

CONTENTS

I. EXECUTIVE ORDERS

EWE-78-16—Commissions on the needs of women and State Commission for Women	417
--	-----

II. EMERGENCY RULES

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Requirements for sweet potato dealer's certificate permit	417
Additions to the Supplement to the Sweet-potato Weevil Quarantine and Regulation	417
Corrections Department:	
Office of the Secretary—Inmate furloughs and temporary releases	418
Wildlife and Fisheries Department:	
Use of lead shot for waterfowl hunting	419
Calcasieu Lake oyster season	419

III. RULES

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Additions to the Supplement to the Sweet-potato Weevil Quarantine and Regulation	420
Dairy Stabilization Board—Rules of the Board	420
Education:	
Board of Elementary and Secondary Education—Election of officers by advisory councils; prerequisites for the Cooperative Agriculture Education Program; certification requirements for Second Language Specialists and Bilingual Specialists; buses transporting handicapped children	427
Implementation of Act 754	428
Labor Department:	
Office of Labor—Registration reciprocity and union notification	463
Public Safety Department:	
Office of Alcoholic Beverage Control—Unfair practices in the malt beverage industry	463
Office of State Fire Protection—Requests for rule changes; building permits; equal access to public buildings by the physically handicapped	465
Transportation and Development Department:	
Trucks, vehicles, and loads	466

IV. NOTICES OF INTENT

Agriculture Department:	
Office of Marketing:	
Market Commission—Implementation of Act 242	466
Commerce Department:	
Board of Examiners in Watchmaking—Procedural rule	466
Corrections Department:	
Assignment of inmates to work release	466
Board of Pardons—Consideration of applications	467
Office of the Secretary—Inmate furloughs and temporary releases	467
Appointment of special agents and adult inmate correspondence and visiting	468
Education:	
Educational Television Authority—Compensation to noncommercial stations for contracted broadcast services	468
Board of Supervisors of Louisiana State University—Faculty members and chairman of the Athletic Council	469
Governor's Office:	
Division of Administration:	
Facility Planning and Control Department—Louisiana Capital Improvement Projects Procedure Manual for Design and Construction	469
Tax Commission and Office of Forestry (joint notice)—Stumpage market value of timber and pulpwood	471
Health and Human Resources Department:	
Office of Family Security—Implementation of the Food Stamp Act of 1977	469
Increases in AFDC and GA need standards	470
Office of Human Development—Amendments to the Comprehensive Annual Services Plan	470
Natural Resources Department:	
Office of Conservation—Salt dome oil storage	471
Office of Forestry and Tax Commission (joint notice)—Stumpage market value of timber and pulpwood	471
Division of State Lands—Implementation of Act 645	471
Treasury Department:	
School Lunch Employees' Retirement System—Limit on disability payments	471
Wildlife and Fisheries Department:	
Stream Control Commission—Wastewater discharges to intermittent streams and man-made drainage channels; sand and gravel effluents	471

V. POTPOURRI

State Civil Service Department:

Eligibles over seventy years of age472

Executive Orders

EXECUTIVE ORDER EWE-78-16

WHEREAS, the Louisiana Bureau for Women is responsible for planning for the needs and implementing programs to expand opportunities for women of the state; and,

WHEREAS, locally based groups are a valuable resource to the community in planning, coordinating, and implementing programs in accordance with the needs of that community; and

WHEREAS, a number of programs require or actively encourage the participation of areawide districts for purposes of planning, developing, and implementing programs on a regional basis;

NOW, THEREFORE, in order to facilitate the implementation of locally based groups, I hereby designate the Louisiana Bureau for Women as the official state agency to establish commissions on the needs of women in each of the eight state planning districts to provide an effective and comprehensive means of planning, developing, and implementing services responsive to the needs of women at the local level:

AND, to receive and disperse funds for the development and implementation of programs for women including, but not limited to, funds for career development, job training, displaced homemakers, domestic violence, and other programs with demonstrated need.

The commissions on the needs of women shall be composed of representatives of the community who have displayed an interest in or worked in program areas that affect the lives of women.

It shall be the duty of each commission to collect facts and statistics and make special studies of conditions to facilitate the design and implementation of programs.

The commissions shall keep informed of the latest developments in the fields of activity pertinent to women throughout the state and interpret their findings to the community.

Further, the commissions shall provide for a mutual exchange of ideas and information with other local, parish, and state entities to formulate recommendations prior to any implementation of programs designed to impact the quality of life for women.

Representatives from the commissions shall compose the State Commission for Women whose functions and duties in the planning, development, and coordination of women's programs will be carried out under the auspices of the Louisiana Bureau for Women.

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 1st day of November, A.D. 1978.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

Effective October 25, 1978, the Department of Agriculture, Office of Agricultural and Environmental Sciences, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953, to adopt the following amendments to the Sweet-potato Weevil Quarantine and Regulations. This action has been taken to prevent spread of sweet-potato weevil from infested areas, to areas not known to sustain infestations of these pests. The insect is considered to be the most destructive pest of sweet potato and its spread an imminent hazard to Louisiana. In connection with this investigation, it has become necessary to promulgate the following emergency rule, amending Section Six of the state Sweet-potato Weevil Quarantine and Regulations to read as follows:

Requirements for Sweet Potato Dealer's Certificate Permit

1. All persons commercially engaged in the handling, sale, offering for sale, and/or movement of sweet potatoes shall not store, clean, grade, pack for sale, process in any manner or move sweet potatoes unless they have a valid sweet potato dealer's permit except: this shall not apply to the movement of sweet potatoes by farmers directly from their farms to market.

2. A sweet potato dealer's certificate permit shall be issued provided:

A. A properly executed affidavit on a form furnished by the Department, setting forth the stipulations to which the applicant must agree, has been filed with the Department.

B. A bond acceptable to the Department in the amount of one thousand dollars for a sweet potato dealer's certificate permit in favor of the Commissioner has been filed with the Department as a guarantee to:

(1) Reimburse any purchaser the purchase price of sweet potatoes that have been confiscated because of sweet-potato weevil infestation or illegal movement.

(2) Agree to the destruction of any load or lot of sweet potatoes moving illegally or infested with the sweet-potato weevil, by an inspector of the Department or law enforcement officer, or return same to point of origin.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

Effective November 2, 1978, the Department of Agriculture, Office of Agricultural and Environmental Sciences, has exercised those powers conferred by the emergency provision of the Administrative Procedures Act, R.S. 49:953B, to adopt amendments to the Sweet-potato Weevil Quarantine and Regulation, which were initially adopted under the provisions of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950. This action has been taken to prevent spread of sweet-potato

weevil from infested areas to areas not known to sustain infestations of these pests. This insect is considered to be the most destructive pest of sweet potato and its spread presents an imminent hazard to the sweet potato industry of Louisiana. In connection with this infestation, it has become necessary to promulgate the following emergency rule, by amending the Supplement to the Sweet-potato Weevil Quarantine and Regulation, Section III, Quarantined Areas, that portion of paragraph 2A dealing with West Carroll Parish, by adding the following properties:

... that portion consisting of a one mile radius of and including the property of Raymond Byavgeon Farms, O'Neal Brothers, section 8, R11E, T22N; which includes portions of sections 5, 6, 7, 8, 9, 17 and 18; that portion consisting of a one mile radius of and including the property of Richard Lamar Boutwell, section 27, R11E, T23N, which includes portions of sections 21, 22, 23, 26, 27 and 28; that portion consisting of a one mile radius of and including the property of J. M. Welch Farms, Roberson Brothers, section 32, R11E, T22N, which includes portions of sections 29, 30, 31, 32 and 33 and R11E, T22N, which includes portions of sections 4, 5 and 6; that portion consisting of a one mile radius of and including the property of Crowe Farms, W. M. Puckett, section 28, R10E, T21N, which includes a portion consisting of a one mile radius of and including the property of C. E. Reeks Farm, W. M. Puckett, section 1, R9E, T20N; which includes portions of sections 2 and 12, and portions of R10E, T20N sections 6 and 7, which includes portions of R9E, T22N section 31; that portion consisting of a one mile radius of and including the property of LeRoy Adams, sections 19, 20, 28 and 29, R10E, T21N; that portion consisting of a one mile radius of and including the property of E. C. Huff Farm, Roberson Brothers, section 28, T22N, R11E, which includes portions of sections 20, 21, 22, 27, 28 and 29; that portion consisting of a one mile radius of and including the property of McIntosh Farm, Richard Boutwell, section 22, T22N, R11E, which includes portions of sections 15, 16, 21, 22, 23, 26, 27 and 28.

Richard Carlton, State Entomologist
Office of Agricultural and Environmental Sciences

DECLARATION OF EMERGENCY

Department of Corrections Office of the Secretary

The Secretary of the Department of Corrections has adopted the attached rules on an emergency basis under the provisions of R.S. 49:951, et seq.

Adoption of these rules is necessary to timely implement legislative mandated changes in the department's inmate furlough regulations and procedures, particularly insofar as it relates to the exclusion of certain offenders from furlough eligibility.

These rules will be effective October 10, 1978, and remain in effect through December 20, 1978.

Regulation 30-7

Inmate Furloughs and Temporary Releases

1. Purpose. The purpose of this regulation is to establish the inmate furlough and temporary release policy of the Department of Corrections.

2. To whom this regulation applies. This regulation is applicable to wardens and correctional treatment administrators of each adult correctional institution in the Department of Corrections and the Office of Adult Services and to all inmates sentenced to the Department of Corrections, regardless of institution where they are housed.

3. Legal. The granting of inmate furloughs, or temporary releases, to adult inmates is controlled by R.S. 15:811 (C), 15:831 and 15:833.

4. General. Inmate furloughs or temporary releases from any correctional facility of the Department of Corrections may be granted only by the Secretary and shall be approved by him before they begin. The period during which the inmate will be on furlough or temporary release will be clearly indicated in the approval.

5. Definitions.

A. Furlough—A release from incarceration without security supervision for the purpose of maintaining family ties or for needed medical care.

B. Temporary Release—A release from incarceration without security supervision because of death or serious illness of a close family member or for an interview with a prospective employer.

C. Close Family Member—Means the father, mother, wife, husband, and children of the inmate and, when recommended by the warden, the grandparents, legal guardians, brothers or sisters.

D. Furlough Violation—Includes the commission of new offenses as well as any misconduct resulting in any disciplinary action while on furlough or temporary release.

6. Procedures.

A. Furlough and temporary release requests should be reviewed by the head of the unit to which the inmate is assigned to determine that the application is justified and is not in contravention of this regulation.

B. Necessary verification of furlough plans, transportation, coordination with family or medical facility are the responsibility of the warden recommending the furlough or temporary release.

C. Requests are to be forwarded to the Office of Adult Services where it shall be determined whether they are in compliance with this regulation and whether the sheriff, and if specifically requested, the district attorney and/or the chief of police of the locality where the inmate is going objects. The Office of Adult Services will notify the Warden at the originating institution of the Secretary's decision regarding the furlough.

D. When a request is received from a sheriff or warden of a nondepartmental facility, the Office of Adult Services shall certify to the Secretary that the inmate meets the same eligibility standards as those required of inmates in the custody of the Department.

E. Furlough requests for inmates in work release or maintenance status may be processed and approved for up to six months at a time.

F. All incidents of furlough violations by participating inmates shall be reported to the Office of Adult Services which shall compile a yearly report on or before April 1 of each year indicating the nature of the incident, age of offender, original offense, length of sentence, prior criminal record, and any other characteristics found to be predictive of success or failure. The Office of Adult Services will include in the report any suggested changes in eligibility standards dictated by the experiences of the previous year.

7. Eligibility. Inmates must meet the following criteria in order to be eligible for a furlough.

A. Must have been in custody for a period of not less than one year for the current offense and at least three months of the year must have been in a Department of Corrections facility, or have been approved by the sheriff, if in the sheriff's custody.

B. Must not be serving a sentence for any of the following crimes:

1. First or second degree murder or attempted murder.
2. Aggravated or attempted aggravated rape.
3. Forcible rape.
4. Aggravated kidnapping.
5. Aggravated arson.

6. Armed robbery.

7. Attempted armed robbery.

8. Producing, manufacturing, distributing or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II or R. S. 40:964.

9. Sentenced as a habitual offender under R.S. 15:529.

Note: Subsection B does not apply to inmates within the last six months of their term of incarceration (earliest release date) or to inmates assigned to the Governor's mansion crew.

C. Must be free of detainers except those for court costs or misdemeanors.

D. Must not have been found guilty by a court or Department of Corrections disciplinary board of escape or attempted escape during the preceding three years.

E. Must be of minimum security status and have exhibited exemplary behavior.

F. Must submit a furlough or temporary release plan, stating the purpose of the furlough, the destination and the name of the person with whom the inmate will stay. A responsible member of the inmate's family or some other previously approved person must sign a statement agreeing to be responsible for the inmate and shall insure that transportation is provided for the inmate. A copy of the plan must be forwarded with the request to the Office of Adult Services.

8. Length and frequency of furloughs.

A. Furloughs and temporary releases will be approved for a definite period, not to exceed five days, except medical furloughs which shall be for such period as deemed necessary by the Secretary and appropriate medical personnel.

B. Inmates in work release or maintenance status may be recommended by the appropriate warden for monthly furloughs, not to exceed forty-eight hours in duration.

C. In lieu of a regular monthly furlough, inmates in work release or maintenance status may be granted two special holiday furloughs of up to five days coinciding with Christmas, Easter, or Independence Day (July 4); the exact dates to be determined each year by the Secretary.

D. Inmates other than those in work release or maintenance status may not be granted more than two furloughs (normally at Christmas, Easter, or Independence Day) each calendar year. There is no limit on the number of temporary releases which may be granted.

9. Administrative requirements.

A. Requests for furloughs should be submitted at least thirty days prior to the beginning date of the requested furlough or thirty days prior to the period in which the furloughs for work release and maintenance inmates are to be granted.

B. Furloughs should not be requested for inmates even though they might meet criteria established herein when it is known to the warden or responsible official that the inmate might present a danger to himself or to the public should the inmate be released from direct custody.

C. Furloughs may be approved by teletyped communication should the appropriate warden feel that the situation is of such an emergency nature that this procedure is justified.

C. Paul Phelps, Secretary
Department of Corrections

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

Effective October 25, 1978, the Louisiana Wildlife and Fisheries Commission, exercised the power granted by the provisions of the

Administrative Procedures Act R.S. 49:953B, to suspend the enforcement of the steel shot regulations contained in the digest of the hunting regulations governing the taking of waterfowl in Louisiana during the 1978-79 hunting season and permit the taking of waterfowl in season in Louisiana with lead shot.

This action was taken after receipt of a telegram from the U. S. Fish and Wildlife Service stating that as a result of Congressional action in the Department of Interior's appropriation bill the Fish and Wildlife Service will not be allowed to further implement or enforce use of steel shot in designated areas without approval from regulatory agencies in each state affected.

Because the Louisiana waterfowl season opens November 4, it was necessary for the Commission to immediately act on this request. A public hearing was scheduled in Lafayette, Louisiana on October 23 and the Commission heard six hours of testimony from interested persons, organizations, and conservation agencies.

A special meeting was held in Baton Rouge on October 25, and after review of the testimony and comments, the Commission took the above action.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission on October 10, 1978, exercised the power granted by the provisions of the Administrative Procedures Act, and after approval by the State Department of Health, adopted the following rules and regulations, via resolution, for the Calcasieu Lake oyster season for 1978-79.

Calcasieu Lake Oyster Season

Whereas, the Department biologists and the Chief of the Seafood Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou, and

Whereas, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

Now, therefore, be it resolved by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake oyster season for 1978-79 be set in accordance with the following rules and regulations:

1. That the oyster season in Calcasieu Lake be fixed to extend from one half hour before sunrise on Wednesday, November 1, 1978, through one half hour after sunset on Saturday, March 31, 1979, with the right being reserved to extend said season or close it sooner if biologically justifiable.

2. That oyster fishing be limited only to the use of tongs and to daylight hours.

3. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

4. The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting.

5. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and the violator subject to penalty set forth in Title 56, Section 115.

6. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day.

7. The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

8. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving the fishing vessel.

Be it further resolved, that the Secretary be and is hereby authorized and empowered to extend or close said season, and increase or decrease limit, when biologically justified.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences

Supplement to the Sweet-potato Weevil Quarantine and Regulation

III. Quarantined areas.

1. In the United States.

a. 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 in Louisiana 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, Vernon, 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 radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

Jackson Parish—that portion of R3 and 4W in T15N and that portion consisting of a one mile radius of and including the property of Mrs. J. A. Hughes, Section 1, R4W, T14N;

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N;

Natchitoches Parish—that portion west and southwest of the Red River;

Red River Parish—that portion of R10W lying north of T12N;

West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section

21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 7, R12E, T23N; that portion consisting of a one mile radius of and including the property of W.W. Head, Section 22, R10E, T20N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 35, R10E, T20N; that portion consisting of a one mile radius of and including the property of Oak Grove Gun Club, Section 6, R11E, T21N; that portion consisting of a one mile radius of and including the property of S. L. Bush, Section 1, R10E, T21N; and that portion consisting of a one mile radius of and including the property of M. Stanford, Section 21, R11E, T22N; and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Register and Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

b. Non-sweet potato areas shall be: infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line, west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the Louisiana Register by the State Entomologist, with the approval of the Commissioner.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

RULES

Department of Agriculture Dairy Stabilization Board

General Provisions

LAC 2-17:1 Definitions

§1.1 The definitions of the following terms contained in R.S. 40:931.2 are adopted as the definitions of these terms for the purpose of these regulations: person, distributor, processor, retailer, supplier and milk.

§1.2 The following definitions shall be applicable throughout these regulations:

“Act” means all of Subpart C of Part VII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, sometimes referred to as the Dairy Stabilization Law.

“Adjudication” or “adjudicatory proceeding” means Board process for the formulation of a decision or order.

“Agent” means an employee or other person authorized by and acting on behalf of the Board.

“Board” means the Louisiana Dairy Stabilization Board.

“Centralization billing” is the procedure whereby processors and/or distributors contract with wholesale grocers or wholesale grocery cooperatives providing for billing services and/or guarantee of payment or other services to be performed by said wholesale grocers or wholesale grocery cooperatives whether for compensation or not and regardless of the method of delivery of said dairy products utilized.

“Charitable institution” means any facility operated by a non-profit organization, donations to which are deductible pursuant to federal statutes and regulations relating to income taxation.