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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE-78-7

WHEREAS, it appears urgent problems and unanticipated complications have arisen with respect to the appraisal and assessment, for ad valorem tax purposes, of public service properties and other properties within the State of Louisiana; and

WHEREAS, it appears to be necessary that correcting and amending legislation should be enacted at the forthcoming Regular Session in order to clarify and expand upon existing laws; and

WHEREAS, the members of the Louisiana Tax Commission, my Executive Counsel, the Chairman of the Governor's Commission on Ad Valorem Taxation and others have advised me that it is imperative that further consideration be given to the method of appraisal, as well as recommendations and determinations heretofore made; and

WHEREAS, in order to give further analysis, study, and consideration to the criteria and procedures for appraisal and assessment of such properties by the several assessors throughout the State of Louisiana and by the Louisiana Tax Commission; and

WHEREAS, assuming that it is necessary that any contract for professional appraisal services would, under normal circumstances, have to be let in accordance with the normal public bid law and procedures; and

WHEREAS, it is impossible within the period between now and the beginning of the coming legislative session to comply with the public bid laws of this State, in order to obtain needed professional recommendations,

NOW, THEREFORE, I, EDWIN EDWARDS, do declare that an emergency exists with respect to the necessity for obtaining professional recommendations relating to the appraisal of public service properties within the State of Louisiana,

FURTHER, I authorize the Louisiana Tax Commission, without complying with normal advertising and public bid procedures, to forthwith enter into such contracts and agreements as may be necessary, but subject to my approval, with competent persons, firms, or corporations in order to determine a basis for appraisal and assessment of public service and other properties within the State of Louisiana.

FURTHER, the Louisiana Tax Commission is authorized to take whatever steps it considers necessary, expedient, and appropriate to discharge its obligations with respect to the imposition of ad valorem taxes throughout the State of Louisiana.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 23rd day of February, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-8

WHEREAS, by Executive Order 71, dated August 27, 1974, I, Edwin Edwards, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, did accept on behalf of the State of Louisiana the beneficial interest in the public trust authority entitled the Louisiana Public Facilities Authority; and

WHEREAS, the provisions of the Indenture of Trust creating the Louisiana Public Facilities Authority provide for the appointment of successor trustees to fill vacancies on the Board of Trustees of the Authority; and

WHEREAS, by virtue of the resignation of Camille F. Gravel, Jr. on October 1, 1976, as a member of the Board of Trustees of the Authority, there does exist a vacancy on the Board of Trustees of the Authority; and

WHEREAS, the Authority, pursuant to the provisions of Article VI of the Indenture of Trust creating the Authority, has submitted to the Office of the Governor a list of three eligible names for consideration as a successor trustee to fill the vacancy created by the resignation of Camille F. Gravel, Jr. as a member of the Board of Trustees of the Authority.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, and pursuant to the provisions of the Louisiana Public Trust Act, R.S. 9:2341-47, as amended by Act 699 of the 1976 Regular Session, do hereby constitute and appoint Thomas A. Antoon, Alexandria, Louisiana, as a member of the Board of Trustees of the Louisiana Public Facilities Authority, with his term of office to commence upon his compliance with the provisions of Article IV of the Indenture of Trust creating the Authority; the term of office of said appointee to expire at 12:01 a.m. on September 1, 1979.

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 11th day of April, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-9

WHEREAS, the well-being of the citizenry of the State of Louisiana and the effective administration of criminal justice is greatly affected by and dependent upon the proper functioning of the office of the district attorney in the various judicial districts; and

WHEREAS, the district attorneys throughout the state and their assistants must shoulder the tremendous responsibility of representing the State in civil actions and criminal prosecutions as well as acting as legal advisors to grand juries and performing other duties as provided by law; and

WHEREAS, the enactment by the Louisiana Legislature in the 1974 Regular Session of Act 640 provided the State funding for a specific number of assistant district attorneys in each judicial district; and

WHEREAS, there has been a proliferation of assistant district attorneys, creating a need to review and revise the method by which additional assistant district attorneys are approved for endorsement; and

WHEREAS, the Louisiana District Attorneys Association, cognizant of this need to review and revise the method by which additional assistant district attorneys are approved for endorsement, approves of having requests for assistant district attorney positions for the various districts screened by a special commission and consents to abide by any guidelines developed by this commission.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby create the Governor's Advisory and Review Commission on Assistant District Attorneys consisting of nine members. The members to be comprised of the following: the Chief Justice of the Louisiana Supreme

Court or his designee; the President of the Louisiana District Judges Association; the President of the Louisiana Police Juries Association; the President of the Louisiana District Attorneys Association; the President of the Louisiana Clerks of Court Association; the Executive Director of the Louisiana District Attorneys Association; the Chairman of the House Committee on the Administration of Criminal Justice; the Chairman of the Senate Committee on Judiciary C; and the Executive Counsel to the Governor, who shall serve as chairman.

BE IT FURTHER RESOLVED, that in functioning as a screening body this commission will advise the Governor and the Legislature as to the necessity of additional assistant district attorney seats in the respective judicial districts.

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 the 13th day of April, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-10

WHEREAS, Louisiana is blessed with an abundance of cultural resources which give our state its unique personality and vitality and represents the soul of our people; and

WHEREAS, Louisiana also has an abundance of active businesses and industries which have contributed tremendously to this cultural environment; and

WHEREAS, in recent years the exodus of business and industry, particularly corporate headquarters, to the Sun Belt has been dramatic; and

WHEREAS, quality of life is fast becoming a major determinant of plant location and is important, sometimes vital, in the decision of where to locate a corporate headquarters, a research facility, or an office where highly-trained professional, or well-educated persons work, thus translating quality of life into hard economic factors; and

WHEREAS, in State government, some real headway has been made in recent years to emphasize the importance of arts and cultural programs through the creation of the Department of Culture, Recreation, and Tourism; and

WHEREAS, a cooperative spirit has existed for years in Louisiana between the arts and business and, with the proper kind of leadership and commitment, as demonstrated at the Arts Corporate Appreciation Luncheon in conjunction with the Tutankhamun Exhibits in New Orleans, momentum for progress and development can begin to take place, and

WHEREAS, as Governor, it is my desire to take a leadership role in providing an atmosphere in Louisiana wherein the arts can flourish, recognizing the integral part business has to play in achieving that goal and with the understanding of how productive a partnership of government and business can be in further developing the cultural resources of Louisiana;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by the authority vested in me by the Constitution and laws of the State do hereby create and establish a Governor's Council of one hundred composed of involved and interested corporate leaders representing all areas of the business and industrial community.

Through the establishment of such a council a greater dialogue can exist between the public and business sectors for the betterment of all. Utilizing the expertise and resources of business and industry to a greater extent, a new dimension can be added to

government's ability to deliver services. With this kind of cooperative spirit, rapid progress can be realized in improving the cultural environment in Louisiana.

1. The Council is charged with the responsibility of:

A. Advising the Governor and Secretary on broad policy matters relating to the growth and stability of the arts and cultural resources in the State of Louisiana and reporting annually on areas of critical need and ways business can assist in addressing those needs in the form of program priorities and objectives.

B. Providing necessary leadership to the business and industrial community as to how it can appropriately support worthy cultural endeavors throughout the state.

C. Advising on ways the arts, historic preservation, museums, and the humanities can contribute to business and industry.

D. Advising and recording general policies which Louisiana business and industry may wish to adopt regarding contributions to cultural projects.

E. Taking strong and unified positions on matters positively or negatively affecting the cultural resources of Louisiana.

F. Outlining methods for cultural groups to adopt regarding effective fund-raising activities, administrative, organizational and fiscal management and better business involvement.

G. Participating in an appropriate way with the Governor's Conference on Cultural Affairs in coordination with the Division of the Arts, the Division of Archaeology and Historic Preservation, the State Museum, and the Secretary of the Department of Culture, Recreation, and Tourism.

H. Consulting with individual businesses and industries, whether domestic or foreign corporations, interested in cultural matters and the exchange of information that would enlighten and benefit all those involved.

I. Performing other related functions as requested by the Governor or by the appropriate officers of the Department.

2. The Council of One Hundred will be chaired by a President appointed by the Governor. The first President will be Senator Virginia Shehee of Shreveport, Louisiana.

3. Additional offices will be elected by the group and will include an executive vice-president and eight district vice-presidents. The district vice-presidents will serve on a planning and action committee with selected members of the Louisiana Arts Council, the Director of the Division of the Arts, and the Secretary of the Department of Culture, Recreation, and Tourism to plan and execute the responsibilities of an improved business-culture relationship in the state.

4. Special committees may be appointed by the President as deemed necessary and appropriate.

5. The Council of One Hundred will meet twice annually with one meeting held in conjunction with the Governor's Conference on Cultural Affairs. Committee meetings may be called as the situation dictates.

6. The Department of Culture, Recreation, and Tourism, through the appropriate offices, will provide any necessary personnel or other support when requested by the President, within reasonable budgetary limits.

7. Members will serve without compensation in carrying out the functions of the Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this, the 14th day of April, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-11

WHEREAS, by Executive Order 71, dated August 27, 1974, I, Edwin W. Edwards, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, did accept on behalf of the State of Louisiana the beneficial interest in the public trust authority entitled the Louisiana Public Facilities Authority;

WHEREAS, the provisions of the Indenture of Trust creating the Louisiana Public Facilities Authority and the provisions of the Louisiana Public Trust Act, R.S. 9:2341-2347, as amended by Act 699 of 1976, Regular Session, provides that the Authority may make and adopt bylaws for the due and orderly administration and regulation of the affairs of the Authority;

WHEREAS, the Louisiana Public Trust Act does provide in R.S. 9:2341(C) that the bylaws of a public trust that has as its beneficiary the State of Louisiana shall be submitted in writing to the Governor of the State of Louisiana for approval;

WHEREAS, the Authority has forwarded to the Office of the Governor, State of Louisiana, a copy of its Bylaws duly adopted by the Authority at a special meeting held on Wednesday, April 12, 1978;

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, and pursuant to the provisions of the Louisiana Public Trust Act, R.S. 9:2341-2347, as amended by Act 699 of 1976, Regular Session, do hereby approve the Bylaws of the Louisiana Public Facilities Authority adopted by the Authority at a special meeting held on Wednesday, April 12, 1978.

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 3rd day of May, A.D. 1978.

Edwin W. Edwards
Governor of Louisiana

EMERGENCY RULES

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its regular meeting on April 27, 1978, exercised the emergency rule-making provision of the Administrative Procedures Act, R.S. 49:953B, to revise Bulletin 741, *Handbook for School Administrators*. Several school systems have contacted the Department of Education for clarification. They stated that they would be in favor of allowing promotion from one elementary grade to another elementary grade upon removal of deficiencies during summer

school and this amendment would be necessary to give a clearer meaning as the interpretation now stated is not specific.

Rule 3.01.51i

The Board adopted a revision to Bulletin 741, *Handbook for School Administrators*, page 32 to read as follows:

Summer Schools

The following regulations govern the operation of approved summer schools:

Purpose

1. To enable students to schedule courses which would tend to enrich their experiences.
2. To take new subjects.
3. To enable students who have failed in subjects to remove deficiencies.

Administration

1. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school must be conducted in an approved school building.
3. A parish with seven or more summer school teachers shall have at least one certified principal.

Application

1. All summer schools must apply to the State Department of Education for approval.
2. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

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

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 used the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt the following temporary increases in the Aid to Families with Dependent Children (AFDC) and the General Assistance Programs. The Legislature authorized these increases for May and June, 1978. This emergency action was therefore necessary in order to adopt the increases effective May 1, 1978.

Because medically needy payments under the Medical Assistance Program are tied to these rates by Federal regulation (42 CFR 448.4), effective May 1, 1978, all medically needy computations shall be based on the new amounts regardless of which months are considered for medically needy coverage. These adjustments to the Medically Needy Income Eligibility Standards will parallel the increases in the AFDC flat grant payments.

Assistance Payments

AFDC

Non-Urban Grant

Household Size	Flat Grant Amount
1	\$ 48
2	90
3	127
4	159
5	189
6	216
7	245
8	272
9	298
10	325
11	353
12	382
13	413
14	443
15	474
16	504
17	535
18	565

For each additional person add \$33 to the flat grant amount

Urban Grant

1	\$ 53
2	101
3	140
4	172
5	203
6	231
7	258
8	286
9	312
10	338
11	367
12	396
13	424
14	455
15	485
16	518
17	543
18	578

For each additional person add \$36 to the flat grant amount

The urban grant amounts are in effect in Orleans, Jefferson, St. Bernard and East Baton Rouge Parishes and are based on higher shelter costs in those areas.

The maximum grant increases will result in payments that will average \$130 month.

General Assistance

Size of Household or Circumstance	New Maximum
1 person	\$ 70
2 or more	99
1 with special diet	105
2 + with special diet	110
1 foster family placement	121
1 special care required	115
2+ special care required	120

The General Assistance maximum grant increases will result in payments that will average \$65 per month.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to extend the opening date in Zone 2 for the brown shrimp season in inside waters to Thursday, May 25, 1978. The opening date was originally set for May 15, but due to cool temperatures and record rainfall, the normal growth rate was retarded in the young shrimp and made it advisable to delay the opening date. This action was taken based on scientific data to serve the best interests of the shrimp fishermen of our state.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

RULES

RULES

**Department of Agriculture
Structural Pest Control Commission**

**Amendment to
Rules and Regulations**

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

To Section IV. add as follows:

G. When a pest control operator is performing a fumigation job of a residential structure, office building, church, school, or any other building frequented by people, he is required to have at least one guard on duty during the time the property is being fumigated. Any deviation from this procedure must receive prior approval from the Commission.

Change Section V. B. to read as follows:

Applicants qualifying to take an examination shall be given a written examination which may be supplemented by an oral quiz and the identification of insects, pests and pest damage that may be encountered in the phase or phases of work for which the examination is taken at the domicile of the Commission on dates specified during the months of January, April, July, and October. Any deviation from this procedure must receive prior approval from the Commission. The minimum grade for passing an examination shall be seventy percent. Applicants failing to pass an examination shall be permitted to take a second examination after a lapse of three months. Applicants who pass satisfactory examinations but allow a period of two or more years to lapse before meeting other requirements for a license for which the examination was taken shall be required to pass a reexamination before being issued a license.

**Procedures and Guidelines
Purpose**

The Structural Pest Control Law authorizes the members of the Structural Pest Control Commission to set rules and regulations, after a public hearing of pest control operators.

The Commission establishes guidelines and procedures to follow in making decisions on various matters that are brought before

the Commission. Over the years, procedures have been established to guide this Commission.

The purpose of this publication is to make this information available to all interested parties.

Licensee

I. Licensee--Residence: A company wishing to do termite work from a licensed office which does not have a termite license by using the supervisory services of a person licensed in termite control at another office for the same company may do so by accepting inquiries and referring them to the office that holds a termite license for further solicitation selling and treatment. This applies to all other phases of pest control work for which the individual may be licensed.

II. Licensee--Employment: When a licensee is employed full-time other than with the pest control company, he may register two employees, providing they perform pest control work the same hours as the licensee, who will be available for supervision when work is performed for his company.

Contracts

I. Contract--State: All pest control operators are required to issue a State-approved contract. If the operator chooses to issue a rider or additional coverage the rider must first be approved by the Commission.

II. Contract--Completion: After the initial treatment of the property under contract is completed, a twelve month period is allowed to trench and treat the perimeter to specifications. In the event there are circumstances preventing this, the licensee may so advise the Commission and request an extension.

Violations

I. Minimum Specifications.

A. Licensee--When the work for a contract issued by the company is found to be in violation of the minimum specifications, the Commission may:

1. Revoke the license by unanimous vote, or
2. Place the licensee on probation for one year. During this period of time if the licensee is found to be in violation of this Act, the license will be suspended for thirty days, and the probation will be extended for one year from the last day of the suspension. If during this second probationary period the licensee is found to be in violation, the license may be revoked.

B. Registered Employee--When the employee is present and performing the work at the time the minimum specifications are violated, the Commission may:

1. Revoke the registration certificate by unanimous vote, or
2. Place the employee on probation for one year. During this period of time if the employee is found to be in violation of this Act, the registration certificate will be suspended for thirty days, and the probation will be extended for one year from the last day of the suspension. If during this second probationary period the employee is found to be in violation, the registration certificate may be revoked.

II. Reports--Delinquent: When a licensee is found guilty of being delinquent in submitting the required monthly report of termite contracts, the Commission may:

1. Revoke the license by unanimous vote, or
2. Place the licensee on probation for three months. During this period of time if the licensee is again found to be in violation of this part, the license will be suspended for fifteen days, and the probation will be extended for three months from the last day of the suspension. If during this second probationary period the licensee is found to be in violation, the license may be revoked.

III. Contracts--Failure to Issue: When a licensee fails to issue the required State contract, the Commission may

1. Revoke the license by unanimous vote, or

2. Place the licensee on probation for a period of one year. During this period of time if the licensee is found to be in violation of this Act, the license will be suspended for fifteen days, and the probation will be extended for one year from the last day of the suspension. If during this second probationary period the licensee is found to be in violation, the license may be revoked.

IV. Contracts--Failure to Report and Pay the Fee: When a licensee fails to report and pay the fee for a contract issued, the Commission may:

1. Revoke the license by unanimous vote, or
2. Place the licensee on probation for a period of one year. During this period of time if the licensee is found to be in violation of this Act, the license will be suspended for fifteen days, and the probation will be extended for one year from the last day of the suspension. If during this second probationary period the licensee is found to be in violation, the license may be revoked.

V. Failure to Register Employee: When a licensee fails to register an employee within the required time, the Commission may:

1. Revoke the license by unanimous vote, or
2. Place the licensee on probation for a period of one year. During this period of time if the licensee is found to be in violation of this Act, the license will be suspended for fifteen days, and the probation will be extended for one year from the last day of the suspension. If during this second probationary period the licensee is found to be in violation, the license may be revoked.

VI. Company: When a company repeatedly commits violations, although there are changes in the status of the licensee, the Commission may:

1. Place the company on probation for six months.
2. Place the licensee on probation for one year.

Employee

I. Disciplinary Action: The 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, while the applicant is under probation, suspension or any other disciplinary action of the Commission.

II. Fraud: When it is established that an employee has engaged in fraud while in the employ with a company, the licensee may go to court. If he obtains a conviction, the employee will then be required to come before the Commission. The Commission will consider refusal to issue the individual a registration certificate in the future.

III. Criteria for Employee and Licensee: Each employee registered for the first time is furnished a copy of the criteria and guidelines to be followed:

A. All supplies are distributed through the licensed branch office.

B. All employees draw their pay from the main office or branch office, and applicable payroll taxes are deducted and maintained at the main office or branch office.

C. All accounts must be processed through the licensed main office or licensed branch office.

D. All insurance must be paid by the licensed main office or licensed branch office.

E. All records concerning accounts serviced shall be current at the licensed home and/or licensed branch office, and all routes shall be directed and supervised from the licensed home and/or licensed branch office.

Perimeter

I. Perimeter Procedures.

A. When Not Treated to Specifications: When it is established that the perimeter is not treated to minimum specifications, give the pest control operator (PCO) thirty days to retreat

the property. If the PCO does not complete the recommendations within thirty days, this is considered a violation of the minimum specifications, and the PCO is subject to being called to a hearing to answer the charges.

B. Soil Analysis: If the Agricultural Chemistry Lab reports the soil analysis from an area required to be treated in order to meet minimum specifications to be less than one hundred parts per million, this is considered proof there was not enough chemical applied to meet the minimum requirements.

Probation

I. Probation: If a licensee is found guilty of a violation while on probation, although the second violation is another section of the law, the Commission may consider this a violation of the original probation, which is cause for suspension of the license.

II. Probationary Period: The probationary period begins on the date the Commission issued the order and extends for whatever period the Commission establishes. The period begins the date following the date the order is issued. However, the licensee is not held liable for a violation which occurs, until he receives the notice.

Bath Trap

I. Responsibility: This is between the building contractor and the PCO. When the house is sold, it is between the homeowner and the PCO. If the homeowner does not want to cut a bath trap, there is no violation.

It is the homeowner's responsibility to cut the trap or to cut the trap larger. If there is none, the PCO should bring this to the homeowner's attention and tell the homeowner this is a spot that needs to be checked, and this should be done.

Gilbert L. Dozier, Chairman
Structural Pest Control Commission

RULE

Department of Commerce Real Estate Commission

41. A licensed broker may cooperate with a licensed broker of another state on appraisals or sales of real property within the limits provided in the Louisiana Real Estate Licensing Law. Provided, however, the appraisal or sale of the real property shall be handled under the direct supervision of the Louisiana broker with the Louisiana broker taking full responsibility for all actions of the nonresident broker. Provided, further, both the Louisiana broker and the nonresident broker agree to sign the written reports and to comply with the Louisiana Real Estate Licensing Law and with the Rules and Regulations of the Louisiana Real Estate Commission. In each instance herein where a Louisiana broker enters into a cooperating agreement with a nonresident broker for the appraisal or sales of Louisiana real estate, the Louisiana broker must file two copies of the cooperating agreement with the Louisiana Real Estate Commission prior to the appraisal or sale being made. A written cooperating agreement is required to be filed for each separate appraisal or sale.

Stanley Passman, Executive Director
Real Estate Commission

RULES

Board of Elementary and Secondary Education

Rule 3.01.51g

The Board revised Bulletin 741, *Handbook for School Administrators*, pages 20, 21, 33, 34, 38, 39, 44, 65, and 69 as follows:

Amend page 20 mandating that member schools not give credit for private tutoring in music in order to comply with Southern Association of Colleges and Schools.

Amend page 21 to delete section on "Religion" which is not relative to public school systems.

Amend page 33 to change language from "should" to "shall" under heading of "Attendance," Item 1, to read: "The minimum attendance for a student to receive credit or pass a subject shall be as follows". This amendment changes attendance requirements from permissive to mandatory.

Amend page 34 by adding a statement that Southern Association of Colleges and Schools member schools shall not give credit for private tutoring as required by Southern Association.

Amend pages 38, 39, and 44 by changing the words "Secondary Education" "to Adult and Community Education" to reflect a change in administrative procedure in the Department of Education.

Amend page 65 by deleting, "In addition, the school year shall not have fewer than 175 days, exclusive of holidays, during which the school is in session. Any deviation must be approved by the State Board of Elementary and Secondary Education." and adding in lieu thereof for clarification of mandatory attendance policy in the public school systems, "Each school system shall adopt a calendar for a session of 180 days minimum (two semesters of 90 days each) of which at least 177 days shall be scheduled for pupil activity days. A school system shall not operate for less than 175 pupil activity days without permission from the State Board of Elementary and Secondary Education."

Amend page 69 of item "e" under the title "Applying for Initial Classification" to read as: "The administrator (principal) must be assigned to only one school. Any deviation must be authorized by the State Board of Elementary and Secondary Education." This amendment was adopted to allow principals to teach a class or two a day.

Rule 5.00.80(1)

The Board adopted revised Act 20 Guidelines to implement tuition exemption, effective for the 1978 summer session. This policy replaces present policy 5.00.80(1) and 5.00.80(2).

Act 20 Guidelines (Effective Summer, 1978)

1. The State Department of Education shall prepare an application form for the approval of the tuition exemption. This form will be sent to all local school boards for distribution to eligible teachers.

2. A. Teachers will make application for "tuition exemption" to the Louisiana public college or university that they are to attend after receiving Act 20 eligibility verification from the local principal and superintendent or his designee.

B. Applications for tuition exemption and an appropriate application for admission should be received by the college or university in which they wish to enroll at least thirty days prior to the beginning of the semester.

C. Course eligibility will be determined by the college or university to which application is made according to these guidelines.

D. All qualified applicants will be granted only the "tuition exemption".

3. Any certified teacher teaching in, or on approved leave from, a State approved elementary or secondary school, or any degreed teacher eligible to teach in a public school and teaching in an approved non-public elementary or secondary school in compliance with non-public school standards, shall be eligible for the tuition exemption providing the teacher "attends" a Louisiana public college or university. This tuition exemption shall not apply to those teachers holding temporary certificates but will apply to

those teachers holding regular certificates with temporary certification in a particular area.

A. Interpretation of "attend": the teachers shall enroll in an on-campus course or an extension course for credit. Correspondence courses will not be considered.

B. Interpretation of "teacher": any employee listed on the annual school report as a member of the faculty of an elementary or secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

C. Interpretation of "approved elementary and secondary school": any school that is involved in the day-to-day teaching of students of grades kindergarten through twelve or any combination thereof that is on the approved list of schools under the direction of the State Board of Elementary and Secondary Education. This shall include only the approved public, non-public, alternative, and special schools as listed in Bulletin 741.

D. Only full-time teachers that are regularly employed, or those that are on approved leave, are eligible under this act. Day-to-day substitute teachers are not eligible.

4. Only those courses of instruction in the teacher's field or discipline may be taken under this program. Course load shall not exceed six semester hours per semester while teaching full time.

Interpretation of "field or discipline":

A. Course work in the area of certification endorsed on the applicant's valid Louisiana Standard Teaching Certificate;

B. Methods and professional education courses that deal directly with the area of certification endorsed on the teaching certificate;

C. Course work outside the area of certification endorsed on the teacher's certificate, provided the principal recommends the area of instruction in which the teacher shall enroll. This must be attested to by the principal or immediate supervisor and the local superintendent;

D. Required course work in a Board of Regents' approved advanced degree program in an area in which the applicant is presently teaching.

5. The State Superintendent of Education shall reimburse each Louisiana public college or university for only the "tuition" funds lost due to this program, for applicants who are eligible according to the guidelines adopted by the State Board of Elementary and Secondary Education. The funds shall be paid from monies appropriated therefor or otherwise made available for this program.

6. The program will go into effect only after certification by the Division of Administration and approval by the Legislative Budget Committee that the General Fund revenues are available for this purpose.

7. Appeals

A. An Act 20 Appeals Committee composed of three members shall be appointed by the State Board of Elementary and Secondary Education.

B. Any person denied eligibility for the tuition exemption would be given written reasons for denial and be advised of the right to appeal to the Act 20 Appeals Committee.

C. The individual should then contact the Director of the State Board of Elementary and Secondary Education for procedures to be followed for the appeal.

D. The Act 20 Appeals Committee would meet, if necessary, prior to the regular monthly meeting of the State Board of Elementary and Secondary Education to hear appeals cases so that their recommendations can be acted upon by the full Board at the regular meeting.

Rule 3.01.51h

The Board revised Bulletin 741, *Handbook for School Administrators*, page 26, relative to Private and Sectarian Schools to add the following: The policies of the State Board of Elementary and

Secondary Education in Part I, Administration, shall be adhered to by the nonpublic schools except where the policy is specifically covered in the nonpublic school standards of this bulletin.

Rule 4.00.72(c)

The Board revised Bulletin 1196, *Louisiana Food and Nutrition Policies* as follows:

Amend page 10, paragraph 3, second line relative to the budgeting of school food service funds for each program or school to read: "A suggested guide to use is: 45-55 percent for food, 35-45 percent for labor, approximately 10 percent for all other." These new figures are more representative of a good budgeting of funds due to increased labor costs encountered in most programs today.

Amend page 30, paragraph 2 to read: "People holding master's or bachelor's degrees in home economics (or the special associate's degrees in food service management) from an accredited institution and having six months experience will be registered upon submission of a transcript and successful completion of the third prescribed training course for managers, to be effective July 1, 1978." This change was necessary to include courses in the subject areas of record keeping, personnel management, organization and management, and purchasing. Each of these courses is unique for school food service.

Amend page 31, by addition of Items 3 and 4 to read as follows: "Item 3. Seven additional labor hours will be allowed for each additional serving counter, with approval from the area supervisor." These additional labor hours allow for additional serving counters and free the manager from the service line, allowing her to give proper supervision to her entire food service operation. "Item 4. Four hours per day of the manager's time may be exempt from the allowable number of labor hours for schools serving 350 and below. Schools serving over 350 may request the four hours exemption with justification determined by the School Food Service Supervisor of the local school system and approval by the State Director of Local School System Services." These additional hours would allow the manager more time to supervise her entire food service operation and to devote to her record keeping responsibilities.

Amend page 34, Paragraph 2 to read: "The following items may be approved for purchase upon written request to the State office: typewriter, adding machine or calculator (maximum \$250 per school), milk shake machine, deep fat fryer, floor polisher or cleaner, incinerator, high pressure hose, vegetable peeler, pedestal fans, burglar alarms, and vehicles used solely for school food service purposes, e.g., distribution of commodities or meals in satellite programs and maintenance. Consideration of the following conditions is made before approving such purchase requests: (a) operating balance over the allowable permitted by USDA; (b) adequate supply of steam and labor-saving equipment and small pieces of equipment to meet production needs; (c) documentation of contributions which will be made by the requested piece of equipment toward increasing participation and/or upgrading the total program; (d) the school's grade level, location, size, and construction; (e) method of distributing commodities; (f) knowledge of the facility or an on-site visit by the State Area Supervisor prior to approval." The conditions listed are identical to those formerly considered in granting approval for such purchases, but never included in the policy handbook.

Amend page 34, paragraph 3 by deleting "typewriters from the list of unauthorized equipment because typewriters may now be authorized for purchase with School Food Service funds as typewriters are now recognized as necessary equipment in some programs."

Amend page 21, paragraph 11 to read: "Any food or beverage consumed by children or adults in the school food service department during the meal period shall be limited to a food or beverage

item normally served in the Type A lunch or breakfast meal (exceptions for medical reasons must be documented) with the exception that tea may be consumed by adults at their own expense without expenditure of time or money by school food service employees." Since this is a common beverage of faculty and staff, we feel they should be able to consume it during their lunch period.

Rule 3.01.70v(10)

The Board adopted policy on graduate courses offered in Louisiana by out-of-state institutions as follows. This policy will replace present policy.

Courses offered in Louisiana by out-of-state institutions shall be recognized for purposes of teacher certification and salary increments only if the following conditions are met: (1) The out-of-state institution must be registered with the Secretary of State as a bona fide business operating in the State of Louisiana for the purpose of offering teacher education courses or programs and with the Louisiana State Board of Regents as required by Act 225 of 1976. (2) Any institution offering a course in Louisiana must have State approval and regional accreditation recognized by the state in which the institution is domiciled for each program from which a course is offered. (3) Course level offerings in the State of Louisiana must bear accreditation at the same level of offering in the state of domicile. (4) Post-baccalaureate courses offered in Louisiana must be applicable to the same advanced degree program at the home campus of the out-of-state institution and must carry comparable graduate credit at the home campus.

Responsibility for written verification of compliance with the above conditions lies with the applying institution prior to the first class meeting of each course.

Rule 3.01.70v(19)

The Board adopted policy on guidelines for programs for preparation of teachers and other professional school personnel as follows:

All programs existing in the state as of the date of this policy which have achieved approval by their institution's management board and the Board of Regents and which meet certification requirements of the State Board of Elementary and Secondary Education will be maintained subject to the Board of Regents' ongoing academic program review.

All new programs of study and new degree programs in teacher education shall be recommended for approval by the State Department of Education to the State Board of Elementary and Secondary Education only after prior approval of the program by the institution's management board and the Board of Regents. An institution desiring to initiate a program in teacher education may, if it so desires, consult with the Department of Education at any time for review and advice on the acceptability of the program for certification purposes.

As adopted by Board of Regents, this policy applies to public institutions of higher education.

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

RULES

**Board of Supervisors of
Louisiana State University**

Amendments to University Regulations

Section 1-4 entitled "Louisiana State University Law Center"

1-4.1 The Louisiana State University Law Center is designated as a separate major administrative subdivision of the University System whose administrative head shall be its Chancellor.

1-4.2 The Louisiana State University Law Center, including its Center for Civil Law Studies, shall continue to carry on all of the instructional, research, and public service activities formerly within the jurisdiction of the Louisiana State University Law School and to expand such services to the State of Louisiana as personnel and financial resources permit.

1-4.3 The Center for Civil Law Studies, within the Louisiana State University Law Center, shall promote and encourage the scientific study of the civil law system in the modern world, its history, structure, principles, and actualities, with a view toward facilitating a better understanding and further development of the private law of the State of Louisiana and other civil law jurisdictions by means of theoretical and practical activities of all kinds, including publications, translations, the sponsorship of faculty and student exchanges and visiting scholars, and the presentation of specialized programs, seminars, and lectures.

1-4.4 The Louisiana State University Law School shall be continued and recognized as a major unit within the Louisiana State University Law Center, charged with the responsibility for conducting the primary educational and degree-granting functions of the Law Center.

1-4.5 The faculty of the Louisiana State University Law Center shall consist of all present members of the law faculty, together with all persons who shall be appointed in the future with the academic rank of instructor or higher, and said faculty shall possess all of the rights, privileges, duties, and responsibilities which are now, or in the future may be granted by the Board of Supervisors.

Amendments to the

Bylaws of the Board of Supervisors

The following sections, or parts of sections, are changed to read:
Article I, Section C(1)

1. Louisiana State University and Agricultural and Mechanical College (including the School of Veterinary Medicine, Division of Continuing Education, and other units having statewide responsibilities), located at Baton Rouge.

* * * *

Article V, Section 6, first paragraph

Section 6. Executive Committee. The Executive Committee shall consist of nine members with the Chairman and Vice Chairman of the Board serving in those same capacities on the Committee. The chairman of each of the standing committees, as well as the immediate past Chairman of the Board, shall also be members of the Committee. The remaining number, for a total of nine, shall be appointed by the Chairman of the Board.

M. D. Woodin
President of the University and
Secretary to the Board of Supervisors

RULES

**Office of the Governor
Tax Commission**

The Tax Commission has adopted the following revision of Section IV of its Personal Property Rules and Regulations.

Section IV

Leased personal property, when the lessor is not the manufacturer, shall be reported by and assessed to the lessor in the taxing district where the property is located on January 1 of each year. The lessee shall be required to furnish the owner's name and address. The fair market value of such leased personal property shall be determined in the same manner as any other personal property.

Leased personal property, when the manufacturer is the lessor, shall be reported by and assessed to the lessor in the taxing district where the property is located on January 1 of each year. The lessee shall be required to furnish the owner's name and address. The fair market value of such leased personal property shall be determined by one of the following methods.

1. Depreciated Present Day Selling Price New.

Under this method the lessor furnishes the present day selling price of the equipment new. Depending upon type of equipment, depreciation would be deducted based on an economic life of from five to ten years with a forty percent residual.

2. Use of a Gross Rent Multiplier.

The fair market value shall be determined to be equal to forty months rent, less five percent allowance for depreciation the first year, plus ten percent for each additional year not to exceed a cumulative allowance of sixty percent.

C. Gordon Johnson, Chairman
Tax Commission

RULE

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

The Department of Health and Human Resources adopted as a permanent rule Subsection D of Section II of the *Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Programs (Title XIX)*, to read as follows:

D. Facility shall be responsible for arranging for transportation for medical care, and other needed transportation. Office of Family Services Social Service staff is available to assist with such arrangements. When feasible, emergency medical transportation shall be arranged by facility with duly qualified and participating Title XIX providers; the cost of such transportation will be paid by the Office of Family Services in accordance with the provisions of Sections 19-850 through 19-855 of the Medical Assistance Manual.

The above amendment is proposed to comply with the Standards for Emergency Medical Transportation Providers Under Title XIX (Medicaid). The effect of the above amendment is to make emergency medical transportation a cost to be paid by the Office of Family Services, rather than by the facility.

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

RULE

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

The Department of Health and Human Resources, Office of Family Services, has adopted the following method of payment for Mental Health Clinics, Substance Abuse Clinics, and Family Planning Clinics. Payment to public clinics shall be made for their services on the basis of cost. Payment to private clinics shall be based on charges not to exceed a reasonable rate set by the State. Public clinic cost data will be used as one of the determinants in forming a basis to establish rates for private clinics. Charge data will also be a factor in rate determination. The primary objective of this method of payment is to ensure compliance with current laws and

Federal regulations and to ensure that the method of payment is uniform on a statewide basis.

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

RULE

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

The Department of Health and Human Resources, Office of Human Services, Bureau of Aging Services, has adopted the State Plan on Aging for the remainder of fiscal year 1978.

The Department of the State Register has elected not to publish the plan in accordance with the provisions of R.S. 49:954.1C. Copies of the plan may be obtained from the Bureau of Aging Services, Office of Human Services, Box 44282, Baton Rouge, Louisiana 70804.

Ralph A. McKenzie, Acting Director
Bureau of Aging Services

RULE

**Department of Health and Human Resources
Office of Mental Health**

The Department of Health and Human Resources, Office of Mental Health, has permanently adopted the Louisiana State Plan for Comprehensive Mental Health Services for 1978 with amendments based on public comment and review.

The Department of the State Register has determined that publication of the plan would be unduly cumbersome and has exercised its privilege to omit it from the *Louisiana Register*, as per R.S. 49:954.1C.

Copies of the plan are available for public inspection at Room 303, 655 North Fifth Street, Baton Rouge, and at the various Community Mental Health Centers throughout the State.

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

RULES

**Department of Natural Resources
Office of the Secretary**

Mineral Leasing Policy

R.S. 36:354 A. (2) (b) provides that all proposals for the lease or use of State property and resources within the jurisdiction of the Department shall be submitted to and examined by the Secretary who shall determine if they meet current policies of the State and the Department with regard to development and/or use of such property and resources.

The Secretary of the Department of Natural Resources in keeping with this legislative mandate formulates and hereby adopts the following policies and rules designed to stabilize the energy policies of the State of Louisiana, to promote the orderly and proper development of its resources and in particular, to provide for orderly leasing and development of its mineral resources.

I. Proposals pursuant to R.S. 30:125, 126, 208, 209 or otherwise, for the leasing or use by other contractual means of State

properties for exploration, production and maintenance of oil and gas or other minerals, shall be reviewed and evaluated by the Secretary in any manner that he deems proper and sufficient including, but not limited to an inspection of such property and all geophysical and geological surveys and/or any other evaluation in order to determine whether or not said proposals meet substantially with the following standards and considerations, which are determined as being the policy of the State and the Department.

A. Tracts containing interspersed water bodies should be limited to three and one half miles in length and width. An application for a lease of more than 2,500 acres of State lands and waterbottoms or more than one block will not be considered.

B. Applications concerning inland water areas not delineated by a block system shall be submitted on an original or copy of a U.S. Geological Survey Quadrangle Sheet Scale 1:62,500 or 1:24,000 (15 minutes or 7½ minutes respectively), with the proposed tract outlined and clearly shown thereon.

C. The size of the property shall be considered and after evaluation may be reduced if it is determined by such evaluation that it is proper and sufficient that only a portion of the property need be leased so as not to restrict the further development of the remaining portion.

D. All tracts shall be advertised as to all depths, except for any depths then under lease.

E. Leasing of properties in the vicinity of existing intrastate pipeline facilities or for which information can be supplied by an applicant or otherwise obtained as to future availability and economic feasibility of such intrastate facilities will receive preferential consideration.

F. Leasing of properties within the three-mile offshore area as presently determined shall be considered in accordance with special conditions guaranteeing to the State the payment of royalties if provided by policy resolution of the State Mineral Board.

G. Leasing of properties that are suspect of being drained by other existing wells will be given favorable consideration.

H. Where contiguous properties in one area are proposed for lease the State may, after evaluation, submit the tracts or portions of the tract together with other State tracts for leasing in a manner designed to promote proper development of the area to the maximum benefit of the State.

I. Where consistent with proposal "E" above, applicants are encouraged to submit applications for leasing of heretofore undeveloped areas.

J. Wherein the title is in dispute more favorable consideration will be given those properties where the State's title is the strongest.

K. Leasing of properties that are within fields or areas known to be previously dedicated to presently existing gas contracts calling for minimum prices or interstate delivery will not be considered except upon a formal release of such obligation, unless failure to lease such property would result in drainage to the State.

L. Commitments in applications to drill deep wells (i. e. geological objectives heretofore undrilled in the immediate area) are encouraged and will be looked upon more favorably despite other policy deficiencies.

M. Applications shall set forth the primary term of any lease sought. Applications for the following leases will not be considered:

1. Those for lands and waterbottoms landward of the legal coastline of Louisiana, exclusive of Ascension Bay, for a primary term in excess of three years.

2. Those for waterbottoms seaward of the legal coastline or, in that area known as Ascension Bay, for a primary term in excess of five years.

3. Those for State agency lands for a primary term in excess of three years.

N. Tracts on which all bids are rejected and portions of tracts bid on but rejected because conflicting in part with an accepted bid shall be readvertised and offered at the next regular sale for which such tracts or portions can qualify.

II. A synopsis of applicable laws and general instructions will be available for interested parties to assist in preparing applications for leasing.

III. It shall not be necessary that a lease proposal covering State properties meet all of the above requirements before it will be considered; however, the merits of each proposal shall be evaluated and the decision on whether or not to recommend such for lease shall be based on the findings of the Secretary as to what is deemed to be in the best interest of the State.

IV. The Secretary may require any applicant to submit such other information that he may determine necessary and useful to properly evaluate any proposal which is submitted.

V. The policies and provisions set forth herein may be waived in whole or in part by the Secretary if for just cause shown he determines that the best interests of the State are served thereby.

VI. Upon completion of the evaluation the Secretary shall in accordance with R.S. 36:354 A. (2) (b), take the necessary action through the Office of Mineral Resources to implement his findings with respect thereto and shall advise the State Mineral Board through its Chairman, whether the lease proposal meets the policies of the State and Department and should therefore be advertised for lease by the Mineral Board or whether the lease proposal does not meet the policies of the State and Department and should therefore not be advertised for lease.

William C. Huls, Secretary
Department of Natural Resources

RULES

Department of Wildlife and Fisheries

(Editor's Note: Subsequent to the adoption of these rules the Commission adopted an emergency rule which changed the opening date of the Brown Shrimp Season in Zone Two to May 25, 1978. That emergency rule is printed elsewhere in this issue.)

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

Spring Brown Shrimp Season

Whereas, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry and sportsmen, as well as the biological predictions and recommendations of the biologists of the Seafood Division.

Now, therefore be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby declare the 1978 Spring Brown Shrimp season to be as follows:

Zone One: Mississippi State Line to South Pass, at the mouth of the Mississippi River, including Lake Pontchartrain, opens May 29, 12:01 a.m.

Zone Two: South Pass, at the mouth of the Mississippi River, to the western shore of Vermilion Bay, opens May 15, 12:01 a.m.

Zone Three: Western shore of Vermilion Bay to the Sabine River/Texas State Line, opens May 29, 12:01 a.m.