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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.

Be it further resolved that the Secretary be and is hereby authorized to extend and to close the season after the fifty-day period.

Be it further resolved that the season be either extended or closed depending upon available technical data concerning the presence or absence of small white shrimp.

\* \* \*

### Oyster Leases

Whereas, the Louisiana Wildlife and Fisheries Commission held three public hearings in Buras, Morgan City, and Houma for the purpose of receiving testimony from interested oyster fishermen or industry representatives, and

Whereas, this testimony was to be considered by a special committee of the Louisiana Wildlife and Fisheries Commission in order to establish administrative policies to more effectively administer the leasing of waterbottoms for producing oysters, and

Whereas, this committee did recommend certain policy changes to the full Commission, and

Whereas, the Louisiana Wildlife and Fisheries Commission at its regular meeting, April 25, 1978, adopted the following new policies or administrative regulations, and

Therefore, now be it resolved that:

1. A moratorium was placed on the acceptance of new applications until further notice.

2. Survey application fees for new leases after the moratorium is lifted will be as follows:

Acres		Dollars	
10	or less	\$ 80.00	
11-20	—	120.00	
21-200	—	2.00	Additional for each acre after 20
201-1000	—	1.00	Additional for each acre after 200

3. Survey application fees on leases expiring by 15 year limitation are established as follows:

Acres		Dollars	
10	or less	\$50.00	
11-20	—	75.00	
21-200	—	1.25	Additional for each acre after 20
201-1000	—	.65	Additional for each acre after 200

4. Survey application fees for restakes of one's own lease are established as follows: \$20.00 per shot point.

5. Survey application fees for restakes of someone else's lease are established as follows: \$80.00 for the first two shot points, \$40.00 for each additional shot point thereafter.

6. All applications presently on file, for any reason, may be withdrawn on or before May 20, 1978, and all fees on deposit will be returned.

7. On all applications withdrawn or cancelled for any reason after May 20, 1978, the fees on deposit will be retained by the Department for services rendered.

8. All applications retained after May 20, 1978, will be subject to the new rates. The additional fees necessary to make these applications valid will be billed to you with notification letter of survey date. Payment will be due one week prior to the scheduled survey.

9. Only applications for grounds suitable for oyster culture will be surveyed and leases issued. This will be determined at the time of survey. For oyster bedding grounds found not suitable for oyster culture, the applications shall be cancelled and deposit fees retained for services rendered.

Now, therefore be it further resolved that these policy changes go into effect immediately on May 20, 1978, as stipulated above.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

### RULE

#### Department of Wildlife and Fisheries Stream Control Commission

The Louisiana Stream Control Commission at a public meeting held on April 13, 1978, after appropriate public participation and acting under the authority of provisions of Sections 1435 and 1439 of Title 56, Chapter 3, Part I, Louisiana Revised Statutes of 1950, as amended, adopted the following rule relative to discharges associated with extraction of sand and/or gravel, including "pit run" operations, from natural deposits in the State of Louisiana.

(1) After sixty days of the effective date of this rule, no person shall operate a facility for extraction of sand and/or gravel at any location unless there has been filed with the Commission a complete application for a permit covering the operation(s) at the location or has filed with the Commission an affidavit of no discharge.

(2) After sixty days of the effective date of this rule, no person shall initiate extraction of sand and/or gravel, or remove overburden in preparation for such extraction, or construct any work(s) for use in such extraction, or extract sand and/or gravel at any site where such person was not extracting sand and/or gravel during the sixty days ending with that date, unless there is in effect a permit issued by the Commission governing such operation or unless an affidavit of no discharge has been filed with the Commission.

(3) Application forms may be obtained from the office of the Executive Secretary of the Louisiana Stream Control Commission in the Geology Building, Room 135, Louisiana State University Campus, Baton Rouge, Louisiana, or mail request to Post Office Drawer FC, University Station, Baton Rouge, Louisiana 70893. Completed applications are to be returned to that office and shall contain: (a) such minimum effluent characteristics as discharge flow rate(s) and frequency, pH, total suspended solids and turbidity content; (b) receiving stream(s) and topographic map showing site locations; (c) any other pertinent information intrinsic to the control and discharge of the effluent(s).

(4) Any application submitted to the office of the Executive Secretary will be submitted to the Commission, with staff recommendations, at a subsequent Commission public hearing, whereafter the Commission shall issue such orders as it deems appropriate, to permit, prohibit, or regulate the activity referred to in the application.

(5) In the case of the application under paragraph 2 hereof, the Commission must act (either grant or deny a permit) within ninety days of the filing of a complete application. Should the Commission fail to act on the application, within this period, the operator shall be allowed to discharge an effluent, as characterized in the application, until Commission action is taken.

Nothing herein contained is intended to repeal, modify, or otherwise affect existing rules and regulations of this Commission.

This rule shall be effective July 1, 1978, after having been published in the official journals of the parishes and the *Louisiana Register*.

Thus done and signed at Baton Rouge, Louisiana, on this fourth day of May, 1978.

Robert A. Lafleur, Executive Secretary  
Stream Control Commission

# NOTICES OF INTENT

## NOTICE OF INTENT

### Department of Agriculture Office of Agricultural and Environmental Sciences

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, intends to amend the supplement to the Sweet-potato Weevil Quarantine and Regulation, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

The purpose of the amendment is to list revised quarantined areas in the state. A copy of the proposed amendment to the supplement is available for review in Room 622, Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana. Written comments on the proposal will be accepted through June 3, 1978, at the Department of Agriculture, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, State Entomologist  
Office of Agricultural and Environmental Sciences

## NOTICES OF INTENT

### Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to adopt the following changes to its Rule 1 based on Section 77 of the Revised Statutes of 1950, Title 37, Chapter 2. The Board will accept written comments on the proposed changes through June 5, 1978, at the following address: State Board of Certified Public Accountants of Louisiana, 1109 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130.

#### Section 77. Certificates.

##### 1. Experience Requirements.

A. Applicants for a Certified Public Accountant (CPA) certificate shall be required to have at least one year of accounting experience, which may be completed before or after sitting for the examination. This accounting experience shall be full-time employment on the regular professional staff of a practicing CPA or PA (Public Accountant) of Louisiana, or a practicing CPA of another state, the District of Columbia or a possession of the United States; or such other accounting experience as, in the opinion of the Board, is equivalent to the foregoing. The Board shall not grant nor issue a CPA certificate to the successful candidate unless and until the experience requirement has been met.

B. In lieu of the above, all governmental and private industry experience is considered on an individual case basis, except that the following approved guidelines have been established for equivalency of experience:

##### (a) Federal.

(1) General Accounting Office—At least one year at grade GS-9 or higher as a field agent with audit responsibilities.

(2) Internal Revenue Service—At least one year at grade GS-9 or higher as a field agent with income tax responsibilities.

(3) Department of Transportation, Federal Highway Administration—At least one year at grade GS-9 or higher with audit responsibilities.

(4) United States Postal Service, Auditing Department—Attainment of Level 21 and two years experience in performing financial audits.

##### (b) State of Louisiana.

(1) Louisiana Department of Revenue—At least one year as Revenue Agent IV. Experience as a Revenue Agent I, II and III will be considered on an individual case basis.

(2) Louisiana Public Service Commission, Auditing Division—At least two years in one or more of the following positions: Public Accounts Examiner II, III and IV.

(3) Louisiana State Legislative Auditor—At least one year in one or more of the following positions: Governmental Auditor I through V, Legislative Audit Area Supervisor, Legislative Audit Chief Field Auditor, Legislative Review Auditor, Legislative Audit Chief Review Auditor.

##### (c) City.

(1) Baton Rouge—At least one year in one or more of the following positions: Auditor 1, 2 and 3.

(d) Teaching experience—Teaching experience at an accredited university or college is acceptable if both of the following requirements are satisfied.

(1) A person must be a full-time teacher of accounting subjects. Full-time is defined as teaching at least nine hours during a regular semester.

(2) The teaching experience must aggregate at least thirty semester hours of accounting subjects which shall include at least three hours of each of the following: Intermediate Accounting I, Intermediate Accounting II, Advanced Accounting, Cost Accounting, Income Tax Accounting, Auditing.

(e) The above are not intended to be all inclusive.

Lydia F. Parek, Executive Director  
Board of Certified Public Accountants

## NOTICE OF INTENT

### Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Revised Statutes of 1950, a public hearing will be held in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana, beginning at 9:30 a.m. on June 23, 1978.

Under the authority of Article VIII, Section 6 of the 1974 Louisiana Constitution, the Board will at such hearing consider amendment to the Policies and Procedures Manual, Part VIII, Student Personnel Policies and Procedures, to add Section 8.13, Financial Assistance for Student Government Officers.

The Board of Trustees for State Colleges and Universities will accept written comments until 4:30 p.m. June 9, 1978, at the following address: Board of Trustees for State Colleges and Universities, Suite 1412, One American Place, Baton Rouge, Louisiana 70825.

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-68.

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

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

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its June 22, 1978, meeting the following policies:

1. Consideration of adopting a policy to certify those persons previously certified for time-limited certification under the rescinded standards for school psychologists.
2. Proposed policy on employee assistance to be used in vocational-technical and special schools under the Board's jurisdiction.
3. Amendment to policy on out-of-state fees at vocational-technical schools to allow appeals in special cases.
4. *Annual Program Plan for Adult and Community Education for Fiscal Year 79.*
5. *Title I Migrant Education State Plan for Fiscal Year 79.*
6. Amendment to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, page 41, to change name for social workers currently referred to as visiting teachers and that such persons be entitled as certified school social workers.
7. Revision to Bulletin 741, *Handbook for School Administrators*, page 32, to allow promotion from one elementary grade to another elementary grade upon removal of deficiencies during summer school.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., June 7, 1978, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Interested persons will be afforded reasonable opportunity to submit data, views, or comments at the regular June meeting.

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

**NOTICE OF INTENT**

**Board of Regents**

Notice is hereby given that the Louisiana Board of Regents intends to take action on the below listed policies at its regular June, 1978, meeting:

1. Amend its Statement on Academic Freedom, Tenure and Responsibility concerning the minimum provisions for awarding tenure in Louisiana's public institutions of higher education.
2. Adopt policy concerning Guidelines for Programs for preparation of Teachers and Other Professional School Personnel. This will be a joint policy of the Board of Regents and the Board of Elementary and Secondary Education and will be considered by both Boards at their next regular joint meeting.
3. Adopt a Statement of Board Policy on Graduate Courses Offered in Louisiana by Out-of-State Institutions. This will be a joint policy of the Board of Regents and the Board of Elementary and Secondary Education and will be considered by both Boards at their next regular joint meeting.

Interested persons may submit written comments up to fifteen days following publication of this notice of intent to the following address: Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

William Arceneaux  
Commissioner of Higher Education

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Services, must revise Income Standards and Basis of Issuance in the Food Stamp Program effective July 1, 1978, in accordance with Federal regulations as specified in Federal Register, Volume 43, Number 97, May 11, 1978, p. 19985. The revisions provide food stamp recipients with a cost of living increase.

Copies of the revised Income Standards and Basis of Issuance may be obtained without cost at the following address: Food Stamp Program, Office of Family Services, 333 Laurel Street, Room 301, Baton Rouge, Louisiana, Telephone Number 389-2631.

Interested persons may submit written comments until 1:00 p.m., June 5, 1978, to Mr. Alvis Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

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

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Services proposes to adopt adjustments in the medically needy eligibility standards (urban and rural). These adjustments will parallel the increase in Aid to Families with Dependent Children (AFDC) flat grant payments. Therefore, effective on the date of the adoption of these adjustments, All medically needy computations shall be based on the new amounts regardless of which months are considered for medically needy coverage. This revision will allow the Medical Assistance Program to comply with Federal regulations, 42 CFR 448.4.

**Medically Needy Income Eligibility Standard**

Number of Persons	Rural Parishes		
	AFDC Grant	Monthly Eligibility Standard	Quarterly Eligibility Standard
1	\$ 48	\$108	\$ 324
2	90	125	375
3	127	175	525
4	159	217	651
5	189	258	774
6	216	292	876
7	245	333	999
8	272	367	1101
9	298	400	1200
10	325	433	1299
11	353	475	1425
12	382	517	1551
13	413	558	1674
14	443	592	1776
15	474	633	1889
16	504	675	2025
17	535	717	2151
18	565	758	2274

<b>Urban Parishes</b>			
<b>Orleans, Jefferson, St. Bernard, and East Baton Rouge</b>			
<b>Number of Persons</b>	<b>AFDC Grant</b>	<b>Monthly Eligibility Standard</b>	<b>Quarterly Eligibility Standard</b>
1	\$ 53	\$125	\$ 375
2	101	142	426
3	140	192	576
4	172	233	699
5	203	275	825
6	231	308	924
7	258	350	1050
8	286	383	1149
9	312	417	1251
10	338	458	1374
11	367	492	1476
12	396	533	1599
13	424	567	1701
14	455	608	1824
15	485	650	1950
16	518	692	2076
17	543	725	2175
18	578	775	2325

Comments on the proposed policy and procedural changes may be submitted in writing or orally until 1:00 p.m., June 5, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

### NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Services, proposes to adopt policy 19-220 E of the Medical Assistance Manual, Chapter XIX, which defines vendor payments for physician services in a teaching facility and 19-222 A (5) of the Medical Assistance Manual, which designates the method of reimbursement the Office of Family Services will use for payment of these services.

The proposed policy reads as follows:

19-220 E. Vendor Payments for Physician Services in a Teaching Facility.

Federal regulations permit financial participation in the cost of direct patient care rendered by an "attending physician." The physician must, as demonstrated by performance of the activities listed in 19-220 E (1) (a) and (b), render sufficient personal and identifiable medical services to the patient to exercise full, personal control over the management of the portion of the case for which a charge can be recognized. The services to the patient in the teaching facility must be of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services that would normally be rendered to paying patients.

The term "physician" does not include any resident or intern of the teaching facility regardless of any other title by which he is designated or his position on the medical staff.

(1) Conditions Which Must Be Met for a Teaching Physician to Be Considered an Attending Physician.

(a) To be the "attending physician" for an entire period of hospital care, the teaching physician must as a minimum:

(i) Review the patient's history, the record of examinations and the tests in the institution, and make frequent reviews of the patient's progress; and

(ii) Personally examine the patient; and

(iii) Confirm or revise the diagnosis and determine the course of treatment to be followed; and

(iv) Either perform the physician's services required by the patient or supervise the treatment so as to assure that appropriate services are provided by interns, residents or others that the care meets a proper quality level; and

(v) Be present and ready to perform any service performed by an attending physician in a nonteaching setting when a major surgical procedure or a complex or dangerous medical procedure is performed; for a physician to be an "attending physician" his attendance as an attending physician must be necessary (not superfluous as where, for example, the resident performing the procedure is fully qualified to do so) from a medical standpoint; and

(vi) Be recognized by the patient as his personal physician and be personally responsible for the continuity of the patient's care, at least throughout the period of hospitalization.

(b) To be the "attending physician" for a portion of a patient's hospital stay. A teaching physician may be held to be the attending physician for a portion of a patient's hospital stay:

(i) If the portion is a distinct segment of the patient's course of treatment (e.g., the preoperative or postoperative period) and of sufficient duration to impose on the physician a substantial responsibility for the continuity of the patient's care; and

(ii) If the physician, as a minimum, performs all of the activities described above with respect to that portion of the stay; and if the physician is recognized as the patient's physician fully responsible for that part of the stay. If a teaching physician is not found to be the attending physician with respect to a portion of a patient's stay, he may not be reimbursed for any service provided to the patient for that portion of the stay unless it is an identifiable service that he personally rendered to the patient.

(2) Demonstration of "Attending Physician" Activities through Documentation in Patient's Chart.

Performance of the activities referred in 19-220 E. (1) (a) and (b) must be demonstrated, in part, by notes and orders in the patient's records that are either written by or countersigned by the physician. The records would also have to show that the physician personally examined the patient and determined the course of treatment to be followed. Frequent reviews of the patient's progress by the physician would be established by the appearance in the records of the physician's signed notes and/or countersignature to notes with sufficient regularity that it could be reasonably concluded that he was personally responsible for the patient's care.

Treatment procedures should be documented in the records with an indication that shows who actually performed the services. With respect to complex or dangerous medical procedures, including all major surgery, the record should show that the physician either performed the procedure or was present and ready to take over if necessary.

The medical record should include in it sufficient information on the services rendered by an "attending physician" so that when verification is necessary it is possible to determine with reasonable accuracy whether the physician was the "attending" throughout the stay or for some identifiable portion of the services or, if not the attending, should be reimbursed for personal services rendered.



19-222 General Information on Reimbursement and Billing Procedures.

A. Reimbursement.

Reimbursement to individual medical practitioners is based on Federal regulations pertaining to reasonable charges.

(5) As stated in 19-220 E (2) (b), the teaching physician may be held to be the attending physician for a portion of a patient's hospital stay. Reimbursement for the combined segments of patient care may not exceed the rate set for that physician had he/she been the attending physician for the entire service.

Interested persons may submit comments orally or in writing until 1:00 p.m., June 5, 1978, to: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Services, proposes to adopt revisions to the *Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Program (Title XIX)* to read as follows:

Section I, Subsection B (5) a.

"If the facility is in substantial compliance at the time of the surveys, the Licensing and Certification Section certifies that the facility is in compliance for an initial period of six months, with complete resurvey scheduled prior to expiration of that period. Professional medical review is to be conducted by the Office of Family Services (OFS) on the site before the end of the initial certification period to assure that patients are receiving the proper care and services.

Section I, Subsection B (6).

Facility Which Has Been Involuntarily Terminated. After the involuntary termination of a facility or nonrenewal of its agreement, the facility cannot again participate as a Medicaid provider unless: (1) The reasons for the termination or nonrenewal no longer exists, and (2) there is reasonable assurance that they will not recur. Normally, to be eligible for participation, the facility should demonstrate compliance for a sixty-day period before it will be allowed to participate. The case will be processed in the same way that an initial certification is handled except for physical plant standards, which may be the same as for existing facilities. Professional medical review must reflect that patients are receiving proper care and services before a decertified facility is allowed to again participate in the program.

Section II, Subsection H.

The facility is not to bill recipients or responsible parties for nursing care or medical services provided for in medical assistance vendor payment. The facility is responsible for arranging for services, not included in nursing home vendor payment, through other State medical assistance (Title XIX) resources such as drugs, transportation, special appliances, etc. If the service is not available under the Medical Assistance Program, the facility is responsible for arranging for the service through other resources, but is not required to assume responsibility for financial arrangements or charges for such services. At the facility's option, said facility may provide any of these services which shall be included in the cost report as allowable costs.

Section III, Subsection B.

The facility is to request payment not to exceed fifteen days per hospitalization for a recipient who is hospitalized for a temporary period or to exceed eighteen days per calendar year when a recipient is temporarily absent from the facility for a leave of absence.

Section III, Subsection G.

The facility is to order from pharmacy of recipient's choice at least a one-month supply of medications unless the attending physician specifies a smaller quantity for a special medical reason. If a one-month supply is less than one hundred unit doses, one hundred unit doses may be ordered.

Section VIII, Subsection A (1).

a. Each person having direct or indirect ownership interest of five percent or more in the facility.

b. Each owner (in whole or in part) with a five percent interest in any property, assets, mortgage, deed of trust, note or other obligation secured by the facility.

Interested persons may submit comments orally or in writing until 1:00 p.m., June 5, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, phone (504) 389-6036.

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

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Services, proposes to adopt the following amendment to policy in the vendor payment day care program.

The vendor payment made by the Office of Family Services for day care services covers the full cost of care, including transportation that may be provided by the center. Day care centers shall not charge any fees to parents of Office of Family Services vendor payment children.

If a center's monthly rate of care is less than the maximum being charged for transportation, it may be possible to adjust the vendor payment rate to cover the cost of transportation. However, in no case shall the vendor payment exceed \$92.40.

The above amendment is proposed to comply with an interpretation issued by the Department of Health, Education and Welfare issued on January 13, 1978, which said Louisiana could not receive Federal financial participation for vendor payments made to day care centers which charged parents for transportation. Payment made by the parents to the center for the cost of transportation was considered a fee for service which is not allowed in Louisiana's Title XX Comprehensive Annual Services Program Plan. Adoption of this policy change is necessary in order to avoid the loss of additional Federal funds.

Interested persons may submit written comments on this proposed policy until 4:30 p.m., June 5, 1978, to the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.

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

## NOTICE OF INTENT

### 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, proposes to adopt its State Plan for Aging for fiscal year 1978-79 funding under Titles III, IV-A, V, VII and IX of the Older Americans Act (Public Law 94-135).

The proposed plan, which will be in effect from October 1, 1978, through September 30, 1979, includes the following objectives:

#### A. Titles III, V and VII.

1. Implement a planning process that will result in a better coordinated system of service delivery to the elderly.

2. Conduct a needs analysis which will provide data on the statewide services to the elderly with emphasis on transportation needs.

3. Work with the Office of Policy Planning and Evaluation and the Office of Family Services to provide, improve and expand services to the elderly under Title XX of the Social Security Act.

4. Develop a plan to increase health services available to the elderly in Louisiana.

5. Increase the number of senior citizens receiving in-home services from 4,700 during the month of September, 1978, to 5,000 during September, 1979.

6. Evaluate and update the inter and intra-agency agreements with State agencies which make additional supportive services available to the elderly citizens in Louisiana.

7. Complete at least ten activities which will directly increase the awareness of the needs and resources of the elderly.

8. Plan for, hold, and evaluate the Fifth Annual Governor's Conference on Aging.

9. Increase the number of congregate meals served daily to elderly under Title VII and other programs from 8,000 to 10,500 with emphasis on services to low income and minority elderly.

10. Initiate upgrading of Senior Centers to meet the minimum criteria for Title V.

#### B. Title IV-A.

1. Continue to provide colleges and universities with the capacity to deliver background courses in aging.

2. Increase the capacity of the Bureau of Aging Services to provide training in critical areas.

3. Develop the capacity of the Bureau of Aging Services to provide training for minority contractors.

#### C. Title III, Model Projects.

1. Publicize the Nursing Home Ombudsman Program and strengthen its impact on quality care in nursing homes.

2. Initiate the development of legal service activities in the remaining four planning and service areas of the state.

Public hearings on the proposed plan are scheduled as follows: Shreveport, June 12, 1978; New Orleans, June 13, 1978; and Alexandria, June 14, 1978. Interested persons may mail written comments at any time through June 30, 1978, to: Bureau of Aging Services, Box 44282, Baton Rouge, Louisiana 70804. Copies of the proposed plan may be obtained by writing the above address, or by telephoning (504) 389-2171.

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

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Veterinary Medicine

The Louisiana State Board of Veterinary Medicine will conduct a public hearing on Wednesday, June 7, 1978, at 5:00 p.m. at the Sheraton Hotel, Baton Rouge, Louisiana for the purpose of open discussion, on the proposed adoption of rules and/or regulations concerning the following subjects:

1. Recordkeeping requirements of veterinarians.

2. Continuing education requirements for relicensing.

3. Public spay clinics.

4. Changes and/or additions to standards of professional conduct.

5. Professional relationships of veterinarians with pet shops, kennels, and breeders.

6. Consultation with unlicensed veterinarians.

7. Possible misuse of Schedule II drugs.

The public and all other interested parties are hereby invited to participate in this meeting.

Gary B. Beard, D.V.M., Secretary-Treasurer  
Board of Veterinary Medicine

## NOTICE OF INTENT

### Department of Public Safety Fire Prevention Board of Review

The Department of Public Safety, Fire Prevention Board of Review, proposes to adopt the following rules. Interested persons may submit written comments through June 5, 1978, to Plaque F. Villere, Jr., Legal Counsel, 500 Dufossat Street, New Orleans, Louisiana 70115.

#### Proposed Rules

##### I.

Any application to the Board of Review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information.

1. The name of the applicant.

2. A brief description of the facts.

3. A copy of the order of the Fire Marshal which is being appealed.

4. A reference to the section of the law or code being reviewed.

5. A brief description of the suggested alternatives to the requirements of the Fire Marshal or a brief description of why the applicant feels the requirement of the Fire Marshal is not within the Fire Marshal's authority or a brief description of why the interpretation of the Fire Marshal is incorrect or what specific relief is requested by the applicant.

6. A list of the individuals who will be appearing before the Board and a brief description of the testimony or information they will be providing to the Board.

7. A list of all the documents which will be introduced or provided to the Board along with a brief description of the documents, and if possible, a copy of said documents.

8. A list of each exhibit except for documents and a brief description of the exhibit.

##### II.

Whenever possible, a notice of the meeting, date and place and the agenda will be recorded in the Louisiana Register;

however, whenever that is not possible, a copy of the meeting notice including the date, time and place and agenda of the meeting of the Board will be mailed to the major newspaper in the area in which the hearing is to be held out of which the appeal arises, as well as to the following major newspapers; and to each individual who has notified the Fire Marshal of his desire to receive a notice of such an appeal.

**III.**

A copy of the determination of the Board as prepared by the Chairman will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.

Dallas Greene, Chairman  
Fire Prevention Board of Review

# POTPOURRI

**Office of the Governor  
Tax Commission**

**Sales-Appraisal Ratio Study  
Orleans Parish  
Tax Year-1978**

**Type of Property: Residential**

	<b>No. of Samples</b>	<b>Average* Assessment Ratio</b>	<b>Middle** Range</b>	<b>Coefficient of Dispersion***</b>
1st District	150	10.00%	7.29%-13.16%	29.35%
2nd District	209	10.00	8.23 -10.53	11.65
3rd District	280	11.27	9.63 -16.00	28.26
4th District	175	10.00	9.43 -12.81	23.05
5th District	205	10.05	9.13 -10.52	6.92
6th District	268	10.00	7.60 -10.53	14.65
7th District	144	10.00	8.96 -10.92	9.80

	<b>Assessments Under 9%</b>	<b>Assessments 9%-11%</b>	<b>Assessments Over 11%</b>
1st District	42.7%	20.0%	37.3%
2nd District	32.1	46.4	21.5
3rd District	17.5	29.3	53.2
4th District	22.9	47.4	29.7
5th District	23.4	65.4	11.2
6th District	34.7	40.7	24.6
7th District	26.4	48.6	25.0

**Type of Property: Land**

	<b>No. of Samples</b>	<b>Average Assessment Ratio</b>	<b>Middle Range</b>	<b>Coefficient of Dispersion</b>
1st District	29	7.81%	5.44%-11.80%	41.36%
2nd District	31	9.11	5.33 -11.49	33.81
3rd District	40	9.70	5.72 -11.36	29.07
4th District	29	8.00	4.59 -10.34	33.50
5th District	32	9.40	8.89 -11.03	11.38
6th District	20	7.12	5.69 -8.30	18.48
7th District	23	9.00	7.97 -10.18	12.28

\* Medium

\*\* The range within which one-half of the assessments fall clustered toward the medium. These values are used to compute the coefficient of dispersion.

\*\*\*Coefficient of dispersion is the most effective method of measuring the uniformity of assessments within a district or parish. It is recommended by the National Association of Tax Administrators.

	<b>Assessments Under 9%</b>	<b>Assessments 9%-11%</b>	<b>Assessments Over 11%</b>
1st District	55.2%	17.2%	27.6%
2nd District	45.1	22.6	32.3
3rd District	45.0	17.5	37.5
4th District	69.0	10.3	20.7
5th District	25.0	50.0	25.0
6th District	80.0	5.0	15.0
7th District	47.8	39.1	13.1

**Type of Property: Personal  
Average**

	<b>No. of Samples</b>	<b>Assessment Ratio</b>	<b>Middle Range</b>	<b>Coefficient of Dispersion</b>
1st District	85	14.98	14.53%-15.31%	2.60%
2nd District	39	15.00	13.56 -15.13	5.28
3rd District	60	15.00	13.76 -15.07	4.37
4th District	26	23.61	14.36 -32.34	38.08
5th District	24	15.62	15.00 -17.35	7.69
6th District	37	15.22	14.98 -16.14	3.82
7th District	28	15.06	13.31 -15.66	7.84

	<b>Assessments Under 13.5%</b>	<b>Assessments 13.5%-16.5%</b>	<b>Assessments Over 16.5%</b>
1st District	22.4	63.5	14.1
2nd District	35.9	53.8	10.3
3rd District	18.3	75.0	6.7
4th District	15.4	26.9	57.7
5th District	4.2	58.3	37.5
6th District	8.1	70.3	21.6
7th District	25.0	39.3	35.7

**Type of Property: Commercial  
Average**

	<b>No. of Samples</b>	<b>Assessment Ratio</b>	<b>Middle Range</b>	<b>Coefficient of Dispersion</b>
1st District	15	9.99%	6.41%-13.06%	33.28%
2nd District	21	13.77	9.67 -17.26	50.00
3rd District	11	9.09	5.40 -10.06	25.63
4th District	16	15.22	13.10 -23.21	33.21
5th District	13	14.65	10.08 -16.06	20.41
6th District	10	12.81	9.99 -20.50	41.03
7th District	10	12.03	9.52 -14.83	22.07

	<b>Assessments Under 13.5%</b>	<b>Assessments 13.5%-16.5%</b>	<b>Assessments Over 16.5%</b>
1st District	86.6%	6.7%	6.7%
2nd District	47.6	14.3	38.1
3rd District	81.8	18.2	0.0
4th District	31.2	37.5	31.3
5th District	30.8	53.8	15.4
6th District	50.0	20.0	30.0
7th District	60.0	30.0	10.0

C. Gordon Johnson, Chairman  
Tax Commission

**Department of Health and Human Resources  
Office of the Secretary**

According to Louisiana R.S. 28:59, I do hereby designate the hospital at Louisiana State Penitentiary at Angola as an appropriate treatment facility for those inmates found by a physician to be medically suitable for the treatment of mental illness while in the custody of the Department of Corrections.

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

**Department of Natural Resources  
Office of Conservation**

**Order No. SDS-5**

(Order approving the adoption of rules and regulations pertaining to the use of salt dome cavities or caverns for the storage of liquid and/or gaseous hydrocarbons in the Napoleonville salt dome, Assumption Parish, Louisiana.)

The Commissioner of Conservation finds as follows:

1. That the storage of liquid and/or gaseous hydrocarbons in salt dome cavities or caverns is in the public interest.
2. That the area of Napoleonville salt dome to be served by cavities around the Shell, Liquefied Petroleum Gas Well Nos. 1 and 2 sought to be used for injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use.
3. That the use of the salt dome cavities 1 and 2 for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas or other commercial mineral deposits, except salt.
4. That the proposed storage, including all surface pits and surface facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome.
5. That the liquid and/or gaseous hydrocarbons to be injected or stored in Napoleonville salt dome are deemed to be the sole property of the injector, subject to the provisions of any contracts with the affected land or mineral owners.
6. That in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which the salt dome cavity may lie, or any other person, be entitled to an right of claim in or to such liquid and/or gaseous hydrocarbons stored unless permitted by the injector.
7. That the testimony presented revealed that caverns 1 and 2 conform to the above findings and the provisions of findings 3 and 4 of Order 29-M relative to structural design and cavity integrity with the following exception: cavity 1 is less than two hundred feet from a property line.
8. That the applicant should be permitted to use additional salt dome cavities in the vicinity of cavities 1 and 2 by Supplemental Order, without the necessity of a public hearing, provided evidence of compliance with Statewide Order 29-M is submitted to and accepted by the Commissioner of Conservation.

Now, therefore, it is ordered that:

1. In view of the above findings, the application to store liquid and/or gaseous hydrocarbons in the Napoleonville salt dome is hereby approved.
2. Cavity 1 is exempted from the spacing provisions of finding 4, Section II B of Statewide Order 29-M.

3. Finding 8 is hereby approved and expressly ordered. This order shall be effective on and after May 23, 1978.

R. T. Sutton  
Commissioner of Conservation

**Department of Natural Resources  
Office of Conservation**

**Order No. SDS-4**

(Order approving the use of salt dome cavities for the storage of crude oil in the Clovelly salt dome, Lafourche Parish, Louisiana.)

The Commissioner of Conservation finds as follows:

Finding 1—That the applicant proposes to solution mine fourteen cavities in the Clovelly salt dome as a part of the onshore storage facility for the LOOP Deepwater Port, each of which cavities will have a capacity of five million barrels of crude oil, and all of which cavities shall be located entirely within that part of said dome on which applicant owns an underground oil storage lease covering the following described property in Lafourche Parish, Louisiana:

Northeast quarter and East half of Northwest quarter of Section 32, Township 18 South, Range 22 East to a depth of 3000 feet below the surface of the ground.

Finding 2—That the applicant proposes that the separation of adjacent walls of the cavities and the distances from the walls of the cavities to the boundaries of the underground oil storage lease shall be substantially in excess of the minimum distances specified in Section II of Finding 4 of Statewide Order 29-M, that the cavities will be spaced 570 feet on centers, the roofs of the cavities shall be spherical in shape, that the top of the roof shall be not less than 300 feet below the top of the salt, and that the depth of each cavity shall be approximately 1100 feet.

Finding 3—That the applicant proposes to inject crude oil into each cavity and to withdraw crude oil therefrom at a rate of 100,000 barrels per hour; that each cavity will remain full of oil and/or brine at all times, injected oil displacing brine to a brine storage reservoir and brine from the reservoir displacing oil for withdrawal of oil from a cavity.

Finding 4—That numerous wells have been drilled on top of the Clovelly salt dome and that none of the information from these wells indicates a salt overhang or a mushroom shaped top on said dome.

Finding 5—That the Clovelly salt dome is suitable and feasible for the use proposed by applicant, in that the placement, configuration, dimensions, and structural integrity of the cavities are satisfactory considering the area, volume, depth, and other physical characteristics of said dome; that the entire salt dome structure should achieve permanent structural stability in relationship to the surrounding sedimentary rock formations and consequently no measurable subsidence should be experienced on the surface of the ground; that there should be no leakage of oil from any cavity into the salt medium or surrounding ground; and that the relatively shallow top of the dome makes feasible the rates of injection and withdrawal of crude oil into and from the cavities.

Finding 6—That above the salt in the Clovelly salt dome there is a zone of anhydrite caprock varying in thickness from 57 feet to 468 feet, with an average of 268 feet, in which the porosity approaches zero; that in the casing and cementing program proposed by applicant, 48-inch casing would be cemented from approximately 25 feet into the caprock to the surface, and either 36-inch casing or 30-inch casing would be cemented from within the salt to the surface; that as a consequence, the use of cavities for storage of crude oil in the Clovelly salt dome will not contaminate

other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt.

Finding 7—That applicant proposes that oil be injected into and withdrawn from each cavity by five 30-inch wells, unless the running and cementing of 36-inch casing to the surface can be successfully accomplished as described in subsequent finding 8 for all wells serving a particular cavity, in which event such cavity shall be served by four 36-inch wells.

Finding 8—That applicant proposes that, as to each cavity, after the driving of 60-inch conductor pipe to approximately 110 feet and the running of 48-inch casing to approximately 25 feet into the caprock and cementing of the 48-inch casing to the surface, if the mud is circulating properly when the salt is reached, the hole will be advanced to at least 300 feet into the salt to which point 36-inch casing will be run and cemented to the surface; that if the cementing of the 36-inch casing as so set is unsuccessful in filling the annulus below the 48-inch casing, 30-inch casing will be run and cemented to the surface; and that if upon reaching the salt the hole is incapable of supporting a cementing of 36-inch casing from at least 300 feet below the top of the salt into the 48-inch casing, drilling will be halted after penetrating 100 feet of salt and 36-inch casing will be run to that point and cemented as high as possible, after which 30-inch casing will be run to at least 300 feet below the top of the salt and cemented to the surface.

Finding 9—That applicant proposes that the four or five wells which will serve a particular cavity will be so placed that one such well will be in the center of the cluster and the others will be on the perimeter, and that the solution mining of the cavity will be accomplished through the central well using water from surrounding surface water bodies; and that the resultant brine will be disposed of in the Gulf of Mexico through a 30-inch brine disposal pipeline and a diffuser.

Finding 10—That a surface brine storage reservoir will be constructed at a location approximately one mile south from the surface location of the Clovelly salt dome, the capacity of which will be approximately twenty-five million barrels; that the crude oil will be removed from the storage cavities by the injection of brine from said storage reservoir; but that the brine disposal pipeline shall remain in place for disposal of brine during operations in the event that operating conditions result in exceeding the capacity of the brine storage reservoir.

Finding 11—That the brine storage reservoir will be located over an impervious strata of clay and shall be constructed with a clay slurry cutoff wall in the dikes extending down into the existing clay strata so as to contain the brine within the reservoir.

Finding 12—That the applicant is a holder of a license from the United States Secretary of Transportation under the Deepwater Port Act of 1974, and that under the provisions of that act an environmental impact statement was prepared by the Secretary of Transportation which included the environmental impact of storage of crude oil in the Clovelly salt dome.

Finding 13—That the applicant is a holder of a license for offshore terminal facilities from the Louisiana Offshore Terminal Authority under Section 1301 et seq. of Title 34 of the Revised Statutes of 1950 and as such is subject to the requirements of the Environmental Protection Plan promulgated by the Louisiana Offshore Terminal Authority.

Finding 14—That the proposed storage, including the brine storage reservoir and all surface storage facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome area.

Finding 15—That the crude oil to be injected or stored in the applicant's proposed salt dome cavities should at all times be deemed to be the property of the shipper, in whose behalf, LOOP,

Incorporated injected said crude oil, subject to the provisions of any contract with the affected land or mineral owners.

Finding 16—That in no event should the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which such salt dome cavities may be, or any other person, be entitled to any right or claim in or the crude oil stored unless permitted by the shipper in whose behalf LOOP, Incorporated injected and stored such crude oil.

Finding 17—That applicant's proposals comply in all respects with the requirements of Statewide Order 29-M, with the exception of applicant's proposed casing program, reference finding 8 above; further, applicant does not propose to dispose of brine underground, but the disposal of brine in the Gulf of Mexico, reference finding 9 above, is found to be reasonable and environmentally preferable.

Finding 18—That the applicant, LOOP, Inc., shall comply with all provisions of Statewide Order 29-M except as covered by finding 17.

Now, therefore, it is ordered that:

1. The application by LOOP, Inc. to store crude oil in cavities in the Clovelly salt dome, as a part of the operation of facilities covered by its licenses, reference finding 12 and finding 13 above, is hereby approved.

2. The construction and operation of crude oil storage facilities, both in the Clovelly salt dome and on the surface thereof and in the vicinity thereof, shall be in accordance with all of the provisions of Statewide Order 29-M and applicant's proposal presented in the hearing held in this docket on December 13, 1977.

3. Applicant's casing program for the wells to serve each storage cavity in the Clovelly salt dome, reference finding 8 above, is approved as an exception to Section III B of finding 4 of Statewide Order 29-M.

4. Brine resulting from solution mining of the storage cavities in the Clovelly salt dome, except for such amount thereof which is reserved for operation of the storage facilities, shall be disposed of in accordance with finding 9 above.

5. Crude oil injected into any cavity in the Clovelly salt dome by LOOP, Inc., as operator of the deepwater port licensed by the Secretary of Transportation by license dated January 17, 1977, and of offshore terminal facilities licensed by the Louisiana Offshore Terminal Authority by license dated January 27, 1977, shall at all times be deemed the property of the shipper in whose behalf LOOP, Inc. injected said crude oil, subject only to the provisions of the underground oil storage lease dated September 1, 1976, between Exxon Corporation and Shell Oil Company, as lessors, and LOOP, Inc., as lessee, which lease is filed under Entry No. 444003 of the Conveyance Records of Lafourche Parish, Louisiana; and in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which any such salt dome cavity may lie, or any other person, be entitled to any right or claim in or to such crude oil stored unless permitted by the shipper in whose behalf LOOP, Inc. injected and stored such crude oil.

This order shall be effective as of April 1, 1978.

R. T. Sutton  
Commissioner of Conservation

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