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Executive Orders

EXECUTIVE ORDER EWE-78-12

WHEREAS, in the absence of further action by me, the Governor's Pardon, Parole and Rehabilitation Commission will terminate on August 1, 1978; and

WHEREAS, such Commission was originally created by Senate Concurrent Resolution No. 3 of the 1976 First Extraordinary Session of the Louisiana Legislature and has rendered valuable service to the Governor, the Legislature and the public; and

WHEREAS, the Commission was primarily established to study, analyze, and make recommendations to the Legislature with respect to laws, rules, regulations, programs, practices, and procedures in relation to pardons, paroles, furloughs, commutations, work release, and other matters relating to the rehabilitation of persons incarcerated in the correctional institutions of this state; and

WHEREAS, since its inception the Commission has produced meaningful research, reports, and findings and has provided a forum for correctional personnel, legislators, other government officials and the public to examine, consider, and make recommendations relating to the problems of inmates while institutionalized, and thereafter.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby continue, reestablish, and restructure the Governor's Pardon, Parole and Rehabilitation Commission.

The Commission shall, consistent with the purposes mentioned in the said concurrent resolution, continue to make recommendations based upon its studies, research, and determinations to the Governor and to the Legislature as it deems appropriate and may, in addition, bring within its purview and scope of study and action any or all of the following as determined by the Commission:

Support for and aid in implementing legislative recommendations;

Design and construction of a model for assessing the fiscal impact of correctional policy decisions;

Research and analysis of existing and potential barriers to employment of ex-offenders, interagency coordination of services for offenders and their families, community-based correctional programs, local pretrial diversionary programs and State subsidies for local correctional programs; and

Study, describe and prepare an effective and workable prisoner rehabilitation plan for the State of Louisiana and devise a uniform system for formulating and administering policy and procedural decisions regarding prisoners and their release programs.

FURTHER, the Commission shall continue to conduct such examinations and research projects as are necessary to develop rules, regulations, and procedures in the areas under consideration and may revise its priorities to conform to any additional areas requiring study or action as delineated in this order.

The Commission is also authorized to hold hearings, to employ necessary personnel, and to do all other things which it considers necessary and appropriate to accomplish the purposes herein expressed.

FURTHER, the Commission is authorized to utilize the staff, services, and facilities of the Louisiana Legislative Council and the Louisiana State Law Institute and to request and use such other counsel, assistance, personnel, facilities, and advice as may be obtained from any and all other sources, public and private, including but not restricted to, business, labor, and private research agencies, individuals, or organizations.

For purposes of the study herein continued, expanded, and extended, the members of the Commission shall receive, from

available sources, a per diem allowance of not to exceed fifty dollars and mileage.

The Commission's membership shall consist of (1) the Chief Justice of the Supreme Court of the State of Louisiana or a member of the judiciary designated by him, (2) the President of the Louisiana District Judges Association or any other district judge designated by him, (3) a judge from the Criminal District Court of Orleans Parish designated by a majority of the members of said Court, (4) the President of the Louisiana District Attorneys' Association and (5) one member designated by him from among its membership, (6) the President of the Louisiana Sheriffs Association and (7) one member designated by him from among its membership, (8) the Secretary of the Department of Corrections or his designee, (9) the Chairman of the Louisiana Board of Pardons or his designee from among the other members of said Board, (10) the Chairman of the Louisiana Board of Parole or her designee from among the other members of said Board, (11) the Chairman of the Criminal Law Section of the Louisiana State Bar Association or his designee, (12) the Assistant Secretary of the Office of Human Development of the Department of Health and Human Resources, (13) the Executive Counsel to the Governor, (14) an attorney appointed by the Governor who shall be representative of the attorneys who defend persons charged with criminal offenses, and (15) four additional members appointed by the Governor to represent the public. The Chairman of the present Commission shall continue to serve in that capacity at the pleasure of the Governor.

FURTHER, the Governor's Pardon, Parole and Rehabilitation Commission shall make such written reports together with proposals for recommended legislation to the Governor and to the Legislature and its committees as it deems appropriate.

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, on this the 31st day of July, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-13

WHEREAS, the Capitol Gardens complement the State Capitol Building in a manner reminiscent of the grand gardens of the South; and

WHEREAS, the gardens add a graceful dimension to the imposing and geometric Art Deco motif of the thirty-four story monument; and

WHEREAS, the recent inclusion of the Capitol Building and Gardens on the National Register of Historic Places signifies the importance and architectural beauty of this building and these grounds; and

WHEREAS, the Gardens have permitted touring visitors, the citizens visiting on governmental business, and downtown workers a place of cool, inviting repose amid spreading oaks and elms; and

WHEREAS, the Gardens are the resting place of former United States Senator Huey P. Long, forty-first Governor since our Statehood; and

WHEREAS, the Gardens need careful, professional and well-planned attention to return them to their former condition as a showplace and a peaceful park.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby create and establish a Special Task Force on the Care of the State Capitol Grounds to study the needs of the green areas surrounding the State Capitol Building, make recommendations for the well-planned and professionally maintained administration of the gardens and propose a workable comprehensive landscape master plan. The Task Force shall be composed of seventeen members as follows: the Presidents of the Baton Rouge Garden Club, the Baton Rouge Men's Garden Club, the Baton Rouge Chapter of the Louisiana Garden Club Federation, the Bonneaire Garden Club, the Community Gardeners, the

Round-the-Clock Club and the Sherwood Forest Garden Club; a representative of the LSU Extension Service, the LSU College of Environmental Design or the LSU College of Horticulture; the Assistant Secretary of the Office of Forestry of the Department of Natural Resources; the Assistant Secretary of the Office of State Parks of the Department of Culture, Recreation and Tourism; the Superintendent of State Buildings and Grounds, Division of Administration, Office of the Governor; the Director of Facilities Planning and Control, Office of the Governor; a member of the Louisiana Horticulture Commission; the President of the Foundation for Historical Louisiana, Inc.; and three members of the general public chosen by the Governor.

The Task Force shall study the plans for the gardens as designed and the records of maintenance of the gardens. It shall assess the present condition of the grounds and the needs of the area for the continued use and enjoyment by the general public. The Task Force shall address the various methods of financing the gardens, personnel, and the methods of maintenance, use and future needs.

FURTHER, the Task Force shall meet on the call of the Chairman, who shall be designated, no later than September 15, 1978. Thereafter, the Task Force shall meet on a regular basis and report its findings, recommendations and alternative proposals to the Governor no later than March 15, 1979. The final report shall be available to the Legislature and the public.

Members shall serve at the pleasure of the Governor; any appointee to fill a vacancy shall be selected in the manner of the original appointment. No member shall receive per diem or reimbursement from public funds.

The Division of Administration, through the Division of Buildings and Grounds and the Facilities Planning and Control, shall provide adequate research and technical and clerical support to the Task Force. All State departments whose heads are appointed by the Governor shall provide whatever assistance is requested by the Task Force to carry out its purpose, duties, and responsibilities.

The meetings of the Task Force shall be open to the public at all times. The Task Force shall be dissolved, and its work shall be completed by June 30, 1979.

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 the 9th day of August, A.D. 1978.

Edwin Edwards,
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted, effective July 1, 1978, the maximum level (cap rate) for long term care eligibility for an individual to be \$568.20 and for a couple occupying the same room in a long term care facility the double cap rate of \$1,036.40. This revision will allow the Medical Assistance Program to comply with Federal regulation (45 CFR 248.2 (d) and 248.4 (e)).

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 Security, 775 Riverside North, Baton Rouge, Louisiana.

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 has exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1978, the following rules as amendments to the Department of Transportation and Development's "Regulations for Trucks, Vehicles and Loads." These emergency rules will provide for equitable enforcement of Act 113 of the Louisiana Legislature of 1977, which became effective upon the signature of the Governor on June 22, 1977, and are in the best economic welfare of the state:

All vehicles or combination of vehicles, except automobiles, recreational vehicles which are not over-size or overweight, single unit pickup trucks, trucks which have a three-yard capacity or less, wreckers that are not towing trucks, empty garbage trucks, ambulances, fire trucks, buses and vans which are less than one-ton capacity and trucks assigned to law enforcement agencies that are not normally used for load carrying purposes, shall stop at permanent weigh stations for weighing, measuring, and inspection purposes.

Violation of this regulation shall subject the violator to a penalty of \$100.00 in accordance with R.S. 32:388.

George A. Fischer, Secretary
Department of Transportation and Development

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission, having declared the existence of an emergency, on July 27, 1978, adopted the following rules relative to the 1978 alligator season. The nature of the emergency was that September is the latest that a season can be held because the alligators begin to hibernate.

Alligator Season

Whereas, Louisiana's efforts to manage the resident population of alligators for the past eighteen years have substantially increased the total population, and

Whereas, the Louisiana Department of Wildlife and Fisheries has successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled, and

Whereas, data collected during the 1972, 1973, 1975, 1976, and 1977 seasons and from aerial inventory during July, 1978, reflects that the seasons were beneficial in all respects, and

Whereas, population levels in Cameron, Vermilion, and Calcasieu parishes now warrant the establishment and continuation of a season in this region of the state, and

Whereas, it has been determined from the past five seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked out extremely well and no evidence was found that the opening of the season encouraged illegal killing of these reptiles, and since alligators are a renewable resource and should be managed on a sustained yield basis to provide economic incentive for preserving marshlands, and

Whereas, sufficient populations estimates in other portions of the coastal marshes of Louisiana do support a controlled harvest of surplus animals, and

Whereas, when the authority is granted to the State of Louisiana to establish a season in these areas an alligator season will be permitted,

Now, therefore be it resolved, that an alligator season be hereby established in accordance with the following regulations. No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accor-

dance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973:

1. Open Area: Parishes of Calcasieu, Cameron, and Vermilion. Coastal marshes and fringe swamp areas including converted marshland. An estimated 100,000 alligators are present in this area outside the refuges. No more than eight percent of this population may be taken during the season.

2. Harvest Season: The open season shall run for a twenty-six day period beginning on September 5, 1978, and continue through September 30, 1978. No alligators under four feet in length may be taken.

3. Harvest Methods: Alligators may be taken only during the daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season, describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal. Pole hunting is prohibited to protect the nesting female population.

4. Licenses: An alligator hunter must have a valid commercial alligator hunter license to take, transport, or sell alligators or their skins. The fee for the resident license is twenty-five dollars per year and for the nonresident, five hundred dollars. These licenses are nontransferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceeding the season. He must complete the application form provided by the Department and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted between the dates August 1 and September 5, 1978. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators in interstate commerce in the course of a commercial activity must be licensed in accordance with State and Federal regulations.

5. Tagging: In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of five dollars. The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Department. Lost or stolen tags will not be replaced, but must be reported. Tags can be used only on the lands applied for and approved on the application.

6. Alligator Farmers and Breeders: Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators. No alligator on breeding farms may be killed without such a permit. Tagging validation is required on skins taken.

7. Harvest Rates: A maximum of eight percent of overall population in the open season area may be taken. Tags will be issued on the following basis: Cameron and Calcasieu parishes, brackish marsh, one per three hundred acres; intermediate marsh, one per one hundred twenty-five acres; fresh marsh, one per one hundred twenty-five acres; pump-off districts regardless of marsh type, one per five hundred acres. Vermilion Parish, intermediate marsh, one per one hundred acres; fresh marsh, one per four hundred acres; brackish marsh, one per one hundred fifty acres; pump-off district, one per five hundred acres.

8. Validation of Alligator Skins: All alligator skins taken during the experimental alligator season shall be checked and a second tag fixed by personnel of the Louisiana Department of Wildlife and Fisheries at the headquarters of the Rockefeller Refuge on October 2, 3, or 4, 1978. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8:00 a.m. and 5:00 p.m. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin in Louisiana.

9. Shipment: All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Department. Forms provided must be filled out completely and returned to the Department within fifteen days following the close of the season. Raw alligator skins transported in the course of a commercial activity, shipped or transported within the state must be labeled with tags issued by the Department describing the number of skins, the consignor, shipping point, consignee, and destination. All parts of alligators, other than the raw skins, shipped or transported within or out of the state must be clearly labeled with the license number of the alligator hunter and the number of the official tag which was attached to the alligator skin.

Be it further resolved, that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Secretary of the Louisiana Department of Wildlife and Fisheries.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

III. Quarantined Areas.

1. In the United States the areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and South Carolina.

2. In Louisiana:

a. Quarantined areas are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vemon, Washington, West Baton Rouge, West Feliciana, and those parts hereinafter listed.

Bienville Parish—that portion of T17N located in R4W and 5W in Lincoln and Bienville Parishes;

Bossier Parish—that portion of R11 and 12W north of Interstate 20 located in T18 and 19N in Bossier Parish;

Caddo Parish—all of Wards 6 and 7;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N and that portion consisting of a one mile