

CONTENTS

I. EXECUTIVE ORDERS

DCT-80-21 — Responsibility for State Buildings and Grounds	1 ✓
--	-----

II. EMERGENCY RULES

Health and Human Resources Department:	
Office of Family Security — Discontinue eight percent incentive factor	1 ✓
Increases in AFDC and GA programs	1 ✓

III. RULES

Agriculture Department:	
Horticulture Commission — Examination fees for Landscape Architects	1
Livestock Sanitary Board — Rules governing animal vaccines	2
Civil Service Department:	
Board of Ethics for Elected Officials — Adoption of Administrative Rules	2
Corrections Department:	
Disciplinary Rules and Procedures for Adult Prisoners	6
Education Department:	
Board of Elementary and Secondary Education — Speech therapist evaluation; Certification of School Personnel; Standards for School Buses	6
Governor's Office:	
Division of Administration — Capital Outlay Budget Request Procedures	6 ✓
PPM Number 49 (Revised) — General Travel Regulations	7 ✓
Health and Human Resources Department:	
Office of Family Security — Low income energy assistance	7 ✓
Maximum costs for drugs	7 ✓
Medically Needy program eligibility requirements	7 ✓
Vendor payment for emergency services	7 ✓
Labor Department:	
Office of Labor — State apprenticeship standards	8
Natural Resources Department:	
Office of Environmental Affairs — Air quality regulation revisions	10
Rules governing permit fee system	11
Solid Waste Management Program	12
Public Safety Department:	
Office of the State Fire Marshal — Mattress standards for prisons	12
Treasury Department:	
State Bond Commission — Application time period amended	12

IV. NOTICES OF INTENT

Agriculture Department:	
Dairy Stabilization Board — Advertisements of low-fat milk; Competition in the dairy case; Non-discrimination in prices	12
Commerce Department:	
Board of Certified Public Accountants — Fees and services charges for CPA examination	13
Education Department:	
Board of Elementary and Secondary Education — Standards for Certification of Paraprofessionals	14
Board of Trustees for State Colleges and Universities — Athletic eligibility for transfer students	14
Governor's Office:	
Division of Administration — PPM Number 63 (Revised)	15 ✓
Small and Minority Business Set-Aside Program	15 ✓

This public document was published at a cost of \$1.96 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Health and Human Resources Department:	
Board of Certified Social Work Examiners — Meeting on Rules and Regulations	24 ✓
Board of Nursing — Implementation of Nurse Practice Act	25 ✓
Rules for Advanced Practitioners of Nursing	32 ✓
Labor Department:	
Office of Labor — Employment Standards for Minors	33
Natural Resources Department:	
Environmental Control Commission — Air Quality Regulation Revision	34
Supervisory Committee on Election Campaign Finance — Adoption of Reporting forms	34
Treasury Department:	
State Bond Commission — Time change of SBC meetings	35
Urban and Community Affairs Department:	
Office of Consumer Protection — Amendments to Rules	35

V. POTPOURRI

Health and Human Resources Department:	
Board of Veterinary Medicine — License examination	36 ✓
Office of Family Security — Reimbursement for non-emergency transportation	36 ✓
Natural Resources Department:	
Fishermen’s Gear Compensation Fund claims	36
Office of Environmental Affairs — Louisiana Water Quality Management Plan	38
Treasury Department:	
State Employees’ Retirement System — Regular monthly meetings	38

VI. ERRATA

Health and Human Resources Department:	
Board of Nursing — Numbering changes in Legal Standards of Nursing Practice	38 ✓

Executive Order

EXECUTIVE ORDER DCT 80-21

WHEREAS, the Division of State Buildings and Grounds is responsible for the maintenance and repair of all State buildings on State grounds; and

WHEREAS, the Division of State Buildings and Grounds is responsible for entering into contracts for repairs and purchases for all State buildings on State grounds on a statewide basis; and

WHEREAS, the Division of Administration is the fiscal arm of the Governor and is charged with the budgetary oversight of many of the agencies in those State buildings; and

WHEREAS, the opportunity exists to effect a sizeable savings for the State of Louisiana through the review and approval processes of the Division of Administration; and

WHEREAS, usage of State buildings and grounds is key to the planning by the Division of Administration,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby direct the Commissioner of Administration to assume responsibility for and authority over the Superintendent of the Division of State Buildings and Grounds.

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 18th day of December, A.D., 1980.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, will discontinue effective February 1, 1981 the allowance, implemented June, 1979, of an eight percent incentive factor based on gross cost for those Private for-profit Intermediate Care Facilities for the Mentally Retarded with an occupancy rate above eighty-five percent.

The above described action is necessary as the Department of Health and Human Resources has been unable to secure the Department of Health and Human Services' approval of the plan material submitted to implement this policy.

George A. Fischer, Secretary
Department of Health
and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective January 1, 1981, the following increases in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards. This action is mandated by Act 540 of the 1976 Louisiana Legislature which requires an annual adjustment of the need standard to reflect the increase in the cost of living. This action will allow needy families and individuals to receive the public assistance to which they are entitled.

Using a 14.4 percent increase standard, the proposed new AFDC and GA Need Standards are outlined below while current needs standards are shown in parentheses.

AFDC Need Standards

Size of Household	Non-Urban	Urban
1	\$159(139)	\$173(151)
2	296(259)	331(289)
3	419(366)	460(402)
4	522(456)	565(494)
5	621(543)	667(583)
6	712(622)	760(664)
7	805(704)	849(742)
8	895(782)	939(821)
9	979(856)	1025(896)
10	1067(933)	1112(972)
11	1160(1014)	1206(1054)
12	1256(1098)	1302(1138)
13	1358(1187)	1395(1219)
14	1456(1273)	1494(1306)
15	1557(1361)	1595(1394)
16	1657(1448)	1702(1488)
17	1757(1536)	1785(1560)
18	1857(1623)	1898(1659)
	For each additional person, add \$108.00	For each additional person, add \$118.00

GA Need Standard

Size of Household	GA Need Standard
1	\$262(229)
2	\$331(289)

George A. Fischer, Secretary
Department of Health
and Human Resources

Rules

RULE

Department of Agriculture Horticulture Commission

The Louisiana Horticulture Commission, State Department of Agriculture, pursuant to the authority given in LSA 37:1964 B, and in accordance with Notice of Intent published on

October 20, 1980, has adopted the following Rule relative to examination fees for licensure in Landscape Architecture:

1. All applicants for examination for licensure as a landscape architect shall apply for such examination no later than March 15 of each year.

2. All applicants for examination for licensure as a Landscape architect shall pay an examination fee of \$150.00 at the time application for such examination is made.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

Notice is hereby given that on January 9, 1981, the Louisiana Livestock Sanitary Board, in accordance with the authority given under LSA 3:2096 and pursuant to notice published on December 20, 1980, adopted the following Rule as an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm, association, or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute, or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation.

Bob Odom
Commissioner of Agriculture

RULE

Department of State Civil Service Board of Ethics for Elected Officials Chapter 1 Definitions

Unless the context clearly indicates otherwise, the following words, terms and phrases when used in these Rules shall have the following meanings:

1.1 "Agency", "Agency head", "Assist", "Board", "Compensation", "Elected Official", "Participate", "Person", "Service", and "Thing of Economic Value" shall have the identical meanings attributed to them in Section 1102 of the Code of Governmental Ethics.

1.2 "Executive Secretary" shall mean the chief administrative and executive officer appointed by the Board pursuant to the provisions of Section 1134(2) of the Code.

1.3 "Preliminary investigation" means a staff investigation conducted pursuant to directions by the Board to the Executive Secretary.

1.4 "Private hearing" means the taking of evidence by the Board during a proceeding which is not open to the public.

1.5 "Public hearing" means the taking of evidence by the Board during a proceeding that is open to the public.

1.6 "Respondent" means an elected official or person who is the subject of a complaint.

Chapter 2

Organization, Rules, Procedures, and Powers of the Board

2.1 Election of the Chairman.

(a) The members of the Board shall meet and organize by electing one of its members Chairman. In case of a vacancy in the office of Chairman, the Board shall elect a new Chairman.

(b) The Chairman shall be elected at the first meeting held following July 1 of each odd numbered year commencing with July 1, 1980 for a two-year term.

2.2 Powers of the Board.

The Board is empowered:

(a) To represent the public interest in the administration of the provisions of the Code.

(b) To administer and enforce the provisions of the Code and the Rules, regulations and orders consistent with and adopted or issued thereunder.

(c) After public hearing, to adopt, promulgate and issue Rules and regulations carrying out and consistent with the policies and purposes of the Code, and amendments to such Rules and regulations.

(d) To consider complaints concerning violations of the provisions of the Code involving officials and other persons who are within the jurisdiction of the Code, and to either (1) dismiss the complaint; (2) pretermite the complaint; or (3) make charges based upon such complaints and its investigations.

(e) To order preliminary investigations upon receipt of complaints.

(f) To order and conduct hearings of complaints of violations of the provisions of the Code.

(g) To issue orders and take authorized action, at or following a public hearing, against any elected official or other person adjudged to have violated one or more of the provisions of the Code.

(h) For the purposes of an investigation or of a hearing, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other evidence, which the Board deems relevant or material to the investigation or hearing.

Such attendance of witnesses and the production of any such evidence may be required at any place designated by the Board.

(i) To make official determinations of its findings as to the validity of complaints and charges; and where substantial evidence to support complaints or charges is not adduced, to close its files.

(j) To render advisory opinions to officials and affected persons, or to decline to do so, with respect to the provisions of the Code and Rules and regulations issued by the Board.

(k) To provide reports, information and recommendations to the Governor and the Legislature concerning the administration of the Code and conflict of interest matters generally.

(l) To receive reports from agencies and collect information with respect to, and conduct studies of, personal conflicts of interest of officials within its jurisdiction.

(m) To appoint an Executive Secretary.

(n) To prescribe rules of order, evidence and procedure to govern its meetings, hearings and investigations.

(o) To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with the resolution of matters coming before it for consideration.

(p) To issue informational releases to the news media with respect to all activities of the Board other than executive meetings, private investigations and private hearings.

(q) To perform such other acts as may from time to time be required of it by the Constitution or by Statute.

(r) To consider and take appropriate action on sworn statements filed in accordance with Section 111 E(2) of the Code.

(s) Any Board member may require the inclusion on the agenda for Board consideration of any matter of interest to him.

2.3 Meetings.

(a) The Board shall meet at such time and place as may be fixed by the Board, its Chairman, or its Executive Secretary.

(b) Notice of each meeting shall be given to all members of the Board, and to the general public.

(c) All meetings shall be open to the public except investigations and Board meetings in relation thereto and meetings authorized by other provisions of law to be closed to the public.

2.4 Quorum and Voting.

(a) Three members of the Board shall constitute a quorum for the transaction of business.

(b) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Board, except as otherwise provided in Section 1141 D(5).

(c) In the event of a tie vote the Board may, in its discretion:

1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or

2. Continue the matter for consideration at a later meeting.

(d) Temporary absence during the consideration of an item of business shall not disqualify a member from voting on said item.

2.5 Executive Secretary to the Board.

The Board shall appoint an Executive Secretary.

2.6 Minutes of Proceedings.

The Minutes of the proceedings of the Board shall be prepared and maintained by the Executive Secretary on behalf of and subject to the approval of the Board.

2.7 Rules of Order.

The Board shall not be bound by rules, evidence, or procedure in its meetings, or investigations, except such as it may itself establish and except as otherwise provided in Section 1141 D(2).

2.8 Recusation.

Any member of the Board having a personal interest in an investigation or hearing by the Board shall recuse himself from participation in such investigation or hearing. If a member becomes the subject of an investigation or hearing, he shall recuse himself from participation in such investigation or hearing.

2.9 Adoption of Rules.

(a) Rules shall be adopted in accordance with the procedures contained in the Administrative Procedure Act.

(b) No appeal shall lie from the adoption by the Board, after public hearing, of any Rule or amendment thereto.

2.10 Amendments to the Rules.

Amendments to the Rules shall be approved by the Board only after a public hearing. Such amendments shall become effective upon adoption by the Board, unless otherwise specifically provided.

2.11 Public Inspection.

The Board shall make available for public inspection:

(a) All Rules and all other written statements of policy or interpretation formulated, adopted, or used by it in the discharge of its functions.

(b) Subject to the provisions of other Sections of these Rules, all final orders, decisions, and opinions issued by it in the discharge of its functions.

Chapter 3

Duties of the Executive Secretary

3.1 Duties of the Executive Secretary.

It shall be the duty of the Executive Secretary:

(a) To act as the Board's secretary; to attend all of its meetings; and to keep minutes of its proceedings.

(b) To prepare and submit to the Board prior to each meeting an agenda containing reference to all pending matters and additional matters of interest to the Board.

(c) To prepare such reports as the Board may request regarding its work.

(d) To prepare and submit, upon request by the Board, a budget covering the estimated costs of administering the Board's program.

(e) To issue subpoenas and subpoenas duces tecum.

(f) To act between meetings of the Board on routine matters not requiring Board approval.

(g) To act as the chief administrative officer for the Board and to supervise the staff of employees engaged in the service of the Board.

(h) To conduct and supervise investigations on behalf of and at the request of the Board.

(i) To provide normal staff services in support of the Board's activities.

(j) To notify in writing the appropriate appointing authority of the pending expiration of the term of each Board member.

3.2 Oaths and Affirmations.

The Executive Secretary shall have power to administer oaths in matters related to the business of the Board.

Chapter 4

Designated Duties of the General Counsel

4.1 The Board shall from time to time and as necessary request that the Attorney General designate an Assistant Attorney General to serve as General Counsel for the Board.

4.2 It shall be the duty of the General Counsel:

(a) To serve as chief legal counsel to the Board.

(b) To coordinate all legal needs and activities of the Board.

(c) To make recommendations regarding and in due course to supervise the activities of special counsel engaged from time to time by the Board.

(d) To represent the Board in all administrative and judicial proceedings.

(e) To participate as necessary in investigations, private hearings and public hearings.

Chapter 5

Complaints

5.1 Any qualified elector of Louisiana may file a written complaint with the Board. The complaint shall be signed under oath by the person filing it. Such person must be willing to appear before the Board in public hearings to testify in support of his complaint.

5.2 The term "any qualified elector of Louisiana" shall include any member of the Board who is so qualified.

5.3 The Executive Secretary shall cause the date of receipt to be noted on each complaint. The complaint shall be deemed filed upon the Board's initial consideration of same at a convened meeting. A docket shall be maintained upon which each complaint shall be given an appropriate title and docketed in the order filed.

5.4 The Executive Secretary shall promptly mail a copy of each

complaint to the party against whom it is filed within five days after it is filed with the Board. Such mailing to the party against whom the complaint is filed shall be by certified mail.

Chapter 6 Hearings

6.1 The procedure governing private hearings shall be identical to the extent practicable to the procedure set forth below governing public hearings, and except that private hearings shall be closed to the public.

6.2 Public Hearings shall be initiated by order of the Board.

6.3 Assigning Public Hearings.

(a) The Board shall fix the time and place for the conduct of public hearings.

(b) For cause considered justifiable, the Board, Chairman, or its Executive Secretary, may upset any fixing and give the hearing a special assignment both as to time and to place with appropriate notification to all interested parties.

6.4 Place of Public Hearing.

(a) Subject to the provisions of Subsections (b) and (c) hereof, and except as otherwise specifically provided in §1141 C of the Code, all public hearings before the Board shall be conducted in a convenient place, accessible to the public, in the City of Baton Rouge, Louisiana.

(b) The Board may direct that a public hearing be conducted at a place of public accessibility within the State, other than the City of Baton Rouge, Louisiana.

(c) If the Executive Secretary, subject to the approval of the Board, deems that the interests of the State or of any agency thereof, or the location of witnesses, or the ends of justice so require, he may order that the public hearing be held in any other convenient place of public accessibility within the State other than the City of Baton Rouge, Louisiana.

6.5 Notice of Public Hearings.

(a) The Executive Secretary shall cause notice of public hearings to be posted and mailed to requesting parties at least five days prior thereto, except as otherwise specifically provided in §1141 D of the Code and in the case of emergencies.

(b) Notice to the public shall be posted in the lobby of the Contractors Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana, and on the bulletin board in the lobby of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

6.6 Continuance of Public Hearing.

(a) A public hearing fixed and not reached shall be refixed by the Board.

(b) The Board, its Chairman, or its Executive Secretary may, for cause deemed sufficient, grant or order, with respect to any one or more respondents involved, a continuance of any public hearing; and, in its discretion, it may proceed as to those respondents to whom no continuance was granted.

(c) With the approval of the Board, a hearing may be continued by consent of all interested parties.

(d) No continuance shall be granted except for compelling cause.

(e) A public hearing fixed and not reached shall be refixed by preference over all public hearings continued for any other reason and any public hearing subsequently docketed.

6.7 Procedure in Public Hearings of Complaints.

(a) Except in the case of private hearings, all hearings conducted under the provisions of this Chapter shall be open to the public.

(b) Parties and witnesses shall be subject to cross-examination as in trials before the District Courts of the State, and

the Board, each member of the Board, or its designated agent or attorney may examine and cross-examine any witnesses.

(c) The Board may require that the parties stipulate all undisputed facts.

(d) The Board may limit corroborative evidence.

(e) When a pending case involves substantially the same question of law or fact as presented in a prior public hearing, the Board, at the request of any party or on its or his own motion, may admit as evidence any part of the record of such previous public hearing as it or he may deem relevant; provided, that in the application of this Rule no party shall be deprived of the right to cross-examine any adverse witness.

(f) Evidence shall not be received to enlarge any charges lodged against any respondent.

(g) Twenty minutes shall be allowed each side for oral argument, provided however the time may be extended for good cause shown.

(h) Except with special leave of the Board, only one attorney shall be permitted to present oral argument for any party.

(i) The Board may in any case on its own motion invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of such written argument shall be made by mail by the Executive Secretary within two working days of the receipt thereof by him.

(j) The charges filed against a respondent shall create no inference that the respondent is guilty of violation of the Code.

(k) The Board, on request of any party, or on its or his own motion, may order that the witnesses in any hearing be sequestered so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness.

(l) The Board may take notice of the provisions of the Code without the necessity of an offer in evidence.

(m) When, during the course of a hearing, a ruling by the Board is to be made, the presiding member may rule and his ruling shall constitute that of the Board; provided, that should an objection be made to such ruling, said ruling shall be determined by a majority vote of those members of the Board present.

6.8 Summary Disposition of Charges.

(a) At anytime after the assigning of charges for public hearing, any respondent may file with the Board a written request for summary disposition thereof on any of the following grounds:

1. That the Board lacks jurisdiction of the subject matter, or of the respondent.

2. That the charges have not been initiated in the manner prescribed by the Rules.

3. That the charges have become moot.

4. That the charges, if true, would not constitute a violation of the Code.

5. That the charges have prescribed.

(b) Any request for summary disposition, when made prior to the date fixed for the hearing, may be supported by sworn affidavits and shall be accompanied by written argument or brief.

(c) When a request for summary disposition has been filed with the Board in any proceeding, the attorney for the Board shall submit oral or written argument or brief in connection therewith.

(d) If the Board denies the request or refers it to the merits, it may reconsider same at any time prior to the conclusion of the public hearing.

(e) The Board may at any time, on its own motion, summarily dispose of charges on any of the grounds listed in Subsection (a) hereof.

(f) When the Board disposes summarily of a charge or

charges, its decision shall be final on the date it files its written decision with the Executive Secretary, disposing of the case. The Executive Secretary thereafter shall give the interested parties notice of the decision within two working days thereof.

6.9 Subpoena of Witnesses: Production of Documents.

(a) The Board, each member thereof, the Executive Secretary, and any specially designated agent of the Board, shall have power to order the appearance of witnesses and to compel the production of books and papers pertinent to the issues involved in any public hearing, provided such witnesses and such books and papers are within the State.

(b) Any respondent desiring the issuance of a subpoena for any witness at a public hearing must apply for it in writing at least five days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed.

(c) In lieu of the issuance and service of formal subpoenas to State employees, the Board or any person authorized by Subsection (a) of this Rule may request any agency to order any designated employee under its supervision to attend and testify at any public hearing; and upon being so ordered the employee shall appear and furnish testimony.

(d) Any respondent desiring the production of books, papers, photographs, or other items at any public hearing must apply for an appropriate order in writing at least five days before the date fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and the materiality of their production to the issues must be certified to by the respondent or his counsel.

(e) Authenticated copies of books, papers, photographs, or other items in the custody of any agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authenticated copies may be subsequently introduced.

(f) The Board or its Chairman, may, for cause deemed sufficient by it or him, issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued by it or him under the provisions of this Rule. The respondent may likewise obtain an order from the Board recalling any subpoena, subpoena duces tecum, or request issued or caused to be issued by him.

6.10. Consolidation of Public Hearing.

When public hearings of two or more respondents involve similar or related circumstances, the Board may order a joint hearing of all respondents or may order separate hearings for specified respondents.

6.11 Transcripts of Public Hearings.

The proceedings of all public hearings shall be recorded, but shall be transcribed only upon order of the Board or upon request made by a respondent therein, accompanied by proffer of such cost as may be determined by the Executive Secretary.

6.12 Witness Fees in Public Hearings.

(a) The travel expenses of an officer or employee of a State agency who is required to appear before the Board shall be paid by the agency which employs him.

(b) The Board may order that any person who is not an officer or employee of a State department and who is subpoenaed to testify at a public hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Nineteenth Judicial Court for the Parish of East Baton Rouge.

(c) If a witness is subpoenaed by a respondent, the Board may order the same cost of witness fees and mileage to be paid by such respondent.

(d) The Board or the Executive Secretary may, before issuing a subpoena, require the party requesting the subpoena to deposit with the Executive Secretary a sum sufficient to cover the mileage costs and witness fees pending a determination of costs by the Board.

6.13 Costs of Public Hearings

The Board may, in its discretion, order the costs of any public hearing, or any portion of such costs, including the costs of recording and transcribing testimony, to be paid by or charged to either the Board's funds or the respondent.

6.14 Interlocutory Rulings.

(a) Formal exceptions to the interlocutory rulings or orders of the Board, are unnecessary. At the time the ruling is made or the order is communicated, a party shall make known his objection thereto and the grounds therefor, and same shall be noted in the record.

(b) The Board, may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

6.15 Board Action Following Public Hearing.

(a) Following a public hearing, the Board shall either (1) dismiss the charges; (2) render its decision; or (3) take the matter under advisement. Thereafter, the Board shall either render written reasons for its dismissal or decision, or render a written decision in the event the hearing was taken under advisement.

(b) The decision of the Board shall be final on the tenth day following its filing with the Executive Secretary if there has been no timely application for rehearing in accordance with Rule 6.16 hereof.

(c) The Executive Secretary shall furnish all interested parties with a copy of the decision within two working days of its filing, by United States mail with sufficient postage affixed, properly addressed to each of them, or their attorneys of record, at the addresses shown by the record.

(d) Upon finding at a public hearing that any official or person has violated the provisions of the Code, the Board shall forward a copy of its findings to the District Attorney of the Parish in which the violation occurred, for appropriate action. Thereafter, notwithstanding any other provisions of the Code, such District Attorney shall have access to all Board records relative to the charges.

(e) The Board shall take action against any official or other person only at or following a public hearing.

6.16 Rehearings

(a) Any aggrieved party may apply to the Board for a rehearing in writing within ten days from the date a decision is filed with the Executive Secretary. The grounds for an application for a rehearing shall be either that:

1. The decision or order is clearly contrary to the law and the evidence;

2. 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;

3. There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

4. There is other good ground for further consideration of issues and the evidence in the public interest.

(b) The petition of an aggrieved party for a rehearing shall set forth the grounds which justify such action and shall be accompanied by a written brief or argument in support thereof.

(c) In the event the Board grants a rehearing, a time and place for the rehearing shall be fixed and the rehearing shall be confined to those grounds upon which the rehearing was ordered.

(d) If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

Chapter 7 Discovery

7.1 Discovery procedures for public hearings conducted by the Board shall be as follows:

Any elected official or other person who has been notified that he is to be the subject of a public hearing pursuant to the provisions of LSA-R.S. 42:1141 D, shall be entitled to the following if written request to the Executive Secretary is made at least fifteen days prior to the date of the scheduled hearing:

- (a) A certified copy of the transcript of the private hearing, in the event there was a private hearing;
- (b) The name and address of each individual that the staff of the Board has interviewed or intended to call at the proposed hearing, together with any written statements obtained by the staff from such persons.
- (c) A copy of each physical document that the Commission's staff intends to introduce before the Commission at the proposed hearing.
- (d) The right to take depositions on oral examination and pursuant to the provisions of applicable Code of Civil Procedure Articles, to the extent practicable, of those persons whose name and address has been furnished to the respondent pursuant to the provisions of Subparagraph (b) above and provided further that the taking of said depositions does not unreasonably impede the scheduled hearing.

Chapter 8 Records and Reports

8.1 Custodian.

The Executive Secretary shall be the custodian of all records, reports, and files of the Board.

8.2 Statements Filed Pursuant to the Provisions of Section 1111 E(2) (a) of the Code.

Statements filed with the Board pursuant to Section 1111 E(2) (a) of the Code shall:

- (a) Be made under oath;
- (b) Contain the name and address of the elected official;
- (c) Contain the name and address of the person employing or retaining the official to perform the services;
- (d) Describe the nature of the work and the amount of the compensation for services rendered or to be rendered;
- (e) Contain a brief description of the transaction in reference to which services are rendered or to be rendered.

8.3 Statements Filed Pursuant to the Provisions of Section 1114 C.

Statements filed pursuant to the provisions of Section 1114 C of the Code shall contain the information required by Section 1114 B(1) through (4), inclusive, of the Code and shall be maintained by the Executive Secretary in files containing appropriate indices.

8.4 Statements Filed Pursuant to the Provisions of Section 1114 C.

Statements filed pursuant to the provisions of Section 1114 C of the Code shall:

- (a) Be made under oath;
- (b) Contain:
 1. The amount of income or value of any thing of economic value derived;
 2. The nature of the business activity;
 3. The name and address, in relationship to the legislator, if applicable;
 4. The name and business address of the legal entity, if applicable.
- (c) The Executive Secretary shall maintain these state-

ments and files appropriately indexed.

8.5 Statements Filed Pursuant to the Provisions of Section 1120 of the Code.

Statements filed pursuant to the provisions of Section 1120 of the Code shall:

- (a) Be made under oath;
- (b) Contain the name and address of the elected official;
- (c) Contain a detailed description of the matter in question, including the description of the transaction to be voted upon as well as a description of the nature of the conflict, or potential conflict, and the reasons why despite the conflict the elected official is able to cast a vote that is fair, objective and in the public interest;
- (d) The Executive Secretary shall maintain these statements suitably indexed.

R. Gray Sexton
Executive Secretary

RULE

Department of Corrections

The Department of Corrections amended the Disciplinary Rules and Procedures for Adult Prisoners adopted May 1, 1979. These Rules will be effective February 1, 1981. Interested persons may examine the Rules at the Department of Corrections, Pentagon Building, Riverside North, Baton Rouge, Louisiana or at the Department of the State Register, 1500 Riverside North, Baton Rouge, Louisiana.

C. Paul Phelps, Secretary
Department of Corrections

RULE

State Board of Elementary and Secondary Education

Rule 7.02.01 - The Board adopted a policy allowing speech therapists to count evaluation services at the rate of one hour of evaluation as equal to one point in a caseload in addition to maintaining a minimal therapy load of forty points.

Rule 3.01.70.a (Replaces present policy in effect) - The Board adopted Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, Revised 1980.

Rule 4.00.73.b - The Board adopted revisions to Bulletin 1213, *Minimum Standards for School Buses*. The following revisions were necessary to comply with recent federal motor vehicle safety standards for school buses. School buses would have to change the rear axle for a 59/60 passenger bus from 15,000 to 17,000 pounds. Ply rating of tires for a 53/54 and 65/66 passenger bus would be changed from 10 to 12 ply. The rear axle change and the ply rating of tires would change the gross vehicle weight rating for the 53/54, 59/60 and 65/66 passenger buses as well as the rear axle gears weight rating for the 59/60 passenger bus.

James V. Soileau
Executive Director

RULE

Office of the Governor Division of Administration

Capital Outlay Budget Request Procedures

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Rules and regulations pertaining to the Capital Outlay Budget Request Procedures. These

Rules and regulations are identical to those published in the November, 1980 *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Office of the Governor
Division of Administration**

Policy and Procedure Memorandum No. 49 (Revised)

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Policy and Procedure Memorandum No. 49 (Revised), the General State Travel Regulations. These regulations are identical to those published in the December 20, 1980 *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has implemented the Low Income Energy Assistance Program to assist low income households with the high cost of energy during the winter months of January, February and March 1981.

Eligible households are those with liquid assets at or below \$1,500 for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not exceed \$276 for a single person household and \$451 for a multi-person household. Finally, eligible households are those vulnerable to the rising cost of home energy. To be vulnerable, a household shall be paying for a heating utility or making an undesignated payment for energy in the form of rent and shall not be a resident of Low Rent Public Housing or Section 8 Public Housing.

Payments in the months of January and February to eligible recipients shall range from \$15 to \$35 depending upon income, household size, region of the state, and the type of heating utility. The third payment in the month of March may be higher or lower than the preceding two depending on the amount of Federal funds remaining.

George A. Fisher, 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 a rule amending the list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations, published in the *Federal Register* dated October 24, 1980, Volume 45, Number 208, pages 70574 through 70584.

These additional MACs have been established:

Potassium Chloride, oral Liq., 10 percent	\$0.0030 per ml.
Dicloxacillin Sodium, 250 mg. caps.	0.2690 per cap.
Quinidine Sulfate 200 mg. tabs.	0.0688 per tab.
*Hydrochlorothiazide 25 mg. tabs.	0.0152 per tab.
*Hydrochlorothiazide 50 mg. tabs.	0.0194 per tab.

*These MACs reflect a reduction in the MACs established on June 28, 1979.

The MACs for the following drugs have been suspended:
Oxyphenbutazone, 100 mg. tabs.
Phenylbutazone, 100 mg. tabs.
Phenylbutazone Alka, 100 mg. caps.

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. HHS's regulations provide that when a physician certified 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.

George A. Fischer, 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 implemented the following policy related to determining the applicant's eligibility for the Medically Needy Program:

Bills (expenditures) for medical services recognized under state law shall be included in the spend-down process for determining Medically Needy eligibility, although some of these services may not be covered under Louisiana's Medical Assistance Program (i.e., dental services for persons age 21-65, psychiatric services for persons age 21-65, podiatrist services, etc.).

George A. Fischer, 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 a rule amending present regulations related to vendor payment for emergency hospital services to include the following:

Licensed hospitals that are not participating fully in Title XIX Program (i.e., Emergency Access Only Facilities) are reimbursed on the basis of 85 percent of the hospital billed charge for emergency hospital services, not to exceed the Medicare reimbursement rate.

George A. Fischer, Secretary
Department of Health
and Human Resources

La. Register 1-20-81

RULES

Department of Labor Office of Labor

The following rules and standards for the administration of Apprenticeship Laws of Louisiana, were amended pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on January 9, 1981.

Louisiana State Apprenticeship Council

State Apprenticeship Standards and Procedure

1. The following paragraphs under the old rules and standards - "The Louisiana State Apprenticeship System" have been deleted as follows:

In paragraph 3. - State Apprenticeship Council, subparagraphs 2. a, b, and c have been deleted and subparagraphs 2-d, e, and f have been renumbered to g, h, and i.

In paragraph 5. - The Responsibilities of the State Apprenticeship Council, subparagraph 6 has been deleted.

2. The following paragraphs under the old rules and standards - "Procedure To Be Used as a Guide for Local Apprenticeship Committee" have been deleted as follows:

In paragraph 11 - Standards of Apprenticeship, subparagraph B.2. g.(1), (2), (3), (4) and (5) have been deleted.

In paragraph 111 - Procedure of Local Apprenticeship Committee In Handling Apprentices, subparagraph K has been deleted and subparagraph L and M have been renumbered K and L.

General Statement

The Louisiana State Apprenticeship Council has adopted the following Apprenticeship Standards as a guide to those industries participating in apprentice training programs:

1. Apprentice Defined
2. Purpose
3. State Apprenticeship Council
4. Personnel of the State Council
5. Responsibilities of State Council
6. Responsibilities of the Director of Apprenticeship
7. General Policies of State Council
8. Cooperation with Existing Organizations.

I. Apprentice Defined

The term "apprentice" as used herein shall mean a person at least sixteen years of age who has entered into a written agreement, hereinafter called an apprenticeship agreement, with an employer, an association of employers, or an organization of employees, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person and *for participation* in an approved program of training through employment with education in related and supplemental subjects.

III. State Apprenticeship Council

The Assistant Secretary of Labor shall appoint a State Apprenticeship Council as follows:

G. Each member shall be appointed for three years.

H. Any member appointed to fill a vacancy occurring prior to the expiration of the term of their predecessor shall be appointed for the remainder of said term.

I. The Apprenticeship Council shall meet at the call of the *Assistant Secretary of Labor* and shall aid in formulating policies for an effective apprenticeship program.

IV. Transportation and Per Diem for Council Members

Each member of the Council not otherwise compensated by public funds, shall be reimbursed for transportation and shall be paid not more than *thirty-five dollars* per day for each day spent in attendance at meetings of the Apprenticeship Council.

V. The Responsibilities of the State Apprenticeship Council

C. Keep industry, the Legislature, and the general public informed through an annual report, made through the *Assistant Secretary of Labor*, of its activities and findings in the field of Apprenticeship Training.

VI. The Responsibilities of the Director of Apprenticeship under the Supervision of the *Assistant Secretary of Labor*

C. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement or trade apprenticeship standards.

D. Keep apprentices' records.

E. Issue Certificates of Completion of Apprenticeship.

F. Keep a record of apprenticeship agreements and their disposition.

G. Plan types of apprenticeship agreements and amend or revise such agreements when necessary.

H. *Approve adjustment of apprenticeship disputes.*

I. Perform such other duties as are necessary to carry out terms and conditions provided in the state apprenticeship standards and local apprenticeship committee standards and agreements.

VII. General Policies of the State Apprenticeship Council

A. *The Director of Apprenticeship is responsible for approving and registering apprenticeship agreements. Registration of apprenticeship agreements will depend upon the following provisions:*

2. The *term* of the apprenticeship, together with the probationary period:

The *term* of the apprenticeship period will be the minimum number of years necessary to master the occupation which is accepted as standard for the industry. The *probationary* period will be not more than a total of five hundred hours of employment and related instruction combined, extending over no more than four months.

5. Apprentice Wages:

The minimum starting wage rate of an apprentice shall be *thirty-five percent* of the journeyman hourly wage and shall not be less than _____ per hour the first year and _____ per hour beginning the second year. In no case, shall the starting wage rate for apprentices conflict with Federal Laws covering minimum wages. In no case shall the final period of apprenticeship be less than seventy-five percent of the journeyman hourly wage.

6. Ratio of Apprentices:

Initially, one apprentice to one journeyman. Thereafter, a ratio of no more than one apprentice to every two journeymen shall apply.

C. Apprenticeship Records:

An official Apprentice Record Book, as *approved* by the State Apprenticeship Council, shall be kept current by the apprentice at all times, signed by the employer or agent and school instructor.

D. Apprenticeship Training Agreement:

1. The apprenticeship agreement *will be supplied by the Director of Apprenticeship* to apprenticeship committees and to individual establishments interested in apprenticeship.

2. *The date of an apprenticeship agreement will be the actual date the apprentice entered employment as an apprentice as agreed to by the employer, the apprentice, and approved by the State Department of Labor.*

3. Apprenticeship agreements to be filled out:

c. Second copy for the employer or his agent, or the Apprenticeship Committee.

4. Two original copies of every Apprenticeship Agreement entered into shall be signed by the employer, or by an association of employers or an organization of employees, or the chairman or director of the local apprenticeship committee, and by the apprentice; and, if the apprentice is a minor, by the minor's father; provided that, if the father be dead or legally incapable of giving consent or has abandoned his family, then by the minor's mother;

if both father and mother be dead or legally incapable of giving consent, then by the tutor, of the minor. If the minor is without a tutor, a tutor ad hoc may be appointed, who shall have the authority to consent to and sign the Apprenticeship Agreement for a period of training extending into *the majority*; the Apprenticeship Agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

F. Supervision of Apprentices:

1. Apprentices on-the-job will be under the general supervision of the contractor-foreman and the direct supervision of the journeyman they are working under *at all times*.

G. Apprenticeship Committees:

1. State Trade Joint Apprenticeship Committee

b. The Apprenticeship Council shall appoint state joint apprenticeship committees for a trade or group of trades when two or more *local* apprenticeship committees have been established in the state for such trade or group of trades.

c. The State Apprenticeship Committee will coordinate the activities of *local apprenticeship committees* in the trade or group of trades which it represents.

d. The State Apprenticeship Committee will be composed of an equal number of employer and employee representatives, chosen from names submitted by the respective employer or employee organization. In a trade or group of trades in which there is no bona fide employer or employee organization, the Apprenticeship Council shall appoint such a committee from persons known to represent the interests of employers and of employees respectively.

2. Local Trade Apprenticeship Committee

c. A *local Apprenticeship Committee* shall be composed of an equal number of employer and employee representatives, chosen from names submitted by the respective local employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide local employer or employee organizations, a committee shall be appointed from persons known to represent the interest of employers and of employees, respectively.

H. Duties of an *Apprenticeship Committee*:

1. Set up proposed standards of training for the apprenticeship program subject to the *approval of the Director of Apprenticeship and State Apprenticeship Council*.

J. Registration or Approval Reciprocity

Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of Title 29 CFR Part 29 amended March 21, 1977, by any recognized State Apprenticeship Agency/Council or by the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be, *if in order*, accorded registration or approval reciprocity of program apprentices by the Louisiana State Apprenticeship Council if such reciprocity is requested by the sponsoring entity.

VIII. Cooperation with other Organizations

A. Louisiana State Employment Service.

Approved by the Louisiana Apprenticeship Council in Regular Meeting this *10th day of October 1980*.

**Procedure to be used as a Guide for
Local Apprenticeship Committees**

A successful apprenticeship program depends upon the coordinated interest and cooperation of that industry in a well defined plan of procedure known as "a local apprenticeship system." In the development of a local apprenticeship system, it is important to obtain the combined interest of the employers and employees in order that the apprentice will not only be given an opportunity to learn by the employer, but also will be taught by the

skilled workers *with whom they are associated*.

The first and most important step in the development of an apprenticeship system is to provide someone responsible to conduct the program. This is provided in the apprenticeship committee, a committee representing the employer and employee in that skilled occupation. The apprenticeship committee might provide leadership and guidance for apprenticeship in their occupation covering a specific city or trade area. A committee of this type offers to the employers in the building trades a carefully coordinated program of apprenticeship that will enable their industry to provide a high standard of training for their future apprentices. In order to insure reasonably continuous employment, diversified work experiences and the proper supervision of the apprentice during the apprenticeship period, the relationship between the apprenticeship committee, the employer and the apprentice is of necessity a very close one. This is caused by the peculiar conditions surrounding the apprentice in construction industry. These conditions, which are conditions of employment, have been caused by a gradual change in the industry which has made it almost impossible for the individual contractor to offer the apprentice a successful apprenticeship. For this reason, it has often been said that apprenticeship is *not only the responsibility of the individual but also the industry*.

I. Local Apprenticeship Committee

A. The local apprenticeship committee shall be composed of an equal number of employer and employee representatives. Consultants to the committee should be a *local educator*, and the State Director of Apprenticeship. Such appointments shall be made by the *Assistant Secretary of Labor*.

B. Selection of Committee Members

It is important that local trade associations in selecting members to represent them in the apprenticeship committee find *persons* who are interested in developing highly skilled workers through apprenticeship — *persons* who have the ability and leadership to stimulate interest and action in others.

II. Standards of Apprenticeship

B. Apprenticeship Occupations

2. Criteria for Apprenticeable Occupations

An occupation, to be recognized as apprenticeable by the Louisiana State Apprenticeship Council, is one:

a. Which customarily has been learned in a practical way through training and work experience on the job.

b. Which is clearly identified and commonly recognized throughout an industry.

c. Which requires one or more years (2,000 or more hours) of work experience to learn.

d. Which requires related instruction to supplement the work experience (144 hours of such instruction during each year of the apprenticeship is usually considered the minimum.)

e. Which is not merely part of an apprenticeable trade recognized by the Louisiana State Apprenticeship Council, as recommended by the Federal Committee on Apprenticeship.

f. Which involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of one company.

C. Term of Apprenticeship

The *term* of the apprenticeship period should allow a sufficient amount of time for the apprentice to thoroughly master all phases of the skilled occupation. This is usually determined by listing the major divisions of the occupation, with the sub-divisions (operations, job experiences, or work processes) involved under each major division. Next determine the amount of time considered necessary to thoroughly master each phase of the work outlined. The total time will be a fairly accurate estimate of the

required length of the apprenticeship period which might be adjusted in light of experience. Many of the old line crafts have learned the proper term of the apprenticeship period through experience. Through careful planning and observation, these crafts have determined the length of time required by the average youth to give them sufficient amount of time to learn the skills of the trade, bring them up to speed, and acquire that seasoning and trade judgment necessary to make a successful *skilled worker*. The length of time used will depend upon the skill and technical knowledge required.

When planning an apprenticeship, every effort should be made to give the apprentice as complete and *broad* a training as possible. If this necessitates additional time on the apprenticeship period and the apprentice will profit by such additional training, it is the proper thing to do.

A most important phase of apprenticeship is the probationary period. A distinction is made between probation and apprenticeship in order to attract specific attention to the entering apprentice. With the proper care and judgment exercised during probation, many an *improper vocational selection ultimately can be avoided*, not to mention the many youths that will find their proper vocation. Many other devices have been used to encourage the proper selection of apprentices. In most instances, the method used deals directly or indirectly with the probationary period. The apprenticeship committee and the employer must realize that success with apprenticeship depends a great deal upon the youth's desire, willingness, and ability to master the occupation.

E. Shop Training. (Training on the Job)

The work of the apprentice is of great importance. It is through *experience* while working on the job supervised by journeymen workers that the *apprentice* acquires the skills of the trade. It is of utmost importance that the apprentice have an opportunity to learn by participating in a well planned diversified work program.

G. Number of Apprentices to be Trained

It is the responsibility of the local apprenticeship committee to determine the need for apprenticeship and relate their training with employment demands. Apprentices serving an apprenticeship, which is usually that period when *they* will be trained for *their* life's work, should have some reasonable assurance of employment upon completion. The local apprenticeship committee has assumed the responsibility of supplying their trade with an even flow of competent, well trained workers as they can be absorbed in the industry.

III. Procedure of Local Apprenticeship Committee in Handling Apprentices

B. Transfer of Apprentices

With the consent of all parties to the agreement, and it is considered for the best interest of the apprentice, it will be a function of the local Apprenticeship Committee to transfer an apprentice from one employer to another. *When there is no local Apprenticeship Committee*, the transfer of an apprentice from one employer to another will be the responsibility of the State Apprenticeship Council upon proper notification by the sponsor. There will be three copies of the Apprentice Agreement; one for the apprentice, one for the employer, and the third filed with the State Council on Apprenticeship.

C. Progress Made by the Apprentice

It will be a function of the Local Apprenticeship Committee/Sponsor to check the progress of the apprentice every six months and make recommendations to the apprentice's employer and the apprentice's instructor pertaining to any shortcomings in the training of the apprentice. This will be in addition to the supervisory reviews conducted by the State Apprenticeship Training Representatives. After the probationary period, an apprentice's term may be extended at any step until sufficient proficiency has been

gained to advance to the next step; but any extension cannot exceed one year during the entire term of apprenticeship.

D. Determine When an Apprentice has Completed Training

Upon completion of the apprentice period, all apprentices will be required to prove their ability as a journeyman worker in the practical and theoretical phases of the trade.

I. School Attendance

The apprentice shall be required to attend vocational classes in subjects related to *the trade* for at least 144 hours per year.

K. Time and Place of Committee Meetings

A successful apprenticeship committee must meet at least once a month. It is advisable to provide a definite date, place, and time for committee meetings.

L. Minutes of Committee Meetings

Since apprenticeship is a technical subject, an apprenticeship committee will learn a great deal about it through their experience in conducting a successful program. The problems encountered, procedures, methods and recommended changes in the apprenticeship system should be kept in the minutes of the committee meeting in order that the apprenticeship system might be revised in accordance with the experience of the apprenticeship committee.

Anyone wishing to view the rules and standards of Apprenticeship Laws of Louisiana in its entirety may do so by contacting J. T. Armatta, Assistant Secretary of Labor, Office of Labor, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA 70804, or at the Office of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

J. T. Armatta,
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The following revisions to the Air Quality Regulations and the State Implementation Plan (SIP) were approved December 11, 1980 by the Environmental Control Commission:

Air Quality Regulation Revisions

Revise Section 22.19.2 (B) of the regulations to read as follows:

22.19.2 Exemptions

(B) Coin operated perchloroethylene dry cleaning facilities must maintain and operate existing devices to limit organic emissions. However, the addition of extra devices to comply with this regulation is not required. Leak checks described in 22.19.1 (A) and (B) must be performed.

Revise Section 22.20.2 as follows:

22.20.2 Exemptions

A rotogravure or flexographic printing facility which has a potential to emit a combined weight of volatile organic compounds less than 100 T/Y calculated from historical records of actual consumption of ink is exempt from the provisions of Section 22.20.1.

Revise Section 22.21.2 (D) as follows:

22.21.2 (D)

Monitor immediately with a VOC detection device any pump seal when liquids are observed dripping from the pump seals.

Revise Section 4.110 as follows:

4.110 Transfer Efficiency

The portion of coating solids which is not lost or wasted during the application process expressed as percent of total volume of coating solids delivered by the applicator.

Delete 4.102 Vapor-Tight . . . Save the number for a future definition.

In Section 22.9.2 (b), revise the wording to include an alternate test method:

. . . , (EPA 450/2-77-008), the procedures specified in "Measurement of Volatile Organic Compounds" (EPA-450/2-78-041), a method approved by the Assistant Secretary or certification from the paint manufacturer concerning the solvent makeup of the paint.

In Section 22.20.3 revise the wording to include an alternate test method:

. . . , (EPA 450/2-77-008), the procedures specified in "Measurement of Volatile Organic Compounds" (EPA 450/2-78-041), a method approved by the Assistant Secretary or certification from the ink manufacturer concerning the solvent makeup of the ink.

In Section 22.23.7 revise the wording to include an alternate test method:

. . . December 31, 1982. Compliance will be determined by the procedures specified in "Measurement of Volatile Organic Compounds" (EPA 450/2-78-041) or a method approved by the Assistant Secretary.

In Section 22.9.3(d), the wording should be revised to read as follows:

(d) Surface coating facilities on any property in affected parishes which have a potential to emit a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four-hour period are exempt from the provisions of Regulations 22.9.2(a) through (j).

In the entirety of the Air Quality Regulations, any reference to the Technical Secretary should now read Assistant Secretary.

Modification to Page 55 of:

'Louisiana State Implementation Plan Revisions for Ozone Abatement'

Volatile Organic Compounds Exempt from Regulation Under State Implementation Plan

Methane

Ethane

1, 1, 1 - Trichloroethane (Methyl Chloroform)

Methylene Chloride

Trichlorofluoromethane (CFC-11)*

Dichlorodifluoromethane (CFC-12)

Chlorodifluoromethane (CFC-22)

Trifluoromethane (FC-23)

Dichlorotetrafluoroethane (CFC-114)

Trichlorotrifluoroethane (CFC-113)

Chloropentafluoroethane (CFC-115)

Volatile Organic Compounds of Low Reactivity

Propane Tertiary Alkyl Alcohols

Acetone Methyl Acetate

Methyl Ethyl Ketone Phenyl Acetate

Methanol Ethyl Amines

Isopropanol Acetylene

Methyl Benzoate N, N - Dimethyl Formanide

*Note:

CFC = Chlorofluorocarbons

FC = Fluorocarbons

Revisions to Section 28.0 of the Air Regulations

28.0 Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Aluminum Plants.

28.1 Purpose. The purpose of these regulations is to limit the quantity of particulate matter (suspended particulate matter) and fluorides emitted from all horizontal stud Soderberg primary aluminum plants and all prebake primary aluminum plants in Louisiana.

28.4.3 Fluoride Emissions-Horizontal Stud Soderberg Process.

The fluoride emissions from horizontal Stud Soderberg process aluminum plants shall be abated by using a potline primary emission control system designed to have an average collection efficiency of 90 percent and an average removal efficiency of 98.5 percent of the fluorides collected.

28.4.4 Fluoride Emissions-Prebake Process.

The fluoride emissions from prebake process aluminum plants shall be abated by using a potline primary emissions control system designed to have an average collection efficiency of 95 percent and an average removal efficiency of 98.5 percent of the fluorides collected.

28.7 Operating Practices.

All hood covers must be in good repair and properly positioned over the pots. The amount of time hood covers are removed during pot working operations must be minimized.

Any pot found emitting excess particulate and fluorides (fuming cell) will be scheduled for rework before the end of the shift.

If tapping crucibles are equipped with hoses which return aspirator air under the hood, the hoses will be maintained in good working order and the air return system must function properly.

The Louisiana State Implementation Plan for Fluorides from Existing Primary Aluminum Plants

1) Preamble.

The purpose of this plan is to establish emission limitations for fluorides from existing primary aluminum plants. This plan is being prepared in accordance with Section III (d) of the Federal Clean Air Act for these welfare related pollutants.

2) Legal Authority.

The "Louisiana Environmental Control Law" R.S. 30:1051 et seq. grants this Commission the power to prepare and develop this State Implementation Plan for these air contaminants. Fluorides are classified as air contaminants by §1083 (1). Therefore, adequate legal authority is vested in the Commission to adopt this plan.

3) Emission Limitations.

Section 28 of the regulations is hereby modified to include fluoride emission limitations for:

I) Horizontal Stud Soderberg Primary Aluminum Plants and

II) Prebake Aluminum Plants.

4) Compliance Schedules.

No compliance schedules have been considered at the time of this writing. Compliance must be achieved as quickly as practicable but no later than two years after promulgation of this implementation plan.

5) Resources.

The annual compliance determination fee and permit fees will be adjusted to cover the costs associated with compliance with the fluoride limitations, however, no additional state funds are anticipated.

5) Public Notice.

Public Notice of this plan revision was made in the Louisiana Register of October 20, 1980 as well as the Baton Rouge, Shreveport and Monroe newspapers. A public hearing was held in November, 1980. The plan and regulations were adopted in December, 1980.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

The Louisiana Environmental Control Commission and the Joint Committee on Natural Resources has adopted and