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Executive Orders

SUPPLEMENT TO EXECUTIVE ORDER EWE-77-12

Executive Order EWE-77-12 which creates the Natural Gas Advisory Commission is hereby supplemented so as to increase its membership from eleven members to fifteen members by adding the following four additional members:

1. Mr. Gilbert J. Sevier, Jr.
312 Pere Marquette Building,
New Orleans, Louisiana 70112
2. Senator Oswald Decuir
Box 1466, New Iberia, Louisiana 70560
3. Mr. Miller D. Dial
Box 468, Donaldsonville, Louisiana 70346
4. Representative Raymond J. Laborde
310 North Main Street, Marksville, Louisiana 71351

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 17th day of November, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-20

WHEREAS, the people of Louisiana require State government to plan and operate effectively for the economic future of Louisiana; and

WHEREAS, the present planning, development, and implementation of economic development goals and strategies are lacking in comprehensive coordination; and

WHEREAS, the Governor's Office of Federal Affairs and Special Projects is charged with the development of a planning process for statewide economic development for the State of Louisiana; and

WHEREAS, the coordination of public and private interests on a statewide level is essential to assist the Governor in carrying out his responsibility as chief executive; and

WHEREAS, the economic development strategies of the immediate future will necessitate interagency and intergovernmental coordination and cooperation on projects impacting economic development.

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by the authority vested in me by the Constitution and the laws of the State, do hereby create and establish, in the Office of the Governor, the State Economic Development Advisory Council (SEDAC), as an agency of the State and a public body.

SEDAC shall be an interagency body with the responsibility of recommending to the Governor innovative and improved methods to coordinate statewide governmental policies and programs which impact directly or indirectly the State's economy and its growth; of advising on the nature, level, and quality of governmental services; and of submitting proposed management processes and proposed legislation for the increased economical and efficient operation of government and for the development and stimulation of the economy of Louisiana.

The Council shall be composed of twenty-three members as follows:

1. The Executive Secretary to the Governor, who shall be ex officio chairman;

2. the Lieutenant Governor, who shall be ex officio vice chairman;

3. the Director of the Governor's Office of Federal Affairs and Special Projects;

4. the Commissioner of Agriculture;

5. the Superintendent of Education for Public Elementary and Secondary Education;

6. the Secretaries of the Department of Commerce; the Department of Corrections; the Department of Culture, Recreation and Tourism; the Department of Health and Human Resources; the Department of Labor; the Department of Natural Resources; the Department of Revenue and Taxation; the Department of Transportation and Development; the Department of Urban and Community Affairs; the Department of Wildlife and Fisheries; and

7. a representative, selected as herein provided, of each of the eight economic planning and development districts of the state as established by R.S. 33:140.62.

A State official or secretary may designate an officer from his respective department to attend a particular meeting of the Council as his proxy, provided the member notifies the Chairman in advance of such proxy. A proxy shall have full voting privileges. Each economic planning and development district shall be represented on the Council by either its president or executive director as determined by its board of directors; the other officer shall serve as proxy for the district. The district member shall also notify the Chairman of his proxy.

At any time the Council is called to vote upon any motion to resolve an issue, a policy, or a report or recommendation, each elected official and departmental secretary shall have one vote and the eight district representatives shall have one vote only. The district representatives shall determine in advance the person by whom and the manner in which the shared vote shall be cast; the district representatives shall so inform the Chairman. The Chairman shall vote only in the event of a tie vote.

The Council shall meet at least four times annually on a regular schedule agreed upon by the Council, and on call of the Chairman at any other times for special meetings.

The Council shall be responsible for and be authorized to perform the following functions:

1. Provide interagency and intergovernmental coordination of the planning, development, and formulation of comprehensive economic development goals, their objectives and the strategies to achieve these, for use by the Governor and the Legislature as well as by local governmental officials;

2. Propose an annual agenda for the State on the strengthening of the economy for the Governor's use;

3. Submit recommendations on matters of economic development, its planning and its implementation from the State level to the district (sub-state) level;

4. Develop and review alternative policy options;

5. Develop and review methods to maximize the coordination of the resources, personnel, and capabilities of the respective departments, their offices and agencies for the most effective strengthening of the State's development;

6. Make recommendations to integrate the coordinated State growth and development plans, policies, and programs into the executive operating and capital budgets; and

7. Provide interagency and intergovernmental coordination for the continued improvement and implementation of present policies, plans and programs, mandated by law or directed by executive order and policy memorandum, which have or may have significant impact on economic development.

The Governor's Office of Federal Affairs and Special Projects, through the Economic Development Division, shall

provide the following to the Council, as directed by the Chairman:

1. Issue papers and alternatives for the annual agenda of State economic growth and development;
2. Analysis and issuance of papers on Federal and State legislative proposals;
3. Analysis and recommendations for the integration of economic growth and development policies into the executive budgets and policy statements;
4. Recommend actions for state economic growth and development policy for multi-agency coordination on economic growth and development issues, for the procedure for the integration of State economic growth and development policies and programs with Federal and local policies and programs, and for assurance of public participation in the formulation of State growth and development policies and programs;
5. Service to the Council in developing, researching, and preparing of studies pertinent to economic development and the impact of State governmental plans, policies or programs; and,
6. The review of governmental plans, policies and programs with the Council of Economic Advisors to identify conflicting goals and objectives.

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 29th day of November, A.D. 1977.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, will adopt effective January 1, 1978, revisions to the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II so that the Medicaid payment to these facilities shall include the following care items: (a) any form of disposable pads or diaper service, (b) irrigation trays, drainage bags and tubing, and (c) sheepskins.

The nursing facility shall no longer be able to charge Medicaid recipients and/or their families for these items.

The nursing homes shall be responsible for providing, for Medicaid recipients as part of the vendor payment, laxatives (any one type of the following): (a) milk of magnesia, (b) mineral oil, (c) cascara, (d) glycerin suppositories.

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

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 effective November 1, 1977, policy that permits only incurred expenses for the following types of necessary medical or remedial care and services to be deducted from the medically needy applicant's excess income.

1. Inpatient hospital services, including mental and tuberculosis hospitals.
2. Outpatient hospital services.
3. Laboratory and X-ray services.
4. Diagnostic and treatment components of EPSDT program for under age twenty-one including dental services and eyeglasses. State Office approval for dental services under age twenty-one is not necessary for spend-down, but is required for the Office of Family Services (OFS) to participate on spend-down date.
5. Family planning services and supplies for individuals of childbearing age (such services covered under physician and pharmacy services).
6. Licensed physician services, including injections, but OFS will not participate in payment for therapeutic injections on spend-down date.
7. Chiropractic services.
8. Optometrists' services for cataract glasses only and for eye examinations for glasses and purchase of glasses for individuals under age twenty-one.
9. Home health services.
10. Licensed medical clinic services, including mental health centers, alcoholism clinics.
11. Licensed skilled nursing facilities.
12. Licensed intermediate care facilities, including institutions for mentally retarded.
13. Prescription drugs, but OFS will participate only in payment for covered legend drugs, i.e., those drugs that can only be purchased with a prescription, with certain exceptions.
14. Durable medical equipment, including artificial limbs, eyes, braces, hearing aids, wheelchairs, hospital beds, lifts, commodes, walkers. OFS State Office approval is not necessary for spend-down, but is required for OFS to participate on spend-down date.
15. Rehabilitation center services—OFS State Office approval is not necessary for spend-down but is required for OFS to participate on spend-down date.

This action shall be taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside, Baton Rouge, Louisiana 70804.

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

DECLARATION OF EMERGENCY

Department of Natural Resources

The Secretary of the Department of Natural Resources has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to formulate the following policies of the State and the Department with regard to development through mineral leases of State-owned properties and related rules necessary for the implementation of said policies, all effective November 18, 1977:

Whereas, the national energy program is currently in a state of uncertainty and the national policy with respect to

offshore leasing of minerals in the Federal domain is and has been uncertain for a considerable length of time and,

Whereas, oil and gas is in increasing demand and the supplies thereof are dwindling and corresponding increased attention to the leasing of State-owned minerals is essential for the orderly development of the State's natural resources and for the public welfare, and,

Whereas, it is essential that all of those in the petroleum industry that are interested in the development of minerals on State properties be informed as to what policy considerations will be followed by the State setting forth the conditions whereby leases will be granted and,

Whereas, R.S. 36:354(2) (b) directs the Secretary of the Department of Natural Resources to review all proposals for lease of State lands to determine if same meet current policies of the State and the Department with regard to development of such property and resources and,

Whereas, there are now pending and anticipated future applications to the State requesting it to offer for mineral lease various State properties in accordance with prevailing statutes and,

Whereas, the prudent husbanding of remaining supplies of oil and gas is essential and the orderly development vital to the citizens of this State,

Now therefore, the Secretary of the Department of Natural Resources formulates and adopts the following policies and rules designed to stabilize the energy policies of the State of Louisiana and promote the orderly and proper development with respect to the citizens of the State and the oil and gas industry and, in particular, in the leasing of State-owned minerals.

I. Upon receipt of a proposal for the leasing or use by other contractual means of State properties for exploration, production, and maintenance of oil and gas or other minerals, the Secretary shall review and evaluate such proposal in any manner that he should deem proper and sufficient including but not limited to an inspection of such property and all geophysical and geological surveys and/or any other evaluations in order to determine whether or not said property meets substantially with the following standards and considerations, which are determined as being the policy of the State and Department:

A. Such properties should be in the vicinity of existing intrastate pipeline facilities or applicant should provide information as to future availability and economic feasibility of such intrastate facilities.

B. Properties adjacent to the offshore three mile line as presently determined shall not be considered for leasing except in exceptional instances.

C. The size of the property shall be considered and after evaluation the size 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. Properties that are suspect of being drained by other existing wells will be given favorable consideration.

E. 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.

F. Applicants are encouraged to submit properties for leasing of heretofore undeveloped areas.

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

H. Properties submitted that are within fields or areas previously dedicated to presently existing gas contracts

calling for minimum prices or interstate delivery will not be submitted for lease bids except upon a formal release of such obligation.

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

II. 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.

III. Upon completion of the evaluation the Secretary will direct the Office of Mineral Resources to implement his findings with respect thereto and shall advise the State Mineral Board through its chairman, whether the property meets the policies of the State and Department and should therefore be placed for lease by the Mineral Board or whether or not on the other hand the property does not meet the policies of the State and Department and should therefore not be placed for lease.

William C. Huls, Secretary
Department of Natural Resources

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission at its last regular public meeting, November 15, 1977, exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to place into effect a change in the raccoon hunting and trapping seasons on Russell Sage Wildlife Management Area (Ouachita Parish). This action was taken to assist in equalizing the hunting and trapping pressure on the area. The total number of days were not changed but the dates were.

New dates for raccoon hunting and trapping as set by the Commission are:

1. Trapping: December 16-January 15, 1978, and February 16-February 28, 1978. Permit—Monroe District Office.

2. Hunting: December 1-December 15, 1977, and January 16-February 15, 1978. Permit—Monroe District Office.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Structural Pest Control Commission

The Louisiana Department of Agriculture, Structural Pest Control Commission, has adopted a policy as follows establishing criteria to be followed between the licensed operator at the branch office and the routeman, who is a registered employee:

1. All supplies are distributed through the branch office.

2. All employees draw their pay from the main office or branch office and Social Security and withholding taxes

are deducted and maintained at the main office or branch office.

3. All billing must be through the main office or branch office.

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

5. All records concerning accounts serviced shall be current at the home and/or branch office, and all routes shall originate from the home and/or branch office a minimum of three out of each five working days or weekly.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

Department of Commerce Office of Financial Institutions

Direct lease-financing transactions are valid and proper activities that Louisiana State banks may engage in, in their course of business under the following:

1. A Louisiana State bank may become the owner and lessor of personal and real property upon the specific request of and for the use of a lessee-customer.

2. The leasing agreement is to serve as the functional equivalent of an extension of credit to the lessee while preserving to the banks such lessor's rights as are contained in the lease.

3. The lease must provide for definite monthly payments, the total of which, together with a reasonable "residual", will return to the lessor bank its full investment in the property, its cost of financing and a reasonable profit.

4. The lease must be on a nonoperating basis whereby the lessee assumes all expenses of maintaining the property.

5. The term of the lease shall in no event exceed ten years.

6. The total investment by a bank for the benefit of any customer engaged in a lease-financing transaction shall at no time exceed ten percent of the capital and surplus of such bank.

7. The total investment by a bank in leasing shall not exceed three percent of total assets.

8. The Commissioner may at any time inspect and review any and all lease-financing transactions engaged in by State banks in Louisiana

Kenneth E. Pickering
Commissioner of Financial Institutions

RULE

Board of Elementary and Secondary Education

Rule 3.01.51c

Revision to Bulletin 741, Standards for School Approval of Special Schools, page 112 paragraph 1 as follows:

"Special schools, as used in the context of these standards, shall refer specifically to any special education program which serves primarily those exceptionalities identified on page 122 of this document and whose organizational structure is approved by the State Board of Elementary and Secondary Education. Further, such organizational structure shall exist apart from the regular school environment."

Rule 3.01.51d

Revision to Bulletin 741, Standards for School Ap-

proval of Alternative Schools, page 107, with the following addition: "Special education programs as defined on page 112 are not eligible for alternative school approval."

Bro. Felician Fourrier, S.C., Acting Director
Board of Elementary and Secondary Education

RULES

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 revised Minimum Standards for Licensure of Child Caring Agencies. The standards shall be effective January 1, 1978.

Minimum Standards for Licensure of Child Caring Agencies Introduction

Licensing Authority: The State of Louisiana, Department of Health and Human Resources, Office of Family Services, is charged with the responsibility for developing and publishing standards for the licensing of child caring agencies. Compliance with these standards shall be mandatory in all child caring agencies in order to qualify for licensure or annual renewal of license. These standards represent current practices which are considered necessary to promote healthy child development and to insure suitable care for those children whose needs cannot be met in their own families and who can benefit from group living. While requirements are minimum, it is hoped that the agencies will be encouraged to exceed the minimum in order to provide the best care possible.

The licensing authority of the Office of Family Services is established by R.S. 46:1401-1411 (Act 367 of 1956 and amended by Act 152 of 1962 and Act 241 of 1968) making mandatory the licensing of all child welfare agencies. A child caring agency is defined as "any institution, society, agency, corporation, or facility operating for the primary purpose of providing full-time care for children outside their own homes." The Act does not apply to agencies primarily serving mentally retarded children. The Act provides a penalty for a child caring agency, subject to license, which operates without being licensed. The penalty for operation without a license is a fine "of not less than \$25 nor more than \$200 for each day of operation without a license." (R.S. 46:1405)

According to law (R.S. 46:1410), it shall be the duty of the Office of Family Services, "through its duly authorized agents, to inspect at regular intervals, without previous notice, all child caring agencies as defined in R.S. 46:1401." The staff of the Office of Family Services who license and relicense child caring agencies shall hold a Master of Social Work (MSW) degree.

Licensing Procedure: The original application for a license is made on a form provided by the Office of Family Services. The application form shall be submitted after completion to the State of Louisiana, Department of Health and Human Resources, Office of Family Services, Box 44065, Baton Rouge, Louisiana 70804. After receipt of the application, the Office of Family Services' regional licensing worker will visit the child caring agency and make a licensing study. There is no charge for the licensing service.

Child caring agencies must also meet the requirements of other offices and departments, such as health, fire, and zoning regulations, where applicable.

The licensing worker's study will be referred to the child caring agency administrator for review in order to eliminate any inaccuracies. The study is then submitted to the Assistant Secretary, Office of Family Services, for review and decision. When it is determined that the child caring agency