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Executive Orders

EXECUTIVE ORDER NO. 94

WHEREAS, the State of Louisiana is committed to the improvement of higher education for its citizens; and

WHEREAS, it is essential to involve the academic community and its resources in the effort to continually upgrade the quality of higher education offered the citizen-consumers of Louisiana; and

WHEREAS, it is necessary for this purpose to increase student knowledge of and participation in the decisions which most affect them as the citizen-consumers of higher education; and

WHEREAS, carefully structured experiential learning is a recognized educational advantage; and

WHEREAS, mutual benefits to higher education and State government will accrue from a service-learning relationship;

NOW, THEREFORE, I hereby create the Louisiana Student Government Commission, to be composed of the presidents of the student government associations representing each four-year degree granting public college and university, for the purpose of collecting information and reports relative to student affairs from State agencies and institutions, publishing an official publication, and serving as an advisory board on student affairs to the Board of Regents, the L.S.U. Board of Supervisors, the Southern Board of Supervisors and the State Board of Trustees.

AND BE IT FURTHER RESOLVED, I do hereby establish a Student Internship Program to be administered by the Board of Regents. At a minimum, the program is to strive for academic excellence and faculty review of student participants' performance.

The Board shall provide stipends not to exceed three thousand dollars per semester for each intern. To assist in the administration of the program, the Louisiana Student Government Commission, with the concurrence of the Board of Regents, shall name a committee of academic deans/vice presidents or their representatives to propose criteria for the selection and placement of student interns and faculty review of their on-the-job performance; to determine in the case of each intern whether credit will be allowed, and if credit is to be allowed, to what extent. Each intern shall submit a

written report each semester to the Committee outlining the nature of his activities and their relevance to the degree he is pursuing. The Student Government Commission shall conduct a survey of State agencies periodically to determine the agencies' needs for interns and what qualifications each agency would require. The results of all surveys shall be forwarded to the Board of Regents at a time it specifies. The Board of Regents, after reviewing the results of the survey and the qualifications of interns recommended by the Committee of Academic Deans/Vice Presidents, shall determine the State agencies in which interns shall be placed. The Board of Regents, with the advice and consent of the Committee of Academic Deans/Vice Presidents, and the Louisiana Student Government Commission, shall establish criteria for the selection of interns, but once the criteria are approved, the final selection of interns shall be determined solely by the Committee of Academic Deans/Vice Presidents, provided, however, that the Committee shall not approve an intern who fails to meet the criteria. Funds appropriated for operating expenses of the Louisiana Student Government Association, as provided in Act 16 of the Regular Session of 1975, shall be used to defray expenses of the Student Government Commission and the Student Intern Program. The Division of Administration shall assign quarters to the Commission. The Louisiana Student Government Commission shall employ an Executive Director whose salary shall not exceed twelve thousand dollars per year and shall employ a secretary. The Board of Regents shall retain five thousand dollars of the funds appropriated to defray costs of administering the student intern program. The agencies receiving interns shall pay the minimum stipend of one hundred twenty-five dollars per month.

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 3rd day of December, A.D., 1975.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services, due to the amendment to R.S. 46:65 in the past legislative session, is revising policy relative to the confidentiality of information so as to conform to current State law. The revised policy provides the following:

- A. Applications for assistance, and information contained in case records of clients of the Division of Family Services of the Louisiana Health and Human Resources Administration, shall be confidential and that it shall be unlawful for any person to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of applications or client case records or the information contained therein for any purpose not directly connected with the administration of the Family Services program.
- B. Publication of lists of names of clients or applicants is prohibited.
- C. The following information shall not be subject to waiver, and shall not be released to applicants, recipients, or outside sources, except those outside sources engaged in the administration of the Family Services program:
 - (1) Records pertaining to foster care of children, investigations of abuse or neglect of children, and other child welfare services.
 - (2) Information furnished to the Division of Family Services by persons, governmental agencies, or other legal entities when such furnisher of information is subject to a confidentiality statute or regulation which prohibits release of such information to an outside source. For this provision to be applicable the limitations of the furnisher's confidentiality statute should be indicated on the material.
 - (3) Information in case records pertaining to Food Stamp Program.
 - (4) Information contained in applications for as-

sistance and case records that is furnished to law enforcement agencies or courts to aid in the prosecution of criminal offenses related to any Family Services program.

- (5) Information pertaining to adoption of children shall be strictly confidential and shall not be released to courts of competent jurisdiction in accordance with existing laws.
- (6) Information pertaining to foster care of children, reports and investigations on abuse or neglect of children, and records of other child welfare services, shall not be subject to subpoena in any judicial proceeding for legal separation, for divorce, or for custody of children incidental to a proceeding for legal separation or divorce; and in the event of the issuance of a subpoena for such information, or for any representative or employee of the Louisiana Health and Human Resources Administration to testify concerning an applicant or client in any such proceeding, the court's attention shall be called to this.
- D. Confidential information may be released to an outside source, not directly connected with the administration of Family Services programs, only upon written request of the outside source and only after written waiver by the applicant, client, or his legal representative. Governmental authorities, the courts, and law enforcement agencies shall be considered the same as any other outside source. Confidential information may be released to an applicant, client, or his legal representative, provided that the applicant, client, or legal representative will be required to complete and sign a written waiver.

Because of the change in state law and the widespread effect this change will have, the policy is being amended effective December 1, 1975, under an emergency rule. This action was taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the offices of the Louisiana Health and Human Resources Administration, Division of Family Services, 755 N. Riverside Mall, Room 201, Baton Rouge, Louisiana.

Roy E. Westerfield, Director
Division of Family Services

DECLARATION OF EMERGENCY

Louisiana Wildlife and Fisheries Commission

On November 18, 1975, the Louisiana Wildlife and Fisheries Commission adopted a resolution closing Lake Bistineau (Bossier, Webster, Claiborne Parishes) to all fish netting except minnow seines. This resolution is to be effective November 25, 1975.

The closure of Lake Bistineau to this fishing gear was considered by the Commission to be an emergency in view of the large numbers of fish being taken during the current drawdown period with the water level seven to eight feet below normal pool stage. Another reason for this action is the presence of striped bass. There were 490,000 striper fingerlings released in Bistineau in May, 1975. These fish have a considerable potential for increasing recreational fishing on the lake but are very susceptible to being taken in commercial gear.

Since the 1974 and 1975 fish population samples taken in Lake Bisteneau indicate the commercial fish poundage to be only seven to ten pounds per acre, the Commission was of the opinion no hardship would be imposed on commercial fishermen. This standing crop is to low to support a commercial fishery.

J. Burton Angelle
Director

Rules

RULES

Department of Agriculture Milk Division

(Editor's Note: The following rules were adopted on December 10, 1975, to become effective on the same date that the Federal Orders 1094 and 1096 become effective.)

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Reduction of the size of the marketing area in Production Marketing Area No. 1. The Greater Louisiana Milk Marketing Area should include all parishes in the State of Louisiana except those now contained in the

New Orleans Marketing Area and the three parishes of St. Tammany, Tangipahoa, and Washington. These conclusions can be reached on the basis of competition among handlers for the sales of packaged Class I products and for the competition of raw milk supplies among handlers that would be regulated under the proposed order and would participate in the marketwide pool.

Handlers regulated by the present Northern Louisiana Federal Milk Marketing Order operate under a marketwide pool under that Federal Order. These regulated handlers sell packaged Class I products in at least thirty-three parishes in Louisiana. These same handlers sell fifty percent or more of the Class I products in at least twenty-four Louisiana parishes. These handlers have more than half the sales in fourteen parishes in addition to all ten of the parishes now included in the Federal Order Marketing Area. Further, these same regulated handlers have more than a third of the sales in an additional four counties. Handlers in Lake Charles, Alexandria, and Lafayette compete directly with handlers in the Northern Louisiana Federal Milk Marketing Order Area. The direct competition between these groups of handlers results in Class I sales shifting from handlers regulated by Federal Order to handlers regulated only by State Order. Hence, producers may, from time to time, share in certain sales and lose these to other producers primarily due to competition among handlers. Hence, in order to have the continuous and equitable sharing, all of this area should be in the same marketing area that is regulated by a common marketwide pool.

2. Changing the pooling arrangements from an individual handler pool to a marketwide pool in Production Marketing Area No. 1. The evidence presented at the public hearing held on September 11, 1975 demonstrates the need for a marketwide pool in the proposed marketing area. Pooling of returns to producers on an individual handler basis, as presently provided for, does not permit the reserve milk supply for the market to share equitably in the Class I sales on a year-round basis; does not encourage or permit the most efficient handling of the market's milk supply; and results in different blend prices among producers supplying the market.

Almost without exception, when there is an excess supply of milk in an individual handler's plant, it is the cooperative's members who are asked by the handler to handle this extra milk. The cooperative must dispose of such milk as best it can; pay transportation and handling costs for moving the milk, and generally bear the total burden of the excess reserve supply for the market. Under individual handler pooling, when milk is moved out of a plant, such milk does not share in the returns

from the Class I sales of such handler. The associated producer provisions of the current State Order provide some degree of sharing when milk is moved out of these plants. However, such procedures are cumbersome and do not result in full equity in sharing of Class I sales in the market. Under an individual handler pool, milk dealers tend to receive only enough milk at their plants to meet immediate needs for fluid use and use in products such as cottage cheese. Milk dealers in Louisiana rely on cooperatives in varying degrees to meet their day-to-day and season-to-season fluctuation in supply needs. They arrange for the cooperative associations to supply them with milk at the time and in the quantities needed. Some milk handlers buy their full supply directly from cooperatives, while others receive some milk directly from producers and supplemental supplies from the cooperatives. In both instances, the cooperatives assume the burden of disposing of that milk which handlers do not have an immediate need for, but which represents a necessary reserve supply for the Greater Louisiana market.

One milk dealer may not need milk on a particular day, while another milk dealer may need an additional quantity on that same day. In these circumstances, the cooperative may take milk that regularly goes to the first dealer and deliver it to the second milk dealer. This is an efficient way of handling milk and tends to maximize fluid utilization on the market. Milk over and above the needs of fluid handlers must be disposed of elsewhere. Ordinarily, such disposition is made by the cooperative associations.

Under the proposed marketwide pool, the cooperatives would have the privilege of diverting extra milk to available outlets and have such milk share in the returns to producers in the marketwide pool. All producers on the market would then share at least part of the burden of the excess reserve of the market.

The existence of a marketwide pool in the New Orleans Marketing Area adjacent to the Greater Louisiana Marketing Area, with an individual handler pool, has created an unsatisfactory situation in Louisiana. Individual handler pooling causes handlers to restrict their purchases to about their plant's Class I needs so as to maintain a blend price at or near the same level as that of their competitors. This practice leaves the cooperative with little alternative but to pool the reserve milk for the Greater Louisiana Marketing Area into the New Orleans marketwide pool. The burden of maintaining the reserve milk supply for individual handler pool markets, such as Greater Louisiana, has rested on the New Orleans market. This further adds to the inequity that the regulations create among producers in Louisiana.

The Dairy Division of the United States Department of Agriculture has issued a recommended decision to extend the Northern Louisiana Area to encompass all of the State of Louisiana except the area recommended to be included in the New Orleans Federal Milk Marketing Order. The recommended decision for the Greater Louisiana Area includes a marketwide pool. If such Federal Order were to become effective for the recommended marketing area, then the provision of marketwide pooling in the Louisiana State Order would certainly make the regulations between the State and Federal government much more compatible. This is another reason why the Greater Louisiana Marketing Area should have a marketwide pool.

The foregoing precisely describes the situation in Louisiana as it relates to milk marketing in the Greater Louisiana Marketing Area and in the New Orleans market as it affects the Greater Louisiana market. Inclusion of a marketwide pool in the Greater Louisiana Marketing Area would add stability and provide needed equity among all producers supplying milk for this market. The record evidence clearly establishes the need for a marketwide pool in this area.

3. Amend the base plan as now contained in Production Marketing Area No. 1. On the basis of evidence in the record, a seasonal base excess plan should be maintained in the Greater Louisiana Milk Marketing Order. Most producers delivering to plants in this area are now operating under a base excess plan. Their production plans for making base for the coming year were established prior to the beginning of the base-forming period, which is September 1st. Certainly, it would not be proper to do away with a base excess plan without giving prior notice to producers. The base excess plan in this area should be continued in order to continue to have incentives for the production of milk during fall and winter months when Class I sales are at their highest relative to production. Such plans should be designed, as it has in the past, to discourage excess production during the spring months when production is seasonally high and Class I sales drop when schools close.

Incorporation of a base excess plan in the State Order for the Greater Louisiana Marketing Area could possibly result in some difference in the payments required of individual producers by the Federal Order marketwide pool without a base plan and the State Order pool with a base plan. Therefore, some provisions need to be made to prevent the base plan from requiring a handler to have a cost of milk higher than the use value of the utilization at this plant. This is particularly necessary whenever such added costs occurs as a result of conditions over which he had no control. For example, it is possible that a producer would have

production of excess milk sufficiently great, that the blend price required by the Federal Order would be greater than the value at the base-excess prices. In other words, the handler would have to pay a higher price under the Federal Order than required by the State Order. Under such conditions, handlers should be given a credit for any payment made as a result of the Federal Order to individual producers above the value calculated for such producers base and excess milk under this proposed State Order.

A base should be calculated for each producer who qualifies as a producer under the proposed order during the first month that this order becomes effective. Assignment of a base to each producer who so qualifies during this first month, would minimize the amount of conflict between this order and the recommended Federal Order for this same area.

A base plan should be made a part of the Greater Louisiana Marketing Order. Any time a handler is required to pay a greater value to a specific producer under the Federal Order than the value calculated as due such producer under this Order, then such handler would be given a credit for that amount in his obligations to the producer-settlement fund. If money is due such handler from the producer-settlement fund, then payments would offset such higher payment required by the Federal Order. After the first month of this Order, any dairy farmer that qualifies as a producer and had not qualified during the first month, that handler will be required to absorb any additional costs under the Federal Order by qualifying that producer under the State Order. Such costs would be borne until the end of the base operating period.

4. Add the parishes of St. Tammany, Tangipahoa, and Washington to Production Marketing Area No. 2. St. Tammany, Tangipahoa, and Washington parishes should not be included in the Greater Louisiana Marketing Area. Rather, these three parishes should be included in the New Orleans Milk Marketing Area. Competition for packaged milk sales and for the procurement of raw milk supplies strongly tie these three parishes to the New Orleans Marketing Area. The main argument of producers supplying plants in this area for having these parishes as part of the Greater Louisiana Area rather than in the New Orleans Area is that they would receive a higher blend price. First, this is not an appropriate basis for defining a marketing area, and, secondly, with the expansion of the New Orleans Federal Milk Marketing Order Area to include the large area of Mississippi, as recommended by the U.S.D.A. in a recent decision, makes it impossible to determine specifically where the higher blend price will be. The parishes of St. Tammany, Tangipahoa, and Washington should be included in the

New Orleans Milk Marketing Area because the community of competition for the sale of packaged milk is between handlers now regulated by the New Orleans Order and local handlers in these three parishes, plus two handlers from Baton Rouge, Louisiana. As indicated by one handler in the record, he competes with five handlers regulated by the New Orleans Order and two from Baton Rouge, Louisiana. One of the Baton Rouge handlers is the Borden Company, which also has a plant in New Orleans. Actual competition is with a distributor now being supplied by the Borden, Baton Rouge plant. This same distributor had previously been supplied out of the New Orleans Borden plant. The shift occurred about the time the New Orleans Federal Order price went above the State Order price. By an administrative decision of the Borden Company, this competition changed quickly and could, by similar decision, revert back to being supplied by the New Orleans handler.

The parishes of St. Tammany, Tangipahoa, and¹ Washington are a significant part of the New Orleans milkshed. Supplemental milk supplies for the local handlers in St. Tammany and Washington Parishes are obtained from the same sources that regularly supply the New Orleans handlers. Further, seasonal surplus of these same local handlers are made to the same manufacturing outlets serving the New Orleans market.

5. Conforming changes in other order provisions. In order to implement a marketwide pool, a number of conforming changes must be made in the Order. These changes involve such provisions as the definition of a pool plane, operation of Producer-Settlement Fund, payments into and out of a Producer-Settlement Fund, and calculation of marketwide blend prices and marketwide uniform base excess prices.

This decision will become effective on the same date the Federal Order 1094 and 1096 becomes effective.

Dave L. Pearce
Commissioner

RULES

Louisiana Cemetery Board

(Editor's Note: The following rules were adopted by the Louisiana Cemetery Board on November 12, 1975, to be effective on December 20, 1975.)

**Description of the Louisiana Cemetery Board
In compliance with R.S. 49:952(1)**

The Louisiana Cemetery Board was created by Act 417 of 1974 of the Louisiana Legislature. This Act now constitutes Title 8 of the Louisiana Revised Statutes, consisting of Chapters 1 through 13, both inclusive, Sections 1 through 904, both inclusive.

The Board is composed of seven members appointed by the Governor. Five of the members of the Board shall be from each Public Service Commission district existing at the time of their appointments, and two of the members shall be from the public at large. All seven members shall be residents of the State of Louisiana. The five members to be appointed from the existing Public Service Commission districts shall be selected by the Governor from lists submitted to him by the Louisiana Cemeteries Association, Inc. The two at-large members shall not have any direct or indirect interest in either the cemetery or funeral business. Appointments shall be for a four year term, except for the initial members of the Board whose terms shall be as set forth in R.S. 8:61A.

The domicile of the Board is the Parish of Orleans, where it maintains its administrative office.

The Louisiana Cemetery Board is vested with all of the powers, duties, and responsibilities contained in Title 8, Louisiana Revised Statutes. Generally, the Board enforces and administers the provisions of Title 8. In particular, the Board receives and processes applications for certificates of authority, licenses to engage in the business of a cemetery sales organization and/or a cemetery management organization, inspects and examines perpetual or endowed care funds of perpetual or endowed care cemeteries, examines the reports of merchandise trust funds, carries out the provisions of Title 8 concerning the issuance, renewal, suspension, revocation, and reinstatement of all certificates and licenses provided for therein, and performs such other functions and duties as are reasonably required in the enforcement and administration of Title 8, Louisiana Revised Statutes.

The public may obtain information or make submissions or requests by writing or otherwise contacting the secretary of the Board at its office in the City of New Orleans. The mailing address of the Board is:

Post Office Drawer 19925
New Orleans, Louisiana 70179.

Rules and Regulations

Part 1 – General Provisions

Section 1. Authority

These rules and regulations are adopted and promulgated by authority of, and in accordance with, the Louisiana Administrative Procedures Act, being Louisiana Revised Statutes, Title 49, Sections 951 through 966, both inclusive, and Act 417 of 1974 of the Louisiana Legislature, being Title 8, Chapters 1 through 13, both inclusive, Sections 1 through 904, both inclusive, of the Louisiana Revised Statutes, as they may from time to time be amended.

Section 2. Definitions

There is incorporated herein by reference all of the definitions set forth and contained in R.S. 49:951 through R.S. 49:966, both inclusive, and in Title 8, Louisiana Revised Statutes. The following words and terms, when used in these rules and regulations, shall have the following meanings unless the text hereof or the definitions contained in the above cited statutes clearly indicate otherwise.

(a) "Board" means the Louisiana Cemetery Board.

(b) "Title 8" or "Louisiana Cemetery Act" means Act 417 of 1974 of the Louisiana Legislature, being all of Title 8 of the Louisiana Revised Statutes, as the same may from time to time be amended.

(c) "Act" or "Louisiana Administrative Procedures Act" means Sections 951 through 966, both inclusive, of Title 49 of the Louisiana Revised Statutes, as the same may from time to time be amended.

(d) "Presiding officer" means the chairperson of the Louisiana Cemetery Board or a member of the Louisiana Cemetery Board appointed by him to preside over a rule-making or adjudication proceeding to be conducted by the Board.

Section 3. Officers of Board

(a) The officers of the Board shall be a chairperson, a vice-chairperson, and a secretary-treasurer. The Board may designate and elect such other officers as it shall determine. All officers shall be elected from among the members of the Board, and shall perform such duties as shall be prescribed by the Board.

(b) Officers shall be elected to serve for a period of one year or until their successors are elected. Their term