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Executive Orders

EXECUTIVE ORDER NO. EWE-77-6

WHEREAS, the State of Louisiana has a significant number of minority vendors whose products and/or services are needed and the State stands to benefit if these entrepreneurs are matched with agencies in State government; and

WHEREAS, maximum utilization of minority vendors must be coordinated in order to insure the most benefit and utmost return of the tax dollars of this state and its people; and

WHEREAS, the need exists to establish a central office to coordinate programmatic activities within State government and assume responsibility and control of minority enterprises; and

WHEREAS, the duplication of efforts in monitoring, development, planning, and management of minority enterprise programs is not in the best interest of the people of this state because of excessive cost of operation within the State government; and

WHEREAS, an improved plan of government is being effected that will assist the Governor in improving the quality of life for all segments of the State's population; and

WHEREAS, the magnitude and scope of economic activities of the State places the Governor in a position requiring close liaison between State agencies and minority entrepreneurs; and

WHEREAS, economic development strategies of the immediate future will place a tremendous requirement for cooperation between all governmental entities and minority business persons; and

WHEREAS, in order to maximize the potential which exists between the State government and minority entrepreneurs, a State Office of Minority Business Enterprise should be established.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and the laws of the State of Louisiana, do order as follows:

A. 1. The establishment of the Louisiana Office of Minority Business Enterprise, hereinafter called

the "LOMBE," in the Governor's Office of Federal Affairs and Special Projects.

2. That the LOMBE shall be headed by an Executive Director who shall be appointed by the Governor and who shall serve as an executive assistant to the Governor.

3. That the Director shall have the authority to appoint such other personnel as may be necessary to carry out the objectives of this order.

B. The LOMBE, acting through its Executive Director, is fully empowered and directed to:

1. Coordinate the plans, programs, and operations of the State government, as consistent with the law, which may affect or may contribute to the establishment, preservation, and strengthening of minority business enterprises.

2. Promote the full use of the State's resources, along with those of local government, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of State departments and agencies.

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout Louisiana in undertaking or promoting the establishment and successful operation of minority business enterprises.

4. Provide financial assistance within constraints of law and appropriations and, according to his discretion, to public and private organizations so that they may render technical and management assistance to minority business enterprises, such as, but not limited to, projects designed to overcome the special problems of minority businesses or otherwise to further the purposes of this order.

C. The Executive Director, as he deems necessary or appropriate to enable him to fulfill better the responsibilities vested in him, may:

1. Develop comprehensive plans and specific program goals with the participation of State departments and agencies as appropriate for the

minority business enterprise program; establish regular performance monitoring and reporting systems to assure that goals are achieved; and evaluate the impact of State support in achieving the objectives established by this order.

2. Request a review of all proposed State training and technical assistance activities in direct support of the minority business enterprise program to assure consistency with program goals and to avoid duplication.
 3. Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.
 4. Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprises or who could contribute to their development, for the purpose of proposing, evaluating, and coordinating governmental and private activities in furtherance of the objectives of this order.
 5. Confer with and advise local officials.
 6. Provide the managerial and organizational framework through which joint or collaborative undertakings with State departments and agencies or private organizations can be planned or implemented.
 7. Recommend appropriate legislative and executive action to promote minority business enterprises.
- D. All State agencies are hereby empowered, authorized, and directed to make available to the LOMBE such reasonable assistance as the LOMBE may request in carrying out the intent and purpose of this order.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of April, A.D., 1977.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER NO. EWE-77-7

WHEREAS, Rockefeller Wildlife Refuge and Game Preserve has a significant effect on natural conservation in the State of Louisiana; and

WHEREAS, this refuge has been nationally recognized as instrumental in the research of wildlife, game, and fishery management; and

WHEREAS, the Rockefeller Refuge has earned a reputation throughout the country as a hunters' and sportsmen's paradise in providing controlled resources in a balanced surrounding; and

WHEREAS, the management of this area requires close liaison with the people of the nearby parishes of Cameron and Vermilion because of the profound effects it has on the area economy and the demonstrated interest and concern of the citizens of the area.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby create and establish "The Governor's Advisory Board on the Rockefeller Wildlife Refuge and Game Preserve" in the Department of Wildlife and Fisheries.

The Board shall consist of eleven members, appointed by the Governor, who shall serve for terms of four years; provided, however, that initially three members shall serve for one, two, and three years respectively, and two members shall serve for four years. Vacancies shall be filled for the remainder of the unexpired term of office. The Governor shall designate the member who shall serve as chairman. The Board may elect such other officers as it deems necessary and advisable. The Board shall meet on the call of the Chairman and shall meet at least four times a year. The Board is authorized to hold public hearings on operations and needs of the refuge with adequate prior public notice and shall periodically report to and make written recommendations thereon to the Governor and the Secretary of the Department on findings that will enhance and improve the intents and purposes of the refuge and its effective and economical operation and maintenance.

The Board shall advise and make its recommendations, in writing, to the Governor and the Secretary of the Department of Wildlife and Fisheries on the conservation, management, and production of wildlife, game, and fish in the areas designated as Rockefeller Wildlife and Game Preserve, on the regulations and controls set on the taking of such animal life, on the setting of limits and seasons, on experimentation and research of the fauna of the refuge, and on the professional staffing,

personnel, and enforcement needs for the proper care and supervision of the refuge.

Members of the Board shall not be paid a per diem, but are authorized to be reimbursed for actual and travel expenses in the official discharge of their duties insofar as funds are made available by the Legislature for this purpose.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 26th day of April, A.D., 1977.

EDWIN EDWARDS
Governor of Louisiana

Rules

RULES

Department of Agriculture Bureau of Entomology and Plant Industry Structural Pest Control Commission

Amendment to Structural Pest Control Rules and Regulations

In accordance with the provisions of Chapter 5, Title 40, Sections 1261-1274 of Revised Statutes of 1950 as amended by Act 512 of 1976, the Structural Pest Control Rules and Regulations are amended as follows:

Change Section I.B 16 to read as follows:

16. "Direct Supervision" of a registered employee shall mean that the application is made by a registered employee acting under the instructions and control of a licensee who is responsible for the actions of that person and who is available if and when needed, even though such licensed operator is not physically present at the time and place of application. The Commission may, under special conditions, by rule require the physical presence of the licensed supervisor.

To Section III. add:

B. Record Keeping

The licensee shall keep and maintain for two years records containing information on kinds, amounts, uses, dates, and places of application of all uses of restricted use pesticides. The licensee must make these records available to officials of the Louisiana Department of Agriculture for inspection at a reasonable time.

To Section VI. add:

- A. No licensee or employee may use any pesticide in a manner inconsistent with the label or labeling.
- B. The application of a restricted use pesticide may be made only by the licensee, or if the label and labeling permit, by a registered employee under the direct supervision of the licensee.
- C. The violation cited in R.S. 40:1266(B) as grounds for revocation or suspension of a license and/or registration certificate shall be grounds for denial of a license under the authority granted the Structural Pest Control Commission to establish rules and regulations governing the issuance of licenses and registration certificates under R.S. 40:1265(B).
- D. In addition to the violations listed in R.S. 40:1266(B) as grounds for revocation or suspension of a license and/or registration certificate, any conviction of a violation or assessment of a civil penalty under the Federal Insecticide, Fungicide, and Rodenticide Act will be grounds for revocation or suspension of that license and/or registration certificate.

Change Section IX.D to read:

- D. The termite control operator shall make at least one inspection before the expiration date of the term of the contract.

What is D. shall be E. and E. shall be F.

The above amendments to the Structural Pest Control Rules and Regulations are adopted in accordance with the provisions of Chapter 5, Title 40, Sections 1261-1274 of Revised Statutes of 1950, as

amended by Act 512 of 1976, and shall become effective on and after May 20, 1977.

Gilbert L. Dozier, Chairman
Structural Pest Control Commission

RULES

**Department of Agriculture
Livestock Sanitary Board**

Regulation 1—Health Requirements Governing Admission of Livestock and Poultry.

Section 2—Cattle

- 2. Brucellosis.
 - (4) Exposed cattle moving into the State will be "S" branded and identified and will be accompanied by V.S. Form 1-27.

* * * *

Section 3—Swine Requirements.

- 2. Hog Cholera Requirements.

- (1) Delete
Exceptions:
 - a.) Delete
 - b.) Delete
- (2) Delete
Exceptions:
 - a.) Delete
 - b.) Delete

* * * *

- 5. Pseudorabies Requirements.

- (1) Swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and are negative to the SN (serum neutralization) test for pseudorabies within thirty days of movement, or;
- (2) Swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and where twenty percent of the herd or ten head, whichever is greater, of sows that have farrowed one or more litters have been tested negative for pseudorabies within ninety days of movement.

- (3) Feeder and/or breeder swine moving on direct

shipment into Louisiana or through a feeder pig sale, livestock auction market, or other concentration point must be accompanied by a health certificate from premise of origin and a statement that the herd of origin meets the requirements of Section 2 (above). Feeder and/or breeder swine not originating from tested herds must be tested negative within thirty days of movement.

* * * *

Section 6—Horses, Mules, and Asses.

- 2. Equine Infectious Anemia.
 - (a) Horses moving into the State of Louisiana for any purpose other than immediate slaughter or research must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

* * * *

Regulation 2—Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks.

Section 1—General Requirements.

- 2. Exception:
Horses not congregated over night are exempt from being accompanied by a health certificate, but must meet the requirements as stipulated in Section 5, Equine Requirements, Part 5.

* * * *

Section 3—Swine Requirements.

- 3. Hog Cholera.
 - (A) Delete
- 6. Pseudorabies Requirements.
 - (1) Swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and are negative to the SN (serum neutralization) test for pseudorabies within thirty days of movement, or
 - (2) Swine moving into Louisiana must originate

from herds not known to be infected with pseudorabies and where twenty percent of the herd or ten head, whichever is greater, of sows that have farrowed one or more litters have been tested negative for pseudorabies within ninety days of movement.

- (3) Feeder and/or breeder swine moving on direct shipment into Louisiana or through a feeder pig sale, livestock auction market or other concentration point must be accompanied by a health certificate from premise of origin and a statement that the herd of origin meets the requirements of Section 2 (above). Feeder and/or breeder swine not originating from tested herds must be tested negative within thirty days of movement.

* * * *

Section 5. Equine Requirements.

- 4. Horses moving into the State of Louisiana to fairs, livestock shows, breeders' association sales, rodeos, and racetracks must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.
- 5. Horses moving within the State to fairs, livestock shows, breeders' association sales, rodeos, and racetracks or other concentration points must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the official record.

Horses reacting to the Coggins test within the State will be identified by regulatory personnel by picture, brand, or tattoo. Positive horses will be rebled upon request, by State employed veterinarians and samples submitted to the laboratory for reconfirmation.

* * * *

Regulation 3—Governing the Operation of Livestock Auction Markets.

Section 6—Duties of an Auction Veterinarian and/or State-Federal Personnel.

- I. The auction veterinarian and/or State-Federal per-

sonnel will determine the age of all cattle tested for brucellosis and sold through livestock auctions and auction market personnel will indicate by paint mark on the hip, as follows:

* * * *

Section 8—Sanitary Requirements.

- A. Delete
- B. After the occurrence of an infectious or contagious disease in a livestock auction market, it must be cleaned and disinfected in an approved manner with an approved disinfectant before livestock will be permitted to enter the establishment for any purpose.
- C. Delete

Section 9—General Livestock Health Requirements.

- B. All brucellosis reactor cattle shall be branded with the letter "B" on the left jaw and all brucellosis exposed cattle shall be identified with a three inch hot brand on the left jaw with the letter "S" and all reactor and exposed cattle shall be separated from other cattle, placed in separate quarantine pens or stalls identified by quarantine sign, and shall be sold to an approved slaughter establishment for immediate slaughter only. Exposed cattle may be sold to State-Federal approved quarantined feed lots.
- D. Livestock purchased for immediate slaughter only and thereby exempted from one or more health requirements of this regulation, cannot be diverted for any purpose. Any person who violates this provision is subject to prosecution. (R.S. 3:2096)

Section 10—Cattle Requirements.

- A. Brucellosis.
 - 2. All cattle that are offered for sale through Louisiana livestock auction markets must be identified by a white, official backtag; those animals two years of age and older shall have this white, official backtag placed immediately behind the shoulder of the animal. The market shall furnish and make immediately available to the Livestock Sanitary Board's official representative, a copy of each check-in slip showing the name and address of each consignor and the official backtag numbers applied to the consignor's livestock.

7. Cattle originating from brucellosis quarantined herds shall be identified by ear tag and branded with a three inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the auction market. In cases where it is impractical to have the exposed cattle branded on the farm of origin the State Veterinarian can authorize the movement of the cattle to the livestock market and the branding be accomplished at this point.

- a. Cattle from nonqualified herds from non-certified areas may be moved to Louisiana markets on a permit. These animals will be "S" branded after arrival at a Louisiana auction market.
- b. Cattle from nonqualified herds from non-certified areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to an approved quarantined feed lot.

Exceptions:

- (1) Steers and spayed heifers over six months of age.
- (2) Calves six months of age and under from negative cows may move under permit within ten days after a negative brucellosis test of the dam.
- (3) Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have weaned for not less than thirty days immediately preceding movement.

8.

a. Shall be identified with a three inch hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a State-Federal approved quarantined feed lot and shall be accompanied by Form 1-27.

Exceptions:

- (2) Calves six months of age and under from negative cows may move under permit within

ten days after a negative brucellosis test of the dam.

Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than thirty days immediately preceding movement.

Section 11—Swine Requirements.

A. Hog Cholera Requirements.

- 1. Delete
- 7. Delete

B. Pseudorabies Requirements.

- 1. Swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and are negative to the SN (serum neutralization) test for pseudorabies within thirty days of movement, or
- 2. Swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and where twenty percent of the herd or ten head, whichever is greater, of sows that have farrowed one or more litters have been tested negative for pseudorabies within ninety days of movement.
- 3. Feeder and/or breeder swine moving on direct shipment into Louisiana or through a feeder pig sale, livestock auction market or other concentration point must be accompanied by a health certificate from premise of origin and a statement that the herd of origin meets the requirements of Section 2 (above). Feeder and/or breeder swine not originating from tested herds must be tested negative within thirty days of movement.

* * * *

Section 13—Equine Requirements.

- A. All out-of-state horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

All Louisiana horses offered for sale at Louisiana

auction markets must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted by an approved laboratory within twelve months of date of sale.

than thirty days immediately preceding movement.

* * * *

Exceptions:

- a. Horses consigned for immediate slaughter and re-consigned from auction market on VS 1-27 to an approved slaughtering establishment. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market.

* * * *

Regulation 4—Governing the Sale of Livestock in Louisiana by Livestock Dealers.

Section 2—Cattle Requirements.

1. Brucellosis.

(D) All untested cattle twenty months of age and over for dairy breeds and twenty-four months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, purchased from herds known not to be infected with brucellosis must be tested within twenty-four hours of purchase by an accredited veterinarian. Failure to test within twenty-four hours of assembly will result in all cattle assembled to be considered exposed if brucellosis reactors are found in any of the cattle. In instances where brucellosis reactors are found and the animals have not been assembled for more than twenty-four hours, only the cattle originating from the same herd must be identified as exposed cattle by a three inch hot brand on the left jaw with the letter "S". The reactor and exposed cattle shall be separated from all other cattle and placed in quarantine pens identified as such by conspicuously placed signs.

a.

- 3. Calves six months of age and under from negative cows may move under permit within ten days after a negative brucellosis test of the dam.
- 4. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less

Section 4—Equine Requirements.

- A. All out-of-state horses offered for sale for movement in Louisiana by livestock dealers must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.
- B. All Louisiana horses offered for sale for movement in Louisiana must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted at an approved laboratory within twelve months of date of sale, and name of the laboratory and the case number must appear on the official record.

Section 5—Penalty

(Section 4 added, therefore, this section number had to be changed.)

* * * *

Regulation 6—Governing the Sale and Use of Brucella Abortus Antigen.

- 4. Veterinarians conducting brucellosis card agglutination tests, either on a private basis or under the State-Federal Brucellosis Eradication Program, must submit all blood samples and all used cards to the State-Federal Brucellosis Testing Laboratory for confirmation. The samples shall be accompanied by the proper State-Federal forms.

* * * *

Regulation 8—Governing the Sale and Use of Brucella Abortus Vaccine.

- 4. Brucella Abortus vaccine shall be handled as directed on the manufacturers label, and all animals vaccinated shall be given the full 5 cc dose to insure the injection of adequate numbers of live Strain nineteen organisms to produce serviceable protection against brucellosis. Adult female animals shall be given 0.2 ml. administered subcutaneously.
- 5. Dairy type calves from two to six months (60 to 179 days) of age and beef type calves from two to

ten months (60 to 299) days of age are eligible to be vaccinated with Brucella Abortus vaccine.

7. Adult Vaccination is prohibited

Exceptions:

Vaccination of adult female cattle (over 179 days for dairy type cattle and over 299 days for beef type cattle) may be performed on an individual herd plan by State or Federal veterinarians with the approval of the State Veterinarian provided the owner signs the official agreement to comply with the following provisions:

- (a) Test of entire herd and removal of reactors with vaccination completed within ten days following test and removal.
- (b) Identification of all animals vaccinated with a two inch hot "AV" brand on the right jaw and double ear tags using official metal identification ear tag in the right ear and large permanent type in the left ear.
- (c) Animals so vaccinated restricted to authorized premises or moved under permit on VS Form 1-27 to quarantined feed lot, approved slaughtering establishments or sale through approved livestock auction markets for slaughter only.

Exceptions:

- 1. Steers and spayed heifers over six months of age.
 - 2. Calves six months of age and under from negative cows may move under permit within ten days after a negative brucellosis test of the dam.
 - 3. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than thirty days immediately preceding movement.
- (d) Testing of herds with immediate removal of reactors which commences no later than six months following initial adult female vaccination. Testing shall continue at regular intervals until herd is eligible for release from quarantine with a maximum interval of six months between tests.
 - (e) An adult vaccinated herd shall at the end of twenty-four months following the first vaccina-

tion of adults be subject to all Uniform Methods and Rules requirements which apply to a nonadult vaccinated herd.

* * * *

Regulation 16—Governing the Movement of Cattle From Brucellosis Quarantined Herds.

Section 2—Brucellosis Quarantined Herds.

- A. All eligible animals from brucellosis quarantined herds will be "S" branded and identified prior to movement from the quarantined premises. An agent of the Louisiana Livestock Sanitary Board will brand and identify animals prior to movement. In cases where it is impractical to have the exposed cattle branded on the farm of origin the State Veterinarian can authorize the movement of the cattle to the livestock market and the branding be accomplished at this point.
- B. All movements from brucellosis quarantined herds must be accompanied by a VS Form 1-27 listing the individual identification of each animal to be moved. The VS Form 1-27 will be delivered to an authorized representative at destination. These permits will be issued by an agent of the Louisiana Livestock Sanitary Board.
- C. All intrastate and interstate movements from brucellosis quarantined herds are restricted to an approved slaughtering establishment for immediate slaughter, or directly to an approved quarantined feed lot, or to an approved livestock auction market for sale to an approved slaughtering establishment or quarantined feed lot. (Brucellosis reactors must be sold for slaughter only, either directly to an approved slaughtering establishment or through an approved auction market for sale to such establishment.)

Exceptions:

- 1. Steers and spayed heifers over six months of age.
- 2. Calves six months of age and under from negative cows may move under permit within ten days after a negative brucellosis test of the dam.
- 3. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than thirty days immediately preceding movement.

* * * *

by the State Board of Elementary and Secondary Education on April 28, 1977.)

Regulation 17—Defining Brucellosis Infected, Exposed, Negative, and Delinquent Herds.

Section 1—Definition of Terms.

A. Infected Herd.

1. A herd will be considered infected if an official brucellosis blood test of the herd reveals one or more reactors. The herd will be tested at thirty day intervals and continue to be classified as infected and under quarantine until it has passed one complete negative test not less than thirty days following the date the last reactor was removed from the herd and the premises, and in addition a second negative herd test no less than ninety days from date of first negative herd test.

D. Delinquent Herd.

1. Any infected herd not tested within a period of one hundred twenty days is considered delinquent and in the event not tested within one hundred eighty days or legal action instituted may be considered delinquent and cause for the parish to lose its modified certified status.

* * * *

Regulation 18—Governing Area Brucellosis Certification and Recertification.

Section 1—Modified Brucellosis Area Certification and Recertification.

- D. Infected herds will be tested at intervals of thirty days. These herds are considered delinquent after one hundred eighty days if they have not been tested, which could result in the parish losing its modified certified status.

Forrest E. Henderson, D.V.M.
State Veterinarian
Livestock Sanitary Board

RULES

Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted

Rule 4.01.40
Standards for Approval of Louisiana
Montessori Schools

A. Procedure for Louisiana Montessori Teacher Certification

Louisiana Montessori teachers will be certified and issued Louisiana Montessori teaching certificates by the Louisiana State Department of Education according to the following procedures:

1. The Louisiana Montessori Association, or its successors, shall submit to the State Department of Education a list of prospective recipients of Louisiana Montessori teaching certificates along with the recommended type of certificate to be issued.

- a. Accompanying the aforementioned list, the Louisiana Montessori Association shall submit a copy of a Montessori diploma indicating completion of a Montessori course of study from one of the following: (1) American Montessori Society, (2) Association Montessori Internationale, or (3) St. Nicholas Training Course of London, or any other training institute approved by the Louisiana Montessori Association.

- b. An official college transcript indicating a bachelor's degree must accompany applications for Type A certificates.

- c. A letter from the administrative head of a Montessori school to the Louisiana Montessori Association verifying at least one year successful teaching experience is needed for those seeking Type A or B certificates.

2. Types of Louisiana Montessori teaching certificates issued:

- a. Type A Montessori Teaching Certificate—A Type A Montessori teacher shall have completed training from one of the following (1) American Montessori Society, (2) Association Montessori Internationale, or (3) St. Nicholas Training Course of London, or any other training

institute approved by the Louisiana Montessori Association, plus a bachelor's degree from a regionally accredited college or university and one year successful teaching experience in a Montessori school.

- b. **Type B Montessori Teaching Certificate**—A Type B Montessori teacher shall have completed training from one of the following: (1) American Montessori Society, (2) Association Montessori Internationale, or (3) St. Nicholas Training Course of London, or any other training institute approved by the Louisiana Montessori Association, plus one year successful teaching experience in a Montessori school.
- c. **Type C Montessori Teaching Certificate**—A Type C Montessori teacher shall have completed training from one of the following: (1) American Montessori Society, (2) Association Montessori Internationale, or (3) St. Nicholas Training Course of London, or any other training institute approved by the Louisiana Montessori Association.

- 3. All teacher aides who have earned a bachelor's degree must have an official college transcript on file in the school's office to be available upon request of the visiting committee.

B. Procedures for Approval of Montessori Schools

Any Montessori school seeking review by the Louisiana Department of Education and approved by the State Board of Elementary and Secondary Education must follow these procedures:

- 1. Application for approval shall be submitted on a Montessori Annual School Report Form prescribed by the State Department of Education.
- 2. One copy of the form shall be sent to the Louisiana Montessori Association; one copy submitted to the State Department of Education, Bureau of Elementary Education, and one copy kept on file in the school office.
- 3. A letter requesting an initial approval visit should be sent to the Louisiana Montessori Association and the State Department of Education, Bureau of Elementary Education.

- 4. The form will be analyzed by both the Louisiana Montessori Association and the State Department of Education.

- 5. After ascertaining that the school has met standards according to the written report, a visiting committee consisting of a minimum of five members, at least four Montessori teachers selected by the Louisiana Montessori Association and one State Department of Education staff member will be assigned to make an initial approval visit.

Montessori teachers shall serve without compensation or expense from the State Department of Education.

- 6. After visitation by the committee, the school will be notified in writing of the recommendation made by the committee to the State Department of Education for further recommendation to the State Board of Elementary and Secondary Education for assignment of a classification category.

- 7. A school denied approval by the State Board of Elementary and Secondary Education shall be entitled to an appeal.

- 8. No hearing shall be granted unless a written appeal is received by the State Board of Elementary and Secondary Education within thirty days of the date of denial.

- 9. For continued State approval, Montessori schools shall submit a Montessori Annual School Report to the Louisiana Montessori Association and the State Department of Education, Bureau of Elementary Education for analysis and recommendation to the State Board of Elementary and Secondary Education for a classification category.

Classification Category of Montessori Schools

Approved—School meets standards of State Board of Elementary and Secondary Education established for Montessori schools.

Provisional Approval—School has one or more of the following deviations from standards:

- a. lack of at least one Type A Montessori certified teacher provided that the school has a Type B certified Montessori teacher earning at least six semester hours per year towards a bachelor's degree.

- b. inadequate amount of proper Montessori instructional materials and equipment.

Probational Approval—School has one or more of the following deviations from standards:

- a. school does not have at least a Type B certified Montessori teacher earning six semester hours toward a bachelor's degree.
- b. lack of a certified Montessori teacher with a bachelor's degree in each class.
- c. lack of teacher or teacher aide with a bachelor's degree in each class.
- d. inadequate provision of indoor and/or outdoor space per child.

Unapproved—Any school that has not previously attained an approved classification and fails to comply with State Board of Elementary and Secondary Education standards.

A probational approved school that has not corrected the stated deficiencies within the time fixed by the State Board of Elementary and Secondary Education as defined by Act 274 of the 1975 Regular Session of the Legislature.

C. Instructional Staff

- 1. Each school shall have at least one Type B certified Montessori teacher earning at least six semester hours toward a bachelor's degree.
- 2. Each class shall have at least one certified Montessori teacher.
- 3. Each class shall have a teacher or teacher aide possessing a bachelor's degree.

D. Physical Plant and Facilities

- 1. The physical plant must comply with State and local fire and health regulations and with applicable building codes. It shall be free of health and safety hazards.
- 2. The school shall be attractive, cheerful, orderly, clean, and in good repair to evoke in the children a positive response to beauty and to life and to satisfy their need for order.
- 3. Indoor requirements:
 - a. Low child accessible shelving in neutral or light colors for placement of materials with adequate space for placement without crowding. Instructional materials of

the same general classification should be placed together.

- b. Walls in light or neutral colors to adequately emphasize the materials.
 - c. Lightweight, movable, child-size furniture (tables, chairs).
 - d. Special place for each child's personal belongings and school work.
 - e. Flooring of a type that can be kept clean and safe.
 - f. Rugs and mats available and accessible to the children and shall have orderly storage.
 - g. Adequate lighting (one hundred sixty watts fluorescent for every one hundred square feet of floor space is recommended).
 - h. Thirty square feet of working space per child or thirty-five square feet per child of total usable facilities to allow each child to move freely without interrupting the activities of others.
 - i. The environment shall be prepared, arranged, and equipped to structure the child's free movement and responsibility.
 - j. Child accessible toilet and hand washing facilities adequate to the number of children.
4. Outdoor Requirements:
- a. Seventy-five square feet of outdoor space for each child in the group at any one time.
 - b. Outdoor space shall be easily accessible, safe, and protected, and shall be fenced.
 - c. Outdoor equipment shall be safe and provide adequate opportunities for a variety of large muscle activities.
 - d. The outdoor area shall be pleasant and attractive with some gardening opportunities available.

E. Instructional Program and Materials

1. Freedom with responsibility leading to independent self-direction shall be a basic consideration of the schools instructional program.
2. The school shall be attractive, cheerful, orderly, clean and in good repair to evoke in the children a positive response to beauty and to life, and to satisfy their need for order.
3. The schools instructional program shall incorporate the following types of activities:
 - a. Language activities
 - b. Math activities
 - c. Cultural activities (geography, history, life science, art, music, dance, dramatics, construction, second language)
 - d. Sensorial activities that sharpen the senses in preparation for accurate observation of the physical world
 - e. Practical life activities that cultivate ability to care for self and environment.
4. School must be equipped with Montessori materials in all basic areas which is maintained in good condition.
5. Instructional materials shall be self-teaching so that children can learn from them by self-discovery and voluntary repetition rather than by rote memorization of what someone tells them about the materials.
6. Children shall work independently once the materials are introduced.
7. The materials shall require active participation of the children so that the major part of their learning comes from concrete sensorial experience.
8. Materials shall reflect reality and nature so that children can organize their perceptions of the world accurately.
9. Instructional materials shall be open-ended so that it is possible for the children to learn more than one concept from each piece.

10. The materials shall isolate only one factor of difference to emphasize the particular attribute or concept.
11. The art materials shall be basically structured to allow children to freely create their own ideas after the teacher has initially demonstrated their use.
12. The Montessori materials shall be introduced sequentially.
13. The materials shall be attractive and of the best quality affordable to provide stimulation for new exploration or imagination.
14. They shall be clean, orderly, and in good repair.

F. Scheduling

1. The academic school year shall be one hundred eighty days.
2. The class shall meet five days a week for approximately three hours a day or more to provide the necessary learning continuity.
3. All Montessori schools which contain students above age six shall have a minimum of five and one-half hours of instructional time each day exclusive of recess, lunch, and planning periods.

G. Admission Policies and Enrollment

1. All admissions in a Montessori school shall be open to all persons of all races, creeds, or colors.
2. Early enrollment shall be encouraged, starting between the ages of two and one-half to three and one-half years or earlier to take advantage of early sensitive periods of learning.
3. The classrooms shall have, if possible, a mixed age group spanning at least three years so that the children will have a variety of models to learn from.
4. Attendance through kindergarten age shall be encouraged for maximum benefit of the program.

H. Parent Interaction

1. The parents shall be allowed to observe the children at work.

* * * *

The State Board of Elementary and Secondary Education also adopted on April 28, 1977, Rule 3.01.02, Elementary and Secondary Education Act, (ESEA) Title IV Annual Program Plan for Fiscal Year 1977-78, with the deletion of Section 111.2.1 A and B. The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the Annual Program Plan. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULE

Department of Health and Human Resources Office of Health Services and Environmental Quality

In accordance with the provisions of R.S. 40:29 the following fee schedule has been adopted to provide for payments for tests, procedures, functions, or operations performed by laboratories operated by the Office of Health Services and Environmental Quality on a state-wide, regional, or parish basis whether in connection with a parish health unit or independently operated by the Office of Health Services and Environmental Quality as a State laboratory. These fees shall not be charged to the Office of Health Services and Environmental Quality or to any patient at a parish health unit. Neither shall any fee be charged for the diagnosis of tuberculosis or venereal disease, nor in any instance where the State Health Officer shall declare an epidemic nor where exemption from payment is otherwise provided by the State Sanitary Code. State hospitals or institutions are exempt from the charges in this fee schedule when the Secretary shall require the Office of Health Services and Environmental Quality or parish health unit laboratories to act for such institutions in case of emergency.

This fee schedule shall govern the charges for all procedures performed by the State, regional, or parish public health laboratories or specimens, cultures, or procedures submitted by any physician, hospital, clinic, nurse, veterinarian, or any other individual who is not treating a patient of the Office of Health Services and

Environmental Quality or a parish health unit in an official capacity. In the event that any test, procedure, function, or operation is performed by any public health laboratory operated by the Office of Health Services and Environmental Quality at the request of a State or private hospital, the fee for that procedure shall be billed to said hospital and collected in accordance with the rules and regulations established for the collection of fees.

Smears for Acid Fast Bacilli	\$ 5.00
Cultures and Identification of Mycobacteria	15.00
Identification of Mycobacteria	10.00
Sensitivity studies on Mycobacteria	5.00
Cultures for Streptococci (not including sensitivity tests)	4.00
Cultures for Staphylococcus (not including sensitivity tests)	4.00
Fluorescent Antibody Test for Group A Beta Hemolytic Streptococcus	25.00
Cultures for C. Diphtheriae	25.00
Fluorescent Antibody Test for Bordatella Pertussis	25.00
Cultures for Salmonella and Shigella	15.00
Cultures of Salmonella or Shigella for Typing (typing only)	6.00
Cultures for Neisseria Meningitidis	15.00
Bacterial Identification of Cultures (identification only)	10.00
Cultures for E. Coli Typing (typing only)	6.00
Smears for N. Gonorrhoea	Exempted by State Law
Cultures for N. Gonorrhoea	Exempted by State Law
Blood Agglutination for Brucella Abortus, B. Proteus Ox 19, P. Tularensis and Leptospirosis	15.00
Blood Smears for Malaria	5.00
IFA for Toxoplasmosis	15.00
IHA for Toxoplasmosis	10.00
Bloods for PKU (Guthrie Test)	3.00
VDRL	5.00
Fluorescent Treponemal Absorption Test	15.00
Complement Fixation for Fungi	15.00
Viral Complement Fixation Tests	15.00
Rickettsial Complement Fixation Tests	15.00
Cultures for Haemophilus Influenza	15.00
HAI for Rubella	8.00
HAI for Arbovirus	8.00
Virus Isolations (Sucking Mice)	7.00
Feces for Ova, Larvae, Cysts, and Parasites	5.00
Brain Smears for Rabies	15.00
Mouse Inoculation Test for Rabies	10.00
Dairy Products for Standard Plate Count	8.00

Dairy Products for Coliform Count	6.00
Dairy Products for Oval Tube Test	6.00
Dairy Products for Antibiotics	5.00
Milk for Wisconsin Mastitis Test	5.00
Direct Microscopic Somatic Cell Count (Milk)	8.00
Waters for Membrane Filter Test	5.00
Waters for MPN Count and Fecal Coliform	15.00
Waters for Standard Plate Count	8.00
Waters from Oyster Growing Areas for MPN and Fecal Coli	15.00
Foods for Food Poisoning	25.00
Foods for Salmonella and Shigella	15.00
Foods Examined for Total Coliforms, Fecal Coliforms and Standard Plate Count	20.00
Environmental Swabs for Standard Plate Count	10.00
Test for Sanitization of Equipment (Plastic jugs) Coliform and Standard Plate Count	15.00
Cultures for Fungi (identification is separate charge)	10.00
Identification of Cultures for Fungi	10.00
Cytology (Pap) Smears for Cancer	6.00
Pap Smear with Maturation Index	10.00

Tests of Waters

Routine Analysis of Waters:		
pH		
Color		
Turbidity		
Total Solids		
Loss of Ignition		
Manganese		
Hardness		
Iron		
Free CO ₂		
Alkalinity		
Chlorides		5.00
Fluorides		5.00
Potassium		
Sodium		
Oil and Grease		31.50
Dissolved Oxygen		10.00
Dissolved Oxygen		
Biochemical Oxygen Demand		
Chemical Oxygen Demand		18.00

Metals:

Phosphates	5.25
Sulfates	5.25
Nitrates	5.25
Phenols	18.90
Arsenic	10.50
Barium	10.50
Cadmium	8.40
Chromium	8.40
Copper	8.40
Lead	8.40
Mercury	10.50
Selenium	10.50
Silver	10.00
Nickel	10.50
Zinc	10.00

Tests of Milk and Dairy Products

Net Weight		
Organoleptic Examination		
Filth and Foreign Material		
Lactometer		
Nonfat Solids		
Total Solids		
Fat		8.40
Added Water		10.50
Phosphatase		8.40
Hypochlorites		5.25
Salt and Curd		10.50
Moisture		10.50
Total Solids by Drying		10.00

Tests of Foods and Drugs

Meats:

Net Weight	2.10
Added Color	15.75
Sulfite Preservative	
Qualitative	5.25
Quantitative	15.75
Cereal	
Qualitative	5.25
Quantitative	15.75
Dried Skim Milk	
Qualitative	5.25
Quantitative	15.75
Fat	
Screening Test	10.50
Quantitative	26.25

Protein			Net Weight	5.25
Quantitative	26.25		Organoleptic Examination	
			Filth and Foreign Material	
Added Water			Macro	4.20
Quantitative	35.00		Micro	7.35
			Alcohol Content	
Moisture			Distillation	15.75
Quantitative	21.00		G.C.	31.50
			Hemoglobin Electrophoresis (sickle cell)	20.00
			Confirmatory Tests for PKU	21.00
Tests of Sugar Products				
Net Weight or Contents			Tests of Seafoods	
Organoleptic Examination		} ————— 10.50	Net Weight	
Filth and Foreign Material			Drained Weight	5.25
			pH	3.15
Brix	5.25		Metals:	
Saccharin			Arsenic	10.50
Screening Test	5.25		Barium	10.50
Chromatography	15.75		Cadmium	8.40
			Chromium	8.40
Direct and Invert Polarization		} ————— 40.00	Copper	8.40
Reducing Sugars			Lead	8.40
Sucrose			Mercury	10.50
Total Solids			Selenium	10.50
Added Color	15.75		Silver	10.00
			Nickel	10.50
			Zinc	10.00
			Phosphates	5.25
			Sulfates	5.25
			Nitrates	5.25
			Phenols	18.90
Miscellaneous Tests				
Caustic Alkalinity	2.10			
Aspirin	15.75			
pH	5.00			

Tests for Pesticides, Herbicides, and PCB's in Waters, Foods (Raw and Finished), Milk and Dairy Products, and Seafoods

	<u>Waters</u>	<u>Foods</u>	<u>Milk and Dairy Products</u>	<u>Seafoods</u>
Chlorinated Hydrocarbons	30.00	40.00	40.00	40.00
Organo-phosphates	30.00	40.00	40.00	40.00
Chlorophenoxy Acids (2, 4-D; 2, 4, 5, TP)	40.00	40.00	40.00	40.00
PCB's (Polychlorinated biphenyls)	40.00	40.00	40.00	40.00
Tests for pesticides by specific methodology				50.00

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Management and Finance
Licensing and Certification Section**

**Amendment to the Standards for
Intermediate Care Facilities**

Each ICF Class I facility must maintain policies and procedures to assure that each resident's health care is under the continuous supervision of a physician who sees the resident as needed, and in no case less often than every sixty days.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of the Secretary**

Each State hospital or institution shall charge one dollar per page in advance to anyone interested in obtaining a copy of medical reports, records, charts, documents, or other memoranda prepared by the hospital or institution staff. The remittance must accompany a written request for the material plus a written release from the patient or his legally authorized representative.

With respect to subpoenas duces tecum issued in accordance with LSA C.C.P. 1354 and R.S. 13:3661, the original records shall remain in the hospital or institution and shall not be produced at the trial or hearing, however, in all such cases, the office or employee shall produce an exact certified copy of the subpoenaed hospital, medical or institutional document. The office required to produce such documents shall charge one dollar per page for any subpoenaed or legally requested document to cover the costs of compilation, copying, and certification. Such cost or fee shall not be charged in a suit filed in forma pauperis but all copies requested prior to actual filing of suit shall be subject to the charge of one dollar per page.

All inspection, examination, and copying of records, reports, charts, memoranda, and other documents in accordance with LSA C.C.P. Articles 1460 et seq., shall take place at the hospital or institution where the records are located. In those instances where the hospital is requested to make copies of any of these records or documents, there shall be a charge of one dollar per page

in advance to cover the costs of compilation, copying, and certification.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Natural Resources

**Rules and Regulations to Implement
Act 180 of 1976 (R.S. 41:1131)**

An applicant seeking a permit to reclaim or recover land lost through erosion or for bulkheading and protection shall use the appropriate State Permit Form provided by the Secretary of the Department of Natural Resources. The following rules and regulations shall prevail:

A. Permits to Reclaim or Recover Land Lost Through Erosion

1. Applications must be made to the Secretary of the Department of Natural Resources, in triplicate, and each copy must be accompanied by the certified deed of present ownership and a certified map or plat of survey prepared by a professional land surveyor qualified and currently registered by the Board of Registration for Professional Engineers and Land Surveyors in accordance with R.S. 37:681 et seq. Applicant shall attach deed, plat of survey, or other evidence supporting his claim as to the extent of erosion.

2. The certified plat or map must show the exact location or alignment of the mean high and low water elevations, all referenced to mean sea level or mean low gulf as of date of application and show extent of land claimed to be lost through erosion, with reference to documents supporting the claim. If the area claimed to be lost through erosion exceeds one acre, the total acreage, rounded to the nearest one hundredth shall be indicated. The section, township, and range shall be noted and the name of the body of water on which a permit is sought. If offshore, area and block number must be provided. Unless permission is first obtained from the Secretary of the Department of Natural Resources for noncompliance with any supplemental requirements, the plat must supply the Louisiana Grid Coordinates of all corners and angle points, and the area in square feet if less than one full acre.

3. Names of adjoining land owners shall not be shown on the plat unless contained in applicant's

property description filed for public record, as reflected by the attached deed of ownership.

4. An application for a permit must be accompanied by a letter of intent which shall contain the following information:

- a. Extent of the eroded area to be reclaimed.
- b. Description of proposed physical work to be performed (including all lateral dimensions and surface elevations), and materials to be used.
- c. Detailed drawings of construction including vicinity map, plot plan, and cross section or profile.

5. Within sixty days of completion of the project, the riparian owner shall submit to the Secretary of the Department of Natural Resources, proof of the extent of the land area actually reclaimed, if any, by plat, in the same manner provided in Numbers 1, 2, and 3 above, for showing the eroded area and verifying the information required by Number 4, which map or plat shall be employed for fixing the definitive boundary between the reclaimed land area and the water bottoms.

6. No definitive boundary shall be fixed nor shall title be vested unless and until proof is made that the reclaimed land is raised to a minimum height of six inches above mean high water and is stabilized along the newly-created bank or shore by masonry, concrete mats, riprap, sheet piling, bulkheads, or similar constructions to reasonably insure permanence as required by law.

B. Permits to Construct or Maintain Bulkheads and Flood Protection Structures

1. Permits may be granted for construction or maintenance of bulkheads generally parallel to the bank or shore on any inland navigable water body, which do not involve reclamation or recovery of land, if on the basis of evidence furnished the Secretary of the Department of Natural Resources, such bulkheading will aid in preventing erosion. Permits may be granted for bulkheads which will facilitate or aid in reclamation of eroded lands, or maintain the same, but only upon compliance with those regulations set forth in Section A.

2. Permits may be granted to provide and maintain adequate foundation or flood protection for presently existing structures in proximity to any eroded bank.

3. An application for a permit contemplated in Sections B(1) and B(2) must be made to the Secretary of the Department of Natural Resources, on forms provided, in triplicate, and each copy accompanied by a certified deed of ownership and a detailed description of the proposed physical work, bulkhead, foundation, or

flood protection structure, with a sketch of the same, indicating dimensions, the body of water adjacent to or in which the construction will be placed, and the distance from the mean high and low water elevations that the structure will be placed over, or in, said water body.

4. Within sixty days of completion of any project proposed under Section B(3), the riparian owner/applicant shall submit an affidavit to the Secretary of the Department of Natural Resources on a form provided, attesting to the extent of the proposed construction completed and the final location of the structure or bulkhead as contemplated in his application.

C. Regulations Governing All Permits Issued Under Act 180 of 1976

1. No permit contemplated under Sections A or B above shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained, pursuant to Act 180 of 1976. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in United States vs. Louisiana, No. 9 Original, may be reclaimed under Section A, out to the coastline.

2. No permit shall be issued under Sections A or B nor shall any work commence until the application has been first approved by the governing authority of the parish wherein the property is located, Office of Public Works, the Louisiana Wildlife and Fisheries Department, the State Mineral Board, the Attorney General's Office, and such other parochial or State agencies which may have jurisdiction over such matters. Coordination and dissemination among the several agencies will be performed by the Secretary of the Department of Natural Resources.

3. All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by new application.

4. If proposed project covers an area under State mineral lease, the applicant will furnish the Secretary of the Department of Natural Resources a copy of the letter of notification (with signed, certified, return receipt attached) which has been sent to the mineral lessees. A permit will be issued subject to and encumbered with any right-of-way or servitude, or any mineral, geothermal, geopressure or any other lease acquired or granted by the State for a lawful purpose while the reclaimed land was an eroded area. Nothing in these

regulations shall prevent the leasing of State lands or water bottoms for mineral or other purposes.

5. All permits approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit for the same subsequently expires or is revoked.

6. No reclamation or construction shall be allowed if in the determination of the Office of Public Works, the Department of Wildlife and Fisheries, the State Mineral Board, the Secretary of the Department of Natural Resources, or the Attorney General, such activity would obstruct or hinder the navigability of any waters of the State or impose undue or unreasonable restraints on the State or public rights which have vested in such areas pursuant to Louisiana law, and to that extent the land area sought to be reclaimed, or the structure or construction may be limited. In no instance shall a permit be construed to confirm title or rights with respect to the property relative to other claimants of the riparian property or as between riparian owners.

7. All permits shall be subject to the provisions of Act 180 of 1976, and all other applicable Louisiana laws, in addition to these regulations.

8. Fees for permits are as follows:

- a. An application for a permit under Section A shall be accompanied by an administrative and processing fee of one hundred dollars. Upon completion of the reclamation work, and accompanying the map and proof of extent of land actually recovered to be used in fixing the boundary, shall be a sum equal to ten cents per square foot up to the first five hundred square feet, and five cents per square foot thereafter up to the total area recovered as consideration for the alienation by the State.
- b. An application for a permit under Section B shall be accompanied by an administrative and processing fee of one hundred dollars.

9. A copy of the permit issued, along with the pertinent plats attached, and the documentation required to be submitted sixty days after completion of work shall be filed with the Clerk of Court of the parish or parishes affected. A copy of the above shall also be furnished the Assessor of the parish or parishes for assessment purposes.

10. Procedure. Applicant shall notify the Secretary of the Department of Natural Resources in writing of his

intent to apply for a permit for works contemplated by Sections A and B above. In that letter, applicant shall briefly describe the proposed work, identify the body of water involved, give the name and address of the owner of record of the land he occupies, or his rights upon, and provide written permission from the owner of record to do the work, if applicant does not hold the land in full ownership. Upon receipt of applicant's letter, the Secretary shall forward the appropriate permit form to applicant with a copy of these regulations. The Secretary shall also send notice, to the governing authority of the parish wherein the proposed construction or works will be done, of the fact of the application together with a copy of applicant's letter.

Upon completion of the appropriate form, applicant shall:

- a. Send the form, together with all required attachments to the governing authority of the parish or parishes within which the works or structures will be located;
- b. Apply to the U. S. Corps of Engineers for the appropriate Federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;
- c. Cause to have published at least once, notice of the application in the Official Journal of the parish or parishes, except that an applicant for a Section B permit shall not have to publish notice except upon request by the governing authorities of the parish.

Objections shall be received by the Secretary of the Department of Natural Resources for a period of thirty days from date of published notice, to correspond with the delays established by the U. S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the State, through the Secretary of the Department of Natural Resources, or the U. S. Corps of Engineers, all efforts will be made by the State to accommodate applicant by holding one hearing together with the Federal authorities at whatever time and place the latter stipulates.

At the end of the prescribed period for objections or after the public hearing, if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and together with all required attachments and evidence of publication of notice by either the Corps of Engineers or the applicant, forward the approval or objection to the Secretary of the Department of Natural Resources for processing as provided herein above.

William C. Huls, Secretary
Department of Natural Resources

RULE

Board of Regents

At its meeting on May 5, 1977, the Louisiana Board of Regents adopted the following amendment to its Policy 4.2, Guidelines for the Conduct of Off-Campus Activities:

The addition of the east bank of the Mississippi River in St. Charles Parish to the geographic area served by Southeastern Louisiana University, provided that Nicholls State University and Southeastern Louisiana University take care to ascertain that course offerings are not duplicated.

William Arceneaux, Commissioner
of Higher Education
Board of Regents

RULES

Board of Supervisors of Southern University

(Editor's Note: The following fee schedules were promulgated as emergency rules in the Louisiana Register, Volume 2, Number 12, dated December 20, 1976.)

**Schedule of Tuition Fees for Undergraduate,
Graduate, and Law Students**

	Baton Rouge	New Orleans	Shreveport
0 Hours	\$ 45.00	\$ 45.00	\$ 25.00
1- 3 Hours	75.00	75.00	65.00
4- 6 Hours	128.00	117.00	105.00
7-11 Hours	150.00	150.00	105.00
12 and above (full time)	150.00	150.00	105.00
Graduate (full time)	160.00		
Law School	150.00		

Out-of-State Resident Fees

	On Campus	Off Campus
Arkansas	\$135.00	\$150.00
Mississippi	270.00	300.00
Texas	180.00	200.00
Other States	283.50	315.00
Graduate	90.00	100.00
Law	324.00	360.00

Jesse N. Stone, Jr., Secretary
Board of Supervisors of Southern University

RULE

Department of Wildlife and Fisheries

The Louisiana Department of Wildlife and Fisheries, via resolution of the Wildlife and Fisheries Commission, has adopted the following rule:

1977 Spring Brown Shrimp Season

WHEREAS, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry, and sportsmen, as well as the biological predictions and recommendations of the biologists of the Oysters, Water Bottoms, and Seafoods Division.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby declare the 1977 Spring Brown Shrimp season to be as follows:

ZONE 1—Mississippi State line to South Pass, at the mouth of the Mississippi River, including Lake Pontchartrain, opens May 30, 12:01 a.m.

ZONE 2—South Pass, at the mouth of the Mississippi River, to the eastern shore of the Atchafalaya Bay, opens May 16, 12:01 a.m.

ZONE 3—Eastern shore of the Atchafalaya Bay to the Sabine River/Texas State Line, opens May 30, 12:01 a.m.

BE IT FURTHER RESOLVED that the Director be and is hereby authorized to extend and to close said season if found to be biologically necessary.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Bureau of Entomology and Plant Industry**

Notice is hereby given that the Louisiana Department of Agriculture, Bureau of Entomology and Plant Industry, intends to amend the Supplement to the Sweet-potato Weevil Quarantine and Regulation, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

The purpose of the amendment is to list revised quarantined areas in the state. A copy of the proposed amendment to the Supplement is available at Room 622, 333 Laurel Street, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before June 10, 1977, to the following address: Mr. Richard Carlton, State Entomologist, Bureau of Entomology and Plant Industry, P. O. Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, State Entomologist
Bureau of Entomology and Plant Industry

NOTICE OF INTENT

**Department of Agriculture
Bureau of Entomology and Plant Industry
Structural Pest Control Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Bureau of Entomology and Plant Industry, Structural Pest Control Commission, under authority of Chapter 5, Title 40, Sections 1261-1274 of Revised Statutes of 1950, proposes to adopt Guidelines for Determining Moisture and Wood Decay and establishing minimum specifications for moisture and wood decay control.

For the purpose of adopting these guidelines, a hearing has been scheduled for 1:15 p.m., June 17, 1977, Howard Johnson Motor Hotel, 6401 Veterans Memorial Boulevard, Metairie, Louisiana.

All interested persons will be afforded reasonable

opportunity to submit views and comments at the hearing.

Richard Carlton, Secretary
Structural Pest Control Commission

NOTICE OF INTENT

**Department of Agriculture
Livestock Sanitary Board**

The Department of Agriculture, Livestock Sanitary Board, hereby gives notice of its intention to amend its Regulation 21, Governing the Establishment and Maintenance of Tuberculosis Free Accredited Herds and Modified Accredited Areas, to include the procedures to handle suspects to the tuberculin tests.

Interested persons may submit written comments until the close of business on June 3, 1977, to the following address: Forrest E. Henderson, D.V.M., State Veterinarian, P. O. Box 44003, Baton Rouge, Louisiana 70804.

Forrest E. Henderson, D.V.M.
State Veterinarian
Livestock Sanitary Board

NOTICE OF INTENT

Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to adopt the following changes to its Rules 3, 4, 5, and 6 based on Sections 87 and 88 of the Revised Statutes of 1950, Title 37, Chapter 2 as follows:

Rules will read as follows:

3. Every certified public accountant and public accountant who is registered with the Board and who is engaged in the practice of his profession on his own behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.
4. All firms of certified public accountants or public accountants practicing public accounting in the State of Louisiana shall file annually with the Board a certification of its members and shall promptly notify the Board of any changes in its partners.

5. Each professional accounting corporation practicing public accounting in the State of Louisiana shall, at the time of incorporation, as well as annually thereafter, file with the Board a certification of its shareholders and shall promptly notify the Board of any changes in its shareholders. In addition, such corporation shall furnish to the Board an insurance certificate evidencing that it carries professional liability insurance in the amount of \$50,000.00 for each shareholder, and for each certified public accountant in its employ to a maximum of \$2,000,000.00.
6. An original letterhead must be attached to the certification referred to in Rules 3, 4, and 5 above. Licensed employees or associates may be shown on stationery but such names shall be separated from that of the individual practitioner or those of the partners or shareholders by an appropriate line. Deceased and retired partners or shareholders shall be appropriately identified.

The Board of Certified Public Accountants will accept written comments through June 30, 1977, at the following address: State Board of Certified Public Accountants, 1109 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130.

Lydia F. Parek, Executive Director
Board of Certified Public Accountants

NOTICE OF INTENT

Department of Civil Service

The State Civil Service Commission will hold a public hearing on June 7, 1977, to consider changes in the Uniform Classification and Pay Plan for classified employees.

The hearing will begin at 9:00 a.m., in the Mineral Board Auditorium, 1st Floor in the State Land and Natural Resources Building in Baton Rouge, Louisiana.

The proposals to be considered will be to establish new classes, revise existing classes, change qualification requirements of classes and abolish classes. Additionally, consideration will be given to the adjustment of pay ranges assigned to classes.

Among the alternatives to be considered are:

1. Adjustment of all pay ranges assigned to classes by a uniform dollar amount.

2. Adjustment of all pay ranges assigned to classes by a percentage increase of each step.
3. Adjustment of all pay ranges assigned to classes by a percentage increase with a minimum and maximum amount.
4. Adjustment of all pay ranges assigned to classes by one or more steps.
5. Adjustment of pay ranges assigned individual classes as determined necessary.

The adoption of any of these proposals must be in consonance with the equity of the proposal and the ability of the State to pay the costs required.

Persons interested in making comments relative to these proposals may do so by appearance at the public hearing or by writing to the Department of Civil Service at P. O. Box 44111, Baton Rouge, Louisiana 70804.

George Hamner, Director
Department of Civil Service

NOTICE OF INTENT

Department of Commerce Radio and Television Technicians Board

Notice is hereby given that the Radio and Television Technicians Board proposes to rescind Rule 10 of its rules of procedure and enact in its place the following:

Rule 10

Each member of the Examining Committee shall receive a per diem of thirty dollars for the performance of his duties while conducting examinations, and twenty dollars per day for any official meetings attended. He shall also be paid all necessary travel expenses and all actual and necessary subsistence expenses as set forth in the guidelines of the Division of Administration.

Interested persons may submit written comments through June 3, 1977, to: Radio and Television Technicians Board, 333 St. Charles Avenue, Suite 1400, New Orleans, Louisiana 70130.

Gilbert C. Lagasse, Secretary
Department of Commerce

NOTICE OF INTENT

Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its June 23, 1977, meeting, the following policies, procedures, and regulations. Public notification made herein indicates no final approval.

1. State Plan for Vocational Education for Fiscal Year 1977-78.
2. Standards for School Approval of Vocational-Technical Schools.
3. Adoption on a permanent basis Attorney General Opinion 77-479 dated March 21, 1977, as policy and procedure regarding bus transportation, as published in the April 20, 1977, issue of the Louisiana Register as an emergency rule.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., June 8, 1977, at the following address: State Board of Elementary and Secondary Education, P. O. Box 44064, Capitol Station, Baton Rouge, Louisiana 70804.

The public is made aware of the consideration of the above rule change 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 June Board meeting.

Earl Ingram, Director
Board of Elementary and
Secondary Education

NOTICE OF INTENT

Commission on Fire Fighting Personnel Standards and Education

The Commission on Fire Fighting Personnel Standards and Education will meet at 9:30 a.m., June 22, 1977, in the Coral Room, Bellemont Motor Hotel, Baton Rouge, Louisiana to consider adoption of the following proposals:

1. That trainees have one, two, or three years fire service experience, respectively, before being eligible to receive Fire Fighter I, II, or III levels of certification. This is to be in addition to the

training and education prerequisites already identified.

2. Prerequisites and Requirements for becoming a Commission certified Inspector I.

Suggested Subjects and Hours for Certified
Fire Inspector I
(Number of Hours Shown are Suggested)
Total: 140 Hours

Prerequisite:

Must be a Commission certified fire fighter level III or equivalent, or have completed the classroom portion of fire fighter levels I, II and III pertaining to the inspection duties. These shall include only: inspections, water supplies, sprinklers, fire alarm, and communications, portable extinguishers, chemistry of fire and fire behavior, public relations, FiFi A, building construction, fire prevention and inspections, and hazardous materials.

Subjects:

Suggested Hours:

Chemistry

1. Basic Chemistry for fire protection.

Fire Hazards and Causes

1. Fire characteristics of materials.
2. Leading causes of fire.
3. Causes of fire spread.
4. Common hazards in all occupancies.
5. Special hazards in all occupancies.
6. Flammable liquids—hazards and recommendations.
7. Flammable gases—hazards and recommendations.
8. Hazardous materials—hazards and recommendations.
9. Symbols of hazardous materials.
10. Color coding for gas cylinders. 30

Fire Instructor I Course

20

Codes and Ordinances

1. Fire Prevention Code, Building Code, special ordinances.
2. National and State codes.

Subjects: Suggested Hours:

Fire Prevention

- 1. Procedures for inspection program for all occupancies.
- 2. Procedures to record and evaluate for all occupancies.
- 3. Procedures for fire and exit drills in all occupancies.
- 4. Development of education program. 30

Fire Suppression

- 1. Fire suppression organization.
- 2. Authority and responsibility of each unit.
- 3. Lines of authority.
- 4. Duties or responsibilities of each rank of line and staff functions.
- 5. Chain of command for fire ground.

Building Construction

- 1. Symbols and maps.
- 2. Construction features for fire spread in all occupancies.
- 3. Basic materials and their behavior.

Fire Protection

- 1. National organizations and functions.
- 2. State organizations and functions.
- 3. Local organizations and functions.
- 4. Inspection of fire pumps, stand-pipes, and special extinguishing systems.
- 5. Identify and describe operating principles of fixed detection and communications systems. 30

Fire Investigation

- 1. Area and point of origin.
- 2. Cause of fire.
- 3. Value structure, contents, replacement, and business loss.
- 4. Identify, collect, remove, and preserve evidence.
- 5. Interviewing and identification of witnesses at the fire scene.
- 6. Factor upon arrival at fire scene.
- 7. Identifying and describing arson intent.
- 8. Methods and motives.
- 9. Other agencies which may assist.
- 10. Records systems.

Subjects: Suggested Hours:

Community Relations

- 1. Fire Department relations with economic, religious, racial, ethnic, community organizations, and family structure. 30

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

Jimmy Chapman, Executive Director
Commission on Fire Fighting Personnel
Standards and Education

NOTICE OF INTENT

**Office of the Governor
Consumer Protection Division**

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval of the rules and regulations proposed for adoption by the Director of the Governor's Consumer Protection Division at its public meeting on June 6, 1977, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana 70804.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended approval of the Director's adoption of this rule by personally appearing at the above public meeting at the above designated time, day, and place.

Title 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II—Unfair and Deceptive Acts
or Practices

Section 5011. Charitable Solicitations

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

- (1) "Charitable organization" means a group which is or holds itself out to be a benevolent, civic, recreational, educational, voluntary health, social service, philanthropic, fraternal, humane, patriotic, religious or eleemosynary organization, or any person who solicits or obtains contributions solicited from the pub-

lic for charitable purposes. A chapter, branch, area office, or similar affiliate or any person soliciting contributions within the State for a charitable organization which has its principal place of business outside the State, shall be a charitable organization for the purposes of this rule.

- (2) "Contributions" means the promise or grant of any money or property of any kind or value.
- (3) "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.
- (4) "Professional solicitor" means any person who, for a financial consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person; or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. A salaried officer or salaried employee of a charitable organization maintaining a permanent establishment within the State shall not be deemed to be a professional solicitor. However, any salaried officer or salaried employee of a charitable organization that engages in the solicitation of contributions in any manner for more than one charitable organization, if a fee is charged for services to the organization other than the one that he is employed by, shall be deemed a professional solicitor.
- (5) "Religious institutions" for the purposes of this rule include ecclesiastical or denominational organizations, churches, or established physical places for worship in this State at which nonprofit religious services and activities are regularly conducted and carried on and shall also include those bona fide religious groups which do not maintain specific places of worship. "Religious institutions" also include such separate groups or corporations which form an integral part of those institutions which are exempt from Federal income tax as exempt organizations under the provi-

sions of Section 501(c)(3) of the Internal Revenue Code of 1954, or of a corresponding section of any subsequently enacted Federal Revenue Act, and which are not primarily supported by funds solicited outside its own membership or congregation. "Religious institutions" for purposes of this rule also include such institutions soliciting contributions for the construction and maintenance of a house of worship or clergyman's residence.

- B. It shall be an unfair and deceptive act or practice for any person or charitable organization utilizing a professional solicitor or solicitors to do any of the following:
 - (1) Fail to register the following information with the Governor's Consumer Protection Division at least ten days prior to soliciting for contributions:
 - (a) The name of the charitable organization and the purpose for which it was organized.
 - (b) The principal address of the charitable organization and the address of any offices in this State. If the organization does not maintain an office, the name and address of the person having custody of its financial records.
 - (c) The estimated amount of funds to be raised by professional solicitors and all costs and expenses incidental thereto including all publicity costs, all overhead costs, and all salaries or fees of professional solicitors to be paid out of solicited funds.
 - (d) Whether or not the organization or any professional solicitor associated with the organization has ever been enjoined by any court from soliciting contributions.
 - (e) The purpose or purposes for which the contributions to be solicited shall be used.
 - (f) The names or names under which it intends to solicit contributions.
 - (g) The name or names of the individuals or officers of the organization who shall be responsible for the disbursement of any contributions.

- (h) The names and addresses of all professional solicitors to be used in the solicitation drive.
 - (i) Whether or not the charitable organization is incorporated and, if so, in what state.
 - (j) Whether or not the charitable organization has a Federal income tax exemption under Section 501 of the Internal Revenue Code.
 - (k) Whether or not the charitable organization has a tax exempt status in the State of Louisiana.
- (2) Misrepresent to prospective contributors or to the general public the purpose of the organization and the purpose for which funds are solicited or are to be solicited.
- (3) State and/or imply in news releases, brochures, advertisements, pamphlets, or such other means, or when soliciting funds, that the charitable organization is incorporated by the State of Louisiana and/or has a Federal income tax exemption when such is not the case.

- C. The provisions of this rule shall not apply to religious institutions as defined in "A (5)," educational institutions recognized and/or approved by the State Department of Education or the appropriate State educational board, any hospital organized under the laws of this State, or any voluntary health organization organized under the laws of this State and/or under Federal laws.
- D. Whoever fails to comply with Section B of this rule violates R.S. 51:1405(A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- E. 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.

Charles W. Tapp, Director
Consumer Protection Division

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, must revise Income Standards and Basis of Issuance in the Food Stamp Program effective July 1, 1977, in accordance with Federal regulations as specified in Federal Register, Volume 42, Number 85, Tuesday, May 3, 1977, pages 22,356-8. The revisions provide food stamp recipients with a cost of living increase.

Copies of the revised Income Standards and Basis of Issuance may be obtained without cost at the following address: Food Stamp Program, Office of Family Services, 333 Laurel Street, Room 301, Baton Rouge, Louisiana 70804 (Telephone Number 389-2631).

Interested persons may submit written comments until 1:00 p.m., June 4, 1977, to: Mr. Roy E. Westerfield, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, P. O. Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt policy and procedural changes in the method of reimbursement for outpatient hospital services. The primary objective of the proposed changes is to make Medicaid payments more equitable to the Title XIX providers of outpatient hospital services. Furthermore, these changes would bring Louisiana's Medicaid Program into complete compliance with Title XIX regulations. The following are the proposed policy and procedural changes:

Reimbursement for outpatient hospital services will be based on costs or charges, whichever is lower. Hospital cost reporting periods beginning on or after July 1, 1977, will be adjusted to cost at their year-end closing.

Comments on the proposed policy and procedure changes may be submitted in writing or orally until 1:00 p.m., June 5, 1977, to: Mr. Roy E. Westerfield, Assistant

Secretary, Office of Family Services, Department of Health and Human Resources, Post Office Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality

The Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt the following amendments to the rules and regulations for chemical test for intoxication which were published in the Louisiana Register, Volume 1, Number 12, December 20, 1975, which rules and regulations pertain to breath, blood, and urine analysis methods and techniques pursuant to R.S. 32:663.

Interested persons may submit written comments to James P. Screen, General Counsel, 505 Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana 70804, through the close of business on June 3, 1977.

Amend Section 2, as published on page 562, column 2, and on page 563, column 1 of Volume 1, Number 12, December 20, 1975, Louisiana Register, to read as follows:

2. After the Louisiana Health and Human Resources Administration, Division of Health, Bureau of Laboratories, has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing it shall be necessary for each individual instrument of the approved model to be given a numbered tag and to be checked out and approved for use by the State Police Crime Laboratory at least once every four months, and a machine recertification form shall be maintained for each machine in the State Police Crime Laboratory, as prima facie evidence of the operating performance of the device. A copy of this certificate shall be filed with the clerk of the applicable court in the respective parishes in which each device is used for breath testing. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic content of breath, may request the Division of

Health, Bureau of Laboratories, to approve such apparatus, device, or equipment. The Bureau will consider said request upon submission of such information, instructions for use, exemplars, and other pertinent data as the Board may request.

Amend Section 4.A as published on page 563, column 1 of Volume 1, Number 12, December 20, 1975, Louisiana Register, to read as follows:

- 4.A. General observation of the subject for a period of twenty minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

Amend Section 6.A as published on page 563, column 2 of Volume 1, Number 12, December 20, 1975, Louisiana Register, to read as follows:

6. Maintenance checks will be performed on a routine basis at least once every four months, by the Louisiana State Police Crime Laboratory. Items to be checked shall be, but not limited to, the following:

- A. Each lot of ampuls shall be spotchecked for performance.

Amend Section 8.A as published on page 564, column 2 of Volume 1, Number 12, December 20, 1975, Louisiana Register, to read as follows:

- 8.A. Permits (See Exhibit K) may be renewed after a refresher course, given by the Louisiana State Police Crime Laboratory or any other designated agency.

Amend the title of Exhibit C, as published on page 566 of Volume 1, Number 12, December 20, 1975, Louisiana Register, by deleting the words "Photo-Electric Intoximeter Maintenance Check List" and inserting the words "Photo-Electric Intoximeter Machine Recertification Form."

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Services Bureau of Aging Services

The Department of Health and Human Resources, Office of Human Services, Bureau of Aging Services, proposed to adopt its State Plan for Aging for fiscal year 1977-78 funding under Titles III, VII, and IV-A of the Older Americans Act (Public Law 94-135). The proposed Plan will be in effect from October 1, 1977, through September 30, 1978.

The proposed Plan includes the following objectives:

A. Titles III and VII.

1. To implement a planning process that will result in a better coordinated system of service delivery to the elderly.
2. To conduct a needs assessment which will provide reliable, consistent data on the needs of the elderly on a statewide basis.
3. To work with the Office of Policy Planning and Evaluation and the Office of Family Services to provide, improve, and expand services to the elderly under Title XX of the Social Security Act.
4. To develop a plan to increase health services available to the elderly in Louisiana.
5. To increase the number of home health services available to the elderly.
6. To secure and implement at the State level inter- and intra-agency agreements which will make additional supportive services available to the elderly citizens of Louisiana.
7. To complete at least ten activities which will directly increase the awareness of the needs and resources of the elderly.
8. To plan for, hold, and evaluate the Fourth Annual Governor's Conference on Aging.
9. To increase, through better program management, the number of meals served daily to the elderly under Title VII from 6,500 to 7,000.

B. Title IV-A.

1. To continue to provide colleges and universities with

the capacity to delivery background courses in aging.

2. To increase the capacity of the Bureau of Aging Services to provide training in critical areas.

C. Title III, Model Projects.

1. To conduct a cursory review of the type of legal services needed by the elderly and the resources available to meet these needs.
2. To initiate the development of legal service activities in at least four planning and service areas of the state.
3. To expand nursing home ombudsman activities into the eight planning and service areas of Louisiana.

Public hearings on the proposed Plan are scheduled as follows: Baton Rouge, May 20, 1977; Ruston, June 1, 1977, and Alexandria, June 3, 1977. Interested persons may mail written comments at any time through June 3, 1977, to: Bureau of Aging Services, P. O. Box 44282, Baton Rouge, Louisiana 70804. Copies of the proposed Plan may be obtained by writing the above address, or by telephoning (504) 389-2171.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation

The Louisiana Department of Health and Human Resources, Office of Mental Retardation, proposes to adopt the following rules and regulations regarding the treatment of resident income in State intermediate care facilities for the mentally retarded.

The rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana, as amended.

Interested persons may submit written comments to: Otto P. Estes, Assistant Secretary, Office of Mental Retardation, P. O. Box 44215, 721 Government Street, Baton Rouge, Louisiana 70804 through the close of business on June 3, 1977.

The proposed rules and regulations are as follows:

Treatment of Resident Income
in State Intermediate Care Facilities
for the Mentally Retarded

A. Definitions.

Resident--Any individual for whom a State residential facility is responsible for ongoing twenty-four hour care and whose primary domicile is considered the State facility.

ICF/MR--Intermediate care facility for the mentally retarded which is certified to meet Federal regulations under Sections 249.12 and 249.13.

ICF/MR Eligible Resident--An individual who meets the State and Federal eligibility criteria for Medicaid benefits and who resides in an ICF/MR under an approved placement plan.

Income--Cash from every source which is actually available, or which can be made available, and which is regular and predictable over the period of eligibility.

Gross Income--The total income received prior to any deductions.

Earned Income--Income which the individual earns by his own efforts; that is, requires ongoing activity on his part and is received as a result of performances of services by him.

Unearned Income--All income which is not considered as earned under these definitions. This includes pensions, allotments, dividends from investments, insurance benefits, alimony payments, etc.

B. Treatment of Income.

All income of an individual resident in a State residential facility is considered in determination of the amount required to be paid to the facility to assist in financing cost of care. All such income, with the exceptions outlined below, shall be paid to the facility as long as the individual is considered a resident of that facility.

C. Residents Eligible for ICF/MR Services.

1. The first twenty dollars of total monthly individual income is reserved for the resident and is not applied against the cost of care.

(a) If there is earned income only, the entire twenty dollars is subtracted from that income and reserved for the resident.

(b) If there is unearned income only, the entire twenty dollars is subtracted from that income and reserved for the resident.

(c) If there is both earned and unearned income, the twenty dollars is subtracted first from the unearned income.

2. Residents who receive unearned income shall have twenty-five dollars monthly (over, and above the basic twenty dollar exemption) reserved for personal use. Therefore, a resident who receives only unearned income could have a total of forty-five dollars reserved for personal use. Any amount received in excess of forty-five dollars up to the actual cost of care is payable to the facility. Any amount over the actual cost of care shall be reserved for the resident. This applies regardless of who is named as payee of the benefit, allotment, etc., which is intended for the use of the resident.

3. Earned Income.

(a) In addition to the basic twenty dollars exemption, the next sixty-five dollars and one-half the remainder of gross monthly earnings shall be reserved for use by the individual resident. All income in excess of this amount up to the actual cost of care shall be paid to the facility. Any amount over the actual cost of care shall be reserved for the resident.

(b) For those individuals who are blind or under an approved plan for achievement of self support as defined by the Social Security Administration, additional earnings may be reserved. These exemptions shall be in keeping with policy of that agency.

D. Residents Ineligible for ICF/MR Services.

For those residents who do not qualify for ICF/MR services, the same policies apply as for eligible residents in relation to income. In addition, for those residents under age 18, legally responsible relatives shall contribute toward the cost of care in accord with Department of Health and Human Resources policy.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

* * * *

Liquefied Petroleum Gas Commission

The Liquefied Petroleum Gas Commission proposes to make the following changes to its rules at a meeting to be held at 9:00 a.m. June 23, 1977, on the 1st Floor of the Old State Capitol at Baton Rouge. Interested persons may submit written comments through June 17, 1977, to: Liquefied Petroleum Gas Commission, P. O. Box 2149, Baton Rouge, Louisiana 70821. Reasonable opportunity for oral presentations will be permitted at the June 23 meeting.

The proposed rule changes are:

Class VII-E Permit

Holders of these permits may transport liquefied petroleum gases on the highways of Louisiana. These permits are valid only for ninety days from date of issue and may be secured from the office of the Director upon receipt of the following:

A. Application must be submitted to the office of the Liquefied Petroleum Gas Commission.

B. Check for filing fee in the amount of twenty-five dollars made payable to the Liquefied Petroleum Gas Commission must be submitted.

C. Check for Emergency Permit (valid for ninety days only) made payable to the Department of Revenue in the amount of one hundred dollars must be submitted. In the event the applicant desires to obtain a permanent Class VII, seventy-five dollars of the emergency fee will be applicable to the current year's fee.

D. Bond in the amount of five thousand dollars must be properly executed and submitted with application.

E. Insurance certificate certifying automobile public liability and property damage coverage in the amount of not less than ten thousand dollars for operation in Louisiana must be submitted.

F. All trucks entering the State of Louisiana shall be inspected by a field inspector from the staff of the Commission and certified safe.

G. Operators of the equipment must pass appropriate examination.

Section 1.1 (b) of the Rules and Regulations is hereby declared nonapplicable to the Class VII-E Permit.

Add paragraph (I) to Section 3.11 of the Rules and Regulations as follows:

(I) All trucks delivering liquefied petroleum gas for domestic use shall be equipped with a suitable measuring device which shall be used to accurately gauge the amount of gas placed in each system, either by meter or by weight.

Lionel T. Ortego, Director
Liquefied Petroleum Gas Commission

NOTICE OF INTENT

Department of Natural Resources

In accordance with requirements of R.S. 49:951, et seq., notice is hereby given of the intent of the Department of Natural Resources to review, revise and/or amend rules, regulations, and fees pertaining to the issuance of right-of-way grants under provisions of R.S. 41:1173, et seq.

A public hearing for this purpose will begin at 10 a.m., Thursday, June 23, 1977, in the Mineral Board Auditorium on the First Floor of the State Land and Natural Resources Building, Baton Rouge, Louisiana.

All interested parties will be given a reasonable opportunity to submit views and comments at the hearing. Views and comments may be written, given orally, or both, provided that the request to do so is submitted prior to Friday, June 17, 1977, at the following address: Department of Natural Resources, Post Office Box 44396, Baton Rouge, Louisiana 70804.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the Board at its June 23-24, 1977, meeting intends to adopt the following standards of nursing practice.

Public notification made herein indicates no final approval.

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

Interested persons may submit written comments until 4:30 p.m. June 10, 1977, to Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112.

Unit III

3.01 Legal Standards of Nursing Practice.

The Louisiana State Board of Nursing recognizes that assessment, planning, intervention, teaching, and supervision are the major responsibilities of the registered nurse in the practice of nursing. The Standards of Nursing Practice provide a means of determining the quality of care which an individual receives regardless of whether the intervention is provided solely by a registered nurse or by a registered nurse in conjunction with other licensed or unlicensed personnel.

The Standards are based on the premise that the registered nurse is responsible for and accountable to the individual for the quality of nursing care he or she receives.

The Standards of Practice shall:

1. Be considered as base line for quality nursing care.
2. Be developed in relation to the law governing nursing.
3. Apply to the registered nurse practicing in any setting.
4. Govern the practice of the licensee at all levels of practice.

3.02 Standard No. 1.

Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine nursing care needs, according to the following criteria.

1. The format for the collection of data provides for systematic collection, frequent updating, accessibility, and appropriate confidentiality.
2. The appropriate data includes: (a) growth and development factors, (b) biophysical status, (c) emotional status, (d) cultural, religious, socio-economic background, (e) performance of activities of daily living, (f) patterns of coping, (g) interaction patterns, (h) individual's perception

of and satisfaction with his health status, (i) individual's health goals, (j) environmental factor (physical, social, emotional, ecological), and (k) available and accessible human and material resources.

3. The data is collected by: (a) interview, (b) examination, (c) observation, and (d) reading of records and reports.
4. The data is collected from: (a) the individual, (b) family members, (c) pertinent others, and (d) other health care personnel.

3.03 Standard No. 2.

Nursing care goals are derived from an analysis of the health status data, according to the following criteria.

1. The individual's health status is compared to the norm to determine if there is a deviation and the degree and direction of deviation.
2. The individual's capabilities and limitations are identified.
3. Short and long term goals are mutually set with the individual and pertinent others. These goals are: (a) congruent with other planned therapies, (b) stated in realistic and measurable terms, and (c) assigned a time period for achievement.
4. Goals are established to maximize functional capabilities and are congruent with: (a) growth and development factors, (b) biophysical status, (c) behavioral patterns, and (d) human and material resources.

3.04 Standard No. 3.

The plan for nursing care must include priorities and nursing actions to achieve the established goals, according to the following criteria.

1. The plan includes priorities for nursing action.
2. The plan includes a logical sequence of actions to attain the goals.
3. The plan is based on current scientific knowledge.
4. The plan incorporates available and appropriate resources.
5. The plan can be implemented.
6. The plan reflects consideration of the dignity of man.
7. The plan includes measures to manage specific patient problems: (a) what is to be done, (b) how to do it, (c) when to do it, (d) where to do it, and (e) who is to do it.
8. The plan is communicated to the individual, to

family, to pertinent others and to health personnel as appropriate.

3.05 Standard No. 4.

The plan for nursing care must be implemented according to the following criteria.

1. Nursing action is consistent with the plan for nursing care.
2. Nursing action is documented by: (a) written records, (b) observation of nursing performance, and (c) report of nursing action by the individual and/or pertinent others.

3.06 Standard No. 5.

The plan for nursing care shall be evaluated according to the following criteria.

1. Current data about the individual are used to measure progress toward established goals.
2. Nursing actions are analyzed for their effectiveness in achievement of established goals.
3. The individual, family, and other significant health care personnel participate in the evaluation of established goals.
4. The individual's response is compared with observable outcomes which are specified in the established goals.
5. Determination is made of the long term effects of nursing care on the individual.

3.07 Standard No. 6.

The planning for nursing care shall be a continuous process of reassessment and modification, according to the following criteria.

1. The input of additional data determines new or revised approaches.
2. New nursing actions are accurately and appropriately initiated.

Merlyn M. Maillian, R.N., Executive Director
Louisiana State Board of Nursing

NOTICE OF INTENT

Board of Optometry Examiners

Notice is hereby given that the Louisiana State Board of Optometry Examiners will hold a public hearing at 1:30 p.m. on Saturday, June 11, 1977, at the

Hilton Hotel, situated at the College Drive exit of I-10, Baton Rouge, Louisiana to consider and give approval to a proposed rule interpreting R.S. 37:1056.

The proposed rule sets forth:

- A. The provisions of R.S. 37:1056 requiring licensed optometrists to annually accompany the payment of the annual renewal fee with evidence satisfactory to the Board of attendance and completion of twelve hours of continuing education since renewal or issuance of their current license.
- B. The rule will state that the attendance and completion of the twelve hours of continuing education shall be accomplished between January and midnight of December 31 of each calendar year.
- C. The rule shall further provide that overlapping hours are not qualified for the annual continuing education requirement.
- D. The law shall further provide that proof of attendance may be submitted on or before the first day of March of each year.

All interested persons shall be afforded a reasonable opportunity to submit data, views or arguments orally or in writing at the June 11 hearing.

Gerald A. Lemoine, O.D., President
Board of Optometry Examiners

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents, at its regular meeting of June 23, 1977, intends to amend Policy 4.3, Guidelines for Statewide Articulation at the Undergraduate Level.

The proposed amendment will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on any working day after May 20, 1977, at the offices of 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, Suite 1530, One American Place,

Baton Rouge, Louisiana 70825. Telephone (504) 389-5206.

William Arceneaux, Commissioner
of Higher Education
Board of Regents

NOTICE OF INTENT

Tax Commission

Notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on June 8, 1977, at 10:00 a.m. on the 5th floor of the Louisiana State Library in Baton Rouge, Louisiana.

The purpose is to adopt guidelines for the distribution of funds with respect to the loan guarantee program for parish assessors.

Interested persons may inspect a copy of the guidelines beginning fifteen days prior to the scheduled hearings, at the official domicile of the Louisiana Tax Commission in the Capitol Annex in Baton Rouge, Louisiana, and may present views or arguments relating thereto in writing at any time prior to 4:15 p.m. on June 7, 1977. All written matter should be addressed to the Louisiana Tax Commission, P. O. Box 44244, Capitol Station, Baton Rouge, Louisiana 70804.

Those desiring to be heard at the hearing will be given reasonable opportunity to make their presentations.

C. Gordon Johnson, Chairman
Tax Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission gives notice that at its regular public meeting to be held at 400 Royal Street, New Orleans, Louisiana 70130, at 10:00 a.m. on June 21, 1977, it proposes to set the seasons and bag limits for the 1977-78 hunting and trapping seasons.

The Commission also shall consider an amendment to the Special Bait Dealers Regulations which were promulgated in the April, 1977 Louisiana Register.

Interested persons may submit written comments to

the above address through 5:00 p.m. on June 10, 1977. Reasonable opportunity for oral comment will be permitted at the June 21 meeting.

The Commission also gives notice that it will hold a public meeting beginning at 10:00 a.m. July 12, 1977, in the Municipal Auditorium at Morgan City for the purpose of setting dates, rules, and regulations pertaining to the following matters:

1. The 1977-78 hunting season for doves, rails, snipe, gallinule, teal, woodcock, and any other upland migratory game species.
2. The setting of seasons on oyster seed reservations.
3. The setting of dates and regulations for the 1977 alligator season.
4. The creation of an Atchafalaya Island Wildlife Management Area in Atchafalaya Bay. The proposed area would encompass thirteen thousand acres of land and waters. Public hunting, fishing, and outdoor recreation would be allowed under rules and regulations to be adopted by the Department of Wildlife and Fisheries. This item had previously been advertised to be acted upon at the Commission's May 13, 1977, meeting, however it was decided to hold a meeting in Morgan City and give the residents of the coastal area an opportunity to comment, either in writing or orally, since this is the area which would be most affected by creation of the proposed management area.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Potpourri

Office of Conservation

Order No. SDS-1

Order denying the use of salt dome cavities or caverns for the storage of liquid and/or gaseous hydrocarbons in the Bayou Choctaw Field, Iberville and West Baton Rouge Parishes, Louisiana.

Pursuant to power delegated under the laws of the State of Louisiana, and particularly by Section 23 of Title 30 of Louisiana Revised Statutes of 1950, as adopted by the Legislature as Act 641 of 1976; and after a hearing

held under Docket No. SDS 77-1 in Baton Rouge, Louisiana on April 4, 1977, following publication of notice thereof, as required by the Louisiana Administrative Procedures Act, Title 49, Sections 951 through 968 of the Louisiana Revised Statutes of 1950 as amended, the following order is issued and promulgated by the Commissioner of Conservation as being reasonably necessary to carry out the provisions of the laws of this State.

Findings

The Commissioner of Conservation finds as follows:

1. That the storage of liquid and/or gaseous hydrocarbons in salt dome cavities or caverns is in the public interest.

2. That the area of Bayou Choctaw salt dome sought to be used for injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use.

3. That of the twelve cavities advertised as existing storage cavities, only cavities 15, 16, and 17 have actually been used as liquid and/or gaseous hydrocarbon storage cavities.

4. That the use of the salt dome cavity for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas or other commercial mineral deposits, except salt; however, the salt water disposal intervals could affect oil and/or gas accumulations up-dip.

5. That the Baton Rouge-New Orleans area has been designated by the U. S. Environmental Protection Agency as "nonattainment" of the National Ambient Air Standard for Ozone.

The Administrator of the Environmental Protection Agency (EPA) has decreed, in his December 21, 1976, "Interpretive Ruling of the Requirements of 40 CFR 51.18," that hydrocarbon emissions of one hundred tons per year or more (major emission sources) to the atmosphere in nonattainment areas must be accompanied by parallel reduction of hydrocarbon emissions from existing emission sources exceeding the amount to be emitted by new emission sources.

The project as proposed by the Federal Energy Administration does not provide an "emission offset" of hydrocarbon emission reductions from existing emission sources.

Failure to provide the mandatory emission offset

for such a major source located in a nonattainment area would, according to the EPA Administrator's ruling, "exacerbate the existing violations."

Exacerbation of a violation of a National Ambient Air Standard may endanger life and property.

Order

Now, therefore, it is ordered that:

In view of Findings 3, 4, and 5, the application to store liquid and/or gaseous hydrocarbons in the Bayou Choctaw Salt Dome is premature in that (1) all provisions of Section 23 of Title 30 of the Louisiana Revised Statutes of 1950, adopted by the Legislature as Act 641 of 1976, have not been met, and (2) the storage proposal does not comply with the requirements of the interpretive rulings of the National Administrator of the Environmental Protection Agency, and this application be and the same is hereby denied.

This order shall be effective on and after May 20, 1977.

R. T. Sutton
Commissioner of Conservation

Department of the State Register

The Department of the State Register has moved its offices from the 25th floor of the State Capitol to 1500 Riverside (across the street from the Capitol and north of the Capitol Annex). Our temporary telephone number is (504) 389-6454. Eventually our old number, 389-2647, will be restored to service.

Edgar P. Coltharp, Director
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