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Executive Orders

EXECUTIVE ORDER EWE-77-9 (Not Published)

EXECUTIVE ORDER EWE-77-10

WHEREAS, there has been long-standing recognition of the fact that there are numerous subjects upon which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; and

WHEREAS, the chairman of the first committee on uniformity for state legislation of the American Bar Association in 1889, was an illustrious New Orleans attorney; and

WHEREAS, the State commission for the promotion of uniformity of legislation was created in Louisiana in 1902 and the State of Louisiana since that time, has continuously been represented in the National Conference of Commissioners of Uniform State Laws contributing each year to the support of that conference under its interstate compact programs; and

WHEREAS, it is of continuing importance to the citizens of this state that Louisiana participate in the National Conference of Commissioners on Uniform State Laws and actively examine the subjects upon which uniformity of legislation is desirable.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of authority vested in me as Governor of the State of Louisiana, do hereby establish the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, which Board shall exercise the functions, perform the duties and discharge the obligations hereinafter set forth:

I. The Board shall examine the subjects upon which uniformity of legislation in the various states and territories of the union is desirable, but which are outside the jurisdiction of the Congress of the United States.

II. The Board shall consider and draft uniform laws to be submitted for the approval and adoption by the several states.

III. The Board generally shall devise and recommend such other and further courses of action as shall accomplish uniformity of legislation.

IV. The Board shall confer upon these matters with the Commissioners appointed by other states and territories for the same purposes.

V. The Board shall keep a record of its transactions and shall make a report of its actions and recommendations to the Governor and to the Legislature.

VI. The Board shall be composed of five attorneys and/or members of the Judiciary in the State of Louisiana, to serve at the pleasure of the Governor and without compensation for their services.

Pursuant hereto, I do hereby appoint DeVan D. Daggett, Ben R. Miller, Robert G. Pugh, Wex Malone, and Judge Adrian Duplantier as commissioners of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States and to represent the State of Louisiana on the National Conference of Commissioners on Uniform State Laws.

I further declare that this executive order shall supercede Executive Order EWE-76-9.

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 26th day of July, A.D. 1977.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-77-11

WHEREAS, the Congress of the United States has amended the Federal Property and Administrative Services Act of 1949 by Public Law 94-519, enacted October 17, 1976, which said statute is enumerated in the Federal Property Management Regulations by Amendment H to transfer to the states, Federal surplus personal property selected by a state for distribution through donation within the state to any public agency for use in carrying out or promoting for the residents of a given political area, one or more public purposes, such as conservation, economic development, education, parks, recreation, public health, and public safety, or to nonprofit educational or public health institutions or organizations, and for other purposes; and

WHEREAS, Part 101-44 (Title 41, CFR Part 101-44), Donation of Personal Property, has been revised and reissued to conform to the provisions of Public Law 94-519; and

WHEREAS, the General Services Administration of the Executive Branch of the United States government has replaced the Health, Education and Welfare Department as the Federal agency which shall allocate such property among the states in a fair and equitable basis pursuant to criteria based on need and utilization; and

WHEREAS, a temporary plan of operations must be submitted to the General Services Administrator for approval in order for the State to qualify for administration of the program under Public Law 94-519.

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 the State, hereby change the name of the "Louisiana Surplus Property Agency" to "Louisiana Federal Property Assistance Agency" so as to identify this new plan of operations and the new Federal personal property program to the eligible donees.

FURTHER, I ORDER, this agency to be responsible for carrying out the provisions of the plan of operations as approved by the General Services Administrator. This agency shall be in the executive branch in the Office of the Governor, the Division of Administration, with the director reporting to the Commissioner of Administration.

FURTHERMORE, the director of the Louisiana Federal Property Assistance Agency, Office of the Governor, shall have and exercise all the functions, powers, duties, authority, and responsibilities enumerated in the new plan of operations, approved by the General Services Administrator, as are and may be necessary to carry out the program in compliance with State and Federal laws and regulations.

In compliance with the provisions of Public Law 94-519, this Executive Order shall become effective on October 17, 1977.

FURTHERMORE, Executive Order EWE-77-9 issued on July 1, 1977, A.D. is hereby rescinded in its entirety.

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 1st day of August, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency policy was adopted by the Board at its regular meeting on July 28, 1977, in response to repeated suggestions from the local educational authorities and the Department of Education in order to extend secondary certification to include the sixth grade level but only in departmentalized situations.

Rule 3.01.52d

Teachers certified at the secondary level who are teaching in a departmentalized situation shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the present and/or proposed policies relative to teaching two hours per day out of the field of certification by virtue of completion of twelve hours in a field.

Earl Ingram, 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 adopted a policy lowering the age for mandatory work registration of Aid to Families with Dependent Children (AFDC) clients who do not meet specific exemption criteria to sixteen years.

Because the revised policy may affect the eligibility of some current recipients, it has been effected immediately.

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

15-781 Who Shall be Required to Register for Work at Employment Security (ES)

- A. All applicants and recipients, age sixteen and over, must register for employment as a condition of eligibility for an AFDC payment unless exempt for one of the following reasons:
- (1) The person, age sixteen through twenty, who is enrolled as a full-time student or has been accepted for enrollment as a full-time student for the next school term. School attendance is defined in 15-704.1 A. and verification is as stated in 15-704.1 B. and C.
 - (2) The person is incapacitated, either permanently or temporarily, and for that reason is prevented from entry into employment. When the incapacity is temporary, local office controls shall be set up to register the person when he is no longer incapacitated.
Incapacity shall be verified and the verification recorded in the case record by the

assistance payments worker. The verification of incapacity may be by worker observation, medical reports, or Form 90. If Form 90 must be obtained to verify incapacity and the local office needs State Office assistance in making a decision, submit Form 90 to Medical Review Team (MRT) as stated in policy 15-766. For authorization of a medical examination and completion of Form 90, issue Form 146 using Code 01. If the Medical Section cannot make a decision unless special tests are made, such tests will be approved by the Medical Section. Complete Form 146 using Code 02 for special tests.

A doctor's statement that the client is incapacitated, shall not be accepted when the local office has evidence which is not in agreement with the statement. In those instances, all pertinent medical and social information shall be sent to State Office for a MRT decision. Specify on Form 90-X or a cover memorandum the reason for the submittal.

If a person claims an incapacity which has to be verified, the person can be included or retained in the certification while incapacity is being verified.

- (3) The person is age sixty-five or older.
- (4) The person is providing caretaker services on a substantially continuous basis to another member of the household who has special medical problems. The need for this person to be a caretaker must be established as well as the condition of the person with the special medical problem.

The presence of the person as a caretaker is required when the medical condition of the ill household member does not permit self-care and there is no exempt person in the household to give the required care. It is the responsibility of the client or the ill person to provide verification of care needed. This verification shall be recorded in the case record. Persons exempted as "needed in the home" shall register for employment when no longer needed in the caretaker role.

- (5) The person is a mother or other caretaker relative of a child under age six or a woman for whom a term of at least four months of pregnancy has expired. The length of pregnancy shall be verified in writing by a licensed physician or medical agency. Persons eligible for exemptions under this paragraph shall be informed that they can

volunteer to register. If the decision is made to register, child care plans shall be discussed, when applicable, and if employed, child care services offered through the social services unit explained.

When there are two or more mothers or caretaker relatives of children under age six in the home, only one such mother or caretaker can be exempt for that reason. The mothers or caretaker relatives shall decide which one will be exempt.

- (6) The person has what is considered full-time employment for his occupation with earnings in excess of work expenses. A thirty-hour work week is considered full-time.

School employees who work nine months and who meet the criteria specified in the above paragraph are exempt from registration. Full-time seasonal workers are exempt from registration if their employment will last at least sixty days after the certification or redetermination and earnings exceed work expenses. When the seasonal work is over, the client no longer meets our exemption criteria.

When a person works less than thirty hours weekly, and less than thirty hours is what is usually worked in the community, and he receives wages usually paid in the community, such person is exempt from registration under this reason.

Work expenses in this exemption refers to the standard deduction, transportation and child care as specified in policy 15-836 B.

- (7) The person lives more than thirty miles (too remote) from the nearest Employment Security office or one itinerant point used by ES or has no transportation available to enable him to register.

All persons sixteen and over who do not meet any of the above exemption requirements must register for work at Employment Security. Since work registration is a condition of eligibility, it is essential that the Assistance Payments (AP) worker determine if any health problems of potential registrants would result in an illness or incapacitation. If the client is over twenty and is enrolled in any type of training at the time of his required registration, the fact of such enrollment does not make the person exempt from work registration, unless he has two years or less of school attendance or training (including college) to complete his curriculum. Work registration is not an eligibility requirement when

two years or less of school attendance or training remains. See 15-790—When Preparation for Suitable Occupation by AFDC Parent(s) is Considered Equivalent to Employment.

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Services, has adopted a revised Standard of Need for Aid to Families with Dependent Children (AFDC), which takes into consideration cost of living increases in urban and nonurban areas which have occurred since the last adjustment in 1969.

Because we were advised by the Department of Health, Education and Welfare that the Need Standard must be taken into consideration in determining the eligibility of AFDC applicants, who have earned income, the policy has been effected immediately.

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

AFDC Need Standard

Size of Household	Nonurban	*Urban
1	\$ 93.00	\$100.00
2	177.00	196.00
3	247.00	271.00
4	309.00	335.00
5	366.00	393.00
6	418.00	445.00
7	471.00	497.00
8	523.00	549.00
9	574.00	600.00
10	622.00	648.00
11	675.00	702.00
12	706.00	730.00
13	758.00	779.00
14	794.00	814.00
15	821.00	841.00
16	877.00	904.00
17	924.00	939.00
18	971.00	992.00
	For each additional person in household, add \$43.00 to the standard	For each additional person in household, add \$48.00 to the standard

*Urban areas include: Orleans, Jefferson, East Baton Rouge and St. Bernard.

The above recommendations are presented to comply with the provisions of Act No. 540 of the 1976 session of the State Legislature. The actual payment levels in AFDC are determined by the size of the respective appropriation, and bears no direct relationship to the need standard.

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

DECLARATION OF EMERGENCY

Department of Transportation and Development

The Louisiana Department of Transportation and Development exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1977, the following rules regarding special permit procedures for movement of oversize and overweight vehicles on the State highway system. These emergency rules will allow for orderly transition from the Louisiana State Police to the Department of Transportation and Development those permit functions required by Act 113 of the Louisiana Legislature of 1977, which became effective upon signature of the Governor on June 22, 1977.

Rule No. 1

An oversize special permit shall not be required for the operation of any vehicle, or combination of vehicles, transporting forest products in their natural state whose overall length, including any load thereon, is seventy-five feet or less and provided also that any load on said vehicle(s) shall not extend more than fifteen feet past the rear and maintains a clearance of two feet above the pavement structure.

Rule No. 2

Oversize special permits shall be issued by the Department of Transportation and Development without charge to all Federal, State and local governmental agencies, except government-owned utility companies. Such permits may be issued for a period not to exceed six months.

Rule No. 3

Overweight special permits shall not be issued without charge by the Department to Federal, State and local governmental agencies. Federal, State and local governmental agencies are required to obtain overweight special permits as required by R.S. 32:387. Federal, State and local governmental agencies are not required to post a

surety bond with the Department in order to purchase special permits on a credit basis.

George A. Fischer, Secretary
 Department of Transportation
 and Development

Rules

RULES

Department of Culture, Recreation and Tourism Office of the State Museum

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the Department of Culture, Recreation and Tourism has adopted the following policy for use of the museum facilities for functions not sponsored by the Louisiana State Museum.

Request for usage of the Louisiana State Museum facilities will be entertained from:

A. Nonprofit organizations whose purposes are simi-

lar to the educational and historical museum purposes of the Louisiana State Museum.

B. Requests from official governmental agencies.

Request from eligible nonprofit corporations and governmental agencies will be considered only for functions numbering less than five hundred and only during the Museum's nonpublic hours.

The Museum Director is authorized to approve usage of the buildings in the policy established above. Requests for usage will be submitted to the Board's Buildings and Grounds Committee that do not clearly come within the policy and the Committee will make a recommendation to the Board for final action.

Procedures:

1. All eligible requests must be submitted at least two months prior to the anticipated function on forms supplied by the Louisiana State Museum.

2. Requests not clearly within the above policy will be submitted to the Buildings and Grounds Committee, which will make a recommendation to the Board for final action.

3. A base charge will be established to cover costs of security, custodial, and utility services required for the function. The Museum may, at its discretion, establish added charges based on the nature of the function.

RENTAL CHARGES

Presbytere

	No Refreshments	*With Refreshments
9:00 a.m. - 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations	\$ 50.00	\$ 65.00
After 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations (Minimum based on 1st hour of usage)		
1 - 200 guests	100.00	115.00
201 - 250 guests	115.00	130.00
251 - 300 guests	130.00	145.00
301 - 350 guests	145.00	160.00
351 - 400 guests	160.00	175.00
Each additional ½ hour	50.00	50.00
Receptions	1st floor only	2nd floor
1 - 200 guests	150.00	200.00
201 - 350 guests	200.00	250.00
351 - 500 guests	250.00	300.00
Each additional ½ hour	75.00	50.00

*The Museum does not provide catering service. Host organizations must make arrangements with caterer of their choice.

Cabildo

In addition to the rates above, an additional fee of \$300.00 will be charged for additional costs involved in preparation and post cleaning, relaying carpets, replacing exhibition material. If the Museum is required to be closed to the public during normal public hours prior to, during, or after the function, a charge of \$50.00 per hour will be charged to compensate for loss of revenue.

Sandra S. Thompson, Secretary
Department of Culture,
Recreation, and Tourism

RULES

Board of Elementary and Secondary Education

Rule 4.03.01

(This policy should be substituted for Fiscal Year 77 State Plan presently in effect.)

The Board adopted the Five Year State Plan for Vocational Technical Education as amended.

Rule 4.02.01

(This policy should be substituted for Fiscal Year 76-77 Title VI Plan presently in effect.)

The Board approved the Amended Annual Program Plan for Special Education Fiscal Year 78 as amended. The Board adopted these policies on July 14, 1977, to become effective on August 20, 1977. The Department of the State Register, in accordance with R.S. 49:954-1C, has exercised its privilege to omit from the Louisiana Register the text of the rules. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULE

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

The Department of Health and Human Resources, Office of Family Services, has adopted revised minimum standards for the licensure of maternity homes.

Copies of the Minimum Requirements for the Licensure of Maternity Homes may be obtained without cost at the following address: Office of Family Services, Planning and Policy Formulation, 755 Riverside Mall, Baton Rouge, Louisiana 70804.

**Minimum Requirements for the Licensure
of Maternity Homes**

Introduction

The licensing authority of the Department of Health

and Human Resources, Office of Family Services is established by Act 367 of 1957 as amended (R.S. 46:1401-11), making mandatory the licensing of all child placing agencies, maternity homes, child caring institutions, day care centers caring for ten or more children, and family boarding homes providing care to seven or more children.

The Office of Family Services in fulfilling its responsibility under this statute has adopted Minimum Requirements for the Licensure of Maternity Homes. A maternity home is defined in Act 367 of 1957 as amended, as "any place in which any person, society, agency, corporation, or facility receives, treats or cares for within a period of six months, more than one illegitimately pregnant woman, either before, during or within two weeks after childbirth. The provisions of this definition shall not include women who receive maternity care in the home of a relative within the sixth degree of kindred computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental." This definition is presumed not to include foster family homes used by agencies in lieu of group care. These foster family homes would come under regulations governing child placing agencies.

The original application for a license is made on a form provided by the Office of Family Services. A license will be issued for a period of one year unless there is mutual agreement between the Office and the maternity home that it be for a greater or lesser period.

A social services consultant of the Office's staff will prepare a comprehensive study of the home's program, measuring performance in relation to requirements and offering recommendations and suggestions in indicated areas. This report will be made available to the facility for review of facts prior to submission to the Assistant Secretary of the Office of Family Services for a decision on the license. A home has the right to appeal through the court, as provided in the Act, if its license is denied or revoked.

The licensing report is held confidential by the Office but must be released to persons or courts upon request.

A maternity home which is operated in conjunction with other programs subject to license, such as child