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Executive Orders

EXECUTIVE ORDER EWE-77-4

WHEREAS, Executive Order No. 33, issued on April 16, 1973, directs the Interdepartmental Health Policy Commission to establish a Committee on Statewide Planning for Nursing; and

WHEREAS, the Committee on Statewide Planning for Nursing has met insurmountable difficulties in attempting to fulfill its purposes stated in Executive Order No. 33; and

WHEREAS, these difficulties have been the result of funding and budgetary problems outside the control of the Committee; and

WHEREAS, it has become apparent to the members of the Committee on Statewide Planning for Nursing that the Committee is unable to complete adequately the study for which it was created; and

WHEREAS, the Board of Regents will soon perform some of the same functions as the Committee on Statewide Planning for Nursing pursuant to a Federal grant for comprehensive educational planning for nursing and allied health professions; and

WHEREAS, the members of the Committee have requested that the Committee be released from its charge.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, hereby rescind Executive Order No. 33, issued on April 16, 1973.

FURTHERMORE, I hereby direct the State Office of Comprehensive Health Planning to transfer to the Board of Regents all materials and studies the Committee has begun or completed in order to aid the Board of Regents in pursuing the work which the Committee has begun, and to discharge the Committee on Statewide Planning for Nursing.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to have the Great Seal of the State of Louisiana affixed. Done and signed at the Capitol in the City of Baton Rouge on this 2nd day of February, 1977.

EDWIN EDWARDS
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for Colleges and Universities

At its meeting on January 28, 1977, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Extension Beyond Age Sixty-five for Non-classified Personnel

1. The policy of retirement at age sixty-five shall be retained with the option of requesting, on a year by year basis, an extension of service for not more than three years when the applicant shall reach the age of sixty-eight. The applying faculty member shall submit the request for extension of employment by September 30 of the fiscal year in which he/she becomes eligible.
2. Each college or university shall form a Faculty Review Committee composed of five members:
 - a. The current Student Government Association President shall appoint a senior level student from within the appropriate department;
 - b. The faculty shall elect annually from within its ranks seven members. Three of these seven faculty will serve on the Review Committee. In order to arrive at the three committee members, the applying faculty member and the college or university administration will, on a rotating basis, each withdraw two of the seven elected faculty members; and
 - c. The President of the college or university shall appoint one member of the Review Committee who shall serve as chairman.

The Committee shall be charged with the responsibility of interviewing the applicant, recording testimony from any interested faculty or student of the college or university, or any person called upon to testify before the Committee, and of securing all required application forms including records from two physicians attesting to the mental and physical fitness of the applicant. The Chairman of the Committee shall write the Committee report and forward this to the college or university President.

3. The President shall receive all information from the Review Committee and shall make his recom-

mendation for approval or disapproval and forward all information to the Board of Trustees for State Colleges and Universities for its action.

Policy on Extension Beyond Age Sixty-five for Board Staff

1. The Executive Director of the Board Staff shall make recommendation to the full Board for staff extension of service beyond age sixty-five.

This emergency rule is necessary so that those nonclassified personnel who are eligible for extension beyond age sixty-five will be afforded the opportunity to take advantage of the new policy.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VIII, Section 6 of the 1974 Louisiana Constitution.

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

DECLARATION OF EMERGENCY

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

The Louisiana Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective December 1, 1975, rate adjustments for Skilled Nursing Facilities, Intermediate Care Facilities I and Intermediate Care Facilities II. The new rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$608.00	\$521.00	\$426.00
Daily	\$ 20.00	\$ 17.12	\$ 14.01

Notice of this change has been mailed to the nursing home administrators.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to approve the following restricted extension of the 1976-77 trapping season:

WHEREAS, the trapping season on all furbearers in Louisiana for 1976-77 as set by the Louisiana Wildlife and Fisheries Commission ends on February 28, 1977; and

WHEREAS, an overpopulation of muskrat and nutria is evident on the Christian Tract, Vermilion Parish, bounded on the East by McIlhenny Canal, on the North by Belle Isle Bayou, on the West by Belle Isle Island, and on the South by Cross Canal, located in T 15 S, R 2 E.; and

WHEREAS, additional time to trap this section is needed to prevent habitat destruction brought about by the eating, nest building and burrowing habits of these animals; and

WHEREAS, this section of prime "three-cornered grass" habitat, if destroyed by overpopulation, would require ten to fifteen years of ecological secession before returning to production, cutting the annual income of ten to fifteen families and affecting the overall economy of the fur industry;

NOW THEREFORE, be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby extend the trapping season fifteen days beyond February 28, 1977, on the Christian Tract, Vermilion Parish, bounded on the East by McIlhenny Canal, on the North by Belle Isle Bayou, on the West by Belle Isle Island, and on the South by Cross Canal, located in T 15 S, R 2 E.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture
Bureau of Entomology and Plant Industry
Structural Pest Control Commission

(Editor's Note: The following standard contract form, as required in R.S. 40:1269A and Regulation No. 9 of the Structural Pest Control Regulations, was adopted by the Louisiana Pest Control Operator's Association and the Structural Pest Control Commission on January 28, 1977.)

Standard Contract for Treatment of Wood-Destroying Organisms

This contract made this _____ day of _____

_____, 19____, at _____, Louisiana, by and

between _____,

licensed under the Louisiana Structural Pest Control

Law, herein represented by _____,

hereunto duly authorized, hereinafter called the "con-

tractor," and _____

(name of building owner or agent)

who declares himself to be the owner or agent of the

property named, and hereinafter called the "owner."

For and in consideration of the price and sum of

(\$ _____)

dollars, to be paid by the owner as follows: _____

_____, the contractor agrees to service the

property located at _____

for control of _____,

only, for a period of two years under the following

terms and conditions:

1. Should a reinfestation occur in any portion of the building covered by the contract, the contractor agrees to treat such infested portions within thirty days of discovery of such reinfestation without additional charge to the owner.

2. The contractor agrees to exercise care in applying the treatment in order to avoid damage to shrubs or vegetation, but under no circumstances or conditions shall the contractor be responsible for damage to shrubs or vegetation involved in this job, or stains or discoloration to any part of the structure, except those resulting from gross negligence on the part of the contractor.

3. Reticulitermes—Subterranean Termites

A. Pier Construction: The contractor shall be responsible only for new damage to visible portions of the foundations, sills, joists, plates and sub-floor where active subterranean termite infestation is discovered six months or more after completion of initial treatment.

B. Slab Construction: Due to extreme hazards encountered in existing slab construction and the possibilities of hidden infestation, the contractor cannot be held responsible for any damage to the structure or its contents caused by subterranean termite activity.

4. Coptotermes—Formosan Termites

The termite contractor cannot be held responsible for any damage to the structure or its contents caused by Formosan termite activity. When soil treatment fails to control the Formosan termites, it is then necessary to fumigate the building or to remove the necessary walls, ceilings, etc., in order to find and destroy existing nests. In this situation, the owner of the building will be responsible for the added cost of the additional work.

A. Exception: Preventative treatment of pier-type construction paragraph 3A shall apply.

5. Drywood Termites, Powderpost Beetles, Old House Borers, Carpenter Ants, Carpenter Bees and Other Wood-Destroying Insects and Fungi

Due to the nonresidual nature of fumigants, and the fact that a liquid treatment would only be a spot treatment, there is no guarantee against present or future damage caused by drywood termites, powderpost beetles, old house borers, carpenter ants, carpenter bees, and other wood-destroying insects and fungi to the building.

6. The owner warrants full cooperation with the contractor during the life of this contract, and agrees to maintain the area treated free from any factor contributing to infestation, such as wood, trash, lumber, or direct wood-soil contact in the area treated, and agrees not to make any alterations or additions to the structure without notifying the contractor prior to alterations, and agrees to eliminate faulty plumbing, leaks, and dampness from drains, condensation, or leaks from the roof or otherwise into, onto, or under said area treated. At no time will damage caused to any portion of the structure, even by active termites infestation, be the responsibility of the termite contractor in areas where any of the conditions described in this paragraph exist.

Using first class materials, the contractor will commence work _____ and pursue same in a thorough and workmanlike manner under proper and adequate supervision, and complete the work without delay. No fences, garages, or other out-buildings at above address are included in this agreement unless specified in writing in this contract.

No replacements, alterations, or repairs, other than those specified herein, shall be made by the contractor.

The contractor agrees to _____

The owner agrees to indemnify and hold contractor harmless against any and all damages and expenses, including court costs and reasonable attorney's fees, incurred or arising from any claim against the contractor, for damage to the structure or its contents except as provided for under paragraph 3A of this contract.

No cause for action or claim for damages shall be filed in a court of law until an inspection of the property has been made by an inspector of the Louisiana Structural Pest Control Commission to verify the fact that the damage has been caused by the wood-destroying organisms specified in this contract and there is evidence of gross negligence by the contractor in the original treatment or retreatment of said property.

This contract may continue in force on an annual basis after the expiration, at the option of both parties, for the sum of (\$ _____) to be negotiated at the time of the renewal.

Date

Owner/Agent for Owner Lessee

By: _____
Contractor

Consumer's Right to Cancel

If this agreement was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you sign this agreement. The notice must be mailed to _____

If you cancel, the seller must return all of your cash down payment.

Richard Carlton, State Entomologist
Bureau of Entomology and Plant Industry

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 January 27, 1977.

Rule 3.01.70u(5)

Certification requirements for speech education as follows:

A minimum of 30 semester hours to include: Fundamentals of public speaking—three semester hours, Debate—three semester hours, Oral interpretation—three semester hours, Broadcasting—three semester hours, Theatre—three semester hours, Directing—three semester hours, Production—three semester hours.

Requirements to be in effect for incoming freshmen in summer 1978.

Rule 3.01.70u(6)

Certification requirements for parish special education supervisors as follows:

The applicant must hold a valid Type A Louisiana teaching certificate.

The applicant must have had five years of successful

professional school experience, in both regular and special education; three years in special education must have been during the five year period immediately preceding appointment to the supervisory position.

The applicant must hold a master's degree from an accredited institution including twelve semester hours of professional education at the graduate level, nine hours of which shall include courses in supervision, curriculum, and instruction, and three hours in school administration.

The applicant must hold generic certification in Special Education and/or certification in two areas of exceptionality.

These academic requirements are to be met within and not more than a three year period (experiential waiver not acceptable).

Individuals presently serving in this capacity must meet requirements by February 20, 1980, and individuals hired between February 20, 1977, and February 20, 1980, must meet requirements when employed.

Rule 3.01.70p(1)

Revision to Bulletin 746(Revised 1971), page 25, certification requirements for special education teachers.

Deletion of Basic Requirements, parts "d" and "e" which read:

- d. Art for Children—three semester hours
- e. Crafts for Children—three semester hours

Addition of part "d" to read:

- d. Elective—six semester hours
Prescribed by the attending university in an academic area directly related to special education.

Rule 3.01.70u(7)

Certification requirements for persons with demonstrated records of achievement in the arts as follows:

1. There must be a written request indicating that the person will be employed once the certification is granted.
2. There must be substantive evidence of artistic and/or creative accomplishment over an extended period of time.
3. There must be some evidence of substantial professional recognition.
4. The person holding such certification is not eligible for tenure.
5. Ancillary certification for artists must be renewed either annually or at time of reemployment.

Rule 6.00.13 Substitute teaching allowed by retired teacher.

Adoption of Act 619, Regular Session 1976, as policy for teachers in the retirement systems in the vocational-technical schools and special education schools under the Board's jurisdiction.

Rule 3.01.50

Adoption of Bulletin 741, Handbook for School Administrators, Part II, Revised 1977.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Commission on Fire Fighting Personnel Standards and Education

Requirements for Becoming Commission Certified

Fire Apparatus Drivers/Operators

Chapter 1 – Administration

1-1 Scope.

This standard identifies the professional levels of competence required of the Fire Apparatus Driver/Operator.

It specifically covers the requirements for drivers and driver/operators of fire department pumpers, aerial ladder apparatus, and elevating platform apparatus.

1-2 Purpose.

The purpose of this standard is to specify, in terms of performance objectives, the minimum requirements of professional competence required for service as a Fire Apparatus Driver/Operator. (It is not the intent of this standard to restrict any jurisdiction from exceeding these minimum standards. Evaluation of actual driving exercise is dependent on the jurisdiction having authority and is variable to the type of apparatus and geographical area.)

This standard shall cover the requirements for drivers; driver/operators of fire department pumpers, aerial ladder apparatus, and elevating platform apparatus; and tiller operators.

1-3 General.

1-3.1 All fire fighters who drive fire department vehicles or apparatus shall meet the objectives specified in Chapter 2 of this standard.

1-3.2 The fire fighter shall meet all the requirements of Chapters 1, 2, and 3 of this standard before being certified as a Fire Apparatus Driver/Operator.

1-3.3 The fire fighter shall also meet the requirements of Fire Fighter II as specified by the Commission before being certified as a Fire Apparatus Driver/Operator.

1-3.4 The fire apparatus driver/operator who is required to operate an apparatus equipped with an aerial ladder shall also meet the requirements of Chapter 4 of this standard.

1-3.5 The fire apparatus driver/operator who is required to operate the tiller shall also meet the requirements of Chapter 5 of this standard.

1-3.6 The fire apparatus driver/operator who is required to operate an apparatus equipped with an elevating platform shall also meet the requirements of Chapter 6 of this standard.

1-3.7 Each of the performance objectives for the fire apparatus driver/operator shall meet the following criteria: It shall be performed swiftly, safely, and with competence. Each objective shall be met in its entirety.

1-3.8 It is not required for the objectives to be mastered in the order they appear. The city, parish, regional, or State training program shall establish the instructional priority. The training program content to prepare individuals to meet the performance objectives of this standard shall meet or exceed that approved by the Commission.

1-3.9 Performance of objectives for qualification covered by this standard shall be evaluated and verified by two Commission certified fire instructors.

1-4 Definitions

1-4.1 Aerial Ladder Apparatus: A piece of fire apparatus with a permanently mounted, power operated aerial ladder.

1-4.2 Demonstrate: To show by actual use, illustration, simulation, or explanation.

1-4.3 Elevating Platform Apparatus: A piece of fire apparatus with permanently mounted, power operated booms of articulating construction; or telescoping construction; or a combination of articulating and telescoping construction; and with a passenger carrying platform attached to the uppermost boom.

1-4.4 Fire Apparatus: The emergency vehicles of the fire department or fire brigade used for fire suppression which, in this standard, includes fire department pumpers, aerial ladder apparatus, and elevating platform apparatus.

1-4.5 Fire Apparatus Driver/Operator (A): The Fire Fighter II who has demonstrated the knowledge of, and

the ability to perform the objectives specified in Chapters 1, 2, and 3, of this standard.

1-4.6 Fire Brigade: The organization that provides fire rescue and fire suppression services, and may provide fire prevention services to nongovernmental agencies.

1-4.7 Fire Department: The organization that provides fire rescue, fire suppression, and fire prevention services to governmental or nongovernmental agencies.

1-4.8 Fire Department Pumper: A piece of fire apparatus with a permanently mounted fire pump with a rated discharge capacity of five hundred gallons per minute or greater.

1-4.9 Fire Department Vehicle: Any motorized vehicle that is assigned to the fire department.

1-4.10 Fire Fighter II: The member of a fire department or a fire brigade who has fulfilled the requirements of Fire Fighter II, as specified by the Commission.

1-4.11 Fire Pump: Any pump mounted permanently on a piece of fire apparatus, with a rated discharge capacity of five hundred gallons per minute or greater.

1-4.12 Identify: To physically select, indicate, or explain verbally or in writing, using standard terms recognized by the Fire Service.

1-4.13 Objective: A goal that is achieved through the attainment of a skill, knowledge, or both, which can be observed or measured.

1-4.14 Qualified: Having satisfactorily completed the requirements of the objectives.

1-4.15 Safely: To perform the objective without injury to self or to others, or damage to fire department vehicles and equipment.

1-4.16 Swiftly: The time, as determined by the authority having jurisdiction, that it takes a qualified fire apparatus driver/operator to perform the objective satisfactorily.

1-4.17 Tiller Aerial Ladder Apparatus: A tractor-trailer aerial ladder apparatus with a steering wheel connected to the third axle for maneuvering the rear portion of the apparatus.

1-4.18 With Competence: Possessing knowledge, skills, and judgment needed to perform indicated objectives satisfactorily.

1-4.19 Commission: Commission on Fire Fighting Personnel Standards and Education.

1-4.20 Fire Apparatus Driver/Operator (B): The Fire Fighter II who has demonstrated the knowledge of, and the ability to perform the objectives specified in Chapters 1, 2, 3, and 4 of this standard.

1-4.21 Fire Apparatus Driver/Operator (C): The Fire Fighter II who has demonstrated the knowledge of, and the ability to perform the objectives specified in Chapters 1, 2, 3, and 5 of this standard.

1-4.22 Fire Apparatus Driver/Operator (D): The Fire Fighter II who has demonstrated the knowledge of, and the ability to perform the objectives specified in Chapters 1, 2, 3, and 6 of this standard.

Chapter II—All Fire Department Vehicles

2-1 Preventive Maintenance.

2-1.1 The fire apparatus driver/operator shall demonstrate the performance of routine tests, inspections, and servicing functions required to assure the operational status of fire department vehicles, including: (a) battery check, (b) braking system, (c) coolant system, (d) electrical system, (e) fueling, (f) lubrication, (g) oil levels, (h) tire care, and (i) tools, appliances, and equipment.

2-1.2 The fire apparatus driver/operator shall demonstrate the recording and reporting, as specified by the authority having jurisdiction, of all servicing functions.

2-2 Driving/Operating.

2-2.1 The fire apparatus driver/operator shall be legally licensed to drive fire department vehicles, except during instructional periods.

2-2.2 The fire apparatus driver/operator shall be subject to periodic medical evaluation, as specified by the authority having jurisdiction, to determine physical ability adequate for performance of duties as an operator of fire department vehicles.

2-2.3 The fire apparatus driver/operator shall demonstrate, in writing, the correct performance of addition, subtraction, multiplication, and division problems as specified by the authority having jurisdiction.

2-2.4 The fire apparatus driver/operator shall identify all State and local laws, including rules and regulations governing the safe driving and operation of all fire department vehicles of the authority having jurisdiction, including fire department vehicles on emergency response.

2-2.5 The fire apparatus driver/operator, given a fire department vehicle, shall identify all gages and demonstrate their usage.

2-2.6 The fire apparatus driver/operator, given a fire department vehicle shall demonstrate the following driving tests: (a) serpentine, (b) alley dock, (c) opposite alley pull in, (d) diminishing clearance, (e) straight line, and (f) turn around.

2-2.7 The fire apparatus driver/operator shall identify and demonstrate the theory and principles of defensive driving techniques particularly as related to emergency response driving.

2-2.8 The fire apparatus driver/operator shall identify emergency response conditions and explain proper procedures for each, shall legally and safely drive, position, and operate assigned fire department vehicle of the authority having jurisdiction.

2-3 Driving/Operating, Emergency Vehicles.

2-3.1 The fire apparatus driver/operator who is assigned to drive/operate any fire department emergency vehicle shall also meet the requirements of Sections 2-1 and 2-2.

2-3.2 The fire apparatus driver/operator shall identify all State and local laws, including rules and regulations governing the safe driving and operation of all fire department vehicles of the authority having jurisdiction, on emergency response.

2-3.3 The fire apparatus driver/operator shall identify and demonstrate the theory and principles of defensive driving techniques related to emergency response driving.

2-3.4 The fire apparatus driver/operator, under emergency response conditions, shall demonstrate the legal and safe driving, positioning, and operating of assigned fire department vehicles of the authority having jurisdiction.

Chapter III—Apparatus Equipped with a Fire Pump

3-1 General

3-1.1 The fire apparatus driver/operator shall demonstrate the performance of routine tests, inspections, and servicing functions required to assure the operational status of fire department pumpers, including: (a) battery check, (b) booster tank level (if applicable), (c) braking system, (d) coolant system, (e) electrical system, (f) fueling, (g) lubrication, (h) oil levels, (i) pump, (j) tire care, and (k) tools, appliances, and equipment.

3-1.2 The fire apparatus driver/operator shall identify the operating principles of single stage and multiple stage centrifugal fire pumps.

3-1.3 The fire apparatus driver/operator, given pump models or diagrams, shall identify the major components and trace the flow of water through single stage and multiple stage centrifugal pumps.

3-1.4 The fire apparatus driver/operator shall identify the percentages of rated capacity, rated pressures, and the capacity in gallons per minute at the rated pressures a fire department pumper is designed to deliver.

3-1.5 The fire apparatus driver/operator, given a fire department pumper and the necessary equipment, shall demonstrate an annual pumper service test.

3-1.6 The fire apparatus driver/operator shall identify the following conditions that may result in pump damage or unsafe operation, and identify corrective measures such as: (a) cavitation, (b) leaking fuel, oil, or water, (c) over-heating, (d) unusual noises, (e) vibrations, and (f) water hammer.

3-1.7 The fire apparatus driver/operator, given a fire department pumper, shall demonstrate the following driving tests: (a) serpentine, (b) alley dock, (c) opposite