

CONTENTS

I. EXECUTIVE ORDERS

EWE-79-1—Commission to Study the Use of the Wildlife and Fisheries Building in New Orleans	55
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II. RULES

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Sweet potato dealer's certificate permit	55
Corrections Department:	
Office of the Secretary—Disciplinary rules and procedures for adult prisoners	55
Education:	
Board of Elementary and Secondary Education—Certification standards for special education examiners; use of federal funds in vocational education; adult education; building and maintenance standards; Act 18, Transportation Reimbursement; nonpublic school testing guidelines	61
Governor's Office:	
Tax Commission—Assessment of oil and gas property	63
Health and Human Resources Department:	
Office of Family Security—Payment of sterilizations	64
Maximum allowable costs for prescription drugs	64
Board of Practical Nurse Examiners—Test scores and examination fees	65
Natural Resources Department:	
Office of Conservation—Implementation of the Natural Gas Policy Act of 1978	65
Revenue and Taxation Department:	
First Use Tax Regulations	66

III. NOTICES OF INTENT

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Supplement to the Sweet-Potato Weevil Quarantine and Regulation	68
Education:	
Board of Trustees for State Colleges and Universities—Faculty advisory council	69
Board of Elementary and Secondary Education—Prior approval of vo-tech extension courses by Department of Education	69
Board of Regents—Criteria for selecting master planners	69
Board of Supervisors of Southern University—Out-of-state fees	69
Governor's Office:	
Commission on Law Enforcement and Administration of Criminal Justice—Funding guidelines and application requirements for Law Enforcement Assistance Administration monies	70
Health and Human Resources Department:	
Office of Health Services and Environmental Quality—Mechanical sewage treatment plants	70
Office of Hospitals—Standards for emergency medical technician training	70
Office of Human Development—Comprehensive Annual Services Program Plan	71
Office of the Secretary—Facilities caring for the handicapped	72
Natural Resources Department:	
Office of Conservation—Implementation of the Natural Gas Policy Act of 1978	72
Transportation and Development Department:	
Implementation of the State and Local Coastal Resources Act of 1978	72

IV. POTPOURRI

Wildlife and Fisheries Department:	
Stream Control Commission—Water Quality Continuing Planning Process	73

Executive Orders

EXECUTIVE ORDER EWE-79-1

WHEREAS, the Wildlife and Fisheries Building at 400 Royal Street in the City of New Orleans is owned by the State of Louisiana; and

WHEREAS, there is additional space in this building which is not being used by the Department of Wildlife and Fisheries; and

WHEREAS, a study commission to advise the Governor and Mayor Ernest Morial of New Orleans regarding the future use of the Wildlife and Fisheries Building will insure proper utilization and allocation of this available space.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby issue this executive order and create the Commission to Study the Use of the Wildlife and Fisheries Building in New Orleans.

The Commission shall serve at the pleasure of the Governor and shall be composed of the following members: Camille Gravel, Executive Counsel to the Governor; Michael O'Keefe, Senator and President of the Senate; Samuel B. Nunez, Senator; F. E. Lauricella, Senator; Louis Charbonnet, III, Representative; Ralph Miller, Representative; J. Burton Angelle, Secretary, Department of Wildlife and Fisheries; Judge Sanford Levy; Phillip C. Ciaccio, New Orleans City Councilman; and Joseph Casey.

The Commission may use whatever resources of the state it shall deem necessary to complete its study and shall report its findings to the Governor and to Mayor Ernest Morial.

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 9th day of February, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences

Section VI. Requirements for sweet potato dealer's certificate permit.

1. All persons commercially engaged in the handling, sale, offering for sale and/or movement of sweet potatoes shall not store, clean, grade, pack for sale, process in any manner, or move sweet potatoes unless they have a valid sweet potato dealer's certificate permit except: this shall not apply to the movement of sweet potatoes by farmers directly from their farms to storage houses, processing plants, or cleaning, grading, and packing sheds.

2. A sweet potato dealer's certificate permit shall be issued provided:

A. A properly executed affidavit on a form furnished by the Department, setting forth the stipulations to which the applicant must agree, has been filed with the Department.

B. A bond acceptable to the Department in the amount of one thousand dollars for a sweet potato dealer's certificate permit in favor of the Commissioner of Agriculture has been filed with the Department as a guarantee to:

(1) Reimburse any purchase price of sweet potatoes that have been confiscated because of sweet-potato weevil infestation or illegal movement.

(2) Agree to the destruction of any load or lot of sweet potatoes moving illegally or infested with the sweet-potato weevil by an inspector of the Department or law enforcement officer, or return same to point of origin.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

RULES

Department of Corrections Office of the Secretary

Preface

This booklet of disciplinary rules and procedures constitutes clear and proper notice for each adult prisoner within the Department of Corrections.

This booklet is effective May 1, 1979.

This booklet supercedes any and all conflicting disciplinary rules, procedures, posted policies, and appeal decisions affecting adult prisoners.

Foreward

Discipline (internal and external) and work are necessary for an individual to function in society and for society to function. In order for our corrections society to function, the following disciplinary rules and regulations have been adopted. They must be followed at all adult facilities.

These rules, regulations, and procedures may only be changed by the Secretary of the Department of Corrections.

In the event of a genuine emergency, such as a serious disturbance disrupting normal operations or a natural disaster, the Secretary or his designee may suspend any and all disciplinary rules and procedures for the duration of the emergency. Full hearings must be held within a reasonable time after the end of the emergency for those prisoners who suffered grievous losses (transfer to Louisiana State Police (LSP), custody change, isolation, or loss of good time).

Good time not earned during a given month (up to twenty-five days) cannot be restored. There is no provision in law for anyone, including the Secretary and the Governor, to restore good time.

The pronouns "he" and "his," as they appear herein, are used for convenience only and are not intended to discriminate against female employees or prisoners.

Disciplinary Definitions

Administrative Lockdown (Adm. Ld.): A holding area, preferably a cell, where prisoners who present an immediate threat to the security of the facility through a specific act of planned or committed misbehavior are confined pending their appearance before the disciplinary board.

Appeals: An appeal to the disciplinary board may be made by a prisoner who is dissatisfied with the handling of his case by the disciplinary officer. An appeal to the Secretary may be made by or on behalf of a prisoner who is dissatisfied with the handling of his case by the disciplinary board.

Confidential Informants: Persons who secretly provide employees with information concerning misbehavior or planned misbehavior by prisoners or employees.

Counsel and Counsel Substitutes: Counsel is an attorney at law of the prisoner's choice who must be paid by the prisoner. Counsel substitutes are paralegals, usually prisoners, who aid and assist without cost an accused prisoner in the preparation and presentation of his defense and/or appeal. The aid of counsel or counsel substitute can only be had for cases which appear before the disciplinary board or are appealed to the Secretary.

Disciplinary Board: A committee composed of three ranking employees whose duty is to provide fair and impartial hearings for prisoners accused of serious misbehavior.

Disciplinary Officer: A ranking employee whose duty is to provide fair and impartial hearings for prisoners accused of minor misbehavior, and to transfer prisoners requesting protection to suitable quarters.

Disciplinary Report: A report on the approved form filed by an employee who has reason to believe of his own knowledge that a prisoner(s) has violated one or more disciplinary rules. Disciplinary reports may be heard by the disciplinary officer or the disciplinary board.

Extended Lockdown: Maximum security area for confining prisoners who have been found guilty of serious misbehavior or who require protective custody.

Hearings: Prisoners accused of misbehavior are heard by the disciplinary officer or the disciplinary board.

Incident Report: A report on the approved form filed by an employee describing a specific instance of planned or committed misbehavior. This report is usually filed when the information is obtained through sources other than the reporting employee's first hand knowledge—sources such as confidential informants, other prisoners, nonemployees. Incident reports are heard by the disciplinary board.

Investigation Report: A report submitted for appropriate disposition to the disciplinary board by an investigative officer detailing the facts uncovered in an investigation.

Investigative Officer: An experienced (preferably senior) employee assigned by the disciplinary board or by a ranking employee to investigate a disciplinary report, incident report, or any matter felt to be worthy of investigation.

Isolation: A punitive holding area, preferably a cell, where prisoners are temporarily confined in a totally restricted situation after being so sentenced by the disciplinary board.

Posted Policy: As used herein, applies to policy memorandums detailing what behavior is required or forbidden regarding the individual needs of the facility—such as, but not limited to, count procedure, off-limits areas, ID card policy, cash money policy, and so forth.

Rehearings: A case heard by the disciplinary board may be reheard by the disciplinary board at their discretion, or when so ordered by an appropriate official. A rehearing is a full hearing and does not differ from a hearing except when it is ordered for the purpose of resentencing only.

Disciplinary Procedures

Administrative Lockdown Guidelines: Prisoners accused of serious misbehavior present a clear, immediate threat to the security of the facility and, with the approval of the shift major or senior security officer on duty, may be placed in Adm. Ld. until their disciplinary board hearings. The shift major or senior security officer on duty is responsible for reviewing the report to be sure that it describes an Adm. Ld. offense. The disciplinary board must dismiss the charges against prisoners who were improperly placed in Adm. Ld.

Except as stipulated below, no prisoner may be placed in Adm. Ld.

Disciplinary report for:

Rule 1 Contraband—only for a weapon, narcotics (including marijuana), store-bought alcohol, or manufacture of alcohol.

Rule 3 Defiance.

Rule 5 Disobedience, aggravated.

Rule 8 Escape.

Rule 9 Favoritism—only involving force or threats.

Rule 10 Fighting.

Rule 11 Fighting, aggravated.

Rule 14 Intoxication—only until he sobers up.

Rule 15 Malingering.

Rule 16 Property destruction—only willful destruction.

Rule 18 Self-mutilation.

Rule 20 Sex offenses, aggravated.

Rule 21 Theft—only serious incidents.

Rule 22 Theft, attempted—only serious incidents.

Rule 27 Work offenses, aggravated.

Incident or investigation report for:

Attempted escape, violence, threats of violence, strongarming, theft, dealing or smuggling of contraband, or any other clear, immediate threat to security.

On written request of a prisoner, he may be placed in Adm. Ld. for his protection and/or the protection of others until the disciplinary officer can transfer him to suitable quarters.

Pending possible transfer to another facility, prisoners may be held in Adm. Ld.

Procedures

Appeals to the disciplinary board: A prisoner who wants to appeal a case heard by the disciplinary officer ("low court") must appeal to the disciplinary board ("high court"). As soon as the sentence is passed, the prisoner who wants to appeal must clearly say so to the disciplinary officer who will then automatically suspend the sentence and schedule the case for the next meeting of the disciplinary board. The appeal hearing before the disciplinary board is a full hearing the same as any other hearing conducted by the board.

Appeals to the secretary: A prisoner who wants to appeal a case heard by the disciplinary board must appeal to the Secretary. The board may suspend the sentence pending appeal if they so desire. The prisoner may appeal himself or through his counsel or counsel substitute. The Secretary bases his decision on the record (tapes of the hearing, written documents for and against the prisoner, and any physical evidence—no new oral testimony is considered, either for or against the prisoner). Appeals must be clearly written, preferably typed, on regular sized paper (8½ inches by 11 inches), not legal sized, and contain the following:

1. Simple heading—"Appeal from the Disciplinary Board."
2. Full name, number, and location of appealing prisoner(s).
3. Date report was filed and original charge if it was reduced.
4. Rule number and/or charge found guilty of.
5. Date(s) case was heard by the board (this is most important).
6. Chairman and members of the board, if known.
7. Sentence imposed, and whether it was suspended.
8. Whether plea was guilty or not guilty.
9. State in clear, simple language grounds for reversal.
10. State in clear, simple language arguments for reversal.
11. State in clear, simple language what relief is desired.
12. Full name, number, and location of counsel substitute filing the appeal.
13. Date appeal is filed.
14. Copy of report should be attached, if possible, together with any other evidence considered favorable to the appealing prisoner.

Appeals must be filed within seven days of the disciplinary board decision (hearing). Appeals not in proper form may be returned to be redone. Statements of fact should be double checked as false statements damage credibility.

Counsel substitutes: Behavior of counsel substitutes and Legal Aid Office workers must be above reproach; a job change is

mandatory following conviction of a serious offense. Counsel substitutes are not required to file appeals; but, when they do not wish to, they must so inform the prisoner who wants to appeal telling him why not and explain to him, if necessary, the proper way to file an appeal.

Disciplinary Board: A committee composed of three supervisory level employees, one each from Security, Administration, and Treatment. The chairman must be a warden, associate or deputy warden, division head, LSP lieutenant colonel, LSP major, or be employed in a job category specifically approved in writing by the Secretary. The members must be supervisory level employees such as, but not limited to, security captains and lieutenants, classification officer II's and III's, records custodian, or be employed in a job category specifically approved in writing by the Secretary. A properly composed board may consist of two people: a duly authorized chairman and a duly authorized member, each representing a different element (Security, Treatment, or Administration). On two-member boards, decisions must be unanimous. On three-member Boards, decisions must be by majority vote. Any chairman/member directly or indirectly involved in the incident or who is biased for or against the accused cannot hear the case unless the accused waives recusal. Performance of a routine administrative duty does not involve the employee in the case.

Disciplinary officer: A ranking security officer—an LSP captain or above; at other facilities, a security lieutenant or above—who conducts hearings of minor violations and who may impose only minor penalties. At these hearings, the accused prisoner represents himself and is given full opportunity to speak in his behalf. The presence of counsel substitutes, witnesses, or the accusing employee is not permitted. These hearings are not taped. The disciplinary officer also hears prisoners who have signed written requests for protection, determines appropriate quarters to which they can be transferred, and transfers them (includes transfers to maximum security, if that is appropriate).

Extended lockdown: No prisoner can be placed in extended lockdown for any reason unless he had been afforded a full hearing before the disciplinary board and was found guilty of violating one or more serious rules, or of being dangerous to himself or others, or of being a serious escape risk, or of being in need of protection, or of posing a clear threat to the security of the facility, or of being the subject of an investigation conducted by noninstitutional authorities into a serious felony. The exception is when a prisoner who has signed a written request for protection is transferred there by the disciplinary officer. Prisoners in extended lockdown will be reviewed by an appropriate review board for possible release to a lesser custody status at least every ninety days.

Hearings—disciplinary board: The accused prisoner must be given a written copy of the disciplinary report or incident report describing the charges against him at least twenty-four hours before the hearing begins.

Before the hearing can begin, an accused prisoner must have his rights read to him. These rights are:

1. The right to present evidence and witnesses in his behalf provided it is relevant and not repetitious. (The board has the option of stipulating expected testimony from witnesses.)
2. The right to counsel or counsel substitute.
3. The right to remain silent, and that anything he does say may be used against him then or at later proceedings.
4. The right to cross-examine his accuser provided it is relevant and not repetitious. (Incident report cases—the accusing employee and accusing prisoner victim must be summoned on request; confidential informants will never be summoned. Disciplinary report cases—good reason must be given to summon the employee accuser.)
5. The right to an oral summary of the evidence and reasons for the judgment; this includes the reasons for the sentence imposed.

6. The right to a written summary of the evidence and reasons for the judgment, including reasons for the sentence imposed, when the accused pled not guilty; this will usually appear on the finalized report.

7. On written request, the right to a finalized copy of all reports introduced at the hearing, except confidential information.

8. The right to ask for a rehearing.

9. The right to appeal to the Secretary within seven days of the board decision (hearing).

Conduct of the hearing: All rights and procedural requirements must be followed unless waived by the accused. Disciplinary board hearings must be tape recorded in their entirety, and the tapes preserved for thirty days. When the prisoner intends to appeal to the courts, he should write to the Secretary asking that the tapes be preserved for possible court review within thirty days of the hearing. Hearings must be conducted as follows:

1. The accused enters his name and number into the record (the tape) as does his counsel or counsel substitute (if any) and confirms that he has been read his rights and understands them.

2. The chairman reads the disciplinary and/or incident report to the accused and asks for a plea. Available pleas are not guilty or guilty, and the accused will have full opportunity to present his entire defense. Should the accused enter no plea or attempt to enter an unavailable plea, the chairman will enter a not guilty plea for him and proceed with the case.

3. Motions, if any, by the defense should now be made. Such motions may be:

- a. To dismiss or amend the charge(s).

- b. For a continuance (must be granted on a showing of good cause; when accused did not receive adequate written notice at least twenty-four hours before the hearing, to contact an attorney, and so forth).

- c. To conduct an investigation (must be granted on a showing of a need for an investigation; for clarification, and so forth).

- d. Any other appropriate motions.

4. The board will rule on motions at the appropriate time; all motions must be ruled on before the hearing ends and reasons given for the ruling.

5. After entering his plea, the accused may then present his defense limited solely by the tests of relevancy and nonrepetition. The board may ask relevant questions of the accused, his witnesses, and/or his accuser. The accused may remain silent if he so desires; in any event, no prisoner can be compelled to incriminate himself.

6. During deliberations, everyone except the board, the bailiff, and any official observers must leave the room and the board will decide the case on the basis of the evidence presented at the hearing. Official observers must not take part in the hearing or the deliberations. The bailiff cannot participate in deciding the case or the sentence, and must not participate in the hearing at all when he is the accusing employee, unless he is summoned to testify under cross-examination. The accused's record cannot be examined to determine guilt or innocence. The accused's record may be examined following a finding or a plea of guilty in order to discover a pattern of similar misbehavior or a pending suspended sentence. The accused may want to enter his record into evidence; in this event, it may be examined at any time following the request. As a rule, the record is examined in order to determine an appropriate sentence.

7. Following the deliberations, the chairman will announce the verdict, giving an oral summary of the evidence presented and reasons for the verdict. If the verdict is guilty, the chairman will then announce the sentence, giving an oral summary of the reasons for imposing the sentence selected. The board has full authority to suspend any sentence they impose, including sus-

pending the sentence pending appeal. In conclusion, the chairman will restate to accused that he has the right to appeal to the Secretary within seven days.

Either at or following the hearing, a written summary of the evidence presented and reasons for the judgment (includes reasons for the sentence imposed) will be prepared in all cases that the accused pled not guilty and was found guilty. The convicted prisoner will automatically be given or sent a written summary. Written summaries must accurately reflect the oral summaries.

The hearing must begin within seventy-two hours of placement in Adm. Ld. Official holidays, genuine emergencies, or good faith efforts by the administration to provide a timely hearing are the only exceptions. Otherwise valid reports must be dismissed by the board on this basis alone. Except in the case of holidays or genuine emergencies, when it is not possible to provide a full hearing within seventy-two hours of placement in Adm. Ld., the accused must be brought before the board, informed of the reasons for the delay, and be remanded back to Adm. Ld. or released to his quarters after a date for a full hearing has been set.

Hearings of disciplinary reports: Before the hearing begins, the board should change the rule number to match the description of alleged misbehavior, if necessary, but may change the rule number at any point prior to the deliberations and offer the accused a continuance to prepare the defense; the continuance may be waived. (This does not apply to finding an accused guilty of a lesser, included offense.) A reviewing employee may change the rule number to fit the description prior to the hearing and ensure that the accused gets a corrected copy of the report at least twenty-four hours before the hearing begins. Rule number(s) may be added if the offense is clearly described on the report, but a prisoner cannot be charged with violating two rules for the same event. An incident may consist of several related events, each a separate, distinct rule violation.

Hearings of incident reports: When the report is based solely on information from a confidential informant, it must be corroborated by witnesses (who may be other confidential informants), the record, or other evidence. On request, the accusing employee must be summoned to testify under cross-examination about the substance of the information received and the reasons he believes it to be true, including whether he considers the informant(s) to be reliable. In order for him to attest to the reliability of the information received from a confidential informant, the informant must have been reliable in the past and must have first-hand knowledge of the present incident(s).

When the report is based solely on information from a prisoner who does not want to remain anonymous, it must be corroborated by witnesses (who may be confidential informants), the record, or other evidence. On request, the accusing prisoner must also be summoned to testify under cross-examination.

The Board must exercise caution in cases based solely on a prisoner(s) accusing another prisoner(s) as information thus obtained is a poor substitute for first-hand knowledge by an employee of prisoner misbehavior.

When a prisoner is found guilty on the basis of an incident report, he has been found guilty of being "physically dangerous to himself or others" and/or of being a clear "threat to the security of the facility," through the specific incident described. Rule numbers, definitions, or penalties for violating rules have nothing to do with incident report cases.

Isolation/Adm. Ld.: No prisoner may be confined in isolation except by action of the disciplinary board on the basis of a disciplinary report. No prisoner may be confined in isolation for more than ten consecutive days or for more than twenty days in one calendar month. Time spent in Adm. Ld. must be credited against the isolation sentence, even when the sentence is suspended. After ten consecutive days in isolation, the prisoner must be released for a period of not less than twenty-four hours.

Prisoners in Adm. Ld. must be allowed to receive all correspondence and to originate correspondence. Prisoners in isolation must be allowed to receive all letters and to originate correspondence only to communicate with the courts, legal counsel, and/or the Secretary. Prisoners in Adm. Ld. and isolation will be allowed visits, issued clean clothing daily, to have toothbrush and toothpaste, sufficient heat, light, ventilation, and toilet facilities, and to have the same meals as other prisoners. Desserts may be excluded from meals served to isolation prisoners.

Penalties: Sentences must fit the offense and the offender. A prisoner with a poor conduct record may receive a more severe sentence than a prisoner with a good conduct record for the same offense. Even so, minor offenses call for relatively minor penalties. Maximum double penalties or losses of good time should only be imposed for the most serious violations. A prisoner who violates more than one rule or the same rule more than once during an incident may receive a permissible penalty for each violation. After a finding of guilt of a new violation, a previously suspended sentence may be imposed as well as a new sentence. State and federal laws apply to prisoners. In addition to being punished by facility authorities, therefore, prisoners may also be prosecuted in District Court for criminal conduct. No prisoner may be punished except after a finding of guilt of a specific violation by the disciplinary officer or disciplinary board, and then only according to the penalty schedule for that violation.

Penalty schedule—disciplinary report (heard by disciplinary officer): After a finding of guilt, the disciplinary officer may impose one or two of the below penalties:

1. Reprimand.
2. Extra duty—up to four days for each violation.
3. Loss of minor privilege for up to two weeks.

Extra duty is defined as work to be performed in addition to the regular job assignment as specified by the proper authority. One day of extra duty is eight hours of work.

Minor privileges are:

1. Radio and/or TV.
2. Recreation and/or yard activities.
3. Telephone (except for emergencies).
4. Movies.
5. Up to twelve hours reduction of weekend pass or Christmas or Easter furlough.
6. Loss of canteen privileges.
7. Any other similar privilege.

Penalty schedule—disciplinary report (heard by disciplinary board): After a finding of guilt, the disciplinary board may impose one or two of the below penalties:

Schedule A

1. Reprimand.
2. Loss of minor privilege for up to two weeks.
3. Extra duty—up to four days for each violation.
4. Isolation—up to five days for each violation.
5. Loss of good time—up to ten days for each violation.
6. Quarters change.
7. Job change, if the violation involves the job.

Schedule B

1. Reprimand.
2. Loss of minor privilege for up to four weeks.
3. Loss of major privilege as designated below.
4. Extra duty—up to eight days for each violation.
5. Isolation—up to ten days for each violation or custody change to medium or maximum security status.
6. Recommendation of transfer to another facility (another institution).
7. Loss of good time—up to twenty-five days per calendar month.
8. Quarters change.
9. Job change.

Extra duty and minor privileges are defined above.

Major privileges are:

1. Loss of weekend pass for up to three months.
2. Confinement to room or cell for up to one month.
3. Visiting, if the violation involves visiting, for up to three months.
4. Loss of Christmas or Easter furlough.
5. Loss of plasma privileges for up to six weeks.
6. Any other similar privilege.

Penalty clarifications:

Privileges—Each privilege loss is a separate penalty; therefore, two privilege losses is the maximum penalty permitted for one violation. One privilege loss may be imposed in addition to another penalty, or by itself.

Good time—The date of the offense controls what month a prisoner has failed to earn good time through disciplinary action. A prisoner can only lose as much good time as he can earn. The board, therefore, should check to see if the prisoner is under Act 665 and can earn only fifteen days a month when deciding how much good time to “take.” Prisoner who cannot earn good time because of the sentence they are serving should not be sentenced to “lose” good time.

Custody change—A sentence of isolation and custody change to medium or maximum security status cannot be imposed for one violation.

Penalty schedule—incident report (heard by disciplinary board): After a finding of guilt, the disciplinary board may impose one or two of the below penalties:

1. Reprimand and/or return to quarters.
2. Quarters change.
3. Job change, if the violation involves the job, or if it is required by a quarters or custody change.
4. Custody change to medium or maximum security status.
5. Recommendation of transfer to another facility (another institution).

A custody change to maximum security or a recommendation of transfer to another facility can only be imposed on the basis of an incident report if it is necessary for the prisoner’s protection, or if the prisoner is dangerous to himself or others, or if the prisoner is a serious escape risk, or if the prisoner is a clear threat to the security of the facility.

Posted policy: Proposed posted policies must be approved by the Secretary before taking effect. Approved posted policies must be distributed and posted in such a manner that every prisoner affected is placed on clear notice as to what behavior is required or forbidden, and the action that may be taken against him should he violate the policy.

Rehearings: A prisoner may request a rehearing of his case by asking the board at the conclusion of the hearing, stating the reasons he feels a rehearing should be held. The decision of the board may be appealed to the Secretary.

Suspended sentences: The disciplinary officer or the disciplinary board may suspend any sentence they impose for a period of up to ninety days. The period of suspension begins at date of sentence. A prisoner who maintains a report-free record for ninety days after receiving a suspended sentence will have that report removed from his record.

Disciplinary Rules

A prisoner found guilty of violating one or more of the rules defined below will be punished according to the penalty schedule designated in the rule.

1. Contraband (Schedule B): No prisoner shall have under his immediate control any drugs (such as, but not limited to, heroin, LSD, amphetamines, barbiturates, marijuana), unauthorized medication, alcoholic beverage, yeast, weapon (such as, but not

limited to, firearm, knife, iron pipe), or any other item clearly detrimental to the security of the facility, or smuggle or try to smuggle such items into or out of the facility. In some facilities, where posted, cash money is contraband. No prisoner shall sell or give away any above defined contraband item. Prisoners clearly seen by employees to have contraband in their possession are in violation. The area of immediate control is a prisoner’s person, his locker(s), his cell, his room, his bed, his laundry bag, and his assigned job equipment—such as, but not limited to, his desk, his tool box, his locker at the job, his typewriter, his vehicle—unless the evidence clearly indicates that it belonged to another prisoner.

2. Contraband, attempted possession of (Schedule A): Contraband discovered in a location that raises a presumption of guilt against a specific prisoner (such as, but not limited to, at his feet, under his bed on the floor, next to him), but not discovered in the area of immediate control as defined in Rule 1, is a violation.

3. Defiance (Schedule B): No prisoner shall commit or threaten physically or verbally to commit bodily harm upon an employee. No prisoner shall curse an employee or insult his family in the employee’s presence. Cursing an employee in his absence is a violation of Rule 7 (Disrespect). No prisoner shall threaten an employee in any manner, including threatening with legal redress during a confrontation situation (this does not mean telling an employee of planned legal redress outside a confrontation situation, and certainly does not mean the actual composition or filing of a writ, suit, etc.; threatening to write to the Secretary is not a violation). No prisoner shall physically obstruct or resist an employee who is performing his proper duties. No prisoner shall try to intimidate an employee to make the employee do as the prisoner wants him to do.

4. Disobedience (Schedule A): Prisoners must obey the approved posted policies of the facility in which they are confined. Prisoners must obey the count procedures of their area. Possession of smoking materials in isolation is not permitted nor are attempts to smuggle smoking materials into isolation. At some facilities, where posted, the same applies to Adm. Ld. Prisoners must not knowingly make false statements on appeal to the Secretary.

5. Disobedience, aggravated (Schedule B): Prisoners must obey direct verbal orders cooperatively and promptly; not debate, argue, or ignore them before obeying. When orders conflict, the last order received must be obeyed. Even “illegal” orders must be obeyed; grievances must be pursued through proper channels. Sentences imposed by the disciplinary officer or the disciplinary board are to be carried out by the prisoner. Prisoners are required to obey all conditions of the furlough/pass agreement, including returning on or before the designated time. The only valid excuse for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury (this includes incapacity by virtue of a certified medical reason).

6. Disorderly conduct (Schedule A): All disruptive and excessively boisterous behavior is forbidden. This includes, but is not limited to, rowdy horseplay, or to booing, whistling, or shouting in the mess hall, the visiting room, or during counts, and to continuous hollering (except among spectators at live sporting events such as the rodeo, boxing, or football). Prisoners shall not jump ahead or cut into lines at the store, movie, mess hall, or during group movements of prisoners. Visitors shall be treated courteously and not be subjected to insults, cursing, or other clearly disorderly or intrusive conduct. Prisoners shall not holler into or out of cellblocks. Prisoners must not try to communicate with tower guards in any manner, except in case of emergency or when ordered to do so.

7. Disrespect (Schedule A): No prisoner shall make or write derogatory or degrading remarks about an employee. Employees shall not be subjected to insults, unwarranted and uncalled for remarks, or other clearly intrusive verbal behavior when in the performance of their proper duties. Employees shall not be subject

to unsolicited, nonthreatening, abusive conversation, correspondence, or phone calls. Prisoners shall address employees by proper title or by "Mr.," "Ms.," "Miss," or "Mrs.," whichever is appropriate. No prisoner shall curse an employee in his absence.

8. Escape (Schedule B): An attempt to escape from a facility or from the custody of an employee outside a facility, successful or not, or the failure to return from a furlough or pass, or being absent from a facility without leave, is a violation, as is an escape attempt involving weapons, violence, or threat of violence.

9. Favoritism (Schedule B): No prisoner shall bribe, influence, or coerce anyone to violate institutional policies, procedures, rules, or state or federal laws, or attempt to do so.

10. Fighting (Schedule A): Fist fighting is not permitted.

11. Fighting, aggravated (Schedule B): Prisoners shall not fight with each other using any object as a weapon (such as, but not limited to, knives, ball bats, iron pipes, chairs, boards, glass jars, gasoline, acid, broom handles, mop wringer handles). When two or more prisoners attack another prisoner without using weapons, the attackers are in violation of this rule, as are all participants in a group or "gang" fight. No prisoner shall intentionally inflict serious injury or death upon another prisoner.

Self defense clarification: Self defense is a complete defense and can be established to the board by demonstrating that his actions did not exceed those necessary to protect himself from injury.

12. Gambling (Schedule A): No prisoner shall operate or participate in any game of chance involving bets or wagers of goods or other valuables. Possession of one or more gambling tickets or stubs for football or any other sport is a violation.

13. Habitual offender (Schedule B): A prisoner who has established a documented pattern of behavior indicating that he is an escape risk or that he is dangerous to himself or others is a habitual offender, as is a prisoner who has established a documented pattern of hostile, disruptive behavior by accumulating three major violations or a total of five violations in a six-month period. Major violations are: Rules 1, 2, 3, 5, 8, 9, 11, 15, 16, 18, 20, 21, 22, 27, and/or incident reports concerning escape, violence, strongarming, theft, or smuggling of contraband.

Implementation: No disciplinary report can be filed for violation of this rule. An accelerated penalty schedule (Schedule B) may be used by the board at their discretion following conviction of a disciplinary or incident report. This rule is properly invoked to impose Schedule B penalties following conviction of a Schedule A offense or an incident report. Use of this rule must be documented in the oral and written summaries, and cannot be used to impose an additional penalty—a prisoner cannot be sentenced for the violation itself then given an additional sentence for being a habitual offender.

14. Intoxication (Schedule A): No prisoner shall be under the influence of an intoxicating substance.

15. Malingering (Schedule B): No prisoner shall feign illness or grossly exaggerate an ailment to avoid work or for any other reason. Medical opinion is controlling. If a doctor finds nothing wrong with a prisoner seeking medical attention, he is in violation. A prisoner may also be in violation if he seeks emergency medical attention for a minor ailment that should be handled at sick call, in the opinion of medical staff.

16. Property destruction (Schedule B): No prisoner shall destroy the property of others or of the state either willfully or through gross negligence. Possession of a "stinger" (a home-made electrical device used to heat water) is a violation. The shaking of cell doors ("racking down") is not permitted; the cellblock officer's attention must be secured by other means as the door-locking mechanisms are destroyed by prolonged shaking. Standing or sitting on face bowls is a violation. Except as stipulated above, damage must be evident before a prisoner is charged with violating this rule.

17. Radio/TV abuse (Schedule A): Radios must be used in accord with the approved posted policies of the facility. TVs must be played at a reasonable volume so as not to disturb others. This rule also applies to tape decks, record players, etc. Violations of approved posted policies about radios, TVs, etc., are to be processed under this rule. In addition to any penalty that may be imposed by the disciplinary officer or the disciplinary board, the ranking employee on duty may confiscate the radio (etc.) for a period of up to thirty days, and he will be responsible for it and for its return. For repeated violations, the radio will be confiscated and the prisoner will have thirty days to furnish postage to send it to an address of his choice, or the radio (etc.) will be destroyed. The prisoner will not be permitted to have a similar item sent to him for one year.

18. Self-mutilation (Schedule B): No prisoner shall deliberately inflict an injury upon himself, upon a consenting prisoner, or consent to have an injury inflicted upon himself.

19. Sex offenses (Schedule A): Two or more prisoners who have obviously been interrupted immediately before or after carnal copulation are in violation. The same applies to one or more prisoners with an animal(s). Visitors shall not be subjected to excessive displays of affection. No prisoner shall invade the privacy of an employee with unsolicited, nonthreatening, affectionate, or overtly sexual conversation, correspondence, or phone calls. Prisoners must not make clearly obscene gestures or offensive sexual references to an employee.

20. Sex offenses, aggravated (Schedule B): Carnal copulation by two or more prisoners with each other, or by one or more prisoners with an animal(s), is not permitted. Use of the genital organ of one of the prisoners, regardless of sex, is sufficient to constitute the offense. Overt sexual activity in the visiting room, involving use of the genital organ of the visitor or prisoner, is not permitted. No prisoner shall invade the privacy of an employee with sexual threats in conversation, or by correspondence or phone calls. No prisoner shall deliberately expose himself and/or masturbate in clear view of a female employee or visitor. No prisoner shall sexually assault a person by force or threat of force.

21. Theft (Schedule B): No prisoner shall steal from anyone. Forgery, a form of theft, is the unauthorized altering or signing of a document(s) to secure material return and/or special favors or considerations. Fraud, a form of theft, is the deliberate misrepresentation of fact to secure material return and/or special favors or considerations. Neither is permitted. No prisoner shall have stolen items under his immediate control. No prisoner shall have institutional property under his immediate control unless he has specific permission; this includes institutional foodstuffs in excess of what he might reasonably be expected to eat at one sitting. Please refer back to Rule 1 for the definition of "area of immediate control."

22. Theft, attempted (Schedule A): Attempts to steal or to perpetrate a fraud or forgery are not permitted. This rule applies to such attempts in which the perpetrator received absolutely no return for his effort. Stolen property, unauthorized institutional property (including large amounts of institutional foodstuffs), discovered in a location that raises a presumption of guilt against a specific prisoner, but not discovered in his area of immediate control as defined in Rule 1, shall be a violation of this rule.

23. Unauthorized area (Schedule A): A prisoner must be in the area in which he is authorized to be at that particular time and date or he is in an unauthorized area. No prisoner shall go into any housing unit other than that to which he is assigned—this includes standing in the doorway—unless he has permission. Whether this rule or Rule 8 (Escape) applies must be determined by the circumstances of the incident. Absent a clear intent to escape, this rule usually applies.

24. Unauthorized food (Schedule A): No prisoner shall have under his immediate control any food not sold by the prisoner canteen or not otherwise permitted. No prisoner shall have institu-

tional foodstuffs under his immediate control outside the mess hall without specific permission. No prisoner shall take extra portions of rationed food items at the serving counter. This rule, not Rule 21, applies to unauthorized possession of institutional foodstuffs not exceeding that which the prisoner could reasonably be expected to eat at one sitting. Please refer back to Rule 1 for the definition of "area of immediate control."

25. Unsanitary practices (Schedule A): Prisoners must not spit or drop litter or cigarette butts anywhere but into a proper receptacle. Prisoners must not smoke in the immediate area where food is being prepared or served. Prisoners must maintain themselves, their clothing, and their shoes in as presentable a condition as possible under prevailing circumstances. Each prisoner is responsible for keeping his bed and bed area reasonably clean, neat, and sanitary. Beds will be made according to the approved posted policy of the facility. Tattoos are not to be placed upon the body of a prisoner during his incarceration. Prisoners must wear shoes/boots and cannot wear shirts that leave the ampits exposed or shorts into the mess hall, or chew gum in the mess hall.

26. Work offenses (Schedule A): Prisoners must perform their assigned tasks with reasonable speed and efficiency. Though prisoners have specific job assignments, it may be required that they do work other than what their job assignments require; this work shall also be done cooperatively and with reasonable speed and efficiency. Prisoners operating state vehicles or machinery will do so in a cautious and safe manner in conformity with state laws and institutional policies. Minor field misbehavior (such as, but not limited to, talking instead of working, loafing around and not keeping up with co-workers, leaving too much grass on the row) is a violation of this rule. Being present, but not answering at the proper time at work roll call is a violation.

27. Work offenses, aggravated (Schedule B): A prisoner who flatly refuses to work or to go out to work, or who asks to go to Adm. Ld. rather than work, is in violation of this rule, as is a prisoner who disobeys repeated instructions as to how to perform his work assignment. Hiding out from work is a violation. Falling far short of fulfilling reasonable work quotas is not permitted. Being absent from work roll call without a valid excuse (such as no duty or callout) is a violation, as is not reporting for extra duty assignment. Being late to work (includes being late to school assignment) is a violation. Prisoners on maintenance status must perform their work assignments cooperatively and satisfactorily. Prisoners on work release status who violate a condition of the signed work release agreement are in violation.

C. Paul Phelps, Secretary
Department of Corrections

RULES

Board of Elementary and Secondary Education

Rule 3.01.70.v (24)

The Board adopted certification standards for qualified examiners for special education as required by Act 754 of 1977, for incorporation as an amendment to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*.

Certification for Qualified Examiners

Evaluation Coordinator—Must have certification as:

- A. School psychologist, or
- B. School psychological assistant, or
- C. Credentials as a competent authority: (1) to assist in the delivery of psychological services, or (2) educational consultant.

Assessment Teacher—Must have certification as educational consultant. Note: The Competent Authority Credentialing Com-

mittee will be reduced to psychologists only for the purpose of credentialing persons at the masters level to assist in the delivery of psychological services.

Speech Pathologist.

Provisional Certificate in Speech Pathology—(Valid for three years, nonrenewable): Master's Degree in speech pathology or equivalent as specified in Bulletin 746. Must work under supervision of a speech pathologist.

Qualified—(Valid provided the holder maintains current Louisiana licensure): licensed speech pathologist or Type B or Type A Louisiana Certificate as a speech, language, and hearing specialist under the new certification requirements.

Audiologist.

Provisional Certificate in Audiology—(Valid for three years, nonrenewable): Master's Degree in audiology or equivalent as specified in R.S. 37:2651, et seq. Must work under supervision of a licensed audiologist.

Qualified—(Valid provided the holder maintains current Louisiana licensure as an audiologist): licensed audiologist.

School Psychologist.

Provisional—(Valid for three years, nonrenewable) Level B Certificate as specified in Bulletin 746.

Qualified—Level A Certificate as specified in Bulletin 746.

Social Worker.

Provisional Certificate in School Social Work—(Valid for three years, nonrenewable): Qualifies to begin pursuit of two years work experience necessary to take examination for licensure under Act 706.

A. Graduate from an accredited social work program with a Master's Degree plus field experience in the social work practice settings listed below and an approved plan for a minimum of one hour per week supervision by a social worker licensed under Act 706; or

B. Graduate from an accredited social work program with a Master's Degree with a minimum of three hours per week supervision for the first six months of employment. Must work under supervision of a licensed social worker qualified as below. The field experience and plan of supervision to be approved by the Louisiana State Board of Board Certified Social Work Examiners.

Qualified School Social Worker (Valid provided the holder maintains current licensure as a social worker):

I. Licensure in accordance with Act 706 of the 1972 Legislature and

II. Experience (either A or B):

A. Work experience in one or more of the following social work practice settings within the past five years:

1. School setting.
2. Mental health clinic.
3. Psychiatric hospital.
4. Family service/community service agency where psychiatric consultation was available to agency staff.
5. Child service agency.
6. Medical social services where social services were delivered to families and children.
7. Private practice which is clinical in nature and delivered to adults, children, and families.

B. Graduate social worker field experience in the above social work practice settings plus two years work experience in any social work practice setting. The field experience to be judged by the Louisiana State Board of Board Certified Social Work Examiners.

Interim Requirements for Certification as Educational Consultant.

1. A minimum of Master's Degree in education, with certification in at least one area of special education in accordance with the regulations of the State Board of Elementary and Secondary Education.

2. A type B teaching certificate with at least one year classroom teaching experience in a properly certified area of special education.

3. Three semester hours in diagnosis and remediation of reading problems which may be undergraduate. (Secondary majors must have three semester hours in foundations of reading in addition to this requirement.)

4. A minimum of the following graduate level courses.

A. Three semester hours in applied learning theory.

B. Six additional semester hours from one of the following areas of special education which shall be outside the area of initial certification in special education required under item one above:

- (1) Deaf and/or hard of hearing.
- (2) Learning disabled.
- (3) Mentally retarded.
- (4) Socially maladjusted and emotionally disturbed.
- (5) Blind/partially sighted.
- (6) Gifted and talented.
- (7) Severe language disordered.
- (8) Orthopedically handicapped/children with special health problems.

C. Six semester hours in educational diagnosis: theory and supervised practicum. (This course must include the administration of individualized educational tests, implications for educational intervention through the development of the individualized educational plan.)

Requirements for Certification as Educational Consultant. (Mandatory requirement effective for all individuals beginning their college training on or after the beginning of the fall semester 1980.)

1. A minimum of Master's Degree in education, special education, early childhood or child development.

2. Certification in at least two areas of special education in accordance with the requirements of the State Board of Elementary and Secondary Education.

3. A minimum of a type B teaching certificate with at least one year classroom teaching experience in a properly certified area of special education.

4. Three semester hours in diagnosis and remediation of reading problems which may be undergraduate course work. (Secondary education majors must have three semester hours in foundations of reading in addition to this requirement.)

5. A minimum of the following graduate level courses.

A. Three semester hours in applied learning theory.

B. Six semester hours in test theory and educational diagnosis. (These courses must include the administration, scoring, and interpretation of standardized individual educational tests and implications for educational intervention through the development of the individualized educational program.)

C. Three semester hours in supervised practicum in educational diagnosis which must include one hundred child contact clock hours.

D. Three semester hours in diagnostic-prescriptive teaching.

Rule 5.00.50.e

The Board adopted a policy statement regarding use of federal funds which assures compliance with Section 104.301 of the Vocational Rules and Regulations as follows: Where federal funds are used in vocational education projects and/or programs, all provisions of federal laws and regulations, including the Department of Health, Education, and Welfare, Office of Education's General Provisions for Programs, Administrative and Fiscal Requirements, as found in the *Federal Register*, Volume 38, No. 213, Part 3, Appendix B, Page 30694, will be complied with and followed.

Rule 3.01.51q

The Board adopted an addition to the adult education requirements as outlined in Bulletin 741, *Handbook for School Administrators*, as follows:

Veterans or members of the United States Armed Forces (Definition):

a. A person is considered a veteran if he has served at least ninety days in active military service and been honorably discharged from such service.

b. A person is considered a "member of the armed forces" if he is engaged in active military duty in the Army, Navy, Air Force, Marine Corps or Coast Guard. A member of the National Guard is not considered a "member of the armed forces" unless his unit has been federalized by the U. S. Government.

Rule 3.01.51r

The Board adopted an amendment to Bulletin 741, *Handbook for School Administrators*, page 83, Item 3, last sentence to read as follows: "The physical facilities shall conform to current federal, state, and local building, fire, safety, and health codes." This statement change is necessary to bring into conformity building and maintenance standards of schools.

Rule 5.01.31c

The Board adopted Guidelines for Implementation of Act 18 of 1977, Transportation Reimbursement to Parents.

Guidelines for Act 18

To be eligible for full or partial reimbursement:

1. The student must live more than one mile from the school of attendance.

2. The student must avail herself/himself of the transportation that is available to the school of attendance. If transportation is available and a student chooses not to use it, she/he is ineligible for reimbursement.

3. The student must be attending a school which is approved by the State Board of Elementary and Secondary Education and said school must also be in compliance with the mandates of the *Brumfield vs. Dodd* Court Order.

Amount of reimbursement:

1. To be eligible for full reimbursement a student must attend a minimum of one hundred forty days (and/or meet the minimum attendance requirements of the State Board of Elementary and Secondary Education).

2. To be eligible for one-half of reimbursement (fifty dollars) a student must attend a minimum of 70 days and not more than 139 days.

3. Kindergarten children that are not being provided transportation are eligible for full reimbursement of one hundred dollars per child and not more than two hundred dollars per family.

4. Kindergarten children being provided transportation one-way are eligible for fifty dollars per child reimbursement.

Responsibility of principal (public and nonpublic):

1. Attest to the enrollment and attendance of the student(s) on the affidavit.

2. Attest that the student(s) listed on the affidavit lives more than one mile from school of attendance. (The one mile limit shall be determined in accordance with the procedure set forth in Bulletin 1191, Section XVI, Item 1, "Eligible Pupil," page 55.)

Responsibility of (civil) parish superintendent: Superintendent of local system in which student is domiciled must validate the nonavailability of transportation to the student. Superintendent is attesting that transportation is not available to the school of attendance.

Responsibility of parent. (Failure to comply with any of these requirements will result in the affidavit being voided.)

1. Complete the affidavit in its entirety with no erasures or strikeouts. (The affidavit is a legal document; therefore, it must be filled out correctly and accurately.)

2. Obtain signature of school principal.
3. Have affidavit signed and sealed by notary public.

Dates for submitting affidavits:

April 1, of each year is the opening date for filing affidavits.

June 1, of each year is the closing date in the local school system for accepting affidavits. (Affidavits received by the local school system after June 1 and those received by the Bureau of School Transportation not bearing postmark of June 5 or earlier will not be eligible for reimbursement.)

June 5, affidavits must be postmarked by this date each year and sent to the Bureau of School Transportation. (Affidavits received by the local school system after June 1 and those received by the Bureau of School Transportation not bearing postmark of June 5 or earlier will not be eligible for reimbursement.)

Rule 4.01.50a

The Board adopted Nonpublic School Testing Guidelines.

Nonpublic School Testing Guidelines

Section I.

Rationale.

The purpose of this program is to assess the sustained curriculum or course of study in nonpublic schools through the use of standardized instruments.

A systematic auditing of these results will give some measure of the progress achieved by the individual pupil, a local school and the system as a unit.

Such an audit would assist in assessing the variation of effectiveness of different instructional procedures and/or different curricular arrangements. The program would assist in assessing the degree to which fixed goals and objectives are accomplished.

The program would make available standardized testing for pupils in Grades Kindergarten through 12 to evaluate the sustained curriculum or course of study.

Definition of Terms. For our purposes:

School—approved nonpublic school which is not classified as part of an organized system.

System—approved nonpublic schools functioning under a diocesan staff.

LDE (Louisiana Department of Education)—nonpublic school testing staff.

BESE—Louisiana State Board of Elementary and Secondary Education.

Goals:

1. Assessment of program evaluation as an educational priority.

2. Assessment of effective pupil learning.

Objectives:

1. Indications that have real meaning in terms of effectiveness that can be communicated to provide BESE and other interested persons data by which they can evaluate the sustained curriculum or course of study in approved nonpublic schools.

2. Identification of programs that work for both students and teachers.

3. Development of conclusions drawn from hard data that help decision makers refine, expand, or drop programs.

Section II.

Basic Design of Testing Program:

A. Selection of Instrument. The school or system will identify one type of norm-referenced instrument to be used for testing from the approved list of test publishers, as established by the Advisory Council for Nonpublic School Testing.

B. Name and Publisher of Instrument. The school or system will submit the name and publisher of the instrument to be used for testing students to LDE by February 5, 1979. In addition,

they will submit by grade level the number of students participating in the school program.

C. Acquisition of Materials. The school or system will notify the LDE of their test recommendations. The LDE staff will then issue a purchase order to the publisher authorizing delivery of the tests to the schools.

D. Reporting Format. Percentile rank by subtest based on national norms will be reported. Raw score, standard score and NCE score will be furnished LDE for analysis. Summary results of hand scored tests must be provided the LDE by the school or system. After each school has administered the tests and returned them to the publisher for scoring, the results will be sent to the LDE with copies to the school by June 15, 1979.

E. Fiscal Administration. The school or system will provide the LDE with the name of the selected instrument, the vendor, the number of students to be tested at each grade level. A purchase order will be issued by the LDE to the selected vendor for each school. The school will notify the LDE upon receipt of the materials so that partial payment may be made if required. Upon receipt of the test results (a copy of which will be supplied the LDE) the school or system will notify the LDE and final payment will be made.

Section III.

Administration of Testing Program:

A. Test Dates.

1. For 1978-79 school year—spring, preferably in accordance with publisher's norming dates.

2. Future school years—option: fall, winter, or spring.

B. Grade Levels to be Tested. Standardized testing to evaluate sustained curriculum or course of study, grades Kindergarten through 12.

C. Testing Exclusions. Any exceptional child who, with the aid of any available related services, is capable of participating in the approved nonpublic school testing program, and who meets the criteria established by the Department of Education's office of special education for participation in such program, shall participate.

Section IV.

A. Board Reporting. A summary report of data by selected instrument will be provided by LDE to the Board of Elementary and Secondary Education. This summary report may also be provided to the Elementary and Secondary Education Bureaus of the Department of Education for purposes of evaluating the sustained curriculum.

B. Release of Test Data. Data relative to test results of individual students, teachers, classes, or school will only be released in accordance with the Buckley Amendment and Attorney General's Opinion 77-1340.

Section V.

Advisory Council. The approved Nonpublic School Testing Advisory Council appointed by the Board of Elementary and Secondary Education will continue to function in an advisory capacity throughout the duration of the program.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

Office of the Governor Tax Commission

In accordance with the provisions of the Administrative Procedures Act (R.S. 49:951-968) the following changes have been adopted in the assessment of oil and gas property on Page 13 of the Tax Commission Guidelines:

Producing Depths	Fair Market Value Per Foot	Assessment Per Foot
0-1250 feet	\$1.68	\$.25
1251-2500 feet	\$2.00	\$.30

C. Gordon Johnson, Chairman
Tax Commission

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy that will govern the payment of sterilizations under the Medical Assistance Program. This policy was originally adopted as an emergency rule, effective March 8, 1979. A sterilization is defined as "any medical procedure, treatment or operation for the purpose of rendering an individual permanently incapable of reproducing." The following regulations apply to medically indicated procedures which result in sterility, as well as to those sterilizations done solely for family planning purposes.

For the Louisiana Medical Assistance Program to pay for a sterilization under the new policy:

The patient must sign a consent form at least thirty days, but no more than one hundred eighty days before the date of the sterilization, excepting premature delivery or emergency abdominal surgery.

The patient may consent to sterilization at the time of premature delivery or emergency abdominal surgery if seventy-two hours have passed since he or she gave informed consent to the sterilization. In the case of premature delivery, the informed consent must have been given thirty days before the expected date of delivery.

The patient must be at least twenty-one years old when consent is obtained.

The patient must give informed consent to the sterilization and the consent form published in the federal regulations must be used.

Informed consent may not be obtained when the individual to be sterilized is in labor or childbirth, seeking to obtain or obtaining an abortion, or under the influence of alcohol or other substances affecting the individual's state of awareness.

The patient must be mentally competent.

The patient cannot be institutionalized.

Three copies of the consent form must be filled out: one for the patient, one for the physician and one for attachment to the claim form.

The federal regulations governing sterilizations, include regulations governing payment of hysterectomies under the Medical Assistance Program. According to the regulations, the Louisiana Medical Assistance Program cannot pay "for the performance of any hysterectomy solely for the purpose of rendering an individual permanently incapable of reproducing or where, if there is more than one purpose to the procedure, the hysterectomy would not be performed but for the purpose of rendering the individual permanently incapable of reproducing."

In other words, payment is not available for hysterectomies done for sterilization purposes for which there are also some medical indications which are themselves insufficient to justify the performance of a hysterectomy.

If a hysterectomy is performed for purposes other than sterilization, payment can be made only if the patient is informed orally and in writing that the hysterectomy will render her permanently incapable of reproducing and she has signed a written acknowledgement of receipt of this information. The written acknow-

ledgement should be attached to the claim form submitted when requesting payment for these medical services.

The acknowledgement reads as follows:

I hereby acknowledge that I have been informed orally and in writing that a hysterectomy (surgical removal of the uterus) will render the individual on whom the procedure is performed permanently incapable of bearing children.

Signature of Recipient

Date

or Designated Representative

Note: It is necessary that the acknowledgement statement appear above the signature of the recipient or her designated representative and that the statement be dated before the actual time of the surgical procedure.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted maximum allowable costs (MACs) for the following drugs when dispensed on prescription. These maximum allowable costs were adopted as an emergency rule, effective January 25, 1979.

Acetaminophen w/codeine 30 mg. tabs.	\$0.0780 per tablet
Acetaminophen w/codeine 60 mg. tabs.	0.1545 per tablet
*Ampicillin 250 mg. caps.	0.0595 per capsule
*Ampicillin 500 mg. caps.	0.1103 per capsule
Doxepin HCL 10 mg. caps.	0.0950 per capsule
Doxepin HCL 25 mg. caps.	0.1161 per capsule
Doxepin HCL 50 mg. caps.	0.1765 per capsule
Erythromycin Stearate 250 mg. tabs.	0.0697 per tablet
Erythromycin Stearate 500 mg. tabs.	0.1250 per tablet
Penicillin G Potassium 400 mu. tabs.	suspended
Penicillin G Potassium 800 mu. tabs.	suspended
Phenylbutazone 100 mg. tabs.	0.0750 per tablet
Phenylbutazone Alka 100 mg. caps.	0.0940 per capsule
Probenecid 0.5 gm. tabs.	0.0644 per tablet

*These MACs reflect a reduction in the MACs established on June 27, 1977.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows.

The Department of Health, Education and Welfare's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. The certification must be in the physician's handwriting.
2. The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription.
3. A standard phrase written on the prescription, such as "brand necessary" will be acceptable.
4. A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable.
5. A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners has adopted the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*.

Requirements for regular admissions, Section IV, Subsection 7-1 a. Grade placement of 9.5 in reading, 8.5 in mathematics on the achievement test battery and score satisfactorily on the National League for Nursing preadmission test for practical nursing.

Requirements for advanced standing, Section IV, Subsection 7-2 a (5). Score satisfactorily on the National League for Nursing preadmission and standardized achievement tests for practical nursing.

Section VIII, Subsection 3-1 j (Examination requirements) was deleted. The deleted section read: "Remit a fee of fifteen dollars for each subsequent examination."

(Mrs.) Helen W. Sheehan, R.N.
Executive Director
Board of Practical Nurse Examiners

RULES

Department of Natural Resources Office of Conservation

Pursuant to authority delegated under the laws of the State of Louisiana and the United States and particularly Title 30 of the Louisiana Revised Statutes of 1950, as amended, and the Natural Gas Policy Act of 1978, the following regulations are issued and promulgated by the Commissioner of Conservation as being reasonably necessary to govern, control and administer the authority contained in the Natural Gas Policy Act of 1978 and in general to carry out the provisions of the laws of this state and the United States. These rules are designed to implement and clarify applicable Federal Energy Regulatory Commission regulations as they apply to Louisiana and provide for the minimum possible imposition of regulatory burden.

Practice and Procedure for All Applications and Proceedings for Determination of Well Categories Under Natural Gas Policy Act of 1978

(Editor's Note: The forms which accompany these rules are not published here, in accordance with R.S. 49:954.1C. Copies of the forms may be obtained from the Office of Conservation, Department of Natural Resources, Box 44275, Baton Rouge, Louisiana 70804.)

1. Definitions.

A. Unless the context specifically requires otherwise any special words or terms and phrases used herein are used as defined in the Natural Gas Policy Act of 1978, applicable Federal Energy Regulatory Commission rules and regulations pertaining thereto, or applicable meanings given in Title 30 of the Louisiana Revised Statutes.

B. "Commissioner" shall mean the Commissioner of Conservation, State of Louisiana.

C. "FERC" means the Federal Energy Regulatory Commission.

D. "NGPA" means the Natural Gas Policy Act of 1978.

E. "Sections 102, 103, 107 and 108" mean those sections of the Natural Gas Policy Act of 1978 (NGPA).

F. "District office" means one of the district offices of the Office of Conservation, State of Louisiana.

2. Applications.

2.1 Any interested person requesting the classification of a well or a reservoir pursuant to the authority granted to the Commissioner by Section 503 of the NGPA in order to determine the applicable category for any such wells or reservoirs pursuant to Title 1 of said NGPA shall:

2.2 File a written application made upon forms prescribed by the Office of Conservation, Department of Natural Resources, State of Louisiana. The original and two copies of such applications shall be filed with the Commissioner at the District Office for the district in which the subject well or reservoir is located. All applications must be completed in conformance with the Commissioner's Rules and Regulations as well as the rules and regulations of FERC before the applications will be considered by the Commissioner. An application may cover a new determination or a request for a change affecting an existing determination. An application may be amended, supplemented or withdrawn by the applicant at any time prior to the Commissioner's determination.

2.3 An individual application must be completed as to each well for which a status determination is being requested, and if more than one status determination is being requested as to a single well then all forms and information required for each requested determination shall be submitted jointly under one application with notice to the Commissioner that multiple determinations for one well are being sought under the application.

2.4 If applicant is an individual, the application shall be signed and sworn to by such individual. If applicant is a corporation, the application shall be signed and sworn to by a responsible official of such corporation. If applicant is a partnership, the application must be signed and sworn to by one general partner of the partnership.

2.5 Certify that the purchaser(s) of the natural gas has been served by delivery or by mail, postage prepaid, a copy of the application, less required supporting documents.

2.6 Include a filing fee of one hundred dollars per application to cover administrative costs.

2.7 Upon receipt of an application for a well status determination under the NGPA, the Commissioner shall notify the applicant of the receipt of its application by the Commissioner, and should the application be incomplete in any respect, indicate the items to be filed which would make the application complete. Upon receipt of a complete application, the Commissioner shall assign a docket number to the application, and notify the applicant of the hearing date and docket number.

3. Documents Supporting Application.

3.1 All applications must contain, prior to hearing, all information, data, forms, affidavits, plats, maps, exhibits and evidence as may be required by law or the rules and regulations of the FERC and the Louisiana Office of Conservation.

3.2 The form prescribed by the Commissioner shall prescribe for documents sufficient to comply with the minimum requirements imposed by the FERC. Additional support may be required by the Commissioner by giving notice of such to the applicant prior to the hearing, at the hearing itself, or by other means.

4. Notice; hearing.

4.1 Upon receipt by the Commissioner of a complete application and after assigning a docket number to the application, the Commissioner shall set a reasonable time and place for a hearing on the application and shall cause a notice of the application to be published in the Official Journal of the State of

Louisiana. Such notice shall be published at least ten days before the hearing and shall include:

- A. A statement of the time, place and nature of the hearings.
- B. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- C. A reference to the particular sections of the statutes and rules involved.
- D. A short and plain statement of the matters asserted and the relief sought.

Provided, however, that unless the Commissioner, for good reason, determines otherwise, an application involving recognition of the new onshore reservoir category (§102(c)(1)(C)) shall not be brought up for hearing prior to a hearing for unitization of the subject reservoir held pursuant to the rules of the Office of Conservation. Further, the Commissioner may hear any such NGPA application and unitization hearing jointly.

4.2 Any notice filed and published pursuant hereto may cover and include more than one well or reservoir in one notice published provided the same applicant has filed for all such well determinations or multiple determinations as to any such well.

4.3 Any interested party shall have the right to protest to the Commissioner with respect to a determination sought by any applicant. Each protest shall include:

- A. An identification of the determination protested.
- B. The name and address of the person filing the protest.
- C. A statement of the effect the determination will have on the protestor.
- D. A statement of the precise grounds for the protest, and all supporting documents or references to any information relied on in connection with the protest.

After filing the protest as provided for herein the party filing such protest shall have the right to be heard at all hearings and to present witnesses and other evidence, whether or not represented by legal counsel or technical assistants, on all issues of fact involved and argument of all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

If such a protest is received by the Commissioner prior to the date set for the hearing, then a copy of same shall be delivered by the Commissioner to the applicant by mail, postage prepaid.

4.4 Except with regard to applications involving recognition of the new onshore reservoir category (§102(c)(1)(C)) wherein the limits of the subject reservoir have not been subject to an Office of Conservation unitization hearing prior to the NGPA determination hearing, if there are no protests filed, an application may be considered and determined by the Commissioner by informal disposition on the basis of sworn testimony, depositions, or affidavits filed in writing with the Commissioner as well as all exhibits, forms and other matters properly filed before the Commissioner, which matters shall comprise the transcript of the hearing on which the determination is based. Each applicant, requesting an informal disposition, as such, shall file with the Commissioner an affidavit agreeing that the determination can be made by the Commissioner without the necessity of an appearance. The Commissioner may, however, in any event, upon his own motion, require an evidentiary hearing with sworn testimony and in such cases shall notify the applicant prior to the hearing date of his decision to do so.

4.5 If an interested party files a protest at the hearing on the application, and no other protest to the application has been made prior to the hearing, then the Commissioner shall continue the hearing on the application until a date determined by him at that time, and his fixing of such new hearing date as such shall be notice to the party filing the protest. Thereafter, the Commissioner shall notify the applicant of the new hearing date and shall additionally send the applicant a copy of the protest which has

been filed. Failure to appear at such continued hearing will be deemed a withdrawal by the applicant or any protestant.

4.6 The Commissioner shall mail a notice of his determination to the applicant and to all parties appearing at the hearing.

5. Rehearings.

5.1 Upon determination by the Commissioner, any party to the hearing may file a motion for rehearing within ten days after the date of determination. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. The grounds for such action shall be either that:

- A. The decision is clearly contrary to the law and the evidence.
- B. The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing.
- C. There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter.
- D. There is other good ground for further consideration of the issues and the evidence in the public interest.

Upon such application the Commissioner shall have power to grant or deny rehearing or to abrogate or modify his previous determination without further hearing. Unless the Commissioner acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied.

6. Notice of Determination.

6.1 Within five days after the last day for filing a motion for rehearing, or if such a motion is filed, within fifteen days after it is denied or overruled by operation of law, the Commissioner shall give written notice to the FERC of his determination in accordance with the FERC Rules and Regulations.

R. T. Sutton
Commissioner of Conservation

RULES

Department of Revenue and Taxation

First Use Regulations

Pursuant to the authority vested in me by law, the following regulations concerning the first use tax imposed on gas, as provided in R.S. 47:1301 et seq., are hereby promulgated, effective April 1, 1979.

Article 47:1302. Definitions. The definitions hereinafter set forth shall have the meanings ascribed to them unless the context of use clearly indicates otherwise:

1. "Natural gas" is natural or casinghead gaseous phase hydrocarbons remaining after separation from either oil, condensate, or distillate and measured at a pressure base of 15.025 pounds per square inch absolute at a temperature base of sixty degrees Fahrenheit. It shall include "flash" gas recovered as a result of secondary separation.
2. "Processing" is the scrubbing of a natural gas stream by specifically applied mechanical processes of absorption, adsorption, compression, cooling, cryogenics, refrigeration or any combination thereof for the purpose of extracting natural or casinghead gasoline, methane, ethane, propane, butane and other liquefiable hydrocarbons.
3. "Refining" is the process by which crude oil, distillate, and condensate are separated or fractionated into the various component parts or purified.
4. "Storage" means and includes any keeping or retention in this state of oil and/or natural gas.
5. "Measurement" is any industry approved method by which the volume of natural gas affected by this Part is determined,

including but not limited to mechanical devices, analysis, allocation based upon volumes previously determined by approved methods; measurement may also be accomplished by subtracting exempt volumes of gas, e.g., plant fuel, shrinkage, etc., from the total gas (subject to the tax) entering the pipeline. All measurements shall be made at a pressure base of 15.025 pounds per square inch absolute and at a temperature of sixty degrees Fahrenheit. Records pertaining to volume determinations shall be kept on file by the owner, or the taxpayer if different from the owner, at the time of first use for examination and verification by the Department of Revenue and Taxation for a period of three years from the thirty-first day of December in the year in which the taxes are due.

6. "Sale" is the transfer of ownership of and title to natural gas from one person to another for valuable consideration. This includes the exchange or trade of gas between two or more persons.

7. a. "Use" is the sale; the transportation in the state to the point of delivery at the inlet of any processing plant; the transportation in the state of unprocessed natural gas to the point of delivery at the inlet of any measurement or storage facility; the transfer of possession or relinquishment of control at a delivery point in the state; processing for the extraction of liquefiable component products or waste materials; use in manufacturing; treatment; or other ascertainable action at a point within the state.

b. The total volume of gas relinquished to another for processing shall be considered in computing the first use tax, even though a portion of the gas relinquished to another for processing bypasses the plant process.

c. "Use" shall not include the compression or dehydration of gas (including gas used as fuel in conjunction therewith) being transported through the state where such gas is not subject to any other use herein defined.

d. It shall not be necessary for a user to have performed all the uses named or that they be performed in the particular order listed.

8. "Owner" is the person or persons have title to and the right to alienate the natural gas subject to the tax at the time a use occurs in the state. It shall not include any person to whom temporary possession or control has been transferred. In the event of a sale, which includes a trade or exchange, the purchaser or recipient taking title to the gas shall be deemed the owner.

9. "Measurement facility" is an installation specifically utilized for ascertaining, by mechanical means, a volume of gas. Check or control meters such as those used for leakage detection or flow control shall not be considered to be measurement facilities.

10. "Shrinkage" is an equivalent gas volume of liquids extracted from a gas stream.

11. "Plant fuel" is gas necessary for the operation of a processing plant, including, but not limited to, gas consumed in the compression of gas for delivery into or directly out of a processing plant.

Article 47:1303. Imposition of tax.

1. The tax imposed by R.S. 47:1303 is levied upon the first occurrence within this state of any use, as defined above, of any natural gas upon which no severance tax or tax upon the volume of production has been paid, or is legally due to be paid, to this state or any other state or territory of the United States, or which is not subject to the levy of any import tax or tariff by the United States as an import from a foreign country. The tax shall be computed at a rate of seven cents per thousand cubic feet of gas as to which a taxable first use occurs within the state. For purposes of this tax gas shall be measured at a pressure base of 15.025 pounds per square inch absolute and at a temperature base of sixty degrees Fahrenheit.

Exclusions.

2. In computing the amount of the tax due hereunder, there shall be excluded from the computation any volumes of gas used in the State of Louisiana as follows:

a. Drilling for or production of, natural gas, oil, or sulphur in this state.

b. Plant fuel used in processing of natural gas for liquids extraction in this state.

c. Shrinkage due to the extraction of ethane, propane, butane, natural or casinghead gasoline or other liquefied hydrocarbons.

d. Used or consumed in the manufacture of fertilizer and anhydrous ammonia in the state.

3. The taxpayer subject to the first use tax levied herein and subsequently paying the tax shall be the sole claimant of any exemptions listed above by deducting from gross volumes first introduced into this state those volumes exempt from the tax.

4. The tax levied herein does not accrue on measurement differences resulting from line losses.

5. Gas subject to the first use tax shall not be exempt from the tax because of flare or vent.

6. Gas subject to the first use tax is not exempt when used as a replacement volume or make-up gas for nontaxable gas, unless the replacement volume or make-up gas is otherwise exempt from the tax.

Contractual Tax Reimbursement. This prohibits, as a matter of public policy, the owner of the natural gas taxed from passing the tax back to the producer by withholding from the purchase price the tax amount due. Owner, at the time of the incidence of the tax, is also prevented from obtaining a refund or reimbursement of the tax paid on the basis of an agreement or contract, from any one other than a purchaser, unless there has been a final and unappealable judicial determination that the owner is entitled to this reimbursement or refund. Otherwise, public policy and the provisions of Subsection (c) of R.S. 47:1303 prevent there being any enforceable right to any reimbursement or refund being created.

Commingling. When natural gas subject to the first use tax levied in this Part is commingled with gas not subject to the tax levied in R.S. 47:1301 et. seq., volumes withdrawn from the commingled stream by the first use occurring shall be in the same ratio as the ratio of the gas volumes entering the commingled mass.

First User Determination. If any use as defined above and first occurring is determined not to be a constitutionally taxable incident, the tax shall be imposed upon the use first occurring thereafter.

Article 47:1304. Rules and Regulations. The Secretary of Revenue and Taxation, authorized by law to promulgate rules and regulations necessary to effect the intent and purpose of the first use tax, shall exercise the authority, as special or unusual circumstances may arise, by issuing specific written instructions to administer and collect the tax levied in Chapter 16 of Title 47 of the Louisiana Revised Statutes of 1950.

Article 47:1305. Reports and Payments.

1. All persons first introducing gas into this state upon which no severance tax or tax upon the volume of production has been paid, or is legally due to be paid, to this state or any other state or territory of the United States, or which is not subject to the levy of an import tax or tariff by the United States as an import from a foreign country shall file monthly reports (on forms provided by the Secretary) with the Department of Revenue and Taxation, Post Office Box 201, Baton Rouge, Louisiana 70821, and report all volumes first introduced, together with any other information required by the Secretary to determine the volume of gas subject to the first use tax as well as the identity of the owners at the time of first use. Reports and tax payments are due on or before the last day of the month following the month in which the tax is applicable.

Estimated Tax.

2. Estimated volumes and tax payments may be made on forms provided by the Secretary in those instances where no accurate data is available at the time first use taxes are due; provided, however, that corrections and adjustments are made on the first monthly return due subsequent to the time accurate data is available.

David L. Dawson, Jr., Undersecretary
Department of Revenue and Taxation

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences proposes to adopt the following Supplement to the Quarantine and Regulation to Prevent the Spread of, Control and Eradicate the Sweet-potato Weevil, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950. The purpose of the Supplement is to list revised quarantined areas in the major sweet potato growing areas of the state.

III. Quarantined areas.

1. In the United States.

A. The areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and South Carolina.

2. In Louisiana.

A. Quarantined areas in Louisiana are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts hereinafter listed.

Bienville Parish—that portion of T17N located in R4W and 5W in Lincoln and Bienville Parishes; that portion consisting of a one mile radius of and including the property of Larry Kennedy, Section 33, T16N, R9W, and that portion consisting of a one mile radius of and including the property of Herbert Robertson, Section 33, T16N, R9W.

Bossier Parish—that portion of R11 and 12W north of Interstate 20 located in T18 and 19N in Bossier Parish.

Caddo Parish—all of Wards 6 and 7.

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N and that portion consisting of a one mile radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N.

DeSoto Parish—that portion consisting of a one mile radius of and including the property of E. B. Anderson, Section 22, T12N, R16W; and that portion consisting of a one mile radius of and including the property of Jerry Anderson, Section 35, T12N, R16W.

Jackson Parish—that portion of R3 and 4W in T15N and that portion consisting of a one mile radius of and including the property of Mrs. J. A. Hughes, Section 1, R4W, T14N.

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N; that portion consisting of a one mile radius of and including the property of R. E. Fletcher, Section 21, T18N, R4W; and that portion consisting of a one mile radius of and including the property of James Peterson, Section 21, T18N, R4W.

Natchitoches Parish—that portion west and southwest of the Red River.

Red River Parish—that portion of R10W lying north of T12N.

Webster Parish—that portion consisting of a one mile radius of and including the property of J. L. Cassle, Section 36, T19N, R10W; and that portion consisting of a one mile radius of and including the property of Curly Jackson, Section 36, T19N, R10W; and that portion consisting of a one mile radius of and including the property of Henry Fish, Section 21, T18N, R10W.

West Carroll Parish—that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 7, R12E, T23N; that portion consisting of a one mile radius of and including the property of W. W. Head, Section 22, R10E, T20N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 35, R10E, T20N; that portion consisting of a one mile radius of and including the property of Oak Grove Gun Club, Section 6, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 1, R10E, T21N; and that portion consisting of a one mile radius of and including the property of M. Stanford, Section 21, R11E, T22N; that portion consisting of a one mile radius of and including the property of E. A. O'Neal Farm, Eugene and Model O'Neal, Section 10, R11E, T22N, which includes portions of Sections 2, 3, 4, 9, 10, 11, 15 and 16; that portion consisting of a one mile radius of and including the property of Allen Canning Company, Section 36, R10E, T22N; that portion consisting of a one mile radius of and including the property of H and A Produce Company, Section 31, R11E, T22N; that portion consisting of a one mile radius of and including the property of Raymond Byavgeon Farms, O'Neal Brothers, Section 8, R11E, T22N; which includes portions of Section 5, 6, 7, 8, 9, 17 and 18; that portion consisting of a one mile radius of and including the property of Richard Lamar Boutwell, Section 27, R11E, T23N, which includes portions of Sections 21, 22, 23, 26, 27 and 28; that portion consisting of a one mile radius of and including the property of J. M. Welch Farms, Roberson Brothers, Section 32, R11E, T22N, which includes portions of Sections 29, 30, 31, 32 and 33 and R11E, T22N, which includes portions of Sections 4, 5 and 6; that portion consisting of a one mile radius of and including the property of Crowe Farms, W. M. Puckett, Section 28, R10E, T21N, which includes a portion consisting of a one mile radius of and including the property of C. E. Reeks Farm, W. M. Puckett, Section 1, R9E, T20N; which includes portions of Section 2 and 12, and portions of R10E, T20N Sections 6 and 7, which includes portions of R9E, T22N

Section 31; that portion consisting of a one mile radius of and including the property of LeRoy Adams, Sections 19, 20, 28 and 29, R10E, T21N; that portion consisting of a one mile radius of and including the property of E. C. Huff Farm, Roberson Brothers, Section 28, T22N, R11E, which includes portions of Sections 20, 21, 22, 27, 28 and 29; that portion consisting of a one mile radius of and including the property of McIntosh Farm, Richard Boutwell, Section 22, T22N, R11E, which includes portions of Sections 15, 16, 21, 22, 23, 26, 27, and 28; that portion consisting of a one mile radius of and including the property of J. Vernon Simms, Section 31 and 32, T22N, R9E; that portion consisting of a one mile radius of and including the property of Roy Calhoun, Section 8, R9E, T22N; and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the *Louisiana Register* and the Official Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

B. Non-sweet potato areas shall be: infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line, west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the *Louisiana Register* by the State Entomologist, with the approval of the Commissioner.

Written comments and inquiries may be addressed through April 3, 1979, to Mr. Richard Carlton, State Entomologist, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended, and under the authority of Article VIII, Section 6 of the 1974 Constitution, a public hearing will be held at Grambling State University, Grambling, Louisiana, beginning at 9:30 a.m. on April 27, 1979.

At such hearing the Board will consider amendment to Part II, General Operating Procedures, and specifically Section 2.10 B Faculty Advisory Council.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., April 13, 1979, at the following address: Susan Sheets, Board of Trustees for State Colleges and Universities, Box 44307, Baton Rouge, Louisiana 70804.

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-968.

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

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt at its April 26, 1979, meeting a policy whereby all evening extension programs conducted by vocational-technical schools must be approved by the Department of Education before the program can be started in the vocational-technical school.

Interested persons may comment on the proposed policy, in writing, until 4:30 p.m., April 5, 1979, at the following address: James V. Soileau, Executive Director, Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Mr. Soileau is the person responsible for responding to inquiries about the proposal.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents intends to amend finance policy 3.4 (Rev.), Capital Projects, by modifying the limits set in the policy, and to adopt new finance policy 3.12, Professional Qualifications of Institutional Master Planners, which will set forth suggested criteria for selecting master planners for any public institution of higher education in the State of Louisiana.

Interested persons may submit comments on the proposed amendment and new policy, in writing, through May 4, 1979, to Dr. William Arceneaux, Commissioner of Higher Education, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Board of Supervisors of Southern University

The Southern University Board of Supervisors hereby gives notice of intention to consider and give approval to the following proposed changes in student fees at its meeting on April 28, 1979, at 10:00 a.m. in the University Chapel on the Baton Rouge Campus.

Interested persons may send their written comments through April 5, 1979, to President Jesse N. Stone, Jr., President's Office, Southern University, Baton Rouge, Louisiana 70813.

I. Following are the proposed changes in out-of-state fees for students from Arkansas, Mississippi, and Texas:

Fall and Spring Semesters	From	To
Arkansas	\$150.00	\$315.00 per semester
Mississippi	\$300.00	\$315.00 per semester
Texas	\$200.00	\$315.00 per semester

Summer Session	From	To
Arkansas	\$ 75.00	\$175.00 per session
Mississippi	\$ 98.00	\$175.00 per session
Texas	\$100.00	\$175.00 per session

II. The ten percent reduction in out-of-state fees for on campus students shall be discontinued, provided, however, that any out-of-state dormitory student currently enrolled and in good standing during the 1978-79 school year and/or the 1979 Summer Session shall be allowed to continue at the same rate of out-of-state tuition paid so long as he or she continues as a student in good standing and his/her education is not interrupted. Failure to attend a Summer Session or absence due to service in the Armed Forces of the United States shall not be deemed an interruption nor shall the failure to attend school due to illness be deemed an interruption, though medical proof of such illness shall be required.

III. The changes in charges for housing and food service follow:
 Housing—nine percent increase per session
 Food Services—ten percent increase per session
 Fee changes when approved will become effective Fall Semester, 1979.

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

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

In accordance with the applicable provisions of the Administrative Procedures Act, 49:951, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement and Administration of Criminal Justice intends to consider policies and procedures for the future operation of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. The proposed policies will impact funding guidelines and application requirements for Law Enforcement Assistance Administration monies in the future. These proposed policies will be considered at the Commission's regular meeting on Wednesday, April 25, 1979, at 1:30 p.m., in the Caribbean Room of the Bellemont Motor Hotel in Baton Rouge, Louisiana.

The proposed policies will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after March 21, 1979, at the offices of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 615, 1885 Wooddale Boulevard, 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 Commission on Law Enforcement and Administration of Criminal Justice, Room 615, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Wingate M. White, Executive Director
 Commission on Law Enforcement and
 Administration of Criminal Justice

NOTICE OF INTENT

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

Notice is hereby given that the Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt a rule so as to permit mechanical sewage treatment plants (aerobic waste water treatment plants) for home sewage disposal as an alternative to conventional septic tank systems. The mechanical plants will be permitted where the septic tank systems cannot be depended upon to function satisfactorily over a reasonable period of time.

In order to assure as much as possible the capability and dependability of such mechanical plants to adequately treat sewage from a home, it is further proposed to require compliance of such plants with "Standard Number 40, Relating to Individual Aerobic Wastewater Treatment Plants" as developed by a committee of experts assembled by the National Sanitation Foundation (NSF), Ann Arbor, Michigan, and as adopted by that Foundation's Board of Trustees on November 13, 1970, Revised November 1978.

National Sanitation Foundation Standard Number 40 includes two classes of plants designated as Class I and Class II. Only Class I plants will be permitted in Louisiana. Manufacturers of individual sewage disposal plants intending to sell plants in Louisiana will be required to submit an evaluation report indicating compliance with applicable provisions of Standard Number 40 to the Office of Health Services and Environmental Quality prior to selling plants in the state. The compliance evaluation report shall be prepared by an independent testing laboratory or other qualified unbiased institution such as a college, etc.

A copy of the NSF Standard can be obtained from the National Sanitation Foundation, Ann Arbor, Michigan. Copies of the Standards as well as the proposed rule are available for review in the Office of Health Services and Environmental Quality, Louisiana State Office Building, 325 Loyola Avenue, Room 403, New Orleans, Louisiana 70112 and in Regional Offices as follows: Region 2—353 North Twelfth Street, Baton Rouge, Louisiana 70821; Region 3—801 East Seventh Street, Thibodaux, Louisiana 70301; Region 4—302 Jefferson, Room 512, Lafayette, Louisiana 70501; Region 5—1000 Walters Street, Lake Charles, Louisiana 70606; Region 6—2001 McArthur Drive, Building 3, Alexandria, Louisiana 71301; Region 7—1525 Fairfield, Shreveport, Louisiana 71101; Region 8—1505 North Nineteenth, Monroe, Louisiana 71201.

Interested persons may submit written comments through noon, April 7, 1979, to Dr. J. T. Hamrick, Acting Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, Louisiana 70160.

William A. Cherry, M.D., Secretary
 Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Hospitals

The Department of Health and Human Resources proposes to adopt the following rules and regulations for establishing standards on Basic Emergency Medical Technician training course approval. These rules are being enacted under the authority granted to the Secretary by R.S. 40:1231.

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

Interested persons may submit written comments until 4:30 p.m., April 5, 1979, to Ms. Pam Porter, Acting EMS Administrator, Office of Hospitals, 200 Lafayette Street, Suite 600, Baton Rouge, Louisiana 70801. Ms. Porter is the person responsible for responding to inquiries about the proposed regulations.

Standards for Basic Emergency Medical Technician Training Program Approval

1. The Basic Emergency Medical Technician training program must meet or exceed the federal Department of Transportation approved eighty-one-hour Basic Emergency Medical Technician training program curriculum.

2. The Basic Emergency Medical Technician program must have a licensed physician advisor. Documentation by a letter from the physician to the Department of Health and Human Resources, Office of Hospitals, Bureau of Emergency Medical Services stating that he/she agrees to serve in this capacity to oversee the training program and to assure that physician input is given into the lecture.

3. Effective July 1, 1979, the Basic Emergency Medical Technician training program must have as its lead instructor/coordinator, an individual who has received a Basic Emergency Medical Technician Instructor Certificate issued by the Department of Health and Human Resources, Office of Hospitals, Bureau of Emergency Medical Services. Those eligible to be certified as a Basic EMT-Instructor are physicians, registered nurses, or state certified EMT-Paramedics.

4. The Basic Emergency Medical Technician training program must be sponsored by either the Bureau of Emergency Medical Services, an accredited academic institution (college or university), a vocational-technical training institution certified by the Accrediting Commission of the National Association of Trade and Technical Schools, approved by the Proprietary School Commission, and approved and/or operated by the Board of Elementary and Secondary Education, or a hospital accredited by the Joint Commission on Accreditation of Hospitals.

5. A signed agreement of sponsorship must be signed between the authorized agents of the sponsoring institution and the Department of Health and Human Resources, Office of Hospitals, Bureau of Emergency Medical Services.

6. There must be a demonstrated need for the Basic Emergency Medical Technician training program by emergency medical services personnel in the community. There must be a minimum of ten paid or volunteer personnel representing ambulance personnel, fire personnel, or law enforcement personnel. In areas where there is an organized private, nonprofit regional emergency medical services organization, a letter from same stating that there is a need for a Basic Emergency Medical Technician training program must be submitted to the Department of Health and Human Resources, Office of Hospitals, Bureau of Emergency Medical Services.

7. Regardless of the sponsoring institution, final student selection must be approved by the Department of Health and Human Resources, Office of Hospitals, Bureau of Emergency Medical Services.

William A. Cherry, M. D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources proposes to adopt the Title XX Comprehensive Annual Services Program Plan

(CASP) for the program year July 1, 1979, through June 30, 1980.

The CASP provides for social services to individuals and families which are directed toward the goals of achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission for institutional care. The services included in the plan (with a brief description) are:

Adoption (pre-placement services to termination of parental rights).

Counseling (assessment, evaluation and appropriate therapy services).

Day care for adults and children (direct care for a portion of the twenty-four-hour day).

Education, training and treatment (evaluation, counseling, arrangements, day development training, referrals).

Employment services (assessment, placement, job development).

Family planning (counseling, educational, medical services).

Foster care (evaluation, placement, counseling).

Health related (arrangements for receiving and utilizing necessary health services).

Home delivered and congregate meals (food preparation, delivery of meals).

Home management (instruction, training, counseling).

Homemaker (direct personal and home care).

Housing improvement (counseling, advocacy, minor home repairs).

Information and referral (assessment, information, referrals, follow-up).

Protective services for adults and children (assessment, evaluation, direct service program, arrangement and referral).

Recreational (outreach referral, arrangements, and follow-up).

Residential (direct care, treatment, and on a twenty-four-hour basis).

Transportation (travel to and from pertinent community resources).

Persons eligible for services are:

1. Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.

2. Recipients of Supplemental Security Income (SSI) benefits or state supplemental payments.

3. Persons whose gross monthly income is not more than 59.7 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$822 is eligible for services.

4. All persons are eligible for protective services, and information and referral services regardless of their income.

5. Persons are eligible on a group basis for any service (except child day care services) provided that seventy-five percent of the group are members of families with monthly income of not more than ninety percent of the state's median income, adjusted for family size.

The proposed plan includes information on standards for non-medical and medical (other than those certified for Medicaid or Medicare) residential facilities for SSI recipients; a system for enforcing the standards; and the name and address of the standard-setting authority who will respond to requests for information on standards, their enforcement, waivers, and the identity of deficient facilities.

Copies of the proposed Title XX State Plan (CASP) are available without charge upon written or telephone request. Telephone: 1-800-272-9868 (8:00 a.m.-noon and 1:00 p.m.-5:00 p.m.), or write: Public Assistance Line, Division of Administration, Box 44095, Baton Rouge, Louisiana 70804.

The proposed plan is available for public review at each parish office and sub-office of the Office of Human Development, Monday through Friday from 8:30 a.m. to 4:00 p.m.

Interested persons may submit written comments on the proposed plan from April 2, 1979, through May 16, 1979 to Mr. Melvin Meyers, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70804.

In addition, a public hearing on the Title XX State Plan (CASP) is scheduled Wednesday, May 2, 1979, 10:00 a.m. at the Catholic Life Center, Small Auditorium, 1800 South Acadian Thruway, Baton Rouge, Louisiana 70806.

Melvin Meyers, Jr., Assistant Secretary
Office of Human Development

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt amendments to the Facility Manual for Facilities Where Department of Health and Human Resources Funds Are Used to Care for Handicapped Persons. Some of these amendments were previously made in the February 20, 1979, issue of the *Louisiana Register* through emergency rulemaking procedures and will be hereby reenacted through the normal rulemaking process. An additional amendment which was not the subject of emergency rulemaking is also being proposed. The rules are being amended under the authority granted to the Department by R.S. 46:1757 (6), R.S. 40:2125 and R.S. 15:1084.

Proposed Amendments

1. Under the Section entitled "Levels of Care," change the fourth paragraph to read, "Classification of level(s) of care shall be based upon actual staff ratios, actual care and supervision needed by the resident population, programs provided and ancillary support services required."

2. Under the Section entitled "Cost-Related Reimbursement," change the fourth paragraph to read, "Prior to approval for receipt of Department of Health and Human Resources funds, a new facility shall be required to submit a projected annual budget covering the facility's first fiscal year. The projected budget shall be submitted on the required cost report form and include detailed information to substantiate the report based on allowable cost as set forth in this manual. The projected budget shall form the basis for the establishment of the rate for the facility's initial year of operation."

3. Under the subsection entitled, "Clothing and Other Personal Need Costs," change the first paragraph to read, "A. Client's personal wardrobe when necessary, not to exceed four hundred dollars per client annually, including initial and replacement clothing; such items will be the client's personal property which he may take with him upon discharge."

4. Delete in its entirety the subsection entitled "Occupancy Limits" and renumber the subsection entitled "Other Limits" as number 4 under "Limits of Reimbursement."

5. Under the subsection entitled "Other Limits," add a fourth paragraph to read as follows, "In subsequent years, current economic indicators will be used to determine an inflation factor in calculating the per diem rate."

6. Under the definition of "New Facility," change definition A. to read as follows, "A. Any facility not receiving funds from Department of Health and Human Resources the entire preceding state fiscal year, or"

Information concerning these proposed changes can be obtained by writing to Ms. Kathy Naquin, Audit Section, Office of

Management and Finance, 651 North Fifth Street, 3rd Floor, Mental Health Building, Baton Rouge, Louisiana 70804.

Written comments on the proposed amendments may be submitted until 4:30 p.m., April 5, 1979, to the above address.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, R.S. 30:1, et seq., and R.S. 49:951, et seq., a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 9:00 a.m., Wednesday, April 18, 1979. At such hearing the Commissioner of Conservation will consider evidence relative to proposed amendments to the permanent statewide rules and regulations pertaining to the practices and procedures for all applications and proceedings for determination of well categories under the Natural Gas Policy Act of 1978 (NGPA).

Comments and views regarding the proposed NGPA Rules and Regulations should be directed in written form to be received not later than 5:00 p.m., Wednesday, April 18, 1979. Oral comments will be received at the hearing but should be brief and not cover the entire matter contained in the written comments. Please direct comments to R.T. Sutton, Commissioner, Office of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re: Proposed Rules and Regulations—NGPA 1978.

The proposed amendments to the NGPA Rules and Regulations may be reviewed or obtained from Commissioner Sutton's office in Baton Rouge, Louisiana. In addition, copies of these Rules and Regulations are in each of the six Conservation District Offices: 960 Jordan Street, Box 3250, Shreveport, Louisiana; State Office Building, Drawer 1651, Monroe, Louisiana; 1206 Tunnel Boulevard, Box 4097, Houma, Louisiana; Box 51285, Lafayette, Louisiana; 716 Hodges Street, Box 1716, Lake Charles, Louisiana; and 307 Louisiana State Office Building, Civic Center, New Orleans, Louisiana.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development proposes to adopt guidelines, rules and procedures to implement the State and Local Coastal Resources Act, Act 361 of the 1978 Louisiana Legislature, R.S. 49:213.1-213.21. Public hearings will be held in April in New Orleans and Lafayette at times and places to be announced at least thirty days in advance.

The proposed regulations will establish procedures for the issuance, denial, renewal, modification, suspension, and revocation of coastal use permits; procedures and standards for making determinations as to whether a use is of state concern or local

concern; procedures for public hearings; procedures and standards for the designation, utilization, and management of special areas; and rules and procedures for approval and review of local coastal programs.

The proposed regulations will be available for public inspection at the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, until the day of the public hearings. Written comments or suggestions regarding the proposed rules may be addressed to Mr. Jim Harris, Coordinator, Coastal Management Section, Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804. Comments may also be presented orally or in writing at the public hearings.

George A. Fischer, Secretary
Department of Transportation and Development

Drawer FC, University Station, Baton Rouge, Louisiana 70893.
Telephone (504) 342-6363.

The *Louisiana Water Pollution Control Program Plan* for Fiscal Year 1979, which is prepared in accord with Section 106 of P.L. 92-500 and/or other pertinent regulations or amendments will also be presented at this hearing. This plan sets forth the strategies, priorities, and resources to be used during the current fiscal year in the state's continuing program of water pollution control.

Robert A. Lafleur, Executive Secretary
Stream Control Commission

Potpourri

HEARING NOTICE

Department of Wildlife and Fisheries Stream Control Commission

Notice of Public Hearing by the Louisiana Department of Wildlife and Fisheries and the Louisiana Stream Control Commission regarding the proposed revision of the *Water Quality Continuing Planning Process* and the proposed Fiscal Year 1979 *Louisiana Water Pollution Control Program Plan*.

Notice is hereby given that the above referenced agencies will hold a public hearing in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, on April 24, 1979, beginning at 10:00 a.m.

A proposed revision to the *Water Quality Continuing Planning Process* (CPP) will be presented and explained. The CPP is required by the Federal Water Pollution Control Act, as amended (P.L. 92-500 and 95-217), Sections 208 and 303(e), and 40 CFR Part 130 and 131. The *Continuing Planning Process* is a guidance document used for the development of state water quality programs and their relationship to the overall state policies and programs of Louisiana. The CPP is required to be reviewed and updated where necessary on an annual basis. The proposed revision will incorporate features of an "EPA-State Agreement" which is required as a part of the Federal Water Pollution Control Act, its amendments, or regulations issued pertaining to the Act. Elements incorporated into this revision will prepare for a much more comprehensive and formal "EPA-State Agreement" for Fiscal Year 1980.

Copies of the proposed *Water Quality Continuing Planning Process* will be available for inspection ten days prior to the date of the hearing and may be seen in every parish library in the State of Louisiana and in every District Office of the Louisiana Department of Wildlife and Fisheries, as well as the office of the Louisiana Stream Control Commission in the Geology Building, Room 135, on the Louisiana State University Campus, Baton Rouge, Louisiana. While the limited supply lasts, the Commission will mail copies to interested persons who request them by mail.

Persons who desire to do so may submit data for use or argument relative to the proposed revision of the *Water Quality Continuing Planning Process* or relative to the process employed to consider the revision, either orally or in writing at the public hearing, or may submit written materials within ten days after the hearing to the Louisiana Stream Control Commission, Post Office

CUMULATIVE INDEX
(Volume 5, Numbers 1-3)

Adult Services, Office of (see Corrections Department)
 Agricultural and Environmental Sciences, Office of (see Agriculture Department)
 Agriculture Department:
 Agricultural and Environmental Sciences, Office of:
 Sweet potato dealer, 55R
 Sweet-potato Weevil Quarantine and Regulation, 2 ER, 68N
 Dairy Stabilization Board, 17P
 Livestock Sanitary Board, 51N
 Alcoholic Beverage Control, Office of (see Public Safety Department)
 Banking Laws, Governor's Commission and Study Group on State (see Governor's Office)
 BESE, Board of Elementary and Secondary Education (see Education)
 Chiropractic Examiners, Board of (see Health and Human Resources Department)
 Civil Service Department:
 Rules, 17P
 Uniform Classification and Pay Plan, 54P
 Coastal Resources Act, 72N
 Colleges and universities (see also Education):
 Academic programs, 52N
 Athletics, 13N
 Fees, 69N
 Master Plan for Higher Education, 52N
 Master planners, 69N
 Nepotism, 51N
 Operating procedures, 69N
 Salaries, 23R
 Tuition exemption, 6R
 Colleges and Universities, Board of Trustees for (see Education)
 Commerce Department:
 Racing Commission, 12N, 23R
 Real Estate Commission, 12N, 23R
 Comprehensive Annual Services Program Plan (CASP), 71N
 Conservation:
 Erosion, 8-11R
 Conservation, Office of (see Natural Resources Department)
 Consumer Protection, Office of (see Urban and Community Affairs Department)
 Corrections Department:
 Adult Services, Office of, 2R
 Secretary, Office of, 4R, 12N, 55-61R
 Culture, Recreation and Tourism Department:
 Program Development, Office of, 51N
 Dairy Stabilization Board (see Agriculture Department)
 Day care, 7R
 Diesel, 14N, 25R
 Drugs, 19ER, 53N, 64R
 Education:
 Colleges and Universities, Board of Trustees for State:
 Faculty and staff, 23R
 General operating procedures, 69N
 Elementary and Secondary Education, Board of:
 Act 18 (transportation reimbursement), 12N, 62R
 Act 718 (tuition exemption), 6R
 Certification of School Personnel, Standards for State (Bulletin 746), 12N, 23R, 61R
 Vocational-Technical Personnel, Standards for State Certification of, 17E
 Federal funds, 12N, 24R, 62R
 High School Graduation Requirements, 51N
 Nonpublic School Testing Guidelines, 12N, 63R
 School Administrators. Handbook for (Bulletin 741):
 Adult education, 12N, 62R
 School buildings, 12N, 62R
 Vocational-technical education, 69N
 Louisiana State University, Board of Supervisors of:
 Athletic Council, 13N
 Nepotism, 51N

Regents, Board of:
 Academic affairs, 52N
 Capital projects, 69N
 Master Plan for Higher Education, 52N
 Southern University, Board of Supervisors of, 69N
 Elementary and Secondary Education, Board of (see Education)
 Emergency medical technician, 70N
 Engineers and Land Surveyors, Board of Registration for Professional (see Transportation and Development Department)
 Engineers, United States Army Corps of, 8-11R
 Environmental protection:
 Hazardous waste, 53N
 Water pollution, 17P, 49R, 73P
 Erosion (see Conservation)
 Errata, 17
 Executive Orders:
 EWE-77-10 (Amendment), Composition of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, 1
 EWE-78-14 (Amendment), members of the Governor's Commission and Study Group on State Banking Laws, 18
 EWE-78-18, State Insurance Study Committee, 1
 EWE-78-19, State agency assistance for the First Use Tax Legal Team, 1
 EWE-79-1, Commission to Study the Use of the Wildlife and Fisheries Building in New Orleans, 55
 Family Security, Office of (see Health and Human Resources Department)
 First use tax (see Tax)
 Fishing:
 Shrimp, 54N
 Forestry, Office of (see Natural Resources Department)
 Gas, natural (see Natural gas)
 Gasoline, transporting, 15N, 24R
 Governor's Office:
 Banking Laws, Governor's Commission and Study Group on State, 18EO
 Insurance Study Committee, State, 1EO
 Landscape Architects Selection Board, 53N
 Law Enforcement and Administration of Criminal Justice, Commission on, 70N
 Legislation, Board of Commissioners for the Promotion of Uniformity of, 1EO
 Tax Commission:
 Assessments, 13N
 Oil and gas property, 13N, 63R
 Personal property, 13N
 Timber stumpage, 7R
 Wildlife and Fisheries Building in New Orleans, Commission to Study the Use of, 55EO
 Handicapped:
 Care, 19-23ER, 72N
 Health and Human Resources Department:
 Chiropractic Examiners, Board of, 52N
 Family Security, Office of:
 Intermediate Care Facilities for the Mentally Retarded, 2ER, 13N, 24R
 Medical Assistance Program, 2ER, 7 R, 13N, 18ER, 19ER, 24R, 52N, 53N, 64R
 Health Services and Environmental Quality, Office of, 70N
 Hospitals, Office of, 70N
 Human Development, Office of:
 Comprehensive Annual Services Program Plan, 71N
 Day care, 7R
 Practical Nurse Examiners, Board of, 14N, 65R
 Secretary, Office of, 19-23ER, 72N
 Health Services and Environmental Quality, Office of (see Health and Human Resources Department)
 Hospitals:
 Outpatient services, 2ER, 7R

E—Errata *EO—Executive Order* *ER—Emergency Rule*
L—Legislation *N—Notice of Intent* *P—Potpourri*
PPM—Policy and Procedure Memorandum *R—Rule*

Hospitals, Office of (see Health and Human Resources Department)
Human Development, Office of (see Health and Human Resources Department)
Hunting:
 Animals, 54N
 Birds, 54N
Hydrocarbons (see Oil, see also Natural gas)
ICF (see Intermediate care facilities)
Insurance Department:
 Property and Casualty Insurance, Office of, 1EO
Insurance Study Committee, State (see Governor's Office)
Intermediate care facilities:
 Mentally retarded, 2ER, 13N, 24R
Jockey mount fees, 12N, 23R
Landscape Architects Selection Board (see Governor's Office)
Lands, Division of State (see Natural Resources Department)
Law Enforcement and Administration of Criminal Justice, Commission on (see Governor's Office)
Legislation, Board of Commissioners for the Promotion of Uniformity of (see Governor's Office)
Liquefied petroleum gas, 14N, 25R
Livestock Sanitary Board (see Agriculture Department)
Louisiana State University, Board of Supervisors of (see Education)
Master Plan for Higher Education, 52N
Medicaid (see Health and Human Resources Department, Family Security, Medical Assistance Program)
Medical claims, out-of-state, 24R
Mentally retarded:
 Intermediate care facilities, 2 ER, 13N, 24R
Mining:
 Sand and gravel, 49R
Natural gas:
 First use tax, 1EO, 14N, 66R
 Well categories, 65R, 72N
Natural Resources Department:
 Conservation, Office of:
 Natural Gas Policy Act, 65R, 72N
 Forestry, Office of:
 Timber stumpage, 7R
 Hazardous waste, 53N
 Lands, Division of State, 8-11R
Nurses:
 Licensed Practical, 14N, 65R
Petroleum, Beverage and Tobacco Tax Section (see Revenue and Taxation Department)
Pollution (see Environmental protection)
Practical Nurse Examiners, Board of (see Health and Human Resources Department)
Prisons:
 Inmate regulations, 2R, 4R, 12N, 55-61R
Professional Engineers and Land Surveyors, Board of Registration for (see Transportation and Development Department)
Program Development, Office of (see Culture, Recreation and Tourism Department)
Property and Casualty Insurance, Office of (see Insurance Department)
Public Safety Department:
 Alcoholic Beverage Control, Office of, 11R
Racing Commission (see Commerce Department)
Real Estate Commission (see Commerce Department)
Regents, Board of (see Education)
Retarded (see Mentally retarded)
Revenue and Taxation Department:
 First use tax, 14N, 66R
 Petroleum, Beverage and Tobacco Tax Section, 14N, 15N, 24R, 25R
 Severance Tax Division, 7R
Schools:
 Buildings, 12N, 62R
 Graduation requirements, 51N
 Nonpublic, 12N, 63R
 Real estate, 12N, 23R
 Vocational-technical, 69N
Severance Tax Division (see Revenue and Taxation Department)
Sewage disposal, 70N
Southern University, Board of Supervisors of (see Education)
Special education, 12N, 61R
State employees, 17P, 54P
State Lands, Division of (see Natural Resources Department)
Sterilization, 18ER, 52N, 64R
Stream Control Commission (see Wildlife and Fisheries Department)
Sweet potato dealer, 55R
Sweet-potato weevil, 2ER, 68N
Tax:
 Ad valorem, 13N, 63R
 First use, 1EO, 14N, 66R
 Gasoline, 15N, 24R
 Severance, 7R
 Special fuels, 14N, 25R
Tax Commission (see Governor's Office)
Teachers:
 Certification, 23R
 Tuition exemption, 6R
Timber stumpage value, 7R
Transportation and Development Department:
 Engineers and Land Surveyors, Board of Registration for Professional, 54N
 Overweight vehicles, 16N, 26-49R
 State and Local Coastal Resources Act, 72N
Trapping, 54N
Trucks:
 Fuels, 14N, 25R
 Overweight, 16N, 26-49R
 Transporting gasoline, 15N, 24R
Urban and Community Affairs Department:
 Consumer Protection, Office of, 16N, 54N
Vocational-technical education (see Schools; see also Education, Elementary and Secondary)
Waste disposal, 53N
Water Quality Criteria, 50R
Welfare (see Health and Human Resources Department)
Wildlife and Fisheries Building in New Orleans, Commission to Study the Use of (see Governor's Office)
Wildlife and Fisheries Department:
 Bayou Dorcheat, 17P
 Stream Control Commission:
 Sand and gravel mining, 49R
 Water Quality Continuing Planning Process, 73P
 Water Quality Criteria, 50R
Wildlife and Fisheries Commission:
 Fishing:
 Shrimp, 54N
 Hunting:
 Animals, 54N
 Birds, 54N
 Trapping, 54N

E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule