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# Executive Orders

## EXECUTIVE ORDER EWE-77-12

WHEREAS, governmental regulation at the Federal level and fixing of artificially low prices on natural gas have caused a rapid and premature depletion of Louisiana's reserves of natural gas and have failed to encourage greater additional exploration and production thereof; and

WHEREAS, Federal controls which fixed and restricted price increases, as otherwise stipulated in existing sale contracts, have had a pronounced and detrimental effect upon the economy of Louisiana and have resulted in Louisiana's natural gas being sold, both intrastate and interstate, at inordinately low prices; and

WHEREAS, the State of Louisiana is suffering curtailment and pending curtailment of the necessary and critical supply and delivery of natural gas in Louisiana; and

WHEREAS, the vital interest and general welfare of the people of Louisiana are in jeopardy, with respect to the present and future needs of Louisiana for access to its natural gas; and

WHEREAS, the depletion and exhaustion of Louisiana's natural gas can have a serious and detrimental effect upon the economy of Louisiana and its people; and

WHEREAS, the Constitution of Louisiana in Article IX, Section 2 (A) declares that natural gas is affected with a public interest; and

WHEREAS, proposals have been advanced in the Congress of the United States and in Federal regulatory agencies which will have a profound effect upon the exploration, production, and sale of Louisiana's natural gas; and

WHEREAS, other regions of the country have not exerted reasonable efforts to utilize the energy resources of this nation (including the exploration and production of additional natural gas) resulting in an energy crisis and the imposition of undue economic burdens upon Louisiana and its people; and

WHEREAS, the efforts of the State to fully address the energy problem and the depletion of its natural gas reserves can be greatly aided by the ability to proceed quickly on the basis of complete, accurate information and facts; and

WHEREAS, the exploration, production, and sale of natural gas, both intrastate and interstate, are deserving of study in order to develop facts and recommendations for action to protect the vital interest and general welfare of the people of Louisiana; and

WHEREAS, the Governor, the legislators, and the people of Louisiana should be made aware of the serious

and critical emergency facing the State with respect to the exploration, production, sale, and price of its great depletable natural gas supply.

NOW, THEREFORE, I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of Louisiana by the Constitution and laws of this State, do hereby create and establish the Natural Gas Advisory Commission.

The Commission shall consist of eleven members appointed by the Governor as follows: Senator Claude B. Duval, P. O. Box 3017, Houma, Louisiana 70361, who shall be Commission Chairman; Senator Charles C. Barham, P. O. Box 220, Ruston, Louisiana 71270; Mr. Mark H. Bonner, Jr., 10725 Airline Hwy., Baton Rouge, Louisiana 70816; Representative Thomas Brady, P. O. Box 986, Olla, Louisiana 71465; Mr. William D. Brown, 1600 Stubbs, Monroe, Louisiana 71201; Senator Ned Doucet, 114 LeJeune, Kaplan, Louisiana 70548; Mr. Frank W. Harrison, Jr., P. O. Box 51943, Lafayette, Louisiana 70501; Senator Edgar J. Mouton, P. O. Box Z, Lafayette, Louisiana 70501; Mr. Alvin T. Raetzsch, P. O. Box 1000, Lake Charles, Louisiana 70602; Representative A. W. Sour, 755 Bester, Shreveport, Louisiana 71107; Representative Wilbert J. Tauzin, P. O. Box 780, Thibodaux, Louisiana 70301. Mr. John Camp, attorney at Lake Charles, is hereby authorized to aid and assist the Commission in its work. The members of the Commission who are members of the House of Representatives and of the Senate shall receive the same per diem as they receive as members of the Legislature and such per diem shall be payable from the funds of the House of Representatives and the Senate, respectively, and the remaining members of the Commission shall be paid from any funds made available for that purpose.

The Commission is hereby authorized to:

1. Study ways and means to encourage the exploration for additional natural gas, both intrastate and interstate.
2. Study the many uses of natural gas.
3. Accumulate facts and data regarding the processing of natural gas and the by-products made therefrom.
4. Study the effect of the price of natural gas, both intrastate and interstate, and its effect on the economy of the State and its people.
5. Study particularly the prices received for natural gas from State owned lands; and in that connection, study the royalties and monies received from lands owned by the State or its political subdivisions.
6. Study Federal laws, rules, and regulations with respect to natural gas, including the pricing thereof; to study and seek to keep abreast of the proposals for legislation, rules, and regulations by the President, the Executive Branch, and the Congress.

7. Study the cost incident to the conversion of plants to the use of other forms of energy than natural gas.

8. And in general, study all matters necessary or incidental to the consideration of the production, exploration, sale, and use of Louisiana's natural gas, both intrastate and interstate.

The Commission is hereby authorized and directed to utilize the personnel, services, and facilities of the Louisiana Department of Natural Resources and all other departments and agencies of government as assistance in the conduct of its study, inquiry into facts, and in reaching findings and recommendations.

In addition the Commission is authorized to hold hearings, receive information, hear testimony, and collect data, facts, documentation and all such information as may be necessary or proper in connection with its purposes.

The Commission shall make periodic written reports to the Governor, the Legislature, and the public regarding any facts, findings, or recommendations made pursuant to its authority.

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 12th day of August, A.D. 1977.

**EDWIN EDWARDS**

Governor of Louisiana

## Emergency Rules

### DECLARATION OF EMERGENCY

**Board of Trustees for State  
Colleges and Universities**

At its special meeting on August 26, 1977, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Section 3.7 Facilities, Use of, is amended to read as follows:

"When facilities of an institution are used for activities other than those of the institution, the institution is authorized to negotiate the cost for the use of such facilities with the user organization. Said organizations shall be required to carry sufficient public liability insurance to protect all parties concerned, including the institution."

This emergency rule is necessary to modify Section 3.7 of the policies of the Board of Trustees for State Colleges and Universities for the following reason:

In response to Senate Concurrent Resolution 22 of the First Extraordinary Session of the Legislature, 1977, requesting amendment of Rule 3.7 by limiting facility use fees to \$250 for each occasion, the Finance and Physical Plants Committees of the Board have undertaken the study of this fee for revision, if practical. However, since public schools have opened, organizations are presently contacting the universities for use of their facilities.

Therefore, in an attempt to cooperate with the request of the Legislature, this emergency rule is necessary so that the universities as well as the user organizations might negotiate a cost agreeable to both.

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

### 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 September 1, 1977, revised Standards for Payment so that recipients of medical assistance for Skilled Nursing Facilities and Intermediate Care Facilities I and II services shall no longer be charged for personal laundry services, a small facility (under sixty beds) may permit the cook to function as the dietary supervisor, physicians may now initial (rather than use his entire signature) certification and recertification of persons to such facilities as well as plan of care, and nursing home records shall now be retained for inspection for six years from date of service.

This action was 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 North 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, exercised the emergency provisions of the Administrative Procedures Act (R.S.

49:953B) to close intake for day care services in both vendor payment day care centers and family day care homes effective September 15, 1977. The only exception shall be for WIN participants for whom the availability of day care is mandatory.

This measure must be instituted in the vendor payment day care program to contain expenditures within budgetary limitations. An analysis of the 1977-78 fiscal year appropriation for the day care program shows that the present enrollment must be reduced by approximately four hundred eighty participants in order to contain program costs during the remainder of this year.

At this time the Office of Family Services is unable to project the specific length of time this measure will be necessary; however, we anticipate it will not exceed three months. Parish Offices of Family Services will maintain waiting lists on applicants requesting day care services. Once intake is re-opened, those applicants who were determined eligible and whose need for day care is within the established criteria will be given priority for the service based on the initial date of their request.

During the period intake is closed, procedures will be formulated for maintaining better control over day care enrollment on an ongoing basis within the level the budget will support.

Participating day care centers are being advised of this action.

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

# Rules

## RULES

### Department of Agriculture Office of Agricultural and Environmental Sciences Pesticide Commission

#### Rules and Regulations on Mixing and Application of Pesticides

1. Definitions:

a. "Pesticide" means any substance or mixture of substances defined as a pesticide by R.S. 3:1622(13).

b. "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the Class Insecta or other allied classes in the Phylum Arthropoda that is defined as a pest under R.S. 3:1622(12).

c. "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests under R.S. 3:1622(12). The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.

d. "Inorganic arsenicals" means any herbicide containing a compound formed by a reaction between arsenic and any substance which does not contain a carbon-hydrogen (organic) group (radical). Examples are arsenic trioxide, sodium arsenate, and arsenic acid.

e. "Phenoxy herbicides" means any herbicide as defined above that contains a phenoxy derivative of a lower aliphatic acid as an ingredient thereof.

2. General restrictions on pesticides: Pesticides that are not registered with the Louisiana Department of Agriculture shall not be applied within the state.

3. Restrictions on the mixing of insecticides: All insecticides not labeled for ultra-low volume application in accordance with Federal or State law shall be diluted before application with a minimum of an equal amount of water.

4. Restrictions on application of esters of phenoxy herbicides: Ester compounds of "phenoxy herbicides" containing an aliphatic alcohol radical with less than six carbon atoms shall not be applied in the state.

5. Restricted herbicides: The application of the following herbicides shall be restricted as set out in paragraphs 6, 7, and 8 of this section.

Chemical Name	Common Name	Trade Name
4-amino-3,5,6-trichloro-picolinic acid	picloram	Tordon, Tordon 22K, Tordon Beads, Tordon 10K Pellets
arsenic trioxide		Arsenic trioxide, White arsenic sodite, Atlas A, Penite 35
calcium arsenate		Calcium Arsenate, Orthoarsenate, Tricalcium arsenate, Chip-Cal, Kleen-UP
3-chlorophenoxy-alpha-propionamide	3-CPA	
4-chlorophenoxy acetic acid	4-CPA	
2,5-dichloro-3-nitrobenzoic acid	dinoben	
2,4-dichlorophenoxy acetic acid	2,4-D	Formula 40, Aqua Kleen, Barweed Phenox, 24-DA, Weedrap, 2,4-D nas, 2,4-D dlve, 2,4 DE, Hormotox, AM Sol, Weedar 64, Weedno-more, Hormosalt, Weedanol, Weedone, Dacamine, Weedey, Hedonol, Emulsamine, Defy
4-(2,4-dichlorophenoxy) butyric acid	2,4-DB	2,4-DB, Butyrac 118, Butoxone, Butyrac 200
2-(2,4-dichlorophenoxy) propionic acid		2,(2,4-DP), DPA, 2,4-DP Proprihap, Dichloroprop, Cornox RK, Hormatox, Polytox, Polynone
2,3,6,-trichlorophenylacetic acid in combination with the dimethylamine salt of 2,4-dichlorophenoxy acetic acid	fenac plus	Fenac Plus
2-methoxy-3,6-dichlorobenzoic acid	dicamba	Banvel, Mediben
2-methyl-4-chlorophenoxyacetic acid	MCPA	MCPA, MCP, Agroxone, Methoxone, Mephanac, Weedar, Bine-trol, Raphone, Weedone
4-(2 methyl-4-chlorophenoxy) butyric acid		MCPB, MCP butyric, Tropotox, MCPD, 4-(MCPB), Can-Trol, Thitrol, Legumex
2-(2 methyl-4-chlorophenoxy) propionic acid	2-(MCPD)	
arsenic acid	arsenic	Arsenic acid, Orthoarsenic Acid, Dessicant

Chemical Name	Common Name	Trade Name
sodium arsenite		Sodium Arsenite, Triox, Sodium Acid Arsenate, Penite, NaAs, Atlas A, Chem-Sen, Crabex, Weedo
sodium 2,4-dichlorophenoxyethyl sulfate		Sesone, Ses, 2,4-des, 2,4DS
(2,4,5-trichlorophenoxy) acetic acid	2,4,5-T	Various
2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechloropropionate		Erbon, Baron, Novon, Novege
2-(2,4,5-trichlorophenoxy) propionic acid	silvex	2,4,5-TP, Propon, Kuron, Kurosol, Fenoprop, Weedone 2,4,5-TP, Silvi-Rhap 2,4-DEP, Falone
tris (2,4-dichlorophenoxyethyl) phosphite a mixture of tri-, tetra- and polychlorobenzoic acid		PEA, Zobar, Benzac 354, Polychloro-Benzoic Acid

6. Minimum Distance to susceptible plants: The herbicides set out in paragraph 5 of this section shall not be applied at less than the minimum distance set out below.

However, specialized equipment as set out in paragraph 8 of this section will not be restricted by this paragraph.

Wind Speed	Minimum Distance to Susceptible Plants (where there will be a detrimental effect) from Point of Application (center of swath)	
	Aerial Equipment	Ground Equipment
0-3mph	1/2 mile downwind, 1/2 mile crosswind (90 degrees ± 10 degrees) 50 feet upwind	1/8 mile downwind, 1/8 mile crosswind 20 feet upwind
4-6mph	1 mile downwind, 1/2 mile crosswind, 50 feet upwind	1/4 mile downwind, 1/8 mile crosswind, 5 feet upwind
7-10mph	2 miles downwind, 1/2 mile crosswind, 50 feet upwind	1/2 mile downwind 1/4 mile crosswind, 5 feet upwind
10+mph	application prohibited	application prohibited

7. Parishes of Restriction:

a. The herbicides set out in paragraph 5 shall not be applied by commercial or custom applicators between April 1 and September 15 of each year in the following parishes without written authorization from the Commissioner of Agriculture or his duly appointed agent. The parishes of restriction are: Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Evangeline, Franklin, Grant, Jackson, Lafayette, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee north of U.S. Highway 190, Rapides, Red River, Richland,

Sabine, St. Landry, St. Martin, Tensas, Union, Vermilion north and east of a line starting at the Lafayette Parish border and running along Highway 700 to Highway 92, then along Highway 92 to Highway 343, then along Highway 343 to Highway 699, then along Highway 699 to U.S. Highway 167, then along U.S. Highway 167 to Highway 330, then along Highway 330 to the Iberia Parish border, Vernon, Webster, West Carroll, and Winn.

b. The herbicides set out in paragraph 5 shall not be applied by commercial or custom applicators between March 1 and June 15 in that area of St. John the Baptist and St. James Parishes lying between U.S. Highway 61

and the Mississippi River without written authorization from the Commissioner of Agriculture or his duly appointed representative.

8. Operation of Specialized Equipment: Operation of specialized equipment shall not be restricted to the minimum distances set out in paragraph 6. Instead, operation of specialized equipment shall be by permit only. Permits for operation of specialized equipment shall be issued on an annual basis beginning January 1, 1978.

9. Maintaining of Records: Commercial applicators shall keep and maintain for two years records containing information on kinds, amounts, uses, dates, and places of application of all uses of pesticides with restricted uses. These records will be made available for inspection by officials of the Louisiana Department of Agriculture at reasonable times.

10. Grounds for Revocation or Suspension of Certification: In addition to the violations listed in R.S. 3:1634, any conviction of a violation or assessment of a civil penalty under the Federal Insecticide, Fungicide and Rodenticide Act will be grounds for revocation or suspension of certification.

\* \* \* \*

#### **Rules for Certification of Nonfee Commercial Applicators Under Sub-Categories 7b and 7c of Section V of State Plan**

I. Definition of Applicator Under Sub-Category 7b: Applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around institutions, motels, apartment houses, hotels, schools, hospitals, and like places as the owner or in the employ of the owner, will be required to be certified in Sub-Category 7b.

II. Definition of Applicator under Sub-Category 7c: Applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around commercial grain elevators and other grain handling establishments, flour mills, food processing plants, and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner, will be required to be certified in Sub-Category 7c.

III. Experience Requirements: An individual applying for certification must have had two years experience in the phase of work for which he is making application. This experience to be substantiated by a notarized statement from the person who was responsible for the activity of the applicant during the time this experience was gained.

IV. Examination of Applicants: The applicant will be required to pass an examination in one or all of the three phases of pest control, dependent on the type of pesticide application in which he is engaged.

#### **Phases**

1. General Pest Control: This involves control of invertebrate pests commonly or occasionally occurring in establishments listed in paragraphs I and II

2. Vertebrate Control: This involves control of vertebrate animals commonly occurring in establishments listed in paragraphs I and II

3. Stored Grain Pest Control: This involves control of insects in and around establishments listed in paragraph II.

In addition to the specific examination(s) the applicant will also be required to pass a modified general exam as required of pest control operators in the Sub-Category 7a of the State Plan.

V. Fees: There will be no licensing requirement nor will there be a bond or insurance requirement. There will be a certification fee of five dollars for each of the three phases of examination and a five dollar annual renewal fee for each phase.

VI. Limitations: This certification will limit the application of pesticides to the applicant's personal property or that of his employer.

Gilbert L. Dozier, Commissioner  
Department of Agriculture

#### **RULE**

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

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, has adopted a policy to refuse permission for an applicant to take an examination as required of Section 1265 of the Structural Pest Control Law and Regulations, so long as the applicant is under probation, suspension, or any other disciplinary action of the Commission.

Richard Carlton, Secretary  
Structural Pest Control Commission

#### **RULES**

##### **Capital Area Groundwater Conservation Commission**

##### **Rules and Regulations for Determination of and Payment of Delinquent Accounts**

Purpose: The purposes of these rules and regulations are (1) to establish the time when pumpage charges assessed by the Capital Area Groundwater Conservation Commission in accordance with R.S. 38:3083 are delinquent, and (2) to provide for penalties for violation of Act 678, Regular Session of 1974, as amended by Act

213, Regular Session of 1976, by failure to pay pumpage charges within the time specified.

**Applicability:** The rules and regulations contained herein shall apply to all users in the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana who are determined by the Board of Commissioners to be liable for the payment of pumpage charges (R.S. 38:3079).

These rules and regulations shall be effective on September 20, 1977, and shall apply in all respects for subsequent years.

**Billing Schedule:** The Commission bills on a quarterly basis with pumpage charges due as follows: For the period October–December, billing date is January 1; for the period January–March, billing date is April 1; for the period April–June, billing date is July 1; and for the period July–September, billing date is October 1.

**Determination of When an Account is Delinquent:** A user's account shall be considered delinquent sixty calendar days after the quarterly billing dates, which are specified above. When the sixty calendar days have expired and a user has not paid the pumpage charges, the Commission shall inform the user by certified mail, return receipt requested, that unless payment is received in the Commission's office within fifteen calendar days of receipt of letter, the user shall be considered in violation of State Act 678, Regular Session of 1974, as amended by State Act 213, Regular Session of 1976.

If the user is unable to pay the pumpage charges in the time specified above, the user shall provide the Commission valid and substantiated facts, which necessitate the request for an extension of time to pay. The decision to extend the time for payment shall rest solely within the discretion of the Board of Commissioners, Capital Area Groundwater Conservation Commission, and each such request for an extension will be dealt with on a case by case basis.

**Violation Penalty:** A user, who has been so notified in accordance with the section entitled "Determination of When an Account is Delinquent," herein, who is knowingly and willfully in violation of the provisions of Act 678 and its amendments for failure to pay pumpage charges, shall be subject to a civil penalty that shall be computed on the basis of one percent per day of the amount of the pumpage charges owed until that amount is paid in full. The penalty shall not exceed one thousand dollars a day for each day of violation and for each act of violation as provided in R.S. 38:3083.

**Civil Suit and Jurisdiction:** The place of suit to recover this penalty shall be selected by the Board, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place. [R.S. 38:3083 A (1)]

Suit shall be at the direction of the Board, and shall be instituted and conducted in its name by the Attorney

General or by the district attorney of the district under the direction of the Attorney General. [R.S. 38:3083 A (2)]

Marie H. Wenger, Chairman  
Capital Area Groundwater  
Conservation Commission

## RULE

### Board of Elementary and Secondary Education

#### Rule 3.01.51b

Revision to Bulletin 741, 1977, page 75, Item 4, Staff Personnel, Standards for Approval of Elementary and Secondary Schools.

The Board delayed the implementation date for one year of the requirement of 450:1 pupil-counselor ratio in secondary schools.

Earl Ingram, 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, will implement effective October 1, 1977, a Medically Needy Program. This program's implementation will assure compliance with Act 528 passed by the Louisiana Legislature in 1976, which directed the Department of Health and Human Resources to prepare and administer a Medically Needy Program. The intent of the Medically Needy Program is to assume the expense of services covered by Louisiana's Medical Assistance Program when an individual or family is categorically related to a comparable group and whose income and/or resources are insufficient to meet medical needs. The Medically Needy Program will not include payments to mental health hospitals, tuberculosis hospitals, and long term care facilities.

#### Eligibility Requirements for the Medically Needy Program

Eligibility for the Medically Needy Program is limited to individuals and/or families who are categorically related to a comparable group covered by an assistance category, but their income and resource levels are sufficient to meet their basic maintenance needs.

##### 1. Categories of public assistance relatedness:

A. Age requirements for Supplemental Security Income (SSI) (sixty-five), verified by birth certificate,