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Executive Orders

EXECUTIVE ORDER EWE-77-12

WHEREAS, governmental regulation at the Federal level and fixing of artificially low prices on natural gas have caused a rapid and premature depletion of Louisiana's reserves of natural gas and have failed to encourage greater additional exploration and production thereof; and

WHEREAS, Federal controls which fixed and restricted price increases, as otherwise stipulated in existing sale contracts, have had a pronounced and detrimental effect upon the economy of Louisiana and have resulted in Louisiana's natural gas being sold, both intrastate and interstate, at inordinately low prices; and

WHEREAS, the State of Louisiana is suffering curtailment and pending curtailment of the necessary and critical supply and delivery of natural gas in Louisiana; and

WHEREAS, the vital interest and general welfare of the people of Louisiana are in jeopardy, with respect to the present and future needs of Louisiana for access to its natural gas; and

WHEREAS, the depletion and exhaustion of Louisiana's natural gas can have a serious and detrimental effect upon the economy of Louisiana and its people; and

WHEREAS, the Constitution of Louisiana in Article IX, Section 2 (A) declares that natural gas is affected with a public interest; and

WHEREAS, proposals have been advanced in the Congress of the United States and in Federal regulatory agencies which will have a profound effect upon the exploration, production, and sale of Louisiana's natural gas; and

WHEREAS, other regions of the country have not exerted reasonable efforts to utilize the energy resources of this nation (including the exploration and production of additional natural gas) resulting in an energy crisis and the imposition of undue economic burdens upon Louisiana and its people; and

WHEREAS, the efforts of the State to fully address the energy problem and the depletion of its natural gas reserves can be greatly aided by the ability to proceed quickly on the basis of complete, accurate information and facts; and

WHEREAS, the exploration, production, and sale of natural gas, both intrastate and interstate, are deserving of study in order to develop facts and recommendations for action to protect the vital interest and general welfare of the people of Louisiana; and

WHEREAS, the Governor, the legislators, and the people of Louisiana should be made aware of the serious

and critical emergency facing the State with respect to the exploration, production, sale, and price of its great depletable natural gas supply.

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State, do hereby create and establish the Natural Gas Advisory Commission.

The Commission shall consist of eleven members appointed by the Governor as follows: Senator Claude B. Duval, P. O. Box 3017, Houma, Louisiana 70361, who shall be Commission Chairman; Senator Charles C. Barham, P. O. Box 220, Ruston, Louisiana 71270; Mr. Mark H. Bonner, Jr., 10725 Airline Hwy., Baton Rouge, Louisiana 70816; Representative Thomas Brady, P. O. Box 986, Olla, Louisiana 71465; Mr. William D. Brown, 1600 Stubbs, Monroe, Louisiana 71201; Senator Ned Doucet, 114 LeJeune, Kaplan, Louisiana 70548; Mr. Frank W. Harrison, Jr., P. O. Box 51943, Lafayette, Louisiana 70501; Senator Edgar J. Mouton, P. O. Box Z, Lafayette, Louisiana 70501; Mr. Alvin T. Raetzsch, P. O. Box 1000, Lake Charles, Louisiana 70602; Representative A. W. Sour, 755 Bester, Shreveport, Louisiana 71107; Representative Wilbert J. Tauzin, P. O. Box 780, Thibodaux, Louisiana 70301. Mr. John Camp, attorney at Lake Charles, is hereby authorized to aid and assist the Commission in its work. The members of the Commission who are members of the House of Representatives and of the Senate shall receive the same per diem as they receive as members of the Legislature and such per diem shall be payable from the funds of the House of Representatives and the Senate, respectively, and the remaining members of the Commission shall be paid from any funds made available for that purpose.

The Commission is hereby authorized to:

1. Study ways and means to encourage the exploration for additional natural gas, both intrastate and interstate.
2. Study the many uses of natural gas.
3. Accumulate facts and data regarding the processing of natural gas and the by-products made therefrom.
4. Study the effect of the price of natural gas, both intrastate and interstate, and its effect on the economy of the State and its people.
5. Study particularly the prices received for natural gas from State owned lands; and in that connection, study the royalties and monies received from lands owned by the State or its political subdivisions.
6. Study Federal laws, rules, and regulations with respect to natural gas, including the pricing thereof; to study and seek to keep abreast of the proposals for legislation, rules, and regulations by the President, the Executive Branch, and the Congress.

7. Study the cost incident to the conversion of plants to the use of other forms of energy than natural gas.

8. And in general, study all matters necessary or incidental to the consideration of the production, exploration, sale, and use of Louisiana's natural gas, both intrastate and interstate.

The Commission is hereby authorized and directed to utilize the personnel, services, and facilities of the Louisiana Department of Natural Resources and all other departments and agencies of government as assistance in the conduct of its study, inquiry into facts, and in reaching findings and recommendations.

In addition the Commission is authorized to hold hearings, receive information, hear testimony, and collect data, facts, documentation and all such information as may be necessary or proper in connection with its purposes.

The Commission shall make periodic written reports to the Governor, the Legislature, and the public regarding any facts, findings, or recommendations made pursuant to its authority.

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 12th day of August, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

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

At its special meeting on August 26, 1977, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Section 3.7 Facilities, Use of, is amended to read as follows:

"When facilities of an institution are used for activities other than those of the institution, the institution is authorized to negotiate the cost for the use of such facilities with the user organization. Said organizations shall be required to carry sufficient public liability insurance to protect all parties concerned, including the institution."

This emergency rule is necessary to modify Section 3.7 of the policies of the Board of Trustees for State Colleges and Universities for the following reason:

In response to Senate Concurrent Resolution 22 of the First Extraordinary Session of the Legislature, 1977, requesting amendment of Rule 3.7 by limiting facility use fees to \$250 for each occasion, the Finance and Physical Plants Committees of the Board have undertaken the study of this fee for revision, if practical. However, since public schools have opened, organizations are presently contacting the universities for use of their facilities.

Therefore, in an attempt to cooperate with the request of the Legislature, this emergency rule is necessary so that the universities as well as the user organizations might negotiate a cost agreeable to both.

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

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 September 1, 1977, revised Standards for Payment so that recipients of medical assistance for Skilled Nursing Facilities and Intermediate Care Facilities I and II services shall no longer be charged for personal laundry services, a small facility (under sixty beds) may permit the cook to function as the dietary supervisor, physicians may now initial (rather than use his entire signature) certification and recertification of persons to such facilities as well as plan of care, and nursing home records shall now be retained for inspection for six years from date of service.

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

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Services, exercised the emergency provisions of the Administrative Procedures Act (R.S.

49:953B) to close intake for day care services in both vendor payment day care centers and family day care homes effective September 15, 1977. The only exception shall be for WIN participants for whom the availability of day care is mandatory.

This measure must be instituted in the vendor payment day care program to contain expenditures within budgetary limitations. An analysis of the 1977-78 fiscal year appropriation for the day care program shows that the present enrollment must be reduced by approximately four hundred eighty participants in order to contain program costs during the remainder of this year.

At this time the Office of Family Services is unable to project the specific length of time this measure will be necessary; however, we anticipate it will not exceed three months. Parish Offices of Family Services will maintain waiting lists on applicants requesting day care services. Once intake is re-opened, those applicants who were determined eligible and whose need for day care is within the established criteria will be given priority for the service based on the initial date of their request.

During the period intake is closed, procedures will be formulated for maintaining better control over day care enrollment on an ongoing basis within the level the budget will support.

Participating day care centers are being advised of this action.

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

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Pesticide Commission

Rules and Regulations on Mixing and Application of Pesticides

1. Definitions:

a. "Pesticide" means any substance or mixture of substances defined as a pesticide by R.S. 3:1622(13).

b. "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the Class Insecta or other allied classes in the Phylum Arthropoda that is defined as a pest under R.S. 3:1622(12).

c. "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests under R.S. 3:1622(12). The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.

d. "Inorganic arsenicals" means any herbicide containing a compound formed by a reaction between arsenic and any substance which does not contain a carbon-hydrogen (organic) group (radical). Examples are arsenic trioxide, sodium arsenate, and arsenic acid.

e. "Phenoxy herbicides" means any herbicide as defined above that contains a phenoxy derivative of a lower aliphatic acid as an ingredient thereof.

2. General restrictions on pesticides: Pesticides that are not registered with the Louisiana Department of Agriculture shall not be applied within the state.

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

4. Restrictions on application of esters of phenoxy herbicides: Ester compounds of "phenoxy herbicides" containing an aliphatic alcohol radical with less than six carbon atoms shall not be applied in the state.

5. Restricted herbicides: The application of the following herbicides shall be restricted as set out in paragraphs 6, 7, and 8 of this section.

Chemical Name	Common Name	Trade Name
4-amino-3,5,6-trichloro-picolinic acid	picloram	Tordon, Tordon 22K, Tordon Beads, Tordon 10K Pellets
arsenic trioxide		Arsenic trioxide, White arsenic sodite, Atlas A, Penite 35
calcium arsenate		Calcium Arsenate, Orthoarsenate, Tricalcium arsenate, Chip-Cal, Kleen-UP
3-chlorophenoxy-alpha-propionamide	3-CPA	
4-chlorophenoxy acetic acid	4-CPA	
2,5-dichloro-3-nitrobenzoic acid	dinoben	
2,4-dichlorophenoxy acetic acid	2,4-D	Formula 40, Aqua Kleen, Barweed Phenox, 24-DA, Weedrap, 2,4-D nas, 2,4-D dlve, 2,4 DE, Hormotox, AM Sol, Weedar 64, Weedno-more, Hormosalt, Weedanol, Weedone, Dacamine, Weedey, Hedonol, Emulsamine, Defy
4-(2,4-dichlorophenoxy) butyric acid	2,4-DB	2,4-DB, Butyrac 118, Butoxone, Butyrac 200
2-(2,4-dichlorophenoxy) propionic acid		2,(2,4-DP), DPA, 2,4-DP Proprihap, Dichloroprop, Cornox RK, Hormatox, Polytox, Polynone
2,3,6,-trichlorophenylacetic acid in combination with the dimethylamine salt of 2,4-dichlorophenoxy acetic acid	fenac plus	Fenac Plus
2-methoxy-3,6-dichlorobenzoic acid	dicamba	Banvel, Mediben
2-methyl-4-chlorophenoxyacetic acid	MCPA	MCPA, MCP, Agroxone, Methoxone, Mephanac, Weedar, Bine-trol, Raphone, Weedone
4-(2 methyl-4-chlorophenoxy) butyric acid		MCPB, MCP butyric, Tropotox, MCPD, 4-(MCPB), Can-Trol, Thitrol, Legumex
2-(2 methyl-4-chlorophenoxy) propionic acid	2-(MCPD)	
arsenic acid	arsenic	Arsenic acid, Orthoarsenic Acid, Dessicant

Chemical Name	Common Name	Trade Name
sodium arsenite		Sodium Arsenite, Triox, Sodium Acid Arsenate, Penite, NaAs, Atlas A, Chem-Sen, Crabex, Weedo
sodium 2,4-dichlorophenoxyethyl sulfate		Sesone, Ses, 2,4-des, 2,4DS
(2,4,5-trichlorophenoxy) acetic acid	2,4,5-T	Various
2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechloropropionate		Erbon, Baron, Novon, Novege
2-(2,4,5-trichlorophenoxy) propionic acid	silvex	2,4,5-TP, Propon, Kuron, Kurosol, Fenoprop, Weedone 2,4,5-TP, Silvi-Rhap 2,4-DEP, Falone
tris (2,4-dichlorophenoxyethyl) phosphite a mixture of tri-, tetra- and polychlorobenzoic acid		PEA, Zobar, Benzac 354, Polychloro-Benzoic Acid

6. Minimum Distance to susceptible plants: The herbicides set out in paragraph 5 of this section shall not be applied at less than the minimum distance set out below.

However, specialized equipment as set out in paragraph 8 of this section will not be restricted by this paragraph.

Wind Speed	Minimum Distance to Susceptible Plants (where there will be a detrimental effect) from Point of Application (center of swath)	
	Aerial Equipment	Ground Equipment
0-3mph	1/2 mile downwind, 1/2 mile crosswind (90 degrees ± 10 degrees) 50 feet upwind	1/8 mile downwind, 1/8 mile crosswind 20 feet upwind
4-6mph	1 mile downwind, 1/2 mile crosswind, 50 feet upwind	1/4 mile downwind, 1/8 mile crosswind, 5 feet upwind
7-10mph	2 miles downwind, 1/2 mile crosswind, 50 feet upwind	1/2 mile downwind 1/4 mile crosswind, 5 feet upwind
10+mph	application prohibited	application prohibited

7. Parishes of Restriction:

a. The herbicides set out in paragraph 5 shall not be applied by commercial or custom applicators between April 1 and September 15 of each year in the following parishes without written authorization from the Commissioner of Agriculture or his duly appointed agent. The parishes of restriction are: Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Evangeline, Franklin, Grant, Jackson, Lafayette, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee north of U.S. Highway 190, Rapides, Red River, Richland,

Sabine, St. Landry, St. Martin, Tensas, Union, Vermilion north and east of a line starting at the Lafayette Parish border and running along Highway 700 to Highway 92, then along Highway 92 to Highway 343, then along Highway 343 to Highway 699, then along Highway 699 to U.S. Highway 167, then along U.S. Highway 167 to Highway 330, then along Highway 330 to the Iberia Parish border, Vernon, Webster, West Carroll, and Winn.

b. The herbicides set out in paragraph 5 shall not be applied by commercial or custom applicators between March 1 and June 15 in that area of St. John the Baptist and St. James Parishes lying between U.S. Highway 61

and the Mississippi River without written authorization from the Commissioner of Agriculture or his duly appointed representative.

8. Operation of Specialized Equipment: Operation of specialized equipment shall not be restricted to the minimum distances set out in paragraph 6. Instead, operation of specialized equipment shall be by permit only. Permits for operation of specialized equipment shall be issued on an annual basis beginning January 1, 1978.

9. Maintaining of Records: Commercial applicators shall keep and maintain for two years records containing information on kinds, amounts, uses, dates, and places of application of all uses of pesticides with restricted uses. These records will be made available for inspection by officials of the Louisiana Department of Agriculture at reasonable times.

10. Grounds for Revocation or Suspension of Certification: In addition to the violations listed in R.S. 3:1634, any conviction of a violation or assessment of a civil penalty under the Federal Insecticide, Fungicide and Rodenticide Act will be grounds for revocation or suspension of certification.

* * * *

Rules for Certification of Nonfee Commercial Applicators Under Sub-Categories 7b and 7c of Section V of State Plan

I. Definition of Applicator Under Sub-Category 7b: Applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around institutions, motels, apartment houses, hotels, schools, hospitals, and like places as the owner or in the employ of the owner, will be required to be certified in Sub-Category 7b.

II. Definition of Applicator under Sub-Category 7c: Applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around commercial grain elevators and other grain handling establishments, flour mills, food processing plants, and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner, will be required to be certified in Sub-Category 7c.

III. Experience Requirements: An individual applying for certification must have had two years experience in the phase of work for which he is making application. This experience to be substantiated by a notarized statement from the person who was responsible for the activity of the applicant during the time this experience was gained.

IV. Examination of Applicants: The applicant will be required to pass an examination in one or all of the three phases of pest control, dependent on the type of pesticide application in which he is engaged.

Phases

1. General Pest Control: This involves control of invertebrate pests commonly or occasionally occurring in establishments listed in paragraphs I and II

2. Vertebrate Control: This involves control of vertebrate animals commonly occurring in establishments listed in paragraphs I and II

3. Stored Grain Pest Control: This involves control of insects in and around establishments listed in paragraph II.

In addition to the specific examination(s) the applicant will also be required to pass a modified general exam as required of pest control operators in the Sub-Category 7a of the State Plan.

V. Fees: There will be no licensing requirement nor will there be a bond or insurance requirement. There will be a certification fee of five dollars for each of the three phases of examination and a five dollar annual renewal fee for each phase.

VI. Limitations: This certification will limit the application of pesticides to the applicant's personal property or that of his employer.

Gilbert L. Dozier, Commissioner
Department of Agriculture

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, has adopted a policy to refuse permission for an applicant to take an examination as required of Section 1265 of the Structural Pest Control Law and Regulations, so long as the applicant is under probation, suspension, or any other disciplinary action of the Commission.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

Capital Area Groundwater Conservation Commission

Rules and Regulations for Determination of and Payment of Delinquent Accounts

Purpose: The purposes of these rules and regulations are (1) to establish the time when pumpage charges assessed by the Capital Area Groundwater Conservation Commission in accordance with R.S. 38:3083 are delinquent, and (2) to provide for penalties for violation of Act 678, Regular Session of 1974, as amended by Act

213, Regular Session of 1976, by failure to pay pumpage charges within the time specified.

Applicability: The rules and regulations contained herein shall apply to all users in the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana who are determined by the Board of Commissioners to be liable for the payment of pumpage charges (R.S. 38:3079).

These rules and regulations shall be effective on September 20, 1977, and shall apply in all respects for subsequent years.

Billing Schedule: The Commission bills on a quarterly basis with pumpage charges due as follows: For the period October–December, billing date is January 1; for the period January–March, billing date is April 1; for the period April–June, billing date is July 1; and for the period July–September, billing date is October 1.

Determination of When an Account is Delinquent: A user's account shall be considered delinquent sixty calendar days after the quarterly billing dates, which are specified above. When the sixty calendar days have expired and a user has not paid the pumpage charges, the Commission shall inform the user by certified mail, return receipt requested, that unless payment is received in the Commission's office within fifteen calendar days of receipt of letter, the user shall be considered in violation of State Act 678, Regular Session of 1974, as amended by State Act 213, Regular Session of 1976.

If the user is unable to pay the pumpage charges in the time specified above, the user shall provide the Commission valid and substantiated facts, which necessitate the request for an extension of time to pay. The decision to extend the time for payment shall rest solely within the discretion of the Board of Commissioners, Capital Area Groundwater Conservation Commission, and each such request for an extension will be dealt with on a case by case basis.

Violation Penalty: A user, who has been so notified in accordance with the section entitled "Determination of When an Account is Delinquent," herein, who is knowingly and willfully in violation of the provisions of Act 678 and its amendments for failure to pay pumpage charges, shall be subject to a civil penalty that shall be computed on the basis of one percent per day of the amount of the pumpage charges owed until that amount is paid in full. The penalty shall not exceed one thousand dollars a day for each day of violation and for each act of violation as provided in R.S. 38:3083.

Civil Suit and Jurisdiction: The place of suit to recover this penalty shall be selected by the Board, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place. [R.S. 38:3083 A (1)]

Suit shall be at the direction of the Board, and shall be instituted and conducted in its name by the Attorney

General or by the district attorney of the district under the direction of the Attorney General. [R.S. 38:3083 A (2)]

Marie H. Wenger, Chairman
Capital Area Groundwater
Conservation Commission

RULE

Board of Elementary and Secondary Education

Rule 3.01.51b

Revision to Bulletin 741, 1977, page 75, Item 4, Staff Personnel, Standards for Approval of Elementary and Secondary Schools.

The Board delayed the implementation date for one year of the requirement of 450:1 pupil-counselor ratio in secondary schools.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, will implement effective October 1, 1977, a Medically Needy Program. This program's implementation will assure compliance with Act 528 passed by the Louisiana Legislature in 1976, which directed the Department of Health and Human Resources to prepare and administer a Medically Needy Program. The intent of the Medically Needy Program is to assume the expense of services covered by Louisiana's Medical Assistance Program when an individual or family is categorically related to a comparable group and whose income and/or resources are insufficient to meet medical needs. The Medically Needy Program will not include payments to mental health hospitals, tuberculosis hospitals, and long term care facilities.

Eligibility Requirements for the Medically Needy Program

Eligibility for the Medically Needy Program is limited to individuals and/or families who are categorically related to a comparable group covered by an assistance category, but their income and resource levels are sufficient to meet their basic maintenance needs.

1. Categories of public assistance relatedness:

A. Age requirements for Supplemental Security Income (SSI) (sixty-five), verified by birth certificate,

passport, baptismal certificate, census report, Retirement Survivors' and Disability Insurance (RSDI), etc.;

B. Blindness requirement for SSI (vision is no better than 20/200 even with glasses) verified by examination by a licensed ophthalmologist, eye, ear, nose and throat specialist, or optometrist;

C. Disabled requirement for SSI (physical or mental impairment prevents substantial gainful work, impairment is expected to last twelve months, or result in death), verified by medical examination and review by Medical Social Review Team (MSRT) of the Office of Family Services, RSDI verification;

D. Deprivation of parental support as in Aid to Families with Dependent Children (AFDC), deprivation exists when at least one parent is dead, absent continuously from the child's home, or incapacitated. It is not necessary to file nonsupport charges.

The requirement for categorical relatedness as a condition of eligibility for the Indochinese Refugee applicant/recipient is not imposed for Medically Needy assistance.

2. Resource requirements:

A. Home and contiguous property regardless of value.

B. Auto (motor vehicle) valued up to \$1,200 is excluded. Any vehicle valued above this amount would need to be required for at least one of the following:

- (1) If needed in medical care.
- (2) If used for work or for business,
- (3) If car has been modified for use by handicapped person.

C. Liquid assets worth up to \$1,500 for individual, \$2,250 for two, \$2,275 for three. Add twenty-five dollars for additional household members.

D. Life insurance face value \$1,500 on each individual in the family. Do not count term life insurance or any that does not have a cash surrender value.

Indochinese Refugee applicants/recipients' financial resources which are in fact not available to the refugee, including resources remaining in Vietnam and Cambodia owned by the refugee or a responsible relative, shall not be considered in determining eligibility for the Medically Needy Program.

Medically Needy Group Designation

There are two major groups within the Medically Needy Program:

1. Regular Medically Needy are those individuals or families whose income for family size is within the Medically Needy Income Eligibility Standard (see chart) and whose resources fall within specified limits for the Medically Needy Program. Eligibility as Regular Medically Needy continues as long as the individual or family meets the categorical relatedness criteria and income and resources are within the specified limits. In these situations, a redetermination of eligibility is required every six months.

The eligibility date in Regular Medically Needy situations may be the first day of the month of application, or may extend retroactively as far back as the first day of the third month prior to the month of application.

At the time of redetermination, the case shall be either closed or eligibility will be extended for the next six months. A redetermination scroll for Regular Medically Needy cases will be sent from State office during the fifth month of eligibility. Eligibility must be redetermined prior to the cutoff date during the six month period.

2. Spend-Down Medically Needy are those individuals or families whose resources fall within the specified limits, but whose adjusted income is above the Medically Needy Income Eligibility Standard (see chart). These individuals or families qualify for the Medically Needy Program on the basis that their excess income is obligated or spent for medical services. Eligibility for this group is for a predetermined time period, up to a maximum of three months.

There will be no redetermination in these cases since Spend-Down Medically Needy individuals or families have a "fixed" period of eligibility at the end of which data processing automatically closes the case. Individuals or families may reapply for Spend-Down Medically Needy.

In Spend-Down Medically Needy cases, the date eligibility begins will be the day on which excess income is obligated or spent on medical services to that point specified on the Medically Needy Income Eligibility Standard (see chart). Eligibility can be extended retroactively as far back as the third month preceding the date of application. Individuals in this group will not be automatically certified for full month coverage, but will be eligible from the point the incurred expenses have "spent-down" the excess income.

MEDICALLY NEEDY INCOME ELIGIBILITY STANDARD

Rural Parishes

Urban Parishes
(Orleans, Jefferson, St. Bernard,
East Baton Rouge)

Number of Persons	Monthly Eligibility Standard	Quarterly Eligibility Standard	Number of Persons	Monthly Eligibility Standard	Quarterly Eligibility Standard
1	\$108.00	\$ 325.00	1	\$117.00	\$ 351.00
2	117.00	351.00	2	133.00	400.00
3	167.00	501.00	3	183.00	550.00
4	208.00	625.00	4	225.00	675.00
5	242.00	726.00	5	258.00	775.00
6	275.00	825.00	6	300.00	900.00
7	317.00	951.00	7	333.00	1,000.00
8	350.00	1,050.00	8	367.00	1,101.00
9	383.00	1,150.00	9	400.00	1,200.00
10	417.00	1,251.00	10	433.00	1,300.00
11	450.00	1,350.00	11	467.00	1,401.00
12	492.00	1,476.00	12	508.00	1,525.00
13	525.00	1,575.00	13	542.00	1,626.00
14	567.00	1,701.00	14	583.00	1,750.00
15	608.00	1,825.00	15	617.00	1,851.00
16	642.00	1,926.00	16	667.00	2,001.00
17	683.00	2,050.00	17	692.00	2,076.00
18	725.00	2,175.00	18	733.00	2,200.00
19	767.00	2,301.00	19	783.00	2,350.00
20	800.00	2,400.00	20	825.00	2,475.00

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

RULES

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

**Rules and Regulations on Chemical Test for Intoxication
Breath Alcohol Testing with the
Gas Chromatograph Intoximeter**

(Editor's Note: These rules supplement the Rules and Regulations for the Chemical Test for Intoxication, Numbers 1 through 12, which were published in the Louisiana Register, Volume 3, Number 6, page 271.)

13. Analysis of a breath specimen for the determination of the alcoholic content therein may also be performed with the gas chromatograph intoximeter, manufactured by CalDetect, Inc., Richmond, California,

and distributed by Intoximeters, Inc., St. Louis, Missouri. This device has the approval of the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories. The gas chromatograph intoximeter is an approved technique or method for the performance of chemical test for alcoholic influence.

14. The gas chromatograph intoximeter was developed by CalDetect, Inc., Richmond, California. It is a specifically designed instrument to analyze direct breath alcohol samples. The unit is housed in a single chassis with a breath sampling valve, injector, column, and flame ionization detector. Identification and quantitation of ethyl alcohol are obtained automatically in about ninety seconds with both a digital concentration readout and a multiple copy impact numeric printer. The electronics include an automatic zero controller for the printer and the digital readout and an electronic integrator for the ethyl alcohol content (% blood alcohol). Included in the electronics is an automatic shut-down control in the event of a malfunction, plus a self-purging

system to air-dry the total breath inlet system between each sampling. Temperature and carrier gas controls are fine set during installation and thereafter are automatically controlled. The instrument is built with a regulated power supply to eliminate any effect from power line fluctuations.

15. Principle of Operation: The gas chromatograph intoximeter is based on the principle of separation (specificity) and measurement (quantitation). Separation of a breath sample is accomplished by the column packed with Porapak Q material, and measurement is achieved by the flame ionization detector (FID). The carrier gas picks up the breath sample in the sampling valve and percolates it through the column to allow the ethyl alcohol to be separated from other interfering substances which may appear in the breath. The substance packed in the column (Porapak Q material) physically separates the different substances in the sample. The ethyl alcohol passes into the FI detector and the burning of the alcohol creates an electronic signal. An amplifier magnifies this signal and transports it simultaneously to the printer and the digital readout accessory. The sampling valve, column, and detector are housed in a temperature controlled oven which is preset during installation, and does not require a later adjustment. In the standby position, the carrier gas flow is reduced to about one-tenth of its normal value to conserve gas. Room air supplies both the support air for the FI detector, and is also used to purge the breath inlet line and sampling valve when a blank is run.

An analysis is started by having the subject blow into the breath inlet line. This blowing action automatically shuts off the purge air and starts an electronic timing sequence. Once the subject has delivered a sufficient breath sample, an analyze cycle is automatically started.

This procedure assures that deep lung breath is passing through the sampling valve. A motorized piston then transfers an exact volume of the deep lung breath (approximately 1/4cc) into the column. The carrier gas then sweeps the breath sample predictably through the column to the detector and it takes about one minute for the ethyl alcohol to go through the column. The electronics add up (integrate) the signal produced when the alcohol is detected. This signal is fed to both the printer and digital concentration readout. This instrument is also adaptable to add a strip chart recorder.

16. Each instrument shall be checked out and approved for use by the Louisiana State Police Crime Laboratory at least once every three months. An instrument certification card shall be maintained with each instrument whereby each time the instrument is checked out or certified the technician certifying it shall note the date and sign his name. This date of certification shall be placed on each operational check list and shall be prima facie evidence as to the certification of the instrument.

17. Maintenance: Repair work and maintenance will be performed by personnel working for the Applied Technology Section of the Louisiana State Police Crime Laboratory who are certified by the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories, to perform maintenance.

Personnel of the Louisiana State Police Crime Laboratory qualified to perform maintenance shall have attended a forty-hour school, sponsored by either the manufacturer or distributor, dealing with maintenance of the gas chromatograph intoximeter. Personnel performing maintenance shall also have completed an operator's course on the gas chromatograph intoximeter.

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

1. Running a known alcohol standard. Checking instrument and calibration.
2. "O" rings should be replaced every three months, if applicable.
3. Air filter should be replaced every six months.
4. The pump filter should be cleaned every three to six months.
5. Oven temperature and column pressure should be rechecked when the instrument is initially installed and before and after replacing the "O" rings if applicable.

Personnel of the Louisiana State Police Crime Laboratory shall also have the authority to instruct individuals as breath-testing field supervisors. These individuals will be able to conduct minor service repair and monitor the chemical testing program on a local level.

18. Operators of the Gas Chromatograph Intoximeter: The Louisiana State Police Crime Laboratory shall have the authority to conduct a training course in the operation of the gas chromatograph intoximeter. Qualifications for operator shall be:

- A. Same as 7 A, B, C, and D. (see *Louisiana Register*, Volume 3, Number 6, page 273)
- B. Successful completion of a forty-hour training course, conducted by the Louisiana State Police Crime Laboratory. However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specific course on the operation of the gas chromatograph intoximeter.

19. Each breath-alcohol test performed on the gas chromatograph intoximeter shall have been conducted according to the "Gas Chromatograph Intoximeter Operational Check List."

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

RULES

Municipal Police Officers Supplemental Pay Board of Review

Rules of Practice and Procedure Before the Municipal Police Officers Supplemental Pay Board of Review

Section 1. Authority: These Rules of Practice and Procedure are promulgated by authority of R.S. 49:951 et seq., as amended, being the Louisiana Administrative Procedures Act. All rule-making and hearing procedures of this Board are conducted according to the Louisiana Administrative Procedures Act.

Section 2. Domicile of Board, Time of Meetings, Special Meetings: The Board shall be domiciled in Baton Rouge, Louisiana. Meetings and hearings shall be held upon the submission of an appeal to the Board or at the Board's own calling.

Section 3. Definitions: By reference, all of the definitions set forth and contained in R.S. 49:951 through 49:966, inclusive, are incorporated herein, and for the purpose of hearings to be held hereunder, the following definitions shall prevail:

A. "Board" shall mean the board of review for extra compensation paid by State to municipal police officers.

B. "Hearing" shall mean a hearing called by the Board under the authority of R.S. 33:2218.2C (6).

C. "Appellant" shall mean the individual submitting an appeal to the Board of Review concerning extra compensation to be paid.

D. "Applicant" shall mean the person for whom supplemental pay is sought.

E. "Full time employment" is defined as, and shall mean that: (1) law enforcement must be the applicant's primary job, (2) the applicant's major source of income must be derived through the municipality for law enforcement duties, (3) the applicant must work a minimum of forty hours per week in the capacity of a law enforcement officer.

Section 4. Eligibility for Supplemental Pay:

A. Must have been and be employed full time as defined in these rules, for at least twelve full calendar months, continuous or discontinuous in one or more municipalities in the State of Louisiana. For purpose of this one-year service prerequisite as to employees hired after the first working day of a month this begins on the first day of the following month.

B. If the municipality has its own civil service system or is under the municipal police civil service system established by R.S. 33:2471 et seq., the applicant must be classified under it.

Section 5. Entitlement Amounts: No supplemental pay shall be owed for less than a full calendar month of service except that service for the first fifteen days of a

calendar month (but less than for the full such month) shall entitle payment for one-half that month.

Section 6. Procedure for Applying for Determination of the Application, and for Appeals From a Denial of the Application:

A. The application for supplemental pay must be made on a form to be prescribed by the Board, signed by the Mayor, and Chief of Police before a notary, which shall furnish among other information: (1) a copy of the employee's civil service form if the municipality has a civil service system, (2) the date of first employment as a full-time police officer by the current municipal employer, amount of salary paid therefor, date of any prior such full-time employment by other Louisiana municipalities, description of present and prior such duties; and description of any other employment of and compensation received by, the applicant in the preceding twelve months.

B. The Board shall have sixty days from receipt of the application for supplemental pay to act upon it.

C. If the request is denied in whole or in part the applicant has thirty days from mailing of notice of denial within which to file with the Board on appeal in writing.

D. Upon the filing of such an appeal the Board shall give written notice to the applicant and the municipal employer of the applicant at least fifteen days from mailing of such notice, of the time, place and date of a hearing on such appeal, which hearing shall be not more than thirty days from the filing of an appeal.

Section 7. Hearing Procedure on Appeal: The hearings called according to these Rules and Regulations shall be conducted by the Board in accordance with the rules and procedures set forth in R.S. 49:956 et seq.

A. The Chairman of the Board or the Vice Chairman in the absence of the Chairman shall announce the title and docket number of the proceedings before the Board and direct a reading into the record of the notice of hearing together with the written appearances of the appellant. Attorneys and/or other representatives of the appellant shall be recognized along with other proper parties including representatives of the municipal employer of the appellant.

B. The appellant shall then present his evidence subject to cross-examination by the Board and other proper parties in those cases where the applicant requested the hearing to be held.

C. The Board shall then present its evidence subject to cross-examination by the applicant and other proper parties.

D. Where the Board has called the hearing on its own motion, the order of presentation of evidence shall be reversed.

E. The Board may make an informal disposition of the case by stipulation, agreed settlement, consent order, or default.

F. The Board shall render its final decision and order in accordance with these rules and regulations, and with R.S. 49:958, within thirty days of conclusion of the hearing.

Section 8. Default in Appearing: In the event of the failure of any appellant to appear at the hearing provided for, and also provided that the foregoing rules as to service have been complied with, the appellant so failing to appear or otherwise notify the Board shall be deemed to be in default, and the evidence as received by the Board at that time shall be entered into the record and may be taken as true and the order of the Board entered accordingly.

Section 9. Stenographic Record of Hearing: At the expense of and at the written request made not less than five days prior to the date set for the hearing by any person affected by the hearing, the Board or the person designated by it to hold the hearing shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter and, if transcribed, such records shall be made a part of the record of the Board of the hearing. All hearings are recorded by the Board's own stenographers and by agreement may be used as a transcript of the proceedings.

Major G. L. Johnston, Chairman
Municipal Police Officers Supplemental
Pay Board of Review

RULES

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following rules.

Waterfowl Regulations

WHEREAS, migratory waterfowl hunting regulations for the 1977-78 seasons have been provided to the Louisiana Wildlife and Fisheries Commission by the U. S. Fish and Wildlife Service, and

WHEREAS, forty-five days of hunting of ducks and coots will be allowed in the eastern zone of the state and fifty days in the western zone, along with seventy days of goose hunting for the state as a whole, and

WHEREAS, an option between the point system and the conventional bag limit has also been offered along with a special scaup season in a number of saltwater bays in Southeast Louisiana, now

THEREFORE BE IT RESOLVED that the following hunting season dates are established for the taking of ducks, coots, and geese during the 1977-78 seasons:

Ducks—coots: (Eastern Zone) November 19-December 4, December 17-January 14; (Western Zone) November 5-December 4, December 17-January 5.

Special scaup season: January 15-30, certain saltwater bays in Southeast Louisiana.

Geese: (Eastern Zone) November 19-January 27; (Western Zone) November 5-December 4, December 17-January 25.

THEREFORE BE IT FURTHER RESOLVED that the point system is hereby selected for the control of bag and possession limits for the hunting of ducks in accordance with the point values by species as allocated by the U. S. Fish and Wildlife Service, now

THEREFORE BE IT FURTHER RESOLVED that the bag limits on coots and all species of geese as established by the U. S. Fish and Wildlife Service are hereby adopted, now

THEREFORE BE IT FURTHER RESOLVED that all other Federal regulations pertaining to the hunting, methods of taking, shooting hours shall apply. Closed zones for the hunting of certain species of ducks and steel shot requirements in certain areas in Louisiana all as established by the U. S. Fish and Wildlife Service Federal regulations are also hereby adopted.

* * * *

Kisatchie National Forest

WHEREAS, hunting regulations for the Caney, Red Dirt, and Catahoula Wildlife Management Areas were established by the Commission at its regular meeting held in June, 1977, which were to apply during the forthcoming season, and

WHEREAS, the U. S. Forest Service has terminated these wildlife management areas and stated that they no longer exist on Kisatchie National Forest lands in the state, now

THEREFORE BE IT RESOLVED that the hunting regulations adopted in June for the Caney, Red Dirt and Catahoula Wildlife Management Areas are hereby rescinded, now

BE IT FURTHER RESOLVED that the hunting regulations applicable to the regions of the state where these lands are located shall apply.

* * * *

Hunting Seasons on Boeuf Wildlife Management Areas

WHEREAS, with the purchase of the new Boeuf Wildlife Management Area in Caldwell Parish it is appropriate at this time for hunting seasons to be established for 1977-78, and

WHEREAS, our personnel are on the area marking boundaries which will be completed by the upcoming hunting season, and

WHEREAS, the seasons need to be in compliance with other hunting seasons in the state on Wildlife Management Areas, now

THEREFORE BE IT RESOLVED that the following rules and regulations apply to the Boeuf Wildlife Management Area:

Deer: November 25-29; December 17-January 1, bucks only, season permit.

Squirrel and Rabbit: October 1-November 20 and December 3-16, still hunting only.

Waterfowl: Same as outside except hunting only until 2:00 p.m.

Woodcock: Same as outside except closed during deer gun hunt.

Turkey: March 25-April 9, gobblers only.

Quail: November 24-February 28, except closed during deer gun hunt.

FURTHER BE IT RESOLVED that recreational vehicles having tires thirty-four inches or more in height are prohibited. Motorized vehicles restricted to established roads and vehicle trails, and

BE IT FURTHER RESOLVED that all blinds, both stationary and floating which exist on the area be removed five days prior to the regular duck season. Should the water be low and the floating blinds could not be removed from the area, no one is to use these blinds or permanent type structures left on the area. Should individuals not remove their blinds when conditions existed, Commission personnel will remove and destroy such blinds.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board, proposes to amend its Regulation 28, Requirements Governing Equine Infectious Anemia. The purpose of the proposed amendments is to more clearly define the requirements for the movement of horses within and into the state, and the handling of horses which show a positive reaction to the Coggins test. Interested persons may submit written comments through October 7, 1977, to Dr. Forrest E. Henderson, State Veterinarian, Box 44003, Baton Rouge, Louisiana 70804. The text of the proposed Regulation 28 follows:

Regulation 28

Requirements Governing Equine Infectious Anemia

Section 1. Equidae Required to be Tested.

1. Equidae moving into the State of Louisiana for any purpose other than immediate slaughter or research must

be accompanied by record of negative test for equine infectious anemia (Coggins Test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate, as required in Regulation 1, Section 6, Paragraph 2.

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

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

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by picture, brand, or tattoo. Positive horses will be rebled upon request, by State-employed veterinarians and samples submitted to the laboratory for reconfirmation, as required in Regulation 2, Section 5, Paragraphs 4 and 5.

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

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

Exceptions:

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

b. Horses consigned for slaughter and purchased by individual must have a blood sample drawn for equine infectious anemia testing before the animal can leave the auction market. This sample must be collected by an accredited veterinarian and submitted to an approved laboratory. Horses may then move from the auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel until results of Coggins test are received. If animal is found to be positive it must be properly identified and will remain under quarantine until sold for immediate slaughter.

Owner may request confirmation test of positive animal(s) at time of identification and blood sample will be collected by a State-employed veterinarian and forwarded to an approved laboratory for confirmation, as required in Regulation 3, Section 13, Paragraph A, subparagraphs a and b.

Section 2. Collection and Submission of Blood Samples.

1. All blood samples for equine infectious anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.
2. Blood samples will be accompanied by Form VS 10-11, "Equine Infectious Anemia Laboratory Test Report," with completed information as to owner's name and address, and identification of animal (s).
3. Only serum samples in sterile tubes will be accepted for testing.

Section 3. Testing of Samples Collected.

1. Only laboratories approved by the U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the Coggins test for equine infectious anemia in Louisiana.
2. Such laboratories must also receive approval by the Livestock Sanitary Board.
3. Approved laboratories must submit copy of VS Form 10-11 at the end of each week to the Livestock Sanitary Board office. (Green copy on negative samples and white copy on positive samples.)
4. A fee of \$2.50 shall be charged to the accredited veterinarian for conducting the Coggins test at State laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

Section 4. Identification and Quarantining of Animal(s) Positive to the Coggins Test.

1. Animal(s) positive to the Coggins test will be quarantined to the owner's premises until sold for immediate slaughter and must move from premises on VS 1-27 issued by State-Federal personnel.
2. Confirmation test of positive animal(s) will be conducted by State employed veterinarians upon request of the owner prior to identification.
3. All animal(s) positive to the Coggins test will be properly identified by State personnel.

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

NOTICE OF INTENT

Department of Civil Service

The State Civil Service Commission will hold a public hearing on October 4, 1977, for the purpose of considering changes in and addition to Civil Service

Rules 6.25(b), 8.26, 11.21, 11.29(a), 11.29(j), 12.3, 13.14, 13.17, and 14.1.

The hearing will begin at 9:00 a.m. and will be held in the Conference Room on the First Floor of the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana.

The proposals to be considered at this public hearing by the Civil Service Commission are as follows:

Proposal I

Amend and reenact Rule 6.25(b)1 as follows:

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).

Explanation: the purpose of this amendment is to adjust the overtime pay limitations to maintain the same relationship to the pay plan, adopted by the Civil Service Commission on September 7, 1977, as it had to the old pay plan.

Proposal II

Amend and reenact Rule 8.26 as follows:

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. The position was not placed in the unclassified service under the provisions of Rule 4.1(d); and
6. He is otherwise eligible for employment in the classified service.

(b) The rate of pay of an employee entering the classified service pursuant to Subsection (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 Subsection (a) of this rule shall be assumed by his acquiring department and shall earn and be credited with leave benefits as provided elsewhere in these rules.