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Executive Orders

EXECUTIVE ORDER EWE-76-13

WHEREAS, the Comprehensive Employment and Training Act of 1973 (Public Law 93-203), which is commonly referred to as CETA, establishes a new decentralized Federal, State and local system of manpower programs that provide job training, employment opportunities, education, and other services for economically disadvantaged, unemployed, and underemployed persons; and,

WHEREAS, CETA requires the Governor to coordinate the manpower policy, plans, and services of the prime sponsor and the State agency, throughout the State of Louisiana and to act as the prime sponsor for planning and delivery of manpower and related services in those areas in the state not under the jurisdiction of other federally designated prime sponsors of the State; and,

WHEREAS, the term "manpower" includes training and education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are unemployed, underemployed, and economically disadvantaged; and,

WHEREAS, manpower programs provide skill training, rehabilitation, transitional employment experience, job placement and related child care, social and health services; and

WHEREAS, it is vital that State and local agencies closely coordinate their efforts in developing plans which meet the locally determined needs in recommending meaningful programs to alleviate employment problems, in reducing duplication and gaps in manpower services, and in effectively and economically utilizing State and Federal manpower funds; and,

WHEREAS, employment and training programs should be integrated with all human services to serve better the trainable segment of our society; and,

WHEREAS, the 1973 CETA law requires the State Manpower Services Council be established in accordance with the guidelines set forth in the Comprehensive Employment and Training Act of 1973 as amended, and the Secretary of Labor's rules and regulations as published in the Federal Register (Vol. 39, No. 108, Section 95.13(d)) and any subsequent regulations thereto,

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, by the Constitution and the laws of this State, do hereby order and direct the following:

1. The Governor's State Manpower Services Council is created and established consisting of not more than twenty-seven members composed of one representative of the Department of Employment Security, the Department of Education, and such other State agencies as may be subsequently determined to have a direct responsibility and function in overall manpower training and utilization within the State; organized labor; business and industry; and general public; clients; community based organizations; and each prime sponsor to constitute one-third of the Council, to be designated by the chief elected official in the prime sponsor jurisdiction. All other members, including the Chairman, shall serve at my pleasure. The Chairman shall be designated by the Governor.
2. The Council shall meet at regular intervals and at other times it deems advisable. The Department of Employment Security shall provide staff and support services.
3. The Governor's State Manpower Services Council shall advise the Governor, prime sponsors, State agencies and the public on statewide manpower policy; coordinate State agency and prime sponsor manpower plans; monitor State agency and prime sponsor manpower programs and services; prepare and submit an annual manpower report to the Governor; and carry out all other duties as prescribed in the Comprehensive Employment and Training Act of 1973, and applicable rules and regulations pertaining thereto.
4. All State agencies and prime sponsors dealing with manpower related programs shall cooperate in a coordination of planning process, identification of common goals and objectives, sharing of data, and allocation of resources toward these ends which shall be manifested in linkages with the State Manpower Services Council, other State agencies and prime sponsors.
5. All State agencies and prime sponsors dealing with manpower related programs shall support and aid the Governor's State Manpower Services Council in its manpower coordination initiatives, which shall include review of agency and

prime sponsor plans. All State agencies and prime sponsors shall provide annual plans, requests for grants, and any modifications thereto to the Governor's State Manpower Services Council for review, analysis, and comment.

6. Each State agency and prime sponsor responsible for manpower related programs shall exchange manpower program information and data among the State agencies and the CETA prime sponsors through this Council as well as coordinate and communicate with the State Council and all local manpower program advisory councils.
7. The Governor's State Manpower Services Council shall continuously monitor all manpower programs of each State agency and prime sponsor or subgrantee dealing with manpower or manpower related programs.
8. The Governor's State Manpower Services Council shall provide, upon request, technical assistance to manpower agencies and prime sponsors, whenever possible.

Be it further resolved that Executive Order No. 37 is hereby rescinded and recalled, and is null, void and of no effect.

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 16th day of August, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

Executive Order EWE-76-14

WHEREAS, the people of the State of Louisiana historically and currently have sustained, supported and encouraged the many forms of artistic expression, including the fine arts, opera, drama, dance, cinema, and music, and the allied fields in architecture and design; and

WHEREAS, this State has produced, nurtured and attracted artists and artisans of note whose talents and reputations are renowned not only regionally but also nationally and even internationally, and the art patrons

and the citizens themselves have consistently welcomed these persons, both professional and amateur, as valued members of the community; and

WHEREAS, Louisiana has vigorously participated in the National Foundation on the Arts and the Humanities Act since its enactment in 1965, through the generous and positive efforts of the member chapters of the Louisiana Council for Music and the Performing Arts, Inc., other arts councils and organizations, and numerous State and local governmental agencies; and

WHEREAS, the Legislature has fostered the State's role in this public endeavor to stimulate the arts by appropriating funds for cultural enrichment and further has recognized the statewide interest and demonstrated community participation by creating the new Department of Culture, Recreation and Tourism and specifically provided that State programs and functions relative to the arts be administered by this Department; and

WHEREAS, there is need to establish in and integrate into this Department a State arts agency for the encouragement and promotion of the arts generally and the efficient administration of the grants application for funding.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by virtue of the power and authority vested in me by the Constitution and by the laws of the State of Louisiana, do hereby create and establish the Louisiana State Arts Council and provide for the Division on the Arts in the Office of Program Development of the Department of Culture, Recreation and Tourism, said Division to perform and have responsibility for the powers, duties, and functions pursuant to USCA Title 20, Section 951 et seq relative to the National Endowment for the Arts and as provided by R.S. 25:301 through 25:306, both inclusive, and the functions of the State relative to the arts as herein stipulated.

FURTHER, the Louisiana State Arts Council shall be an agency of the State consisting of seventeen members appointed by the Governor composed of persons who have a recognized interest, experience, expertise, or knowledge in the arts or in a particular field of artistic endeavor or administration. Members shall serve a term of four years; provided that the initial members shall be appointed as follows: four members for a term of one year; four members for a term of two years; four members for a term of three years and five members for a term of four years. Provided that said members of the Council shall serve for no compensation but are authorized to receive reasonable actual and travel expenses insofar as funds are made available. The

Council shall, by majority vote of a quorum, annually elect its officers, including a chairman and a vice-chairman; provided that the first chairman shall be the president of the Louisiana Council on Music and the Performing Arts, Inc. The Council shall be domiciled in Baton Rouge, Louisiana, but is authorized to hold public meetings elsewhere in the state.

FURTHER, Louisiana State Arts Council shall receive applications for matching or other funds and requests for technical assistance, make recommendations thereon, review and approve, by majority vote of a quorum, such grant applications from local governmental units and private arts councils and other groups and report its decision to the Director and the Secretary, advise annually on the design and execution of a State plan consistent with the goals and policies of the Department as provided by Federal and State law, rules and regulations, and submit such plan to the National Endowment on the Arts.

FURTHER, the Secretary of the Department of Culture, Recreation and Tourism, upon the recommendation of the Assistant Secretary of the Office of Program Development, and upon the approval of the Louisiana State Arts Council, is hereby authorized and directed to appoint a professional Director of the Division on the Arts, and employ staff necessary and proper to effectuate this order insofar as funds are appropriated; provided that the said Assistant Secretary shall coordinate existing and future clerical personnel to include the administrative functions of the Division; and further provided that the Governor shall designate the Director provided herein, that the Division shall function in the State Art, Historical and Cultural Preservation Agency, and that grants applications shall be received and approved by the Office of the Governor until the Department is effectively operative under the provisions of Act No. 519 (House Bill No. 400 by Messrs. R. Laborde, et al) of the 1976 Regular Session of the Legislature.

FURTHER, it is directed that the Department of Culture, Recreation and Tourism is hereby designated as the sole recipient for accepting and administering any and all Federal funds awarded to and allocated to the State of Louisiana for any purpose covered by any provision of this order and for carrying out the purposes of any Federal law concerning the arts.

FURTHER, the Division on the Arts shall perform and be responsible for the State activity and programs concerning the arts which shall include, but not be limited to, the following:

1. act as the coordinating agent to assign and place State-owned arts received by it;
2. sustain and promote artistic activity in and of the State of Louisiana;
3. inform the citizens of the state of the unique creative efforts of Louisiana artists, both those who have flourished in Louisiana in the past and those who are presently active;
4. exhibit the works of outstanding Louisiana artists and craftsmen, and award prizes and medals for excellence therein;
5. publish periodically bulletins, catalogs, and other educational and informative material to stimulate interest in and appreciation of Louisiana arts;
6. propose a State plan for the arts and community-based arts development;
7. prepare and distribute materials necessary for the application and explanation of grants, administer, process, review and evaluate each such application for eligibility, qualification, form and conformity with Federal and State laws, rules and regulations, goals and policies, and advise the Council thereon; and
8. cooperate with and recommend to the Department of Education, local school boards, colleges and universities, and the Department of Employment Security programs which promote artists in school and the arts generally.

FURTHER, the Department is hereby charged to establish, through the Division, a fair and equitable distribution of funding or technical assistance or both to all areas of the arts having substantive artistic or cultural relevance to Louisiana or the United States, pursuant to R.S. 49:951 through 49:967, both inclusive.

FURTHER, it is hereby directed that the Division and the Council shall recognize the tremendous accomplishments of the State Arts Council established by Executive Order Nos. 9 and 80 and the Louisiana Council on Music and the Performing Arts, Inc., its chapters, and committee chairmen and shall continue the programs fostered thereby, and shall expand and shall further assist to develop, stimulate and promote artistic expression of merit and excellence throughout the state.

FURTHER, it is directed that under the transfer of functions provided for by this order, any pending or

unfinished business of the Council established by Executive Order Nos. 9 and 80 shall be taken over and be completed by the Secretary with the same power and authority as the agencies from which the functions are transferred. The Secretary shall be the successor in every way to said Council from which such functions are transferred, and every act done in the exercise of such functions by the Secretary shall be deemed to have the same force and effect under any provisions of the Constitution and laws in effect on the effective date of this order as if done by the agency from which such functions are transferred.

It is hereby specifically provided that all such obligations hereafter shall be deemed to be the obligations of the Department to the same extent as if originally made by its officers. In like manner, and in order to prevent any violation of the provisions, terms or conditions of any gift, donation, deed, will, trust or other instrument or disposition by which property of any nature or description has been vested in any agency affected by this merger, consolidation and transfer, or diversion from the purposes for which such property was donated, deeded, devised or bequeathed or otherwise vested in any such agency, it is hereby specifically provided that each and every instrument or disposition hereafter shall be deemed to have been vested in the Secretary in the same manner and to the same extent as if originally done so. In addition, the provisions of this order shall not be construed or applied in such a way as to prevent full compliance by the State or any agency thereof with the requirements or any Act of the Congress of the United States or any regulations made thereunder by any officer or agency of the Federal government by which Federal aid or other Federal assistance from the United States has been or is hereafter made available to this state or any subdivision or agency thereof, anything contained in this order to the contrary notwithstanding, and such compliance hereafter shall be accomplished by the Secretary.

FURTHER, it is directed that all books, papers, records, money, choses in action and other property heretofore possessed, controlled, or used by the Council in the exercise of functions hereby transferred are hereby transferred to the Division of Arts.

FURTHER, it is hereby ordered that Executive Order Nos. 9 and 80, issued on August 1, 1972, and February 27, 1975, respectively, are rescinded and for all intents and purposes shall be considered null, void, and with no effect.

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 7th day of September A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency rules were adopted on August 26, 1976, by the State Board of Elementary and Secondary Education as an immediate response for clarification in the area of teacher certification in view of the beginning school term.

(a) Rule 3.01.70.v (9)

An amendment to Bulletin 746, 1971 edition, as follows:

Page 1, Paragraph 1, Line 3: Insert "at an approved institution" between the words "program" and "appear."

Page 1, Paragraph 1, Line 14: Delete word "approved," and change word "an" to "a."

Line 15: Delete word "program" and insert the following: "institution which has been approved by the State Board of Elementary and Secondary Education."

Page 1, Paragraph 2, Line 1: Delete "the degree" and insert "certification."

Page 2, Paragraph 1, Line 2: Delete in its entirety the sentence beginning with "An approved," and insert the following: "An approved teacher education institution is one that offers teacher education programs which are submitted to the State Board of Elementary and Secondary Education for approval at

five-year intervals. These programs include general education requirements, professional education requirements, and subject matter discipline requirements.”

(b) Rule 3.01.70.v (10)

An amendment to Bulletin 746, 1971 edition, as follows:

Page 7, under “Additional Authorization on a Certificate” should read: “Additional authorization should be requested by letter and must be substantiated by an official transcript from a regionally-accredited institution.”

(The following emergency rules were adopted on August 26, 1976, by the State Board of Elementary and Secondary Education in order that Federal funds will not be jeopardized.)

(a) Rule 5.01.32.a

Approval of the revised Bulletin 1196, Policies of Operations Bulletin, School Food Service Program.

(b) Rule 3.05.00 Special Services

(c) Rule 3.05.01

Adoption of amended 1977 Annual Migrant Project Application.

Earl Ingram
Director

DECLARATION OF EMERGENCY

**Health and Human Resources Administration
Division of Human Services
Bureau of Aging Services**

The Louisiana Health and Human Resources Administration, Division of Human Services, has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to place into effect on September 1, 1976, a revised formula for the distribution of funds under Titles III and VII of the Older Americans Act. Federal regulations, Administration on Aging, Program Issue 76-30, dated June 29, 1976, require that the funds available be obligated by the State prior to September

30, 1976. If the funds are lost, it will have a negative impact on the health and welfare of the older citizens of Louisiana.

Funds under Title III of the Older Americans Act have been allocated to each of the eight planning districts based on the percentage of the state’s population sixty years of age and older and the percentage of the state’s population sixty years of age and older who are below the poverty level and reside in the District. With the passage of the 1975 amendments to the Older Americans Act, the Conference Committee of the House and Senate and the Administration on Aging have stressed the need to provide services to the elderly residing in rural areas on a priority basis. Considering this, we have revised the formula used to allocate funds to include the percentage of the state’s population sixty years of age and older, and the percentage of the state’s population sixty years of age and older who are below the poverty level, and the percentage of land area included in the district. The specific formula previously used is as follows:

$$\frac{\begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \end{array} + \begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \text{ below} \\ \text{poverty} \end{array}}{2} = \text{Percentage of total} \\ \text{funds a district receives}$$

The revised formula is as follows:

$$\frac{\begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \end{array} + \begin{array}{c} \text{Percentage} \\ \text{of popu-} \\ \text{lation over} \\ 60 \text{ below} \\ \text{poverty} \end{array}}{3} + \begin{array}{c} \text{Percentage} \\ \text{State land} \\ \text{areas} \end{array} = \text{Percent-} \\ \text{age of} \\ \text{total} \\ \text{funds a} \\ \text{district} \\ \text{receives}$$

Information on this change has been provided to the district agencies (Area Agencies on Aging) which would be affected by this change. All districts are in agreement with the proposed formula except District I—New Orleans. The impact on New Orleans is that the percentage of funds allocated would be slightly decreased due to the concentration of persons in a smaller land area. The role of the Area Agency on Aging is to pool and mobilize resources. There are limited resources and/or lack of resources in the rural areas. The need to better meet the needs of the rural elderly, at least on a proportionate basis has led us to the revised formula.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Health and Human Resources Administration Division of Management

The Louisiana Health and Human Resources Administration has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on October 1, 1976, certain amendments to Louisiana's Comprehensive Annual Services Program Plan, including a Federally required increase in the median family income used in the computation of Title XX benefits. The controlling Federal regulations were promulgated in the Federal Register Vol. 40, No. 125, page 27,361, June 27, 1975, and Vol. 40, No. 239, page 57,705, Dec. 11, 1975. The Title XX median annual income has been increased from \$11,430 to \$12,600. This will result in a new monthly income eligibility level for a family of four of \$493. If this adjustment is not made, Louisiana will be out of compliance with Federal regulations and subject to losing approximately \$40 million in Title XX funds during fiscal year 1976-77. About one million Louisiana residents who are eligible for services under this program would be adversely affected.

Other amendments to the Plan are:

1. Inclusion of room and/or board as a component of the service definition to allow for reimbursement under Title XX when room and/or board is an integral but subordinate part of a service. Services to be amended include health related, family counseling, educational and training, employment, home management, recreational, and protective.
2. Inclusion of cost of food for home delivered and/or congregate meals to allow service providers the option of having contracts, which may include the cost of food.
3. Inclusion of all the services (as defined in the State Plan) as protective services provided without regard to income for protection of eligible children and adults from emotional or physical harm. Services include: adoption, day care for adults, day care for children, education and training, employment, family counseling, family planning, foster care, health related, home delivered and/or congregate meals, home management, homemaker and chore, housing improvement, information and referral, maternity, recreational and transportation.
4. Inclusion of the revised definition of family to allow for greater flexibility in establishing methods of eligibility determination. Family means the basis

family unit consisting of one or more adults and children, if any, related by blood, marriage, or adoption and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each may be considered a separate family. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons may be considered one-person families.

5. Amend component No. 5 under Education and Training to read: School social work services to eligibles when not otherwise available without cost, providing individual and group therapy, liaison services to parents, school administration, and other agencies, identification of social problems, etc. This is to allow for clarification of services delivered.
6. Amend component No. 5 under Health Related Services to read: Arrangement for provision of hospital and/or home sitter services. This is to allow eligible persons to receive the necessary health services in their own homes.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Licensing Board for Contractors

(Editor's Note: The following rules were adopted by the Louisiana State Licensing Board of Contractors on September 8, 1976, to become effective September 20, 1976.)

The annual fee for renewal of licenses shall be \$100.00 for any one major classification or subdivision thereof and \$50.00 will be charged for each specialty, additional major classification or subdivision thereof. In addition, there will be a \$25.00 charge for each examination and a \$25.00 charge for a structural change.

Emery L. Villar
Executive Director

RULES

Board of Elementary and Secondary Education

The following rules were duly advertised for consideration, and, after the appropriate waiting period, acted upon favorably by the Board at the regularly scheduled meeting of August 26, 1976.

(a) Rule 4.02.01

Adoption of Title VI Plan for 1977, Part I and Part II.

Earl Ingram
Director

RULES

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services (DFS) has adopted revised eligibility criteria for day care services for children provided through vendor payment.

The revised policy for day care eligibility shall be as follows:

To provide day care as a preventive measure when the child's family is unable to provide adequate care and supervision. This shall include only the following case situations.

1. Protective care situations in which a certified protective service case is active with a child protection center or DFS protective service unit, or there are indications of borderline neglect.
2. A parent or caretaker because of mental or physical illness or mental retardation is unable to care for child and no other caretaker is available or willing to provide care and supervision.
3. A referral recommending day care services is received from another agency such as Mental Health, Parish Health Unit (EPSDT Program), hospital, or physician because of developmental, emotional, or behavioral difficulties observed in the child; or these difficulties are observed by

the DFS service worker and a service plan is developed in cooperation with an agency such as the above.

This revision does not affect present policy which makes provision of day care services available to AFDC recipients engaged in a work or training program and to Title XX eligible parent or caretaker who is employed.

Those persons adversely affected by this revised eligibility criteria have been provided timely notice of the intended action.

William H. Stewart, M.D.
Commissioner

RULES

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services has adopted the following revised pharmaceutical services program to meet the proposed budget appropriation of \$30.4 million. Even though the program has been redesigned, nearly all of the more essential prescription needs of the eligible recipient will be provided for.

All legend drugs will be provided except the following therapeutic classifications:

1. Anorexics, such as amphetamines.
2. Multiple ingredient anti-anemia preparations. (Ferrous Sulfate, Ferrous Gluconate, Folic Acid and injectable Vitamin B₁₂, will be payable).
3. Cough and cold preparations.
4. Certain gastro-intestinal drugs such as antacids and digestants.
5. Minor tranquilizers, such as Valium, Librium, and Meproamate.
6. Vitamins or vitamin containing products. (B₁₂ injection, Folic Acid, D, K, and Nicotinic Acid are payable).
7. Enzymes and the following miscellaneous drugs:

Alidase
Ananase

Kutapressin
My-B-Den