

## CONTENTS

### I. EXECUTIVE ORDERS

EWE-77-13—Louisiana Task Force for a Talent Bank of Women . . . . .	387
EWE-77-14—Emergency, out-of-schedule, and revolving fund purchasing . . . . .	388
EWE-77-15—Law enforcement planning district agencies; repeals and supersedes Executive Orders 8, 30, 55, 57, and EWE-76-3 . . . . .	390
EWE-77-16—State coordination and participation with the Federal Insurance Administration . . . . .	390

### II. EMERGENCY RULES

#### Education:

Board of Elementary and Secondary Education— Revisions to Standards for School Approval of Special Schools . . . . .	393
Board of Regents—Capital projects and dedicated revenues . . . . .	393

#### Department of Health and Human Resources:

Office of Family Services— <u>Maximum fee schedule for the EPSDT program</u> . . . . .	393
Department of Wildlife and Fisheries—Noncommercial use of coastal refuges and management areas, and removal of hogs and cattle from wildlife management areas . . . . .	394

### III. RULES

Department of State Civil Service—Compensation for overtime hours worked, status of unclassified employees upon reorganization, workmen's compensation, compensatory leave, adverse actions for cause, summary disposition of appeals, notice of hearing of appeals, and prohibited activities . . . . .	395
---	-----

#### Department of Commerce:

Licensing Board for Contractors—Contracting or subcontracting to unlicensed contractors . . . . .	396
Real Estate Commission—Rules of the Commission . . . . .	396

#### Education:

Board of Trustees for State Colleges and Universities—Amendments to financial and leave policies, and athletic policies . . . . .	403
Board of Elementary and Secondary Education—Vocational-Technical Policy and Procedure Manual, 1978 State Plan for Migrant Education, and two revisions to the Policy and Procedure Manual . . . . .	404
Board of Regents—State Plan for Community Service and Continuing Education Programs and the Annual Program Plan Amendment for Fiscal 1978. . . . .	405

#### Office of the Governor:

Louisiana Federal Property Assistance Agency—Complete rules for operation . . . . .	411
---	-----

#### Department of Health and Human Resources:

##### Office of Family Services—

Policy on power driven conveyances . . . . .	419
Mandatory work registration for AFDC recipients . . . . .	420
Revision to Standards for Payment for SNF and ICF I and II facilities. . . . .	421

Board of Nursing—Policies for Practice of Nursing by Registered Nurse Applicant and Policies for Legal Employment of Students in Nursing and Unsuccessful Candidates on the State Board Test Pool Examination as Unlicensed Nursing Personnel . . . . .	421
---	-----

#### Department of Public Safety:

Office of State Police—Amendments to the Explosive Code. . . . .	422
--	-----

Department of Wildlife and Fisheries—Pearl River Wildlife Management Area deer season and menhaden season. . . . .	423
---	-----

Stream Control Commission—Dischargers to the Mississippi River downstream of the Old River Control Structure, and users of Bayou Lafourche. . . . .	424
--	-----

**IV. NOTICES OF INTENT**

Department of Agriculture:

Office of Agricultural and Environmental Sciences:

- Horticulture Commission—Licensed personnel at places of business. . . . . 424
- Pesticide Commission—Definition of “label” and “labeling” . . . . . 425

Department of Civil Service—Compensatory leave . . . . . 425

Department of Culture, Recreation, and Tourism—Conservation, salvage, and study  
of the State’s cultural resources . . . . . 425

Education:

Board of Elementary and Secondary Education—Working relationship between the  
Superintendent of Education and the Board, programs of continuing education,  
and amendments to Bulletin 741 regarding special schools. . . . . 426

Board of Regents—Postpones action on the Master Plan for Higher Education  
in Louisiana . . . . . 426

Department of Health and Human Resources:

Office of Family Services—

- Minimum Standards for Licensure of Child Caring Agencies. . . . . 426
- Maximum fee schedule for the EPSDT program. . . . . 427
- New rates for payment to SNF and ICF I and II facilities . . . . . 427

Office of Health Services and Environmental Quality—  
State Sanitary Code relating to mass gatherings . . . . . 428

Office of Mental Retardation—Group homes as they relate to the  
Life Safety Code and the Fire Safety Code. . . . . 428

Board of Optometry Examiners—Minimum standards for an  
optometric examination . . . . . 429

Department of Natural Resources:

Office of Conservation—Termination of Orders concerning the per well  
allowables for wells in intermediate and offshore reservoirs . . . . . 430

Department of Transportation and Development:

Board of Registration for Professional Engineers and Land Surveyors—  
Revisions to rules and bylaws. . . . . 430

**V. POTPOURRI**

Department of Natural Resources:

Office of Conservation—Storage of liquid or gaseous hydrocarbons in the  
West Hackberry salt dome. . . . . 430

Board of Veterinary Medicine—Examination date . . . . . 431

# Executive Orders

## EXECUTIVE ORDER EWE-77-13

WHEREAS, this administration has done more to increase the representation and participation of women than any previous administration and has set a precedent for appointing talented women in responsible positions, not only as Cabinet members, but also as members of numerous boards and commissions, the Constitutional Convention, and as Director of the Department of Corrections; and

WHEREAS, I support the strong belief that women do make invaluable contributions when they are entrusted with responsible positions, both in the public and private sector; and

WHEREAS, under the Edwards Administration, Louisiana should be foremost among the states in providing opportunities for women; and

WHEREAS, there is a need for a method to provide opportunities for increasing the number of women in responsible positions, and the establishment of a Louisiana Task Force for a Talent Bank of Women will fill that need; and

WHEREAS, the staff of the Bureau for Women is capable of maintaining and administering the files of the Talent Bank of Women; and

WHEREAS, coordination and leadership, combining both public and private interests on State and local levels, is essential to assist the Bureau for Women in planning an effective program for the benefit of the citizens of this State; and

WHEREAS, the responsibility for developing these advantages should be drawn from many areas; and

WHEREAS, it is required that these responsibilities be coordinated in a concentrated planning program to insure the formulation of a single policy including all interested agencies and groups, providing optimum benefit to the citizens of the State; and

WHEREAS, it is essential that cooperation and input to the planning program be secured from the private sector whose contributions are vital to the success of the resulting program; and

WHEREAS, Federal funds should be requested as deemed appropriate and desirable to assist this effort,

NOW, THEREFORE, in order to promote and assist in the development of a program to encourage more utilization of women in responsible positions and in the coordination of all levels of government and all private interests in this venture, I, Edwin Edwards, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The establishment of the Louisiana Task Force for the purpose of assisting in the development of a comprehensive policy for identifying qualified women for responsible positions.

2. The Task Force shall assist the Bureau for Women in the accumulation of a Talent Bank of Women.

3. The Task Force shall establish guidelines to follow in establishing a talent bank.

4. The Task Force shall consist of membership as shown in Document No. 1, attached hereto, which is made a part hereof.

5. The Task Force shall secure information concerning needs and opportunities and shall organize meetings for the purpose of informing interested groups and individuals of the purposes of this program. The information gathered will be submitted in report form, and shall form the basis of the Task Force's preliminary and final reports.

6. The Task Force shall be headed by a chairperson, a coordinator and ten members appointed by the Governor, and who will serve without pay or other compensation. The Coordinator shall select a working staff to assist the Task Force in the performance of these duties.

7. The Task Force shall establish bylaws and rules of procedure for its operation.

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 September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

\* \* \* \*

### DOCUMENT NO. 1

#### Task Force for Talent Bank of Women

##### Chairperson

Sandra S. Thompson, Secretary  
Department of Culture, Recreation and Tourism  
Box 44361  
Baton Rouge, Louisiana 70804

##### Coordinator

Pat Evans, Program Administrator  
Louisiana Bureau for Women  
Department of Health and Human Resources  
530 Lakeland Street  
Baton Rouge, Louisiana 70802

##### Members

Fran Bussie  
Box 3477  
Baton Rouge, Louisiana 70821

Susan Eddington  
Total Community Action  
1770 Tchoupitoulas Street  
New Orleans, Louisiana 70130

Lynne Hair  
State Planning Office  
4528 Bennington Avenue  
Baton Rouge, Louisiana 70808

Ellen Bryan Moore  
2222 Government Street  
Baton Rouge, Louisiana 70806

Shirley McNamara, Secretary  
Department of Revenue and Taxation  
State Capitol Annex  
Baton Rouge, Louisiana 70801

Ollie Osborne  
124 University Row  
Lafayette, Louisiana 70503

Mary Evelyn Parker  
Treasurer, State of Louisiana  
State Capitol  
Baton Rouge, Louisiana 70804

Evelyn Sisco  
American Association of University Women  
108 Hilltop Circle  
Pineville, Louisiana 71360

Margaret Surlis  
East Carroll Delta News  
Box 828  
Lake Providence, Louisiana 71254

Shirley Temple  
Kentwood, Louisiana 70444

#### **EXECUTIVE ORDER EWE-77-14**

This executive order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Sections 1 through 238 as amended by Act 91 of the 1964 Legislature, with reference to the subject matter covered herein. Effective as of the date of my signature below, this order revokes and supersedes all other executive orders with reference to the following, and particularly as required by Sections 184 and 189 of Title 39, R.S. 1950.

R.S. 39:184: Emergency, Out-of-Schedule, and Revolving Fund Purchasing: "The procedure for the purchase of commodities and services not scheduled in this Chapter and for emergency purchases, as well as purchases financed by revolving fund appropriations and definitions of the emergencies and conditions under which emergency purchases may be made, shall be provided by executive order of Governor."

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted section of the State statutes, it is hereby ordered that all State of Louisiana agencies shall observe and abide by the following rules and regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

**Emergency purchasing:** Extreme public emergency involving jeopardy to life and property shall be certified to the Commissioner of Administration, in writing, in duplicate, signed by the head of the State agency, stating the nature of the emergency, cause, amount of damage estimated, cost to replace or repair, availability of funds, with the recommendations of the governing authority. The Commissioner of Administration through the State Purchasing Officer may secure quotations and let contracts on an emergency basis; or, if time does not permit, authorize the head of the State agency to let a contract at the agency level. Every effort shall be made to secure maximum competitive bidding under the circumstances. The Commissioner may authorize an expenditure of funds in extreme emergency cases by telephone or telegram, to be confirmed by letter, with justification of the emergency where time does not permit an exchange of letters.

Out-of-schedule purchasing is defined to mean any purchase not certified as an emergency, not suitable for scheduled quantity buying or placing under a commodity contract, nonrecurring items, and is interpreted to mean, but is not limited to, specific items of capital outlay equipment, materials and supplies needed for repair and maintenance, and /or all items where the estimated cost is less than one thousand dollars, which by its nature is not suitable for quantity buying, and any others as may be designated by the Commissioner from time to time.

Therefore, pursuant to the authority vested in me by R.S. 39:184, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the State government, except the Louisiana Department of Highways, shall be required to observe and be guided by the following specific directives:

1. All capital outlay equipment of any kind, wherever the cost is estimated to be in excess of three hundred dollars, shall requisition their requirements through the State Purchasing Department of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration.

2. All agencies of the State government covered by Act 91 of the 1964 Legislature, wherever the cost is estimated to be above fifty dollars and less than one

thousand dollars, regardless of whether purchases are made by the State Purchasing Department or agencies to whom purchasing has been delegated, shall observe the following rules and regulations on out-of-schedule purchases; but maximum competitive bidding shall be obtained in all cases.

a. Purchases under fifty dollars—no competitive bidding is required.

b. Purchases over fifty dollars but under two hundred dollars shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received.

c. Purchases of over two hundred dollars and less than one thousand dollars shall be made by receiving written quotations from at least five bona fide prospective bidders, wherever possible, using "Requests for Prices, Form A-10 Revised 64."

d. Purchases of over one thousand dollars. No purchases where the estimated cost is over one thousand dollars shall be made except by advertising and/or sending out written invitations to bid to at least eight bona fide, qualified bidders. Written invitations to bid shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid.

e. Exceptions to the above minimum competitive requirements:

(1) Emergency purchases.

(2) Federal government surplus property.

(3) Registered breeding stock.

(4) Livestock for slaughter when purchased at public auction sale.

(5) Patented or proprietary articles after certification by the State Purchasing Department.

(6) Standard replacement equipment parts which must be obtained from the manufacturer of the equipment or his agent, and where prices are established and where no competition may exist.

(7) Purchasing or selling transactions between State budget units.

(8) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(9) Professional services such as a physician, dentist, lawyer, architect, veterinarian, engineering services, and such other as may be designated by the State Purchasing Department.

(10) Public utility services such as water, electric light and power service, telephone, telegraph, and proprietary equipment pertaining thereto.

(11) Textbooks, newspapers, subscriptions, or foreign publications.

(12) Repairs, when obtained from an authorized dealer wherever breakdowns occur, such as

to automobiles, machinery, equipment, office machines, electric motors, et al. In actual practice this means Ford automobiles will be taken to Ford dealers and Chevrolet automobiles to Chevrolet dealers, without exception.

(13) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(14) Food purchased and used in home economic college courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(15) Food purchases and other materials and supplies required by juvenile detention homes where the number of the inmates are unstable and unpredictable.

Revolving-fund purchasing is defined to mean the buying of all commodities and supplies of any kind used in the operation of prison industries, cafeterias, dining halls, State buildings, colleges and universities, dormitories, bookstores, refreshment booths, grocery and general merchandise stores such as are maintained at the penitentiary, and all other business enterprises in the State government not primarily operated for rendering public services but for State employees, students and inmates, where the funds to pay for such purchases are derived from receipts of these business enterprises, but where the original funds were authorized and set up by the use of State funds and operated as revolving-fund units.

1. Wherever time permits, revolving-fund purchasing shall be by advertising and sealed bids, if over one thousand dollars, provided that these items are expendable and regularly recurring, such as the major revolving fund account with the Louisiana State Penitentiary, college cafeterias, and such other industries as may lend themselves to such practice.

2. Revolving-fund purchasing shall be flexible enough to secure supplies and materials used in prison industries, on short notice, in order to meet production schedules as required by the agencies buying from the penitentiary.

3. Revolving-fund purchases for resale, such as groceries, canned goods, packing house products, drug sundries, candy, tobacco, and other similar items may be obtained by buying the exact items or brand names that are most suited for the purpose for which they are intended. Likewise, materials and supplies intended for further processing into a manufactured article, the exact chemical materials or supplies may be purchased. Every effort shall be made, however, to obtain maximum competitive bidding under the circumstances.

4. Revolving-fund purchases of foods for cafeterias, dining halls or dormitories, such as the State colleges and universities, shall be purchased by competitive bidding as outlined in these rules and regulations; however, the selection, fabrication, packaging, and standards of quality may be determined

by the head of the State agency. In the event of controversy between the State agency and the supplier, and after consideration of all the facts pertaining thereto, the Commissioner of Administration may issue a ruling, and this judgment shall be considered final. Perishable foods, including fresh vegetables, fresh fish and products subject to frequent changes in price, shall be purchased on daily, weekly, or bimonthly price quotations.

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

**EDWIN EDWARDS**

**Governor of Louisiana**

### **EXECUTIVE ORDER EWE-77-15**

Acting pursuant to the authority vested in me by the Constitution and the laws of the State of Louisiana, I, Edwin Edwards, Governor of Louisiana, do hereby issue the following proclamation and executive order repealing and superseding Executive Orders 8, 30, 55, 57, and EWE-76-3.

WHEREAS, Executive Orders 8, 30, 55, 57, and EWE-76-3 created the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the various law enforcement planning districts, and the various law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, the Legislature in R.S. 15:1201 through R.S. 15:1211 created by statute the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, and the law enforcement planning districts, and the law enforcement planning district agencies, and delineated their respective duties; and

WHEREAS, R.S. 15:1209 states that "The planning agencies for the planning districts shall be those heretofore or hereafter recognized as such by the Governor." Now, therefore, I, Edwin Edwards, Governor of the State of Louisiana, do hereby recognize the following law enforcement planning district agencies:

(1) The planning district agency for Orleans Law Enforcement Planning District shall be Orleans Parish Criminal Justice Coordinating Council.

(2) The planning district agency for Capital Law Enforcement Planning District shall be Capital District Law Enforcement Planning Council, Inc.

(3) The planning district agency for Metropolitan Law Enforcement Planning District shall be Metropolitan District Law Enforcement Planning and Action Commission, Inc.

(4) The planning district agency for Evangeline Law Enforcement Planning District shall be Evangeline Law Enforcement Council, Inc.

(5) The planning district agency for Southwest District Law Enforcement Planning District shall be Southwest District Law Enforcement Planning Council, Inc.

(6) The planning district agency for Red River Delta Law Enforcement Planning District shall be Red River Law Enforcement Planning Council, Inc.

(7) The planning district agency for Northwest Law Enforcement Planning District shall be Northwest Law Enforcement Planning Agency, Inc.

(8) The planning district agency for North Delta Law Enforcement Planning District shall be North Delta Law Enforcement District, Inc.

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

**EDWIN EDWARDS**

**Governor of Louisiana**

### **EXECUTIVE ORDER EWE-77-16**

#### **Provisions for the Necessary and Appropriate State Coordination and Participation with the National Flood Insurance Act of 1968, as Amended, and Rules and Regulations Promulgated Thereunder.**

WHEREAS, uneconomic uses of the state's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, State, and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Louisiana has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of programs for Federal loans and mortgage insurance, State financial assistance and land use planning are determining factors in the utilization of lands; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as

amended, is dependent upon State coordination of Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and floodrelated erosion area management activities in the state; and

WHEREAS, the Department of Urban and Community Affairs is the designated State agency responsible for coordinating local regulation necessary for flood insurance provided by the National Flood Insurance Act of 1968; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of states and local communities to participate in the National Flood Insurance Program, which participation depends on State coordination and the designation of an agency in the state to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide (i.e. mudflow) area and flood related erosion area management activities.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, hereby order that:

The Department of Urban and Community Affairs, by virtue of its designation as the agency responsible to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration, coordinate and encourage a broad and unified effort to prevent uneconomic uses and development of the state's flood plains and, in particular, to reduce the risk of flood losses in connection with State lands and installations and State financed or supported improvements.

All State agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction in the flood plains, the flood plain management criteria set forth in Section 1910.13, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply. Flood insurance measures shall be applied to existing facilities in order to reduce flood damage potential.

All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with respect to

uses of the said lands or properties. In carrying out this provision, each State agency may make appropriate allowances for any estimated loss in sale price resulting from the incorporation of use restrictions in the disposal documents.

All State agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

As permitted by law, the Secretary of each department shall issue appropriate rules and regulations to govern the implementation of this executive order, and shall coordinate rules and regulations with the Department of Urban and Community Affairs and the Office of the Governor, Division of Administration, State Property and Casualty Insurance Section.

The Department of Urban and Community Affairs is hereby designated as the agency in the State of Louisiana responsible for making recommendations under Section 1909.22 of the Rules and Regulations of the National Flood Insurance Act, for the determination of areas for hydrological rate-making studies.

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 30th day of September, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The following rules were adopted by the Board at its regular meeting on September 22, 1977.

#### Rule 3.01.51c

Revision to Bulletin 741, Standards for School Approval of Special Schools, page 112, paragraph 1 as follows:

“Special schools, as used in the context of these standards, shall refer specifically to any special education program which serves primarily those exceptionalities identified on page 122 of this document and whose organizational structure is approved by the State Board of Elementary and Secondary Education. Further, such organizational structure shall exist apart from the regular school environment.”

#### Rule 3.01.51d

Revision to Bulletin 741, Standards for School Approval of Alternative Schools, page 107, with the following addition: “Special education programs as defined on page 112 are not eligible for alternative school approval.”

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## DECLARATION OF EMERGENCY

### Board of Regents

At its meeting on September 22, 1977, the Board of Regents exercised the emergency provisions of the Administrative Procedures Act to revise policies 3.4 and 3.5B in order to coincide with Act 439 of the 1977 Regular Session of the Louisiana Legislature as follows:

#### Finance

#### 3.4 Capital Projects

All changes to any institution or system's physical facilities that add to, improve, change the utilization of, or that remove from use such facilities will first be submitted to this Board for review, comment, and approval prior to beginning any such project. Provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s)

taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by state statute.

#### Finance

#### 3.5B Dedicated Revenues

Revenues which were dedicated to higher education institutions prior to January 1, 1975, will comply with requirements set forth in the new Constitution concerning the dedication of funds and applicable state statutes.

William Arceneaux, Commissioner  
of Higher Education  
Board of Regents

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted effective October 1, 1977, the following maximum Fee Schedule of Authorized Services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Dental Program. This new fee schedule was developed in an attempt to have the EPSDT fees compare more favorably with those of the private sector.

This action was taken pursuant to the R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

#### EPSDT Dental Program

#### Maximum Fee Schedule of Authorized Services

#### Category A

Services contained in this category are the services generally allowable under the program and require no justification when listed in the claim for payment or treatment plan submitted for prior authorization.

Occlusal x-ray .....	\$ 5.00
Amalgam restoration—two surfaces ....	15.00
Amalgam restoration—three or more surfaces .....	20.00
Esthetic restoration—Class III or V (silicate, plastic composite) not to exceed three individual restorations on a single tooth	13.00
Acid etch restoration of fractured anterior restoring entire incisal edge (with report) .....	40.00
Stainless steel crown .....	30.00
Polycarbonate crown (limited to permanent anterior and deciduous cuspids) ....	30.00
Biopsy (including pathology report) ....	25.00
Routine extraction (permanent or deciduous) to include routine postoperative care .	12.00
Incision and drainage of abscess .....	10.00
Nitrous oxide analgesia, per visit .....	3.00



**Category B**

Services in this category require special and individual consideration before preauthorization can be granted. Requests for these services must be accompanied by a brief report of circumstances including appropriate x-rays and clinical findings that justify the requested treatment.

Apicoectomy .....	45.00
Puplectomy .....	40.00
Surgical removal of impacted tooth (soft tissue impaction) .....	30.00
Surgical excision of pericoronal gingiva .	20.00
Frenulectomy .....	25.00
Alveolectomy/Alveoplasty (surgical preparation of ridge for dentures)— per quadrant .....	40.00
Periodontal prophylaxis (full mouth, subgingival-scaling) .....	25.00
Subgingival curettage, root planing, complete periodontal scaling (per quadrant), incipient bone loss must be evident radiographically .....	30.00
Partial denture (acrylic base—rests—wire clasps) .....	165.00
Partial denture (cast framework— acrylic saddles) .....	300.00
Relining upper or lower denture (laboratory) .....	70.00
Crown buildups—pin retained (pins to be listed individually with appropriate fee) .....	18.00
Post and core .....	35.00
Cast gold crown .....	125.00
Porcelain jacket crown .....	125.00
Porcelain fused to gold crown (per unit)	185.00
Removable bilateral space maintainer (lingual arch) .....	70.00
Hospital Fee (total fee, pre and postoperative) Special request for hospitalization required .....	75.00

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

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries**

The Department of Wildlife and Fisheries has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, via resolution of the Wildlife and Fisheries Commission, the following rules. They became effective on the date of adoption, September 27, 1977.

**Noncommercial Use of Coastal  
Refuges and Management Areas**

WHEREAS, the Department of Wildlife and Fisheries owns large acreage of wildlife refuges and

game management areas along the Louisiana coast, and

WHEREAS, these areas produce annual crops of marine fishes and organisms, and

WHEREAS, sportfishing is permitted on the areas for recreational purposes, and

WHEREAS, a controlled harvest of marine organisms such as shrimp, oysters, crabs, crayfish and pinfish are permitted, and

WHEREAS, this harvest can be permitted without jeopardizing the resources or violating regulations by which the State obtained title to the areas,

NOW, THEREFORE BE IT RESOLVED, that the Department of Wildlife and Fisheries does hereby adopt the following regulations for the sport taking of shrimp, oysters, fish, crabs and crayfish on the Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Wildlife Refuge, Pointe au Chien Wildlife Management Area, and Salvador Wildlife Management Area.

1. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season one hundred pounds per boat shall be permitted. Size count to conform with open season requirements. During the inside closed season ten pounds per boat may be taken for bait.

2. Oysters may be taken from natural reefs and opened at the site. A maximum of one gallon per boat is permitted and all shell must be thrown back onto the reef. Possession of unshucked oysters is not permitted.

3. Fish may be taken by rod and reel or hand lines for recreational purposes only.

4. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight.

5. Crayfish may be harvested in unrestricted portion of the refuges and game management areas and shall be limited to one hundred pounds per boat or group. Fishing gear used to catch crayfish shall not remain set overnight.

6. The harvest of all fish, shrimp, oysters, crabs and crayfish are for recreational purposes only and any commercial use is prohibited.

NOW, THEREFORE BE IT FURTHER RESOLVED that this action is of an emergency nature in order to harvest the resources before they migrate off of the areas and that the Director is hereby authorized to sign all documents pertaining to this matter.

**Permit to Remove Hogs and Cattle From  
Wildlife Management Areas**

WHEREAS, the Game Division is in need of a universal method for owners to remove livestock from State-operated wildlife management areas, and

WHEREAS, the acquisition of Boeuf Wildlife Management Area needs special attention at this time, and

WHEREAS, it is recommended that the following rules and regulations for removal of livestock from wildlife management areas:

1. Individuals (owners) having hogs or cattle on wildlife management areas apply to district supervisors for permits. Only stock owners with stock on the wildlife management area will be issued a permit.
2. Permits will be issued for not more than one year's duration, and can be revoked on a thirty-day notice.
3. Stock dogs may be used for the taking of livestock only. Dogs will be collared with owner's name and address on collar. Permittee will be responsible to see that his stock dogs will not unduly harass wildlife animals. Any such harrassment will result in revoking permittee's permit.
4. No dogs will be used during open deer season.
5. Commission personnel will have the right to search the permittee's equipment and/or vehicle while using this permit.
6. Permit is valid only from official sunrise until official sunset.
7. Firearms are not permitted for removal of stock and will not be in permittee's possession while on the wildlife management area.
8. Permittee will abide by all rules and regulations in force on the specified wildlife management area, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting on September 27, 1977, adopted the above rules for the purpose of using stock dogs in the removal of livestock from Department-operated wildlife management areas.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Rules

## RULES

### Department of State Civil Service

#### 6.25 Compensation for Overtime Hours Worked.

(b) 1. While he is occupying a position for which the current minimum of the pay range is \$971 per month or more, unless this limitation has been removed through the application of the provisions of Rule 11.29(j).

\* \* \* \*

#### 8.26 Status of Unclassified Employees upon Reorganization of State Government.

When State departments and agencies are reorganized pursuant to the provisions of the Constitution of 1974, Legislative act and/or constitutional amendment:

(a) An employee occupying a position that either previously had or presently has, constitutional unclassified status and whose position is retained by the State may be continued in his position with probationary status without competitive examination provided:

1. His position falls within the classified service; and
2. He possesses the minimum qualification requirements established for the class to which his position has been allocated by the Director; and
3. He has at least one year of continuous service with the department or agency as of the effective date of the transfer; and
4. The method of transfer results in a bona fide reorganization of that function; and
5. He is otherwise eligible for employment in the classified service.

(b) The rate of pay of an employee entering the classified service pursuant to Sub-section (a) of this rule shall be fixed in accordance with the provisions of Rule 6.28.

(c) Unused annual, sick, and compensatory leave earned by and credited to an employee entering the classified service pursuant to Sub-section (a) of this rule shall be assumed by his acquiring department and shall be recredited to him. Thereafter, he shall earn and be credited with leave benefits as provided elsewhere in these rules.

(d) An employee who enters the classified service pursuant to the provisions of Sub-section (a) of this rule shall be amenable to the provisions of these rules with respect to all other aspects of his service as a classified employee of the State.

\* \* \* \*

#### 11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(c) may be granted leave without pay.

\* \* \* \*

#### 11.29 Compensatory Leave.

(a) Subject to the provisions of Sub-sections (d) and (i) of this rule and the requirements of Federal rules, statutes, regulations, and judicial decisions, an employee serving in a position for which the current minimum rate of the range is \$971 per month or more who is required to perform overtime duty may, in the discretion of his appointing authority, be credited

with compensatory leave equal to the number of extra hours he has been required to work.

\* \* \* \*

(j) In unusual cases, and upon recommendation of the Director, the Commission may extend the application of the provisions of Sub-section (b) of this rule to one or more individual employees or to specific groups or classes of employees in specific departments who occupy positions for which the current minimum rate of the pay range is \$971 or more, and who are required to perform overtime duty; provided, that the Director's recommendation must be accompanied by the appropriate appointing authority's representation that the overtime duty involved will be required over an extended period of time; except that where the payment of overtime is required under the provisions of Federal rules, statutes, regulations, and judicial decisions, such payment is authorized to be made by the appointing authority.

**12.3 Procedure in Adverse Actions for Cause, Except Suspensions.**

(a) In every case of removal, demotion, or reduction in pay for cause of a permanent employee, the appointing authority or his authorized agent shall:

1. Furnish to the employee at the time such action is taken, or prior thereto, a statement in writing giving detailed reasons for such action.

2. In such cases, the appointing authority or his duly authorized agent shall, commencing January 1, 1978, include in the written notice the following provision: "You may appeal this action to the Civil Service Commission within thirty days. The appeal must conform to the provisions of Chapter 13 of the Civil Service Rules."

3. The appointing authority shall furnish the Director a copy of such statement within fifteen calendar days of the date the employee is notified.

**13.14 Summary Disposition of Appeal.**

(b) Any request for summary disposition when made prior to the date fixed for the hearing of the appeal may be supported by admissions of fact and written argument or brief; provided, that

2. The adverse party shall have fifteen calendar days after such service, or until the date of the hearing, whichever is sooner, to file with the Director an opposition to the request which opposition may be supported by written argument or brief.

**13.17 Notice of Hearing of Appeals.**

(a) Subject to the provisions of Sub-section (b) hereof, the Director or referee shall give the appellant and the authority or persons against whose action the appeal has been taken a notice of the time and place fixed for the hearing or the taking of testimony at least fifteen calendar days prior to the date of the hearing.

**14.1 Prohibited Activities.**

(e) No employee in the classified service and no member of the Commission shall

5. Participate in an effort to recall from office an elected public official.

George Hamner, Director  
Department of State Civil Service

**RULE**

**Department of Commerce  
Licensing Board for Contractors**

It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, subcontractor, or any other person to contract, or subcontract, all or any portion of work involved herein, to any other contractor, or subcontractor unless said contractor or subcontractor was duly licensed by this Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner, or awarding authority.

This rule shall not apply to jobs exempted by R. S. 37:2157B.

If work is subcontracted as per this rule and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

Emery L. Villar, Executive Director  
Licensing Board for Contractors

**RULES**

**Department of Commerce  
Real Estate Commission**

1. Initial Applications—All applications for licenses shall meet the following requirements before being processed by the Commission:

A. Applications shall be fully completed, notarized and accompanied by the appropriate license and examination fees.

B. Applications shall be received by the Commission not less than eleven days prior to the date of the next scheduled license examination.

C. Broker license applications shall include:

1. Current character/credit report obtained from a recognized credit reporting agency.

2. Escrow account affidavit properly executed and notarized.

3. Bond, as specified in R.S. 37:1447.

4. Broker application acknowledgment, if required, as specified in Rule 9.

2. Examinations—Examinations shall be held on the first Tuesday of each month, excluding January and December.

A. In order to be permitted to take a license examination, an applicant must obtain an admittance authorization by complying with the provisions of Rules 1 and 3.

B. Examinations shall be taken only on the date and time specified in the admittance authorization.

C. Admittance authorization and photographic evidence of applicant's identity (e.g. driver's license) shall be presented to examination monitor by the applicant before an examination will be administered.

D. Applicants who fail to appear for examination, as specified in their admittance authorization, shall forfeit all fees.

E. Applicants who are disqualified, for any reason, on an examination shall forfeit all fees.

F. Applicants who are disqualified on an examination and/or applicants who fail to appear to take the examination are permitted to reapply provided that they remit new license and examination fees and obtain an admittance authorization.

G. Applicants who fail to pass their initial license examination shall forfeit all fees. However, they are allowed to take a second examination, at the next scheduled examination period only, provided that they remit a new examination fee and obtain an admittance authorization.

H. Applicants who fail to pass their second license examination shall forfeit all fees and their applications shall be returned. Second time examination failures shall not be allowed to reapply for license for a period of not less than six months following the date of their last examination failure.

I. Applicants are permitted to use calculating devices during examinations. Applicants are not allowed to possess or utilize any reference material during examination.

J. Examinations will be administered only at designated examination centers, on the prescribed date and at the prescribed time as shown on admittance authorization, and only after all of the requirements of this section have been met.

3. Fees—All fees are forfeited to the Commission when received.

A. License fees shall cover a period of one calendar year beginning January 1 and shall not be prorated.

B. Any check remitted to the Commission as a fee which is returned unpaid by the issuer's bank shall be cause for:

1. Suspension or revocation of license.
2. Refusal to issue or renew license.

4. Renewal Applications—Renewal applications shall be received by the Commission not later than October 15 in order for licenses to be issued in proper statutory time.

A. The responsibility for timely submission of renewal applications rests solely with each individual licensee. Failure to timely submit applications for renewal shall be cause for suspension of license.

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

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

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

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

A. Former licensees who are not eligible for renewal shall apply as initial applicants.

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

C. Former licensees who have not been licensed during the three calendar years preceding their date of application are subject to all educational requirements of initial applicants.

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

6. Broker Affiliation—Brokers are permitted to become affiliated provided that all requirements of individual broker licenses are maintained.

A. Presently licensed brokers or broker applicants who elect to become exclusively affiliated with another broker, whether that broker is an individual, corporation, or partnership, shall notify the Commission prior to beginning or terminating such relationship and indicate the effective date thereof. The notification required by this section shall be on a form provided by the Commission and shall be accompanied by delivery of the individual's broker's license to the Commission along with a transfer fee of twenty-five dollars. The Commission shall inscribe the identity of the sponsoring broker on the license and immediately return same to the sponsoring broker for display as described in R.S. 37:1444.

B. All brokers who are exclusively affiliated shall be exempt from the requirement of maintaining an escrow (trust) account as otherwise required in the law or the rules and regulations of the Commission. The waiver provided herein must be specifically claimed by the broker and approved by the Commission.

7. Salesman License Transfer—Except as provided in Rule 4 D, salesmen who elect to transfer their license from one sponsoring broker to another shall notify their present sponsoring broker of the intended action, in writing, along with the request that the broker forward the license to the Commission in ac-

cordance with the time requirement specified in R.S. 37:1442.

A. A copy of said notification along with the transfer fee and the acknowledgment of the new sponsoring broker, shall be immediately forwarded to the Commission by the transferring salesman.

B. No action is required by the present sponsoring broker other than the timely return of the license to the Commission.

8. Salesman License Cancellation—Sponsoring brokers who return a salesman's license to the Commission for cancellation shall immediately sign and forward to the Commission by registered mail, a copy of the letter by which the broker notified the salesman that his license has been returned to the Commission for cancellation.

9. Termination Responsibilities—Upon termination of the business relationship with a sponsoring broker, salesmen and exclusively affiliated brokers shall immediately turn over to the sponsoring broker all listing information, contracts, keys and other property obtained during said business relationship, whether such information was originally given by, or copied from the records of the sponsoring broker, or otherwise acquired by the salesman or exclusively affiliated broker during the business relationship with the said sponsoring broker.

A. Compliance with this section is required before a license will be transferred.

B. Sponsoring brokers who allege failure of compliance with this section shall furnish a documented report of the alleged violation to the Commission within ten days of termination of the business relationship. Failure to timely comply with the requirements of this section shall be deemed as a waiver thereof.

10. Broker Application Acknowledgment—Salesmen who apply for broker's licenses shall submit written acknowledgment of their application from their sponsoring broker. The acknowledgment shall be prepared by the applicant for execution by the sponsoring broker and may be submitted under separate cover or attached to the application when submitted to the Commission. No application will be processed until the acknowledgment is received by the Commission.

A. Execution of the acknowledgment shall be done by the sponsoring broker, without qualification, within ten days following the applicant's receipt of written request therefor.

B. Failure of the sponsoring broker to acknowledge in accordance with the provisions of this section, shall be cause for the suspension or revocation of license.

11. Trade Names—Not more than one broker's license shall be issued in the same, or substantially similar trade name.

A. No surname shall appear on an individual broker's license except that of the said broker.

B. No surname shall appear in the trade name of a corporation or partnership license to be issued after

October 20, 1977, unless such surname is that of an active broker who owns a substantial interest in the said corporation or partnership.

C. Brokers who use franchise, trade, service or professional names, symbols, or trademarks in connection with their broker activities, shall:

1. Register such name, symbol, or trademark with the Commission.

2. Disclose to the public in all advertising, with the exception of standard picket yard signs, that the said real estate brokerage office is independently owned and operated.

12. Concurrent Licenses—Broker and salesman licenses shall not be issued nor held concurrently.

13. Advertising—All advertising by real estate brokers shall be stated in the exact name as shown on their broker's license.

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

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

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

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

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

F. No real estate broker shall offer or advertise to the public the service of "free appraisal" unless said broker is fully qualified and/or certified in the field of real estate appraisal by competent authority. Any real estate broker who, nevertheless, advertises or offers the service of "free appraisal", shall furnish a complete written copy of each appraisal that is requested in response to such offer or advertisement.

14. Escrow Accounts—Immediately upon becoming licensed, each broker shall open and maintain an escrow (trust) account into which they shall deposit all monies, including rentals, or other things of value received in trust on behalf of clients.

A. The escrow (trust) account required by this section shall be established as a separate account in a bank in the parish in which the broker's main office is located except under circumstances where requirements of the principal parties dictate a different parish and mutual consent of said parties is obtained. Separate escrow (trust) accounts are permitted to be opened and maintained for the collection and management of rentals.