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Executive Orders

EXECUTIVE ORDER DCT 80-7

WHEREAS, due to natural and incidental man-made catastrophes and disaster which have resulted and will continue to result from the torrential rains, highwater levels and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near False River in Pointe Coupee Parish may be victimized or threatened by such catastrophes and disasters; and

WHEREAS, the seriousness of the current emergency has been publicly announced by the Police Jury of Pointe Coupee Parish, Louisiana with the request that specific emergency action be taken; and

WHEREAS, when such conditions exist and valid requests are made to him, it is necessary and appropriate, under the constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, power boat navigation on False River during this time of crisis can only serve to cause damage and injury and to maintain the level of or to increase existing hazards and danger to life and property; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster,

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, DAVID C. TREEN, acting under the authority granted to me and the duties imposed upon me by Article 4, Section 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed 30 days from this date, order and proclaim that power boat navigation on False River be and the same is hereby prohibited.

IN WITNESS WHEREOF, I have hereunto set my hand officialy 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 17th day of May, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-8

WHEREAS, the State of Louisiana recognizes the importance of its rural areas to the state's economic, social and cultural well-being; and

WHEREAS, these rural areas are suffering population decline, economic stagnation and increased demand for government services; and

WHEREAS, state, federal, and local governments and agencies are vitally interested in maintaining and developing rural areas of Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, 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 create a Gov-

ernor's Rural Development Council which will allow public officials, government agencies and private agencies to assemble and develop coordinated programs for rural development.

BE IT FURTHER RESOLVED, that the Governor's Rural Development Council shall propose means to coordinate state, federal and local governmental resources with private resources to develop rural areas of Louisiana. The activities of the Council shall include but not be limited to:

Research on rural conditions and problems and governmental actions to alleviate these conditions;

Development of intergovernmental programs for the development of rural areas that will allow for the more efficient use of public resources;

Provide advice to the Governor and the Legislature on the need for and suggested composition of a state rural development policy;

Formation of subcommittees composed of Council members and other appropriate public and private interests to impact on specific rural development problems.

BE IT FURTHER RESOLVED, that said Council shall be composed of six members to be appointed by the Governor one from each of the following organizations: 1) the Louisiana Association of Planning and Development Districts, 2) the Louisiana Farm Bureau, 3) the Louisiana Municipal Association, 4) the Police Jury Association of Louisiana, 5) the Louisiana Ozarks Regional Commission, 6) a representative of commercial agribusiness.

The Louisiana Commissioner of Agriculture; the Secretary of the Louisiana Departments of Commerce, Health and Human Resources, Natural Resources, Transportation and Development, Urban and Community Affairs, and Wildlife and Fisheries; the Director of the Louisiana Cooperative Extension Service and the Executive Director of the Louisiana State Planning Office will serve as ex-officio members representing state agencies.

The State Executive Director, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture; State Director, Farmers Home Administration, U.S. Department of Agriculture; the State Conservationist, Soil Conservation Service, U.S. Department of Agriculture; the Louisiana Economic Development Representative, Economic Development Administration, U.S. Department of Commerce; the District Engineer, New Orleans District, U.S. Army Corps of Engineers; and the Regional Director, Federal Region VI, U.S. Department of Housing and Urban Development will serve as ex-officio members representing federal agencies.

The Louisiana Congressional Delegation is requested to designate a representative to this Council.

The Louisiana Senate and the Louisiana House of Representatives are each requested to designate a representative to this Council.

BE IT FURTHER RESOLVED, that the Governor's Rural Development Council shall elect a chairman from among its members and meet at the discretion of its members but not less often than once each quarter.

IN WITNESS WHEREOF, I have hereunto set my hand officialy 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 27th day of May, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-9

WHEREAS, by Public Law 94-482 Congress established the National Occupational Information Coordinating Committee for the purposes of improving coordination among vocational educa-

tion, vocational rehabilitation, and manpower training programs, and to develop a source of information which will facilitate the accurate analysis and prediction of occupational supply and demand; and

WHEREAS, the Congressional Act mandates each state receiving funds under the Comprehensive Employment and Training Act of 1973 (CETA) to participate in this occupational information program, and to form a State Occupational Information Coordinating Committee, and to create a coordinated system of employment information; and

WHEREAS, in order to provide more realistic employment opportunities and to generate information necessary to achieve the related but distinct objectives of vocational, educational, and rehabilitative programs, there should be developed uniform definitions of employment terminology, standards for estimating jobs, standards for estimating the labor force, and standard occupational classifications; and

WHEREAS, all of the above are national goals which can best be accomplished by full cooperation and coordination of efforts between the Federal government and the governments of the participating states; and

WHEREAS, this Administration is aware of the urgent need to manage public vocational programs in the most efficient manner and to provide a system of common information so as to contribute to the development of our state's economy; and

WHEREAS, the Congress has appropriated funds to initiate a coordinated occupational information system; and

WHEREAS, by participation in this program the State of Louisiana will realize many benefits, including improved governmental response to the needs of employers and job seekers, more effective management, more reliable occupational information for the use and benefit of public entities and private enterprise alike, more clearly identified employment opportunities, and improved reporting on the labor market.

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by the power and authority vested in me by the Constitution and the laws of the State, do hereby create and establish in the Department of Labor the State Occupational Information Coordinating Committee. Fiscal responsibility shall be vested in the State Department of Labor which embraces the Office of Employment Security. The Committee shall be an interagency public body composed of the Assistant Secretary of the Office of Employment Security, Department of Labor; the Assistant Secretary of the Office of Rehabilitation Services, Department of Health and Human Resources; the Director of the State Employment and Training Council; and a representative of the Vocational-Technical Education Committee of the State Board of Elementary and Secondary Education (The State Board of Vocational Education).

The Committee shall:

1) Create an occupational information system for the State of Louisiana. This system, shall be housed in the Department of Labor, shall serve the State's programs in vocational education, vocational rehabilitation, manpower training, and economic development.

2) Execute an interagency agreement for the purpose of coordinating a program of occupational information.

3) Develop a delivery system which will provide occupational and educational information to be used for career choice and job search purposes.

4) Develop information on labor demand and supply, using uniform employment definitions, standard estimation and projection procedures, and standard occupational classifications.

5) Upon request, provide State agencies, members of the Legislature, or private citizens with accurate, pertinent information.

6) Submit an annual plan of operation to the Louisiana Department of Labor and the National Occupational Information Coordinating Committee.

BE IT FURTHER PROVIDED, that only the four statutory members as established by the Congressional Act, who are the administrators of the State Manpower Services, Vocational Education, Vocational Rehabilitation, and Employment Security Programs, or their delegated representatives, may decide any matter concerning the expenditure of funds.

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 27th day of May, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-10

WHEREAS, the State of Louisiana's telecommunications services represents a multimillion dollar annual expenditure; and

WHEREAS, modern day telecommunications services is one of the most effective tools of management; and

WHEREAS, consolidated management of the state's telecommunications systems can result in a significant cost savings to state government; and

WHEREAS, consolidated purchase lease and/or a procurement of telecommunication equipment, circuits, lines and instruments can assure that a uniform and high quality of telecommunication service can be provided to all of state government; and

WHEREAS, consolidated billing for service can allow the state to take advantage of the use of high volume, low cost, intra and inter state private line telecommunication circuits and switching systems; and

WHEREAS, emerging new technologies in telecommunication services must be investigated and integrated into the state telecommunication system when applicable,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me under the Constitution and laws of this State, specifically Louisiana Revised Statutes, Title 39, do hereby establish and affirm the duties and responsibilities of the Office of Telecommunications Management, a subdivision of the Division of Administration, as herein after prescribed.

The Office shall establish, manage and operate, through either state ownership or commercial leasing, telecommunication systems and services as they affect management and operation of state government. Telecommunications system or service as defined in this order, shall mean the equipment, personnel, policies and means necessary to provide:

- 1) Central telephone systems and telephone networks,
- 2) Teleprocessing and data transmission networks,
- 3) Teletype and facsimile networks,
- 4) Satellite services,
- 5) Radio paging services,
- 6) Mobile telephone service,
- 7) Intercom and electro-mechanical paging system,
- 8) Any and all systems based on emerging and future telecommunication technologies, and
- 9) Any other telecommunication service or activity mandated to the agency by statute, rule, regulation or order.

State agencies as referred to in this order are those state agencies defined in Louisiana Revised Statutes, Title 39.

The Office shall act as the sole centralized customer for the acquisition, billing and record keeping of all leased telecommunication systems or services provided to state agencies.

The Office, under the authority of the Centrex Revolving Fund, shall charge respective user agencies for their proportionate cost of the installation, maintenance and operation of the telecommunications systems and services, including the operation of the Office.

Emergency Rules

The Office shall develop coordinated telecommunications systems or services within and among all state agencies, departments and institutions, and require, where appropriate cooperative utilization of telecommunication equipment and services by aggregating users.

The Office shall review, coordinate, approve or disapprove all requests by state agencies for the procurement, through purchase or contract for lease, of telecommunications systems or services including telecommunication proposals, studies and telecommunication consultation contracts.

The Office shall establish and define telecommunications systems and services specifications and designs so as to assure compatibility of telecommunication systems and services within state government.

The Office shall provide a continuous comprehensive analysis and inventory of telecommunications costs, facilities, systems and personnel within state government.

The Office shall promote, coordinate and/or assist in the design and engineering of emergency telecommunications systems, including but not limited to "911" service, emergency medical services and other emergency telecommunications services.

The Office shall advise and provide consultation to agencies and institutions of telecommunications management planning and related matters and provide training to users within state government in telecommunications technology and system use.

The Office shall develop policies, procedures and long range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems, and to base such policies or current information about state telecommunications activities in relation to the full range of emerging technologies.

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 2nd day of June, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-11

WHEREAS, Executive Order No. 80-7, issued the 17th day of May, 1980, ordered and proclaimed power boat navigation on False River to be prohibited; and

WHEREAS, such Executive Order was issued because power boat navigation on False River at that time could have caused damage and injury to life and property; and

WHEREAS, the threat of danger has passed and such emergency condition no longer exists,

NOW, THEREFORE, by the powers vested in me, and acting under the authority granted to me and the duties imposed upon me by Article 4, Section 5 (A) and (J) of the Louisiana Constitution of 1974, and Act 636 of 1974, as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby cancel and rescind Executive Order No. 80-7, ending the prohibition of power boat navigation on False River.

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 6th day of June, A.D., 1980.

David C. Treen
Governor of Louisiana

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting on May 22, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B in order to protect the welfare of the handicapped children of the State of Louisiana.

The Board adopted a policy change regarding employment of school psychologists as presented by the State Department of Education. This policy change was adopted for temporary implementation to expire as of January 1, 1981, in order that persons meeting these adopted requirements could perform evaluations this summer. Otherwise evaluations could be delayed because of limited personnel. This change would permit evaluations to be conducted quicker to better serve the needs of the handicapped children of the State of Louisiana.

Policy Change Regarding Employment of School Psychologists

A school psychologist or school psychological assistant certified under the provisions of the Board of Elementary and Secondary Education established in Bulletin 746 and who meets the following criteria shall be considered as meeting the requirements in Section 432 (d) of the regulations implementing Act 754 for an educational consultant on each multidisciplinary team.

1. At least three semester hours in psycho-educational assessment, educational diagnosis, or academic assessment which includes the administration, scoring and interpretation of academic achievement tests.

2. At least three semester hours in the remediation of reading or learning problems, task analysis, curriculum development, or diagnostic-prescriptive instruction.

3. Three semester hours in course work covering behavioral intervention strategies in the classroom.

4. At least one year of experience conducting psycho-educational evaluations and providing recommendations for educational interventions. This experience requirement may be satisfied by either:

- a. Supervised internship or externship experience of one school year (minimum nine months or one thousand clock hours) or the equivalent, the successful completion of which is verified by the university or the individual's transcripts, or;

- b. One year of successful experience as a school psychologist in a public or private school setting providing services which included psycho-educational assessment and recommendations for educational interventions, such duties being a regular aspect of the school psychologists job description. This experience shall be documented by the job description and verified in writing by the individual's immediate supervisor for the required year.

- c. A combination of documented university practicum or internship experience and at least six months work experience, the combination of which covers at least a full school year, and which is verified as in (a) and (b) above.

When a psychologist as described above is used on the multidisciplinary team for a child, that student's teacher (or if on secondary level counselor or chosen "lead teacher") shall be a full member of that evaluation team and must be present at the evaluation staffing and sign the report as a full member of the multidiscipline team.

These criteria shall be in effect until new certification requirements for school psychologists are revised in accordance with the intent of this policy. Persons who qualify under the provisions of this policy shall retain their qualified status subject to certification renewal requirements to be specified in the new certification re-

quirements for school psychologists.

Rationale: The intent of P.L. 94-142 and Act 754 with respect to evaluations conducted by multidisciplinary appraisal teams is to ensure appropriate and valid evaluations for placement and instructional decisions for suspected handicapped children.

Certain evaluation areas (e.g., hearing) clearly fall within the professional expertise of one discipline (e.g., audiological evaluations). Other evaluations may be conducted by trained professionals in more than one discipline, and educational evaluations are of this type.

Educational consultants **and qualified** school psychologists may both be trained to administer, interpret and make recommendations on the basis of educational and "psycho-educational" instruments.

Formal training programs in school psychology include considerable course work and practicum experience in educational assessment and intervention. The accreditation standards of the National Council for Accreditation of Teacher Education (NCATE) and the National Association of School Psychologists (NASP) require that school psychology training programs include in their curriculum content areas such as:

- a. Instructional and remedial techniques
- b. Psycho-educational assessment
- c. Consultation
- d. One thousand hours of internship experience
- e. Behavioral interventions.

Efforts are currently under way to begin formal school psychology training programs in Louisiana which will meet NCATE accreditation requirements and which will train school psychologists to provide a broad range of psychological services in the schools, for more than the traditional role of only a "tester". Although many school psychologists in Louisiana do not have the necessary training and experience to conduct psycho-educational evaluations and make recommendations for educational interventions, others do have these skills either as a result of additional graduate study in education in Louisiana or as a result of receiving their training in formal school psychology programs in other states.

It would be to our advantage, in terms of service needs, manpower needs, and cost-efficiency, to fully utilize the training and experience of our personnel. It is also our belief that the adoption of this recommended policy would encourage psychologists currently employed in Louisiana to obtain the training advocated in this recommendation as such training will be recommended in the revised certification requirements for school psychologists which will be presented for your adoption by the end of this calendar year.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Natural Resources Office of Conservation

Pursuant to the provisions of R.S. 49:953B, the Commissioner of Conservation has adopted Section 185.22(b) of Statewide Order 29-0-1 relative to in situ processing activities in connection with surface mining activities under the Louisiana Surface Mining Program.

This rule is being adopted on an emergency basis due to the Surface Mining Control and Reclamation Act of 1976. Failure to adopt Section 185.22(b) could imperil approval by the Department of the Interior of final authority for the State of Louisiana over surface coal mining operations within the State and an imminent peril to public welfare requires this emergency action.

This rule is designed to clarify the existing Section 185.22(b) as it presently appears in Statewide Order 29-0-1 and as it applies to in situ processing activities.

This section shall be effective on or after June 20, 1980.

Rule

Section 185.22(b)

An application for a permit for operations covered by this Section shall be made according to all requirements of 30 CFR Subchapter G applicable to underground mining activities, which are, for the specific and limited purposes of this Section, hereby adopted and made a part hereof. In addition, the mining and reclamation operations plan for operations involving in situ processing activities shall contain information establishing how those operations will be conducted in compliance with the requirements of Part 228, including:

1. Delineation of proposed holes and wells and production zone approval of the Office;
2. Specification of drill holes and casings proposed to be used;
3. A plan for treatment, confinement or disposal of all acid-forming, toxic-forming or radioactive gases, solids, or liquids constituting a fire, health, safety or environmental hazard caused by the mining and recovery process; and
4. Plans for monitoring surface and ground water and air quality, as required by the Office.

R. T. Sutton
Commissioner of Conservation

Rules

RULE

Department of Agriculture State Market Commission

Procedures for Authorization and Administration of

State Market Commission Loans and Loan Guarantees

1.0 Eligibility.

1.1 Any person, firm, corporation, partnership, or association engaged in the marketing, processing, and/or storage of Louisiana farm products shall be eligible for a State Market Commission loan or loan guaranty, upon proper application and approval therefore, as set forth herein.

1.2 "Farm products" means any agronomic, horticultural, silvicultural, or aquacultural crop; any commercially raised livestock or raw product derived therefrom; or any final derivative resulting from a combination or breakdown of raw farm products.

1.3 Costs associated with the purchase, construction, or necessary improvement of any agricultural plant shall be eligible for a State Market Commission loan.

1.4 The State Market Commission shall give priority to persons, firms, corporations, partnerships, and associations which utilize Louisiana agricultural products to the maximum extent possible.

1.5 The State Market Commission shall also give preference to those persons, firms, partnerships, corporations, and associations which, at the time of the loan application, provide, or expect to provide upon completion of a facility, new or expanded job opportunities for the Louisiana work force.

2.0 Time for filing applications.

2.1 Applications may be filed at any time throughout the year and may be personally delivered to the State Market Commission office in Baton Rouge or forwarded through the United States Mail.

2.2 An application will be considered filed only upon provision of all information required in Rule 3.0.

2.3 A complete application, consisting of all information required in Rule 3.0, must be physically on hand in the State Market Commission office at least twenty working days prior to the State Market Commission meeting at which the application will be consi-