area means any place maintained, operated, or used for a group gathering, or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly.

11.3.2 Mass gathering means a group of five hundred or more persons assembled together for a meeting, festival, social gathering, or other similar purposes that can be anticipated to exceed ten hours in any twenty-four hour period.

11.3.3 Health authority means the Louisiana Health Officer or his duly authorized representative.

11.3.4 Operator means the person responsible for managing the group gathering area. In the event that no "manager" exists, the owner, or in the event of his unavailability, the lessee of the ground encompassing the group gathering area, shall be deemed to be the "operator" under these regulations.

11.3.5 Person means an individual, group of individuals, association, partnership or corporation, firm, or company.

11.3.6 Refuse means all combustible or noncombustible, putrescible or nonputrescible solid or liquid wastes.

11.3.7 Sanitary facilities means toilets, lavatories, showers, urinals, drinking fountains, and the service building or room provided for installation and use of these units.

11.3.8 Nuisances shall mean annoyance; anything which works hurt, inconvenience or damage, or which essentially interferes with the enjoyment of life or property, and shall include inadequate or insanitary sewerage or plumbing facilities or insanitary conditions.

11.4 Application for Permit. Written application for permit must be received by the local health unit at least thirty days in advance of the proposed gathering.

11.5 The following shall be included with the application for permit, when applicable. An outline map of the area to be used showing the location of all proposed toilets to be used, lavatory and bathing facilities, water supply sources, areas of assemblage, camping areas, food service areas, emergency egress roads, refuse disposal, and collection facilities. Also included must be detailed drawings of toilet facilities,

sewage disposal system, lavatory and bathing facilities, and water supply system. An anticipated attendance figure must also be included.

11.6 The operator shall meet all provisions of the State Sanitary Code and obtain the necessary permit at least seventy-two hours prior to the starting date of the mass gathering.

11.6.1 The operator shall be responsible for meeting the provisions of these standards and regulations to serve the maximum number of people to be assembled, for operational maintenance, and for the clean, safe, and sanitary condition of the grounds, sanitary facilities, and other service equipment.

11.7 Access. Each group gathering area shall be provided with convenient and safe access for the ingress and egress of pedestrian and vehicular traffic.

#### 11.8 Grounds

11.8.1 Each group gathering area shall be well drained and so arranged as to provide sufficient space for people assembled, vehicles, sanitary facilities, and appurtenant equipment.

11.8.2 Trees, underbrush, large rocks, and other natural features shall be left intact and undisturbed whenever possible. Natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

11.8.3 The grounds shall be maintained free from dust wherever possible, accumulations of refuse, and other health and safety hazards constituting a nuisance as defined.

11.8.4 The size of the group gathering should be limited to the number of persons for which the facilities are designed to accommodate and provisions should be made to prevent people in excess of the maximum permissible number from gaining access to the group gathering area.

11.8.5 Illumination shall be provided, at night, to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted but shall not unreasonably reflect beyond the assembly area boundaries, unless adjacent properties are uninhabited. Light level intensities shall be at least five foot candles.

11.8.6 (a) On site parking space, shall be provided where persons arrive at the group gathering area by vehicular means.

(b) Service road and parking spaces shall be so located as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles.

(c) Width of service roads shall be not less than the following: one traffic lane—eleven feet; two traffic lanes—twenty-two feet; parallel parking lane—seven feet.

(d) Adequate parking space shall be provided. Adequate parking space is generally construed to mean at the rate of at least one parking space for every four persons and the density shall not exceed one hundred passenger cars or thirty buses per usable acre.

11.8.7 At least twenty square feet per person shall be provided at the site for daytime assemblage and at least forty square feet per person shall be provided for overnight assemblage.

#### 11.9 Water Supply

11.9.1 An adequate, safe supply of potable water, under pressure (not less than twenty psi), easily accessible and meeting requirements of the Louisiana State Sanitary Code shall be provided.

(a) If water is to be provided only for drinking and washing it should be supplied at a rate of five gallons per person per day.

(b) If water is used for drinking, washing, flushing toilets, and showers when required, then water should be provided at a rate of at least thirty gallons per person per day.

#### 11.10 Sanitary Facilities

11.10.1 Sanitary facilities shall be provided and installed in the minimum numbers as required by the following schedule.

(a) Toilets – at the rate of one for each one hundred persons or fractional part thereof.

(b) Urinals – urinals (men's) and sanistands (women's) may be substituted for up to one-third of the required number of toilets, twenty-four inches of trough urinals, in a men's room shall be considered the equivalent of one urinal or toilet (or as outlined in Chapter Xa, Paragraph 6.5).

11.10.2 Required sanitary facilities shall be conveniently accessible and well identified.

11.10.3 Each toilet shall have a continuous supply of toilet paper.

11.10.4 Service buildings or rooms housing required plumbing fixtures, shall be constructed of easily cleanable, non-absorbent materials. The buildings, service rooms, and required plumbing fixtures located therein



shall be maintained in good repair and in a clean and sanitary condition.

11.10.5 Water points or drinking fountains, shall be of approved type, conveniently accessible and well identified.

11.10.6 Showers – at the rate of not less than one per two hundred and fifty persons shall be provided at gatherings when those in attendance are expected to remain for forty-eight hours or longer.

#### 11.11 Sewage and Liquid Waste Disposal

11.11.1 Approved facilities shall be provided and properly maintained for the disposal or treatment and disposal of all sewage and liquid waste.

11.11.2 Where a public sewer system is available, all plumbing fixtures and all building sewers shall be connected thereto. If a public sewer system is not available, a private sewage disposal facility meeting the regulations of the Louisiana State Sanitary Code shall be installed and connected to all plumbing fixtures and building sewers.

#### 11.12 Refuse Disposal

11.12.1 The storage, collection, transportation, and disposal of refuse shall be so conducted as to prevent odor, insect, rodent, and other nuisance conditions.

11.12.2 One fifty-gallon refuse container or its equivalent shall be provided for each one hundred persons anticipated. Refuse containers shall be readily accessible.

11.12.3 All refuse shall be collected from the assembly area at least once each day of the assembly and disposed of at an approved disposal site.

11.12.4 The grounds and immediate surrounding properties shall be cleaned of refuse within twenty-four hours following the assembly.

#### 11.13 Vector Control

11.13.1 (a) Insects, rodents, and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods.

(b) Where necessary, animal ecto-parasites, and other disease transmitting and nuisance insects shall be controlled.

#### 11.14 Medical

11.14.1 Emergency medical services shall be provided under the supervision of a licensed physician.

11.14.2 An enclosed covered structure shall be provided for emergency medical treatment and care.

11.14.3 Adequate medical supplies and medicines shall be provided and made available for emergency treatment of sick and injured persons.

11.14.4 Adequate vehicles suitable for emergency use shall be available.

11.14.5 Telephone or radio communications shall be provided and kept available for emergency purposes.

11.15 Food Service. All food service operations shall comply with applicable portions of the Louisiana State Sanitary Code and the Louisiana Food, Drug and Cosmetic Law.

11.16 Penalties. Penalties provided for in R.S. 40:12A shall apply.

William H. Stewart, M.D.  
Commissioner

## RULES

### Department of Public Works

#### Section 4.0.0.0. Rules, Regulations, and Procedures for Reporting Abandoned Water Wells and Holes

As announced in the Louisiana Register dated March 20, 1976, and the Official Journal of the State, rules, regulations, and procedures requiring the reporting of abandoned water wells and holes were adopted March 8, 1976, and are to be effective March 20, 1976. Section 5.A.6. of State Act 535 (1972) authorized the Director of the Louisiana Department of Public Works to establish rules and regulations to require that abandoned water wells and holes be reported to the State.

#### Section 4.1.0.0. Purpose

The purpose of the rules, regulations, and procedures are to assemble information on abandoned wells and holes that could become a health or safety hazard and provide a conduit for the entry of contaminants into fresh-water sands. The information on and location of abandoned water wells and holes are available to the public, police juries, and other local government agen-

cies, Federal agencies, and other State agencies who are concerned with the protection of our "fresh-water sands."

#### Section 4.2.0.0. General Rules and Regulations

The rules, regulations, and procedures as stated herein apply to cased water wells and abandoned holes intended for obtaining hydrologic data and/or for producing water. The party responsible (see Section 4.2.5.0.) shall report abandoned water wells and holes to the Louisiana Department of Public Works using Louisiana Department of Public Works Abandonment and Plugging Form (LDPW-GW-2). For details on the procedures to be followed, refer to Section 4.3.0.0.

#### Section 4.2.1.0. Exemptions

The following wells, excavations, and holes are exempted from the provisions of rules, regulations, standards, and methods stated herein: seismic holes; cathodic-protection holes; saline-water wells associated with secondary recovery operations; brine wells; oil and gas wells and holes; geothermal and geopressured holes; brine-injection wells; waste-disposal wells; holes and excavations used in the development and/or exploration of mineral resources including but not limited to, gravel, salt, and sulphur; excavations and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

Although the cited activities are not covered by State Act 535 (1972), they are not exempted or excepted by State law. Therefore, persons, corporations, governmental agencies, etc., should take any and all action, and use all protective methods necessary to protect our ground water supply and to prevent contamination. The exclusion of these activities from State Act 535 (1972) does not in any way remove or establish legal liability for health and safety hazards, contamination, or pollution problems alleged to be caused by persons engaged in the cited activities in the first paragraph of this Section.

#### Section 4.2.2.0. Effective Date

Water wells and holes abandoned before, on, and after March 20, 1976, the effective date of rules, regulations, and procedures as stated herein, shall be reported to the Louisiana Department of Public Works.

#### Section 4.2.3.0. Abandoned Wells

Unless the landowner or lessee declares a well to be abandoned, the well is considered "abandoned" by the State of Louisiana when production operations have

ceased for a period of one year or more or the well is in such a state of disrepair that the well cannot be placed in the active classification and there is no intent to use the well for observation purposes. For wells used for observation purposes, or those temporarily out of use, refer to Section 3.3.3.2.

When an observation well, which was formerly a production well, is no longer needed for observation purposes and the landowner or lessee does not intend to use the well to produce water, the well shall be considered abandoned. Wells constructed solely for observation purposes by a landowner or lessee, a governmental agency, engineering or research organization, shall be considered abandoned unless the well is converted to an active well within ninety days after the initial date of abandonment.

#### Section 4.2.4.0. Abandoned Holes

A "pilot hole" excavated with the intent to install casing to produce water shall be considered an abandoned hole when the hole is not cased and not used to produce water or for observation purposes within thirty days after drilling operations have been completed.

An exploratory test hole drilled or excavated solely for the purpose of collecting hydrologic, geologic, and water-quality data shall be considered an abandoned hole within thirty days after the completion of all testing operations.

#### Section 4.2.5.0. Responsibility For Reporting Abandoned Water Wells and Holes

The landowner or the lessee of the land where the well or hole is located shall be responsible for reporting to the Louisiana Department of Public Works within ninety days after the well or hole is abandoned or declared abandoned by a State or local agency. Water wells and holes that are abandoned on or before the effective date of the rules, regulations, and procedures as stated herein shall be reported to the Department within ninety days after March 20, 1976.

When a well used for observation purposes by a governmental agency or other scientific groups is no longer need for that purpose, the agency or group using the well shall report this fact to the landowner or lessee, who permitted the use of the well. If the well will not be used to product water or as a standby well, the well is then considered abandoned and the landowner or lessee shall be responsible for reporting the well as abandoned to the State.

The procedures for reporting abandoned water wells and holes in no way changes the responsibility for plugging and sealing abandoned water wells and holes as discussed in Section 3.3.0.0.

#### Section 4.3.0.0. Procedures for Reporting Abandoned Water Wells and Holes

The responsible party shall use Louisiana Department of Public Works Water Well Abandonment and Plugging Form (LDPW-GW-2) to report the existence and location of an abandoned water well and hole. If the water well or hole is plugged and sealed within the time limitations established in Sections 3.3.2.0., 3.3.3.0., and 3.3.4.0., only one form shall be submitted to report that the well has been abandoned and that the well has been plugged and sealed in accordance with the State's rules, regulations, standards, and methods for plugging and sealing abandoned water wells and holes.

Roy Aguiard  
Director

## RULES

### Racing Commission

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*(Editor's Note: These rules were adopted January 27, 1976.)*

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#### Preface and Foreword

No sport is more closely supervised than the racing of thoroughbred horses and quarter horses. The main purposes of this close supervision are to assure the spectator public and competing owners of horses:

1. That the association conducting a race meeting is operated by responsible management;
2. That every owner and trainer seeking to enter a horse in competition is a person of good character and of financial responsibility;
3. That every horse appearing in a race is the animal he is represented to be on the program and is carrying the correct weight as assigned by the track handicapper;
4. That every race run will represent a true competitive effort by every participating horse and rider;
5. That no rider during the running of a race commits any act that would unfairly tend to make the race anything other than a true competitive test;
6. That every horse is physically fit to race;
7. That no one responsible for the custody of a competing horse has administered any prescribed

medication to the competing animal within a specified time prior to the race;

8. That every racing association is doing its utmost to provide the spectator public, the horses and their attendants the best possible facilities it can afford;
9. That the wagering facilities and the management and clerks in this department are of an order to inspire confidence of the patrons in the way this feature of the sport is conducted.

It is with the foregoing purposes in mind that the legislatures of the states where thoroughbred and quarter horse racing is conducted, have, by statute created Racing Commissions or Boards, and vested them with the authority to adopt and enforce rules of racing.

Act 276 of the Legislature of the State of Louisiana in the year 1940 created and established the Louisiana State Racing Commission, and vested said Commission with full powers to prescribe rules, regulations, and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the State of Louisiana.

The Rules of Racing as adopted and herein set forth are published and declared the Rules and Regulations of Racing for the State of Louisiana. They have been compiled with the hope that they will promote racing on a high plane and encourage breeding and ownership of thoroughbred horses, quarter horses, and appaloosa horses in the State.

The Louisiana State Racing Commission is a member of the National Association of State Racing Commissioners and is bound by the constitution and bylaws of this organization.

The Louisiana State Racing Commission is an independent agency under the executive department of State government created by an act of the Legislature.

The Commission consists of nine members appointed by the Governor, for a term concurrent with the Governor.

The Commission is vested with complete supervision over all thoroughbred, quarter horse, and appaloosa racing in the State and over all associations conducting race meetings.

No person or association can conduct a race meeting or have anything to do with the conduct of such a meeting except pursuant to a license granted and issued by the Commission.

The Commission is vested by Law with full authority to prescribe the rules, regulations, and conditions under which thoroughbred, quarter horse, and appaloosa racing may be conducted in this state. These rules apply to all tracks under the Commission's jurisdiction.

Whenever any question, condition or situation arises covered or not covered specifically by any of these rules, the stewards shall make such findings of fact and take such action thereon as they, in the exercise of sound judgment and discretion shall deem proper. Any person aggrieved by any ruling so made shall have the right of appeal to the Commission, and if not satisfied, then to the Courts in the manner provided by law.

For full text of the law creating the Commission and prescribing its duties and powers see Appendix.

\* \* \* \*

**Definitions:**

Louisiana bred is a thoroughbred, quarter horse, or appaloosa horse foaled in Louisiana.

\* \* \* \*

**7-A Twin Double**

- (a) Associations licensed by the Commission to conduct horse racing meetings may, with the approval of the Commission conduct a twin double.

\* \* \* \*

**11-Entries**

- (g) No horse shall be allowed to enter or start in any race conducted by any present licensee unless said horse is a quarter horse, thoroughbred or appaloosa. Registration of thoroughbred horse by the Jockey Club shall be prima facie evidence that such horse is a thoroughbred. Registration of a quarter horse by the American Quarter Horse Association shall be prima facie evidence such horse is a quarter horse. Registration of an appaloosa by the Appaloosa Horse Club, Inc., shall be prima facie evidence that such horse is an appaloosa. However, said registry shall not be conclusive evidence nor binding on the Commission.

- (h) At time of entry, certificate of registration from the Jockey Club (New York), The American

Quarter Horse Association (Amarillo, Texas) or the Appaloosa Horse Club, Inc. (Moscow, Idaho) must be filed in the office of the Racing Secretary. The stewards may at their discretion, waive this rule in the case of horses shipped in to start in stakes races.

\* \* \* \*

- (j) If a horse's name is changed, his new name shall be registered with the Jockey Club (New York), The American Quarter Horse Association (Amarillo, Texas) or the Appaloosa Horse Club, Inc. (Moscow, Idaho) and his old, as well as his new name, must be given in every entry list until he has run three races and both names must be printed on official program for those three races.

\* \* \* \*

**20-Licensee's Duties, Obligations (Associations)**

- (m) Each association shall conduct thoroughbred, quarter horse, and appaloosa horse running races between the hours of 10:00 a.m. and 12:00 midnight.

**21-Licenses, Registrations and Fees for Participants in Racing**

- (s) The Commission shall recognize any disciplinary action taken by the Jockey Club, American Quarter Horse Association, or the Appaloosa Horse Club and no person against whom disciplinary action has been taken by the Jockey Club, American Quarter Horse Association or the Appaloosa Horse Club shall be eligible for licensing by this Commission.

\* \* \* \*

**42-Trainer**

- (g) A trainer shall not enter or start a horse that:
  - (g-1) is not in serviceably sound racing condition
  - (g-2) is a known chronic bleeder
  - (g-3) has been trachea-tubed
  - (g-4) has been nerved, except horses that have had a posterior digital (heel nerve) neurotomy performed on one or more feet, may be permitted to race. All horses that have been nerved shall be so designated on the foal

certificate and be certified by the practicing veterinarian.

\* \* \* \*

**55-Appaloosa Horse Racing**

- (a) Rules Applicable: The Rules of the Louisiana State Racing Commission shall govern appaloosa horse racing wherever they are applicable. When not applicable, the Board of Stewards may enforce the rules of the Appaloosa Horse Club, Inc. so long as the same will not be inconsistent with the rules of the Commission.
- (b) Cases Not Covered by Rules: Cases not covered by the said Appaloosa Horse Club, Inc. rules shall be decided by the stewards, who shall determine the same with the advice or consent of the Commission.
- (c) Jurisdiction: The jurisdiction of a licensed appaloosa horse race meeting shall be vested solely with the Commission.
- (d) Official registry: The official stud book and registry of the Appaloosa Horse Club, Inc. shall be recognized as the sole official registry for appaloosa horses.
- (e) Races Between Thoroughbred or Quarter horses and Appaloosa Horses Prohibited: No appaloosa horse shall be entered in a race with a thoroughbred and mixed races between thoroughbreds and appaloosa horses are prohibited. No appaloosa horse shall be entered in a race with a quarter horse and mixed races between quarter horses and appaloosa horses are prohibited.

\* \* \* \*

**Regulations of Louisiana  
Racing Commission Relative  
to Caterers, Concessionaires  
and Food Service**

The Commission makes the following rules, regulations, and conditions applicable to caterers, concessionaires, and the sale and service of food, beverages, tobacco, and other related items, at all race meetings in Louisiana conducted under a license, permit, or privilege from the Louisiana State Racing Commission, said rules, regulations, and conditions in the furtherance of its statutory duty and, more specifically, R.S. 4:148 (21) as follows:

“Sec. 148. Rules, regulations, and conditions

“A. The commission shall make rules, regulations, and conditions for the holding, conducting, and operating of all race tracks, race meets, and races held in this state and for the conduct of the racing industry of this state under this Part. And said rules, regulations, and conditions shall be consistent with this Part and provide for and deal with, by way of illustration and without limitations the following:

\* \* \* \*

“(21) Caterers;. . .”

The rules, regulations, and conditions herein shall apply for the purpose of the sale of foods, beverages (both alcoholic and non-alcoholic), tobacco, and other related items, each and every day that a race is conducted for the dates upon which a license has been granted by the Commission for racing privileges:

1. The operation shall be conducted so that all persons who shall patronize the respective tracks shall be satisfactorily served.
2. Food, beverages (both alcoholic and non-alcoholic), tobacco, and other generally related items may be available for sale to the patrons of the various tracks on each day that racing is conducted under the license, permit, or privilege granted by the Commission.
3. The premises shall be kept in a clean condition, in good repair, well lighted and ventilated.
4. The quality, quantity, and price of all items of food liquor, beer, and other items sold shall be subject to the Racing Commission’s inspection.
5. All taxes including sales tax shall be promptly paid in accordance with the request of the Department of Revenue.
6. All facilities, including but not limited to those areas in which the food is prepared, shall be open for inspection to any person designated by the Louisiana Racing Commission or Commissioners of the Louisiana Racing Commission.
7. Upon demand of the Commission, the association or permittee shall file copies of all contracts, including all instruments evidencing any indebtedness, between the association and the permittee.
8. The permittee and/or an association who conducts the sale of food, beverages (alcoholic and non-alcoholic), tobacco, and other generally related items shall, whenever available, give consideration as a preference to the hiring of employees domiciled in the State of Louisiana.

9. All establishments dispensing food or drink shall provide on the premises adequate and conveniently located toilet facilities for its employees. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated.
10. The water supply shall be easily accessible to all rooms in which food or drink is prepared or utensils are washed, and shall be adequate, and of a safe sanitary quality.
11. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such a manner as not to become a nuisance.
12. All food, drink, and beverages shall be wholesome, and free from spoilage.
13. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment.
14. The premises of all public eating and/or drinking places shall be kept clean and free of litter or rubbish.
15. All vending machines shall be constructed, installed, maintained, and operated in an approved manner.
16. All glasses, cups, spoons, and other utensils which come in contact with the mouth or lips must be properly cleaned and sanitized after each use. Single service utensils must be used only once.
17. All soft drink beverages, whether carbonated or uncarbonated, and alcoholic beverages, shall be dispensed in, or from, the original container as filled and sealed at the bottling plant, or from closed dispensers or containers fitted with a suitable faucet or spigot.
18. The rules and regulations as prepared and promulgated by the Louisiana State Board of Health shall be adhered to.

Albert M. Stall  
Chairman

## RULE

### Board of Regents

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*(Editor's Note: The following rule was adopted by the Board of Regents on February 26, 1976, to be effective March 20, 1976.)*

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#### 3.11 Intercollegiate Athletic Contracts or Agreements

Intercollegiate contracts or agreements for all games and events must be reviewed and, to be valid, must be

approved by the respective management board and Board of Regents. However, institutions are authorized to enter into binding intercollegiate athletic contracts without approval of the Board of Regents providing that contracts are on a home and home basis, providing that the amount of game guarantees are of an equal amount, and providing that said contracts contain a penalty clause that will require full payment of the game guarantee in case of cancellation for any reasons, except those beyond the control of the contracting parties. Copies of all such contracts must be forwarded to the Board of Regents when signed by the contracting parties.

William Arceneaux  
Commissioner of Higher Education

## Notices of Intent

### NOTICE OF INTENT

#### Department of Agriculture Advisory Commission on Pesticides

Pursuant to R.S. 49:951 et seq., notice is hereby given of a public hearing to be held at 10:00 a.m. on April 7, 1976, in the Conference Room, Harry D. Wilson Laboratory, Louisiana State University, Baton Rouge, Louisiana.

The purpose of the hearing is to consider adoption of the following rules under authority granted the Department of Agriculture by R.S. 3:1623A. The adoption of rules under this authority is with the advice of the Advisory Commission on Pesticides (established in R.S. 3:1631). The purpose of the rules proposed by the Advisory Commission is to regulate either the sale, application, or both sale and application of certain types of pesticides in Louisiana.

Interested parties may contact the following individual for further information on the rules:

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

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

1. Definitions
2. General restrictions on pesticides
3. Restrictions on the mixing of insecticides
4. Restrictions on esters of dangerous herbicides
5. Restrictions on application of herbicides

1. Definitions

- a. "Pesticide" means any substance or mixture of substances defined as a pesticide by R.S. 3:1622(13).
- b. "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the Class Insecta or other allied classes in the Phylum Arthropoda that is defined as a pest under R.S. 3:1622(12).
- c. "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests under R.S. 3:1622(12). The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- d. "Hormone type herbicide" means a herbicide producing physiological change in any plant tissues and shall include the list of chemicals included in Appendix A.
- e. "Inorganic arsenicals" means any herbicide containing an atom of the element arsenic and an anion containing other than an organic radical.
- f. "Organic arsenicals" means any herbicide containing an atom of the element arsenic and an organic radical.

2. General restrictions on the application of pesticides  
Pesticides that are not registered with the Louisiana Department of Agriculture shall not be applied within the State unless written approval of the Commissioner of Agriculture is granted.

3. Restrictions on the mixing of insecticides  
All insecticides not labeled for ultra-low volume application in accordance with Federal or State law shall be diluted before application with a minimum of an equal amount of water.

4. Restrictions on "hormone type herbicide" high volatile esters  
Ester compounds of "hormone type herbicides" containing an aliphatic alcohol radical with less

than six carbon atoms shall not be sold or used in the State.

5. Restrictions on applications of herbicide

A. The following herbicides shall not be applied at less than the minimum distance shown below where a detrimental effect can be caused on susceptible plants.

Wind Speed	Minimum Distance to Susceptible Plants (where there will be a detrimental effect) from Point of Application (Center of Swath)	
	Aerial	Ground
0-3 mph	½ mile downwind, ½ mile crosswind (90° ± 10'), 50 feet upwind	1/8 mile downwind, 1/8 mile crosswind, 20 feet upwind
4-6 mph	1 mile downwind, ½ mile crosswind (90° ± 10'), 50 feet upwind	¼ downwind, 1/8 cross, 5 feet upwind
7-10 mph	2 miles downwind, ½ mile crosswind (90° ± 10'), 50 feet upwind	½ mile downwind, ¼ mile crosswind, 5 feet upwind

All applications of the following herbicides by specialized aerial equipment shall be by waiver only.

List of herbicides whose application is restricted:

- all hormone-type herbicides
- all organic arsenicals
- 1,1'-Dimethyl-4,4'-Bipyridium (cation) dichloride
- 3',4'-Dichloropropionanilide

B. No "hormone type herbicide shall be applied by commercial or custom applicators between April 1 and September 15 of each year in the following parishes without written authorization from the Commissioner of Agriculture or his duly authorized agent. The parishes of restriction are: Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Evangeline, Franklin, Grant, Jackson, Lafayette, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee north of U.S. Highway 190, Rapides, Red River, Richland, Sabine, St. Landry, St. Martin, Tensas, Union, Vermilion north and east of a line starting at the Lafayette Parish border and running along Highway 700 to Highway 92, then along Highway 92 to Highway 343, then along Highway 343 to Highway 699, then along Highway 699 to U.S. Highway 167, then along U.S. Highway 167 to Highway 330, then along Highway 330 to the Iberia

Parish border, Vernon, Webster, West Carroll, and Winn.

- C. No "hormone type herbicide" shall be applied between March 1 and June 15 in that area of St. John the Baptist and St. James Parishes lying between U.S. Highway 61 and the Mississippi River without written authorization from the Commissioner of Agriculture or his duly authorized agent.
- D. No custom application of a "hormone-type herbicide" shall be applied in combination with any insecticide except by permit from the Commissioner of Agriculture or his authorized agent. This restriction shall be for the entire state.
- E. No inorganic arsenical herbicide shall be applied without written authorization of the Commissioner or his authorized agent.

Dave L. Pearce  
Commissioner

#### NOTICE OF INTENT

##### Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950 as amended, a public hearing will be held in the Mineral Board Hearing Room of the State Land and Natural Resources Building, Baton Rouge, Louisiana beginning at 1:30 p.m., April 23, 1976.

At such hearing, the Board will consider policies and procedures governing the institutions under the authority of the Board and specifically:

1. Part 4, Educational Programs, Policies and Procedures.
2. Part 7, Faculty and Staff Personnel Policies and Procedures.
3. Part 8, Student Personnel Policies and Procedures.
4. Part 9, Athletic Policies and Procedures, an addition relative to contracting procedures for athletic events.

The Board of Trustees for State Colleges and Universities shall accept written comments until 5 p.m., Friday, April 9, 1976, at the following address:

Board of Trustees for State Colleges and Universities  
P.O. Box 44307, Capitol Station  
Baton Rouge, Louisiana 70804

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-966.

All interested persons will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular April Board meeting.

This public hearing was originally scheduled for 1:30 p.m., March 25, 1976, in the Conservation Hearing Room of the State Land and Natural Resources Building, Baton Rouge, Louisiana, but due to pressing business, the regular Board meeting was rescheduled for an earlier date, March 12, 1976.

Bill Junkin  
Executive Director

#### NOTICE OF INTENT

##### Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to adopt the following rule and regulation (subject to the approval of the Consumer Protection Advisory Board and the Attorney General) on April 5, 1976, at 5:00 p.m., at the Division's office, Suite 1218, Capital Bank Center, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of this rule by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

##### Section 5007. Deceptive Pricing

A. Definitions - For the purpose of this rule the following definitions shall apply:

- (1) "To advertise" as used herein means to inform consumers and to represent by any means such as, but not limited to, oral statements, shelf tags, preticketing, display cards, handbills, and advertisements in newspapers, magazines, or on radio or television.



- (2) "Trade area" as used herein means the area in which the seller does business and to which the seller disseminates advertising of his goods and/or services.
- (3) "Advertiser" means any person or firm which advertises prices to consumers.
- (4) "Merchandise" means all wares and commodities, including services, such as are ordinarily the objects of trade and commerce.
- B. It shall be an unfair and deceptive act or practice for any seller to do any of the following:
- (1) Represent in any manner that by purchasing any of the seller's merchandise, consumers are afforded savings amounting to the difference between the stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily offered for sale in a legitimate manner and/or sold at retail in the trade area involved and/or is the price at which such merchandise has been usually and regularly offered for sale in a legitimate manner and/or sold at retail in the recent regular course of seller's business.
- (2) Represent that any price is "special," "discount" "sale," "reduced to," or anything except the usual and customary price at which the good or service sells, unless the reduction is in fact from the seller's preceding price or from the bonafide price at which the article was offered for sale for a reasonably substantial period of time.
- (3) Using the words "list price" "suggested retail price," "retail price," "ret. price" "regular price," "reg. price," or words of similar import to refer to the price of any merchandise, when such price is fictitiously inflated or deceptively higher than the price or prices at which such merchandise is usually and customarily offered for sale in a legitimate manner and/or sold in the trade area; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.
- (4) Using the words "regular," "reg.," "retail," "ret.," or words of similar import to refer to the price of any merchandise which is in excess of the price at which such merchandise has been usually and regularly offered for sale in a legitimate manner and/or sold by retail outlets in the trade area in the regular course of business, or otherwise misrepresenting the usual and customary retail selling price of such merchandise.
- (5) Failing to keep on file, subject to review by the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district, or any of their employees or duly commissioned agents, the evidence, proof, market survey, or basis supporting the fact that any price compared to a stated selling price is, in truth, the usual and customary price of the person, store, business, or owner, agent, or employee thereof representing the price comparison, or is the usual and customary price at which merchandise has been regularly offered for sale in a legitimate manner and/or sold by comparable retail outlets in the trade area served by the advertiser.
- (6) Section 5007 shall not act to bar a legitimate and bona fide introductory offer wherein a reduction in price is used for an article that will within the near future have a higher price. For example, it shall not be illegal under Section 5007 to offer a new item for sale for a price of \$75 in order to introduce it to the market and to so state the price at being the reduction from a regular price of \$100 when within the near future the regular selling price of the item will be \$100.
- (7) Representing, either expressly or impliedly, lowered prices as a result of some unusual circumstances such as, but not limited to, fire, flood, going out of business, clearance, exceptional purchase, manufacturer's close out, special purchase, unless such unusual circumstance or or circumstances are in fact true and the prices are actually lower than the seller's usual prices.
- C. Whoever engages in deceptive advertising violates R.S. 51:1405A, prohibiting, inter alia, unfair and deceptive trade practices; provided further: that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, nor shall it operate as a defense to other activities otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Com-

mission, or by the courts of the State of Louisiana or of the United States.

- D. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

Charles W. Tapp  
Director

#### NOTICE OF INTENT

##### Department of Corrections

The Louisiana Department of Corrections proposes to amend its regulations regarding the release of information gathered by the Department relating to adult offenders or ex-offenders in accordance with R.S. 15:574.12.

The amendment may be reviewed at the office of the Louisiana Department of Corrections, from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Interested persons may address comments to:

Richard Crane  
Attorney for the Director  
Post Office Box 44304  
Capitol Station  
Baton Rouge, Louisiana 70804

C. Paul Phelps  
Acting Director

#### NOTICE OF INTENT

##### Dairy Stabilization Board

Notice is hereby given that the Louisiana Dairy Stabilization Board will hold a public hearing at 10:00 a.m. on the 7th day of April, 1976, in the Continental Room of the Bellemont Motor Hotel, 7370 Airline Highway, Baton Rouge, Louisiana, to consider the question of establishing prices and conditions under which Louisiana licensed processors may meet legal competition from out-of-state dairy products processors.

All interested persons will be afforded a reasonable

opportunity to submit data, views, or arguments, orally or in writing.

Baton Rouge, Louisiana, March 8, 1976.

Jesse H. Cutrer, Jr.  
Director

#### NOTICE OF INTENT

##### State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its regular April 1976 meeting policies relative to the following:

- a. Continuation of aides in the classes for the deaf and hearing impaired and the blind and the visually impaired.
- b. A policy allowing students to receive certification under the certification requirements in effect seven years maximum prior to application for certification.
- c. Drop from its regulations a policy whereby the Competent Authority Credentials Committee could only approve directors for teams when there is a full membership on the team.
- d. A policy on mainstreaming as follows:

The purpose of mainstreaming is to help the student to function academically, emotionally, and socially as successfully as possible.

Before a student is mainstreamed he shall be staffed by the Supervisor of Special Education, special education teacher, principal, the regular classroom teacher, and any member of the evaluation team whose service would be needed in the judgement of the special education supervisor.

The representative of the parish-city system must give prior written and oral notice to parents or guardians in their primary language that a change in the student's placement is proposed with a full explanation of the nature and reasons for the change.

The student must be given a full explanation of the nature of the change by the special educa-

tion teacher and the prospective regular classroom teacher(s). The student must be assured the special education teacher will continue to be one of his teachers and/or serve as a consultant to the regular teacher to help them to understand problems specifically related to the student. This will include helping the teacher to select books, materials, and methods to assist the student on an individual basis.

The State Board of Elementary and Secondary Education will accept written comments until April 5, 1976, at 5:00 p.m., at the following address:

Board of Elementary and Secondary  
Education  
P.O. Box 44064  
Baton Rouge, Louisiana 70804

The public is made aware of the consideration of the above rule changes in compliance with R.S.49:951, et seq.

All interested parties will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular April Board meeting.

Earl Ingram  
Director

#### NOTICE OF INTENT

##### Commission on Firefighting Personnel Standards and Education

The Commission on Firefighting Personnel Standards and Education will meet at 9:30 a.m., April 22, 1976, in the Orleans Room, Bellemont Motor Hotel, Baton Rouge, Louisiana to consider adoption of the following proposals:

- a) Amendments to prerequisites for becoming a certified Instructor I.
- b) Requirements for becoming a Commission Certified Fire Apparatus Driver Operator (FADO)

All interested persons will be afforded reasonable opportunity to submit views and comments at the meeting.

Jimmy Chapman  
Executive Director

#### NOTICE OF INTENT

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

The Louisiana Health and Human Resources Administration, Division of Family Services, in accordance with the Administrative Procedures Act 284 of 1974, proposes to delete from its manual of policies and procedures the regulation that provides when an AFDC client receives a foster care payment for a child in his care, the portion of the foster care payment for shelter and services to this child is counted as cash income. Effective May 1, 1976, and no later than the date of next redetermination of eligibility for AFDC thereafter, no part of a foster care payment will be counted as income in determining the amount of the AFDC grant.

Interested persons may submit comments orally or in writing until 4:30 p.m. April 6, 1976, to the following: Mr. Roy E. Westerfield, Director, Division of Family Services, Louisiana Health and Human Resources Administration, Room 230, 755 Riverside Mall, P. O. Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M.D.  
Commissioner

#### NOTICE OF INTENT

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

The Louisiana Health and Human Resources Administration, Division of Family Services, proposes to adopt in the Louisiana Medical Assistance Program effective April 1, 1976, a program for payment of chiropractor services. Implementation of this program is necessary in order to comply with Act 551 of the 1975 regular session of the Louisiana Legislature.

Effective April 1, 1976, the Division of Family Services is implementing a program to make payment to chiropractors for their services under the following conditions:

1. Payment will be made to chiropractors who are licensed by the state and who are certified by the Licensing and Certification Section for participation in Medicare (Title XVIII).
2. Payment will be made only for chiropractic treatment by means of manual manipulation of the spine (to correct a subluxation demon-

strated by X-ray to exist) which the chiropractor is legally authorized to perform by the state (Current Procedural Terminology Code 9485). The restriction of payment for services to treatment by manual manipulation precludes payment for diagnostic X-rays taken by chiropractors.

3. Payment will be made for up to three chiropractic visits per calendar year. There is no provision for any additional visits.

All persons eligible for the Medical Assistance Program are eligible for payment in their behalf to chiropractors for services, and these persons may be identified by a medical eligibility card which they receive monthly.

Notice of this change will be mailed to chiropractors eligible to participate in the program and to medical assistance recipients.

Interested persons may submit written comments until 4:30 p.m. on April 5, 1976, to the following address:

Mr. Roy E. Westerfield, Director  
Division of Family Services  
Louisiana Health and Human  
Resources Administration  
Post Office Box 44065  
Baton Rouge, Louisiana 70804

William H. Stewart, M.D.  
Commissioner

#### NOTICE OF INTENT

**Louisiana Health and Human Resources Administration  
Division of Health**

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*(Editor's Note: See related Notice of Intent published in this issue by the Louisiana Stream Control Commission.)*

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Notice is hereby given that pursuant to the requirements of Public Law 92-500, the Federal Water Pollution Control Act of 1972, as amended; the Division of Health, Louisiana Health and Human Resources Administration, hereinafter called the Division, will hold a public hearing in the Meeting Room of the Louisiana

State Library, 760 Riverside Mall, Baton Rouge, Louisiana on April 19, 1976, at 1:30 p.m.

The Division will present, for public comment and discussion, the State of Louisiana Construction Grants Priority List for Fiscal Year 1977 as prepared to comply with the provisions of Public Law 92-500 and revisions to the State of Louisiana Construction Grants Priority System. The State of Louisiana Construction Grants Priority System determines the priority and eligibility for projects for Title II funding.

The significant changes to the system include the insertion of paragraphs providing for a minimum level of funding each year for Step 1 Facilities Plans, and providing for interim funding for projects in the event the Congress has not appropriated funds for the program by February 14 of the applicable fiscal year.

For the sake of clarity, Section C of the State of Louisiana Construction Grants Priority System, including all of the proposed changes is reproduced herewith:

#### Section C Construction Grants Priority List

Paragraph 1: Upon receipt of a request by the authorized representative of a municipality which is ranked on the Municipality/Permitting List (Section B), the project is transferred to the Construction Grants Priority List. This list determines the priority for funding of sewage treatment works under Title II of Public Law 92-500. The request should include an accurate description of the proposed treatment works, a map of the planning area, a time schedule for the various step grants, the estimated Federal assistance to be requested for each grant step, the total estimated cost of the project, and the name of the consulting engineers for the project.

Paragraph 2: Requests for inclusion in the next particular fiscal year's Construction Grants Priority List will be received by LDH (Division of Health) until the close of business on February 14 or the last working day prior thereto. Incomplete requests, or requests received after that day, will not be considered until the next formal revision to the List.

Paragraph 3: The State of Louisiana Construction Grants Priority List is divided into two portions: (1) The continuing project portion and (2) the new project request portion. The continuing project portion includes those projects awarded Federal assistance grants in previous fiscal years, and which require continuing funding for completion. The new project request portion includes those project requesting funds which have not yet been awarded a Federal assistance grant.

Paragraph 4: The projects determined as having priority numbers sufficiently high under this procedure to be eligible for Federal assistance funds constitute the State of Louisiana Construction Grants Project List for that particular fiscal year. This list is discussed in Section D.

Paragraph 5: The projects on either portion of the Construction Grants Priority List are ranked by order of priority number as determined on the Municipality/Permitting List (Section C). Eligibility for project funding is determined by moving down the list from the highest priority number, considering the continuing portion first, until the limit of Federal assistance funds available for that particular fiscal year is reached based on the estimated Federal funding furnished by the U.S. Environmental Protection Agency except as may be provided for in the following paragraphs of this Section.

Paragraph 6. In order to maintain a balance in the number of Step 1, 2 and 3 grants initiated in any year, a minimum of five percent of the Federal funding availability for a fiscal year will be provided for initiation of Step 1 Facility Planning Grants.

Paragraph 7: The minimum level of facility planning will be calculated from the "limit of Federal assistance funds" as indicated in the last approved revision to the Construction Grants Priority List of the prior fiscal year. Projects determined to be eligible for facility planning grants under minimum level provisions, which are not within the "limit of Federal assistance" are not assured of Federal assistance funding for future construction grants steps, until such time as the project is within the limit of Federal assistance funds. The minimum level of facility planning will be so indicated on the Construction Grants Priority List.

Paragraph 8: In order to assure continuity of funding for projects underway, future fiscal year construction grants priority lists shall be continued in an additive fashion. Projects underway retain the same priority number on subsequent lists until completion of all steps of the original project. New projects on the continuing project portion of the list are added to those in retained positions.

Paragraph 9: The limit of Federal assistance funds for each list shall be determined by the appropriated funds less a five percent cost overrun cushion.

Paragraph 10: The State of Louisiana Construction Grants Priority List, new project request portion, includes all projects which have requested inclusion on the list by the procedure outlined in previous paragraphs.

Paragraph 11: The State of Louisiana Construction

Grants Priority List public hearing, during which LDH will present, for public comment and discussion, the next year's list, will be held annually. This public hearing is to be held as soon after the appropriation of the Title II funds as possible, preferably during the first full week in April, at a date, time and place determined by the Division of Health. The public hearing will be advertised in accord with the provisions of Section 101, of the Federal Water Pollution Control Act of 1972, as amended.

Paragraph 12: If the cash flow of the program permits, either through "slippages" in the time schedule of the continuing projects, or the release of additional Federal assistance funds, or if for any other reason it is determined by the Division that additional Federal funds are available for encumbrance, a semi-annual revision to the list will be made from requests received by the close of business on October 15, or the last working day prior thereto. A public hearing may be held on this revision if it is determined jointly by LDH and the U.S. Environmental Protection Agency that the revision is of significance. If so, the hearing will be held at a date and time determined by the Division, in accord with the provisions of Section 101, Federal Water Pollution Control Act of 1972, as amended.

Paragraph 13: If the revisions are determined to be nonsignificant or if from time to time, minor revisions to the list are required for administrative purposes, these revisions shall be made by request of LHD to the U.S. Environmental Protection Agency, without a public hearing.

Paragraph 14: In the event that the Congressional appropriation for the National Construction Grants Program has not been finalized by February 14, or the last working day prior thereto; a sum of ten percent of the Construction Grants Program funds balance (excluding the cost-overrun reserve) for the State, as of March 1, will be designated for the funding of Step 1 grants in priority order for the following fiscal year, as determined by the applicable fiscal year Construction Grants Priority List.\*

Paragraph 15: At which time that the Congress has appropriated the Construction Grants Program funds and the notification of allowance for the fiscal year is made to the State the Construction Grants Priority List "limit of Federal assistance" will be revised on that fiscal year priority list in and for accord with the applicable paragraphs of this section. Such a revision is made with the possible exception that every Step 1 grant determined under Paragraph 14 shall retain eligibility for funding.

Paragraph 16: A determination of public notification concerning this revision to the Construction Grants Priority List will be made by the Division of Health in accord with Paragraph 11.

Paragraph 17: The Construction Grants Priority List for the appropriate fiscal year is Attachment B-1 to the Section 106, Water Pollution Control Program Plan.

Copies of the revised Construction Grant Priority System and the Fiscal Year 1977 Construction Grants Priority List are available for inspection in the office of the Bureau of Environmental Services, Division of Health, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana; the office of the Louisiana Stream Control Commission, Room 135, Geology Building, L.S.U., Baton Rouge, Louisiana; Southwest Regional Office, Division of Health, 302 Jefferson Street, Lafayette, Louisiana; Northern Regional Office, Division of Health, 2913 DeSaird Street, Monroe, Louisiana; and the Caddo-Shreveport Health Unit, 1866 Kings Highway, Shreveport, Louisiana.

Persons who desire to do so may submit data, views, or arguments relative to the proposed list or revised system or relative to the procedures employed in considering these items, orally or in writing at the public hearing, or may submit written materials within ten days after the hearing to: Bureau of Environmental Services, Division of Health, P.O. Box 60630, New Orleans, Louisiana 70160.

James F. Coerver  
Head, Bureau of  
Environmental Services

#### NOTICE OF INTENT

##### Offshore Terminal Authority

Notice is hereby given, in accordance with R.S. 49:953, that the Offshore Terminal Authority (hereinafter called "the Authority") proposes to amend its Rules and Regulations Applicable to Fees, Costs and Charges, and to amend further its Environmental Protection Plan.

The purpose of amending the Authority's Rules and Regulations Applicable to Fees, Costs and Charges is to add provisions relative to determination, assessment and collection by the Authority of compensation fees for administrative, economic and environmental costs; to add appropriate definitions in connection therewith;

and, to make other changes in the language and organization of the Rules and Regulations.

Amendment of the Authority's Environmental Protection Plan is for the purpose of adding definitions and provisions relative to storage of oil in salt dome cavities; revising certain other definitions; revising provisions concerning operational and contingency plans, surety bonds and evidence of financial responsibility, and funding of environmental programs; providing further for coordination of Authority functions with local governmental authorities; and, making other changes in the provisions of the Plan.

Copies of the proposed amendments will be available at the meeting of the Authority's Board of Commissioners on Tuesday, March 30, 1976, at 2:00 p.m., in the Executive Suite, Room 2900, International Trade Mart, New Orleans, Louisiana. Copies of the proposed amendments may thereafter be obtained from, and written comments by interested persons on the proposed amendments may be submitted to, the Off-shore Terminal Authority, 1130 International Trade Mart, New Orleans, 70130.

Shepard F. Perrin, Jr.  
Executive Director

#### NOTICE OF INTENT

##### Board of Parole

Notice is hereby given that the Louisiana Board of Parole intends to consider adoption of policies relating to parole eligibility, parole hearings, conditions of parole, and supervision of parolees at a meeting to be held in April, 1976.

The proposed policies will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after April 1, 1976, in the office of the Board of Parole, Building C, Pentagon Courts, Riverside Mall, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions, in writing, on or before April 15, 1976, to the following address:

Louisiana Board of Parole  
Post Office Box 44304  
Capitol Station  
Baton Rouge, Louisiana 70804

Sybil Fullerton  
Chairperson

## NOTICE OF INTENT

### Board of Regents

Notice is hereby given that the Louisiana Board of Regents, at its April, 1976, meeting, intends to adopt policy and/or rules and regulations pertaining to a uniform statewide articulation policy relating to the transfer of credits between Louisiana colleges and universities as specified in SCR 20 of the 1975 regular session of the Legislature; public aid to private colleges and universities, as specified in Act 562 of the 1975 regular session of the Legislature; and the Annual Amendment, State Plan for Community Service and Continuing Education Programs, Title I, Higher Education Act of 1965.

The date, time, and place of the April meeting will be determined by April 1. Interested persons may obtain this information by writing or calling the Board of Regents after that date. In the event the April meeting is cancelled, postponed, or does not afford time for full consideration of proposed policies and/or rules and regulations, the Board intends to consider such policies and/or rules and regulations at its regular May, 1976, meeting; date, time, and place will be determined by May 1. Interested persons may obtain this information by writing or calling the Board of Regents after May 1, 1976.

Pending committee hearings and recommendations, the policies and/or rules and regulations cited above will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day, after April 5, at the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this Notice of Intent at the following address:

Louisiana Board of Regents  
P.O. Box 44362, Capitol Station  
Baton Rouge, Louisiana 70804  
(504) 389-5206

William Arceneaux  
Commissioner of Higher Education

## NOTICE OF INTENT

### Stream Control Commission

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*(Editor's Note: See related Notice of Intent*

*published in this issue by the Louisiana Health and Human Resources Administration, Division of Health.)*

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### State of Louisiana Continuing Planning Process

Notice is hereby given in accordance with the provisions of Public Law 92-500, the Federal Water Pollution Control Act of 1972, as amended, 86 Stat. 816, et seq. that the Louisiana Stream Control Commission, hereinafter called the Commission, the Division of Health, Louisiana Health and Human Resources Administration and the State Planning Office will hold a public hearing in the Meeting Room of the Louisiana State Library, 760 Riverside Mall, Baton Rouge, Louisiana, on April 19, 1976 at 10:00 a.m.

The Commission will present for public comment and discussion The State of Louisiana Continuing Planning Process, revised in accord with 40 CFR Part 130, as published in the Federal Register, Volume 40, No. 230, November 28, 1975. The Continuing Planning Process provides for the establishment of necessary institutional arrangements and management programs to make and implement coordinated decisions designed to achieve water quality goals and standards in the State.

The Continuing Planning Process includes:

- (a) Evidence of the public participation during development, review and adoption in accord with Section 101 of P.L. 92-500.
- (b) Provisions for adequate intergovernmental input in the development and implementation of water quality management plans.
- (c) Provisions for coordination and integration of the water quality management basin planning in State planning areas and coordination of water quality management planning with related Federal, State, interstate and local comprehensive, functional and other developmental planning activities, including land use and other natural resources planning activities.
- (d) Provides for the preparation, adoption and revision of water quality management basin plans for the appropriate areas and waters in the state.
- (e) Provides for the establishment and implementation of regulatory programs identified in approved water quality management plans prepared pursuant to Part 131 of Chapter 40, Code of Federal Regulations.

In addition, the Commission will present for public comment and discussion, the proposal that the State of Louisiana will preempt Section 208 areawide planning

for all areas of the State and that the Governor should make no specific area or local agency designations. This determination was made after consultation with State and local officials and was based on the premise that few areas and/or agencies met the designation criteria. However, through preemption of the planning responsibility, pursuant to Paragraph 40 CFR 130.12 the State agency is allowed to delegate portions of its responsibility to other State, Federal, local or interstate agencies. Under this procedure, the State proposes to re-delegate to local agencies as much as possible of the overall areawide planning requirements as local planning agencies have desire and capability to undertake. It was felt that this procedure would allow greater participation by local officials and planning agencies than if designation of specified agencies was made.

Copies of the Continuing Planning Process are available for inspection in the Office of the Secretary, Louisiana Stream Control Commission, Room 135, Geology Building, L.S.U., Baton Rouge, Louisiana; Bureau of Environmental Services, Division of Health, Louisiana Health and Human Resources Administration, Room 403, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana; State Planning Office, 4528 Bennington Avenue, Baton Rouge, Louisiana; Southwest Regional Office, Division of Engineering, 302 Jefferson Street, Lafayette, Louisiana; Northern Regional Office, Division of Engineering, 2913 DeSaird Street, Monroe, Louisiana; and the Caddo-Shreveport Health Unit, 1866 Kings Highway, Shreveport, Louisiana.

Persons who desire to do so may submit data, views, or arguments relative to the plan or the Governor's determination, or relative to the procedures employed in considering these items, orally or in writing at the public hearing, or may submit written materials within ten days after the hearing to: The Office of the Secretary, Louisiana Stream Control Commission, Drawer FC, University Station, Baton Rouge, Louisiana 70803.

Robert A. LaFleur  
Executive Secretary  
Stream Control Commission

## NOTICE OF INTENT

### Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission will meet at 10:00 a.m. April 27, 1976, at 400 Royal Street, New Orleans, Louisiana 70130, to consider the adoption of rules or regulations relative to the following:

1. The closing of netting in Bayou Judge Perez

and/or Bayou Hermitage, by request of the Plaquemines Parish Council.

2. Leasing of water bottoms for the cultivation of oysters.
3. The 1976 spring shrimp season.

Interested persons may submit written comments to the above address through April 16, 1976. Reasonable opportunity for oral comments will be permitted at the Commission's meeting.

\* \* \* \*

The Louisiana Wildlife and Fisheries Commission will hold public hearings beginning at 10:00 a.m. May 13-14, 1976, in the Municipal Auditorium at Morgan City for the purpose of receiving public comments and/or suggestions relative to the 1976-77 seasons and bag limits for:

1. Resident and migratory game birds (other than waterfowl).
2. Resident game.
3. Trapping.

The Commission will set the seasons and bag limits at a meeting subsequent to these hearings. Written comments and/or suggestions may be submitted to the Commission's headquarters at 400 Royal Street, New Orleans, Louisiana 70130, prior to May 13.

J. Burton Angelle  
Director

# Potpourri

## Offshore Terminal Authority

Meeting March 30, 1976

The Board of Commissioners of the Offshore Terminal Authority will meet at 2 p.m. on March 30, 1976, in the Library Conference Room of the Executive Suite, 29th Floor, International Trade Mart, New Orleans, Louisiana, to review the LOOP Inc. application review status, changes in the Environmental Protection Plan, etc. Specific items on the agenda are:

1. Review of 1976-1977 budget
2. Resolutions concerning expenses incurred in reviewing LOOP's application



3. Status of license review
4. Review of Florida's and Mississippi's requests to the DOT for "adjacent coastal state" status
5. Present proposed changes to cost regulations and Environmental Protection Plan
6. Review of Secondary Industrial Development Study.

Shepard F. Perrin, Jr.  
Executive Director

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