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Executive Orders

EXECUTIVE ORDER EWE-79-11

WHEREAS, the Louisiana Department of Urban and Community Affairs is charged with the responsibility of providing training and technical assistance to Louisiana's Native Americans; and

WHEREAS, historically, Native Americans of Louisiana and the country have experienced problems peculiar to them as a people,

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of authority vested in me under the laws of this State, do hereby establish the Louisiana Native American Advisory Commission to the Department of Urban and Community Affairs, to be appointed by the Governor from names submitted to the Governor by the Secretary of Department of Urban and Community Affairs from the state and federally-recognized tribal groups of Louisiana.

FURTHERMORE, the Commission's role shall be solely an advisory one and not intended to execute policy and/or administrative procedures otherwise provided the Secretary; and

FURTHERMORE, shall convene at the discretion of the Secretary and/or in coordination between the Secretary and the elected chairperson of the Commission; and

FURTHERMORE, the functions and activities of the Commission shall be limited to the Secretary of the Department of Urban and Community Affairs relative to its interaction with other agencies of state and federal government.

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 10th day of October, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-12

WHEREAS, the Ninety-fourth Congress established the National Commission for the Control of Epilepsy and Its Consequences in July, 1975, under Public Law 94-63 to survey the medical and social management of epilepsy; to prepare recommendations in the areas of research, prevention, identification, treatment and rehabilitation; to develop a comprehensive plan for the control of epilepsy and its consequences; and to investigate the potential for prevention and control of epilepsy; and

WHEREAS, the National Commission for the Control of Epilepsy and Its Consequences completed a Plan for Nationwide Action on Epilepsy in August, 1977, and was commended by Vice President Walter Mondale for its thoroughness and its economy; and

WHEREAS, a portion of the recommendations of the National Commission for the Control of Epilepsy and Its Consequences is directed to activities and services on the state level which can be undertaken to improve services to people with epilepsy in the State of Louisiana; and

WHEREAS, the delivery of services to people with epilepsy in the State of Louisiana is now administered by a number of agencies with categorical and noncategorical programs and services, but there is no comprehensive plan directed specifically at aiding persons with epilepsy; and

WHEREAS, the Department of Health and Human Resources provides a large number of the state services to persons with epilepsy through its offices of Charity Hospital of New Orleans,

Hospitals, Licensing and Regulation, Mental Health, Mental Retardation, Human Development, Health Services and Environmental Quality and other program areas;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by the power and authority vested in me by the constitution and laws of Louisiana, do hereby request and direct the Louisiana Department of Health and Human Resources to establish a task force to work with the Louisiana Epilepsy Association to develop a comprehensive plan for Statewide Action on Epilepsy, and, as a part of such planning, to review current legislation, policies, programs and services for persons with epilepsy;

BE IT FURTHER ORDERED THAT the said task force appointed by the Department of Health and Human Resources shall prepare, for consideration and appropriate action by the Governor and the Legislature, detailed recommendations concerning fiscal, personnel and other requirements necessary for its implementation;

BE IT FURTHER ORDERED THAT all agencies, departments, boards and commissions of the state shall extend assistance to the task force formed by the Department of Health and Human Resources in the preparation and development of this plan.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 29th day of October, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

Effective September 1, 1979, the Board of Trustees for State Colleges and Universities added the following rule to its *Policies and Procedures Manual*, Part VII, Faculty and Staff Personnel Policies and Procedures, Section 7.5 Leaves of Absence, Subsection F, Sabbatical Leave, Numbers 1, 2, and 5:

1. Every faculty member or administrator may be eligible for leave for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, for the two semesters immediately following any six or more consecutive fiscal years of active service in the institution where such teacher is employed or for one semester following three or more consecutive fiscal years of such service; provided that absence on sick leave shall not be deemed to interrupt the active service herein provided for. The work is normally to consist of advanced courses in the instructor's teaching field or in a program leading to an advanced degree in that field. A sabbatical leave taken during a summer session shall be considered a semester for leave purposes.

2. Faculty members and administrators may be granted leave for the purpose of study or research. In those cases where the faculty member or administrator receives outside compensation for such study or research such payment is to be approved in writing, in advance by the President as supportive of the purposes of the leave.

5. The compensation for the period of leave approved shall be at the rate of seventy-five percent of the salary the individual will receive during the current fiscal year for the period of time leave is applied for and granted. Individuals shall contribute to the retirement system on the basis of annual salary rate. Compensation

payable to persons on leave shall be paid at the times at which salaries of the other members of the teaching staff are paid, and in the same manner. Prior approval must be secured from the Board of Trustees before any replacement is secured for the person granted leave. Institutions should utilize faculties to the fullest extent before requesting such replacements.

This Emergency Rule was necessary in order not to deny those faculty members intending to take sabbatical leave this year, the benefit of the new compensation rules. 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 Constitution.

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

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on October 25, 1979, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B to adopt the following rule. This action was necessary in order to protect the welfare of the children of the State of Louisiana enrolled in vocational-technical schools to guarantee quality education.

Rule 6.03.46

In order to comply with the mandates of Act 644 of the 1979 Regular Session, the Board took the first step in adopting guidelines and procedures for the dismissal of directors and assistant directors in vocational-technical schools as follows:

Rules and Regulations

for Removal from Office of Regional Directors, Directors, and Assistant Directors in Vocational-Technical Schools

A regional director, director, or assistant director in a vocational-technical school under the jurisdiction of the State Board of Elementary and Secondary Education shall not be removed from office except upon written and signed charges of willful neglect of duty, or incompetency, or dishonesty, and then only if found guilty after a hearing by the Board or a committee of the Board, which hearing may be public or private at the option of the affected employee. Removal from office includes termination and/or demotion. At least fifteen days in advance of the date of the hearing, the Board shall furnish the respondent employee with a copy of the written charges. The respondent employee shall have the right to appear before the Board or committee of the Board, with witnesses in his behalf and with counsel of his selection, all of whom shall be heard by the Board or committee of the Board at the hearing. Any finding of a committee of the Board shall be reviewed and acted upon by the full Board. The Board may set aside or modify the findings of a committee of the Board. Nothing herein contained shall impair the right of appeal to a court of competent jurisdiction.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

In accordance with the Appropriations Act of the 1979 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, has adopted the

emergency rulemaking to implement a program of Community Respite Care Services for Handicapped Persons and Their Families, effective October 1, 1979.

The purpose of Respite Care Services is maintenance of handicapped individuals in their own homes rather than placement in more restrictive settings. Emergency rulemaking was necessary to implement the program immediately in order that eligible handicapped individuals and their families could utilize the service to prevent more restrictive placement.

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

Rules

RULE

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

Amendment to Lethal Yellowing Quarantine

Whereas, it has been determined that a serious plant pest commonly known as Lethal Yellowing is known to exist outside the State of Louisiana; and

Whereas, Lethal Yellowing is known to be a serious pest of palm trees.

Therefore, in order to prevent the introduction and spread within Louisiana, and to eradicate the Lethal Yellowing wherever found in the state, the Louisiana Department of Agriculture under authority of Part II of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, does hereby propose the following amendment to the quarantine and regulation declaring new regulated products.

V. Regulated Products: All palms of any species.

Following Host Plants:

1. *Allagoptera arenaria* (Gomes) Kuntze
2. *Arenga engleri* Becc.
3. *Arikuryroba schizohpylla* (Mart.) Bailey (Arikury palm)
4. *Borassus flabellifer* L. (Palmyra palm)
5. *Caryota mitis* Lour. (Cluster fish-tail palm)
6. *Chrysalidocarpus cabadae* H. E. Moore (Cabada palm)
7. *Cocos nucifera* L. (Coconut palm) - all varieties, including Malayandwarf
8. *Corypha elata* Roxb. (Buri palm, Gebang palm)
9. *Dictyosperma album* (Bory) H. Wendl. and Drude (Hurricane or Princess palm)
10. *Gaussia attenuata* (O. F. Cook) Beccari (Puerto Rican Gaussia)
11. *Howeia belmoreana* (C. Moore and F. Meull.) Becc. (Sentry palm)
12. *Latania* spp. (all species)
13. *Livistona chinensis* (N. J. Jacquin) R. Br. ex Mart. (Chinese fan palm)
14. *Mascarena verschaffeltii* (Wendl.) Bailey (Spindle palm)
15. *Nannorrhops ritchiana* (W. Griffith) J. E. T. Aitchison (Mazari palm)
16. *Phoenix canariensis* Hort. ex Chab. (Canary Island date palm)
17. *Phoenix dactylifera* L. (Date palm)
18. *Phoenix reclinata* Jacq. (Senegal date palm)
19. *Phoenix sylvestris* (L.) Roxb. (Sylvester date palm)
20. *Pritchardia affinis* Becc. (Kona palm)
21. *Pritchardia pacifica* Seem. and H. Wendl. (Fiji Island fan palm)
22. *Pritchardia thurstonii* F. Meull. and Drude
23. *Ravenea hildebrandti* Wendl. ex Bouche

- 24. *Trachycarpus fortunei* (Hook.) Wendl. (Chinese windmill palm)
- 25. *Veitchia merrillii* (Becc.) H. E. Moore (Christmas palm, Manila, or adonidia)
- 26. *Veitchia montgomeryana* H. E. Moore (Montgomery's palm)

Richard Carlton, Secretary
Structural Pest Control Commission

RULE

**Department of Corrections
Board of Pardons**

The Louisiana Board of Pardons has adopted rules governing the processing of applications for pardon, commutation of sentence, or restoration of citizenship.

It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Rule 1. Filing Procedure. To constitute a complete application for pardon, commutation of sentence, or restoration of citizenship, an applicant must comply with two basic requirements:

A. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

B. Have published in a newspaper whose distribution includes the parish in which the offense is alleged to have been committed, one advertisement that indicates applicant's intent to apply to the Board for clemency. For the purpose of compliance with this rule, the Board will accept an application received within one year of the date of appearance of the advertisement. The applicant shall provide the Board with proof of publication as evidenced by a certificate furnished by said newspaper.

Rule 2. Hearing Dates. The Board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the Chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

Rule 3. Notice of Hearings. Before considering the application for clemency of any person, the Board shall give thirty days written notice to the district attorney and sheriff of the parish in which the applicant was convicted, to the applicant and/or his attorney (if any), and to any other interested person, of the date, time, and place at which the application will be heard and considered.

Rule 4. Discretionary Powers of the Board. An application may be considered by the Board any time after it is received, but no application will be considered by the Board until it deems the application to be complete.

In determining which cases are ready to be heard, the Board may, in its discretion, refuse to grant a hearing if an applicant has not served one-fifth of his sentence. In cases of life sentences and sentences of forty-five years or longer, the applications may be heard at the discretion of the Board. Additionally, the Board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the Board from hearing the types of cases mentioned hereinabove.

In any matters not specifically covered by these rules, the Board shall have discretionary powers to act.

Rule 5. Employment and Residence Agreements. To demonstrate good faith, an applicant should provide the Board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the Board of the applicant's plans for the present and/or future.

Rule 6. Denials. The Board, upon denying an application, shall, within twenty-one working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

John D. Hunter, Chairman
Board of Pardons

RULES

**Governor's Special Commission on Education Services
Loan/Grant Division**

Louisiana State Guaranteed Student Loan Program

Rule 8 has been changed to read:

8. Guarantee; Interest; Special Allowance

The Louisiana guarantee to lenders is one hundred percent of unpaid principal and interest. The federal statute prescribes seven percent simple interest on current loans, plus a special allowance which is paid by the federal government in addition to the seven percent interest on loans disbursed after November 8, 1965. The special allowance percentage is adjusted quarterly, and prior to July 1, 1979, was limited to an average of five percent in any twelve-month period. Beginning July 1, 1979, there is no five percent limit, and the special allowance is calculated according to the following formula:

The special allowance for any three-month period is computed by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills for that period, by subtracting three and one-half percent from this average, by rounding the resultant percent upward to the nearest one-eighth of one percent, and by dividing the resultant by four.

The interest and special allowance are presently paid to lenders by the Governor's Special Commission on Education Services each six months on approximately January 15, and July 15, for periods ending December 31, and June 30. After payment to lenders, the Governor's Special Commission on Education Services immediately requests refund from the federal government for its portion of interest and special allowance.

Richard W. Petrie, Director, Loan/Grant Division
Governor's Special Commission on Education Services

RULE

Board of Elementary and Secondary Education

Rule 3.01.05

(Replaces present policy in effect.) The Board adopted the State Plan for Nutrition Education and Training Program for 1980 as presented by the Department of Education.

Rule 3.01.70.v(10)

The Board approved for final adoption Adapted Physical Education Certification Basic Requirements which were adopted at its August 23, 1979, meeting as emergency rules and published in Volume 5, Number 9, September 20, 1979, issue of the *Louisiana Register*.

Rule 3.01.51t

The Board approved for final adoption an addition to page 114, Bulletin 741, *Handbook for School Administrators*, to read as

follows: The requirements for application for establishment of a new public special school must be submitted to the Department of Education for review and then for recommendation to the Board of Elementary and Secondary Education at least one month prior to the Board meeting for which approval is being requested.

Rule 3.01.51u

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, by deleting policy mandating eighth grade literacy testing in reading and by adding provisions of the Competency-Based Education Program.

seek waivers of the certification requirements in Bulletin 746 shall have the right of first appeal to the Due Process Committee of the Board, but only after a statement of certification denial by the Department of Education using data submitted to the Department. The Due Process Committee shall evaluate the requests for certification waivers using the same guidelines.

All persons whose requests for certification waivers are denied based on the recommendation of the Due Process Committee, shall have the right of final appeal to the full membership of the Board. No requests for certification waivers, how-

Louisiana Literacy Assessment Program

Minimum Standards/Competencies							
1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84
Reading K-12	Mathematics K-12	Writing K-12	12th Grade Competencies	Science (K-12)	To be determined	TBD	TBD
State Assessment (Act 621)							
	4-8-11 Reading	4-8-11 Reading Mathematics	4-8-11 Reading Writing Mathematics	4-8-11 Reading Writing Mathematics	4-8-11 Reading Mathematics Writing	4-8-11 Reading Mathematics Writing	6-8-11 Reading Mathematics Writing
Minimum Competency Testing (Act 750)							
			Develop 2nd	Pilot 2nd Develop 3rd	Implement 2nd Pilot 3rd Modify 4th	Implement 2nd & 3rd Pilot 4th Develop 5th	Implement 2-3-4 Pilot 5th Develop 6th

Rule 3.01.51v

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, page 37, Section 2b(1) to read as follows: A student, unless married, must be seventeen years of age in order to be authorized to be administered the Test of General Education Development.

Rule 1.00.71

The Board approved for final adoption operating procedures relative to meetings to comply with the open public meetings law. These procedures were adopted by the Board as emergency rules on August 23, 1979, and were published in Volume 5, Number 9, September 20, 1979, issue of the *Louisiana Register*.

Rules 3.07.10b, 3.07.11, 3.07.12, 3.07.20, 3.07.21

The Board approved for final adoption deletion of the above mentioned rules relative to Adult Education due to obsolescence.

Rule 3.01.70d

The Board approved for final adoption amendment to Policy and Procedure Manual by deleting reasons for recommending certification waivers to read as follows:

Teacher Certification Appeals. Bulletin 746 must contain in an appropriate place the following statement: "A person applying for a teaching or other certifiable position in Louisiana who does not meet all of the requirements of Bulletin 746, but who feels that he/she should be certified, may appeal his/her case to the Board."

Appeals of all degreed persons, whether employed or not, shall be evaluated by the Teacher Certification Appeals Council, and waivers of the certification requirements in Bulletin 746 may be recommended by the Appeals Council to the Board.

Degreed persons whose appeals are rejected based on a recommendation of the Appeals Council shall have the right of a second appeal to the Due Process Committee of the Board. Using the same personal data and the same guidelines as used by the Appeals Council, the Due Process Committee may reevaluate the decision of the Council and make further recommendations to the Board on the waiver of certification requirements.

Nondegreed persons, whether employed or not, wishing to

ever, shall originate at the level of the full Board, and all cases must be reviewed first by an appeals body. (Reference 1.00.30a)

Rule 3.07.11

The Board approved for final adoption Graduation Requirements for Adults:

a) Revisions to Bulletin 741, *Handbook for School Administrators* (1977 edition), relative to Graduation Requirements for Adults, pages 37-45:

**3.07.11a Graduation Requirements for Adults
Adults Who Are Nonveteran**

1. Evening Schools. All state-approved high schools may offer courses for adults in the evenings, or at such times as necessary apart from their regular daily schedules. Before these courses may be accredited, a particular high school must submit a report in the form of an amendment to the Annual School Report to the Department of Education.

The minimum aggregate time allotment for one unit in an adult education course shall not be less than one hundred eighty clock hours of instruction. There shall be no limitation on the lengths of class periods. High school credit may be granted only in those courses listed in the program of studies.

All other minimum objective standards required of state-approved high schools shall be the same in the adult education program where high school credit is granted. In those cases where credit is allowed for successful completion of adult education courses, such credit may be considered as having been earned in residence.

2. Adult Education Program.

a. Definition. The Louisiana Adult Education Program shall be defined as an academic instructional program offering adults sixteen years of age and older with less than a secondary education the opportunity to continue their education to at least the level of completion of secondary school in an organized program administered by the Louisiana State Department of Education through local education agencies.

b. Requirements for Taking the General Educational