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Executive Orders

EXECUTIVE ORDER EWE-76-3

Acting pursuant to the authority vested in me by the Constitution and the laws of the State of Louisiana, I, Edwin W. Edwards, Governor of Louisiana, do hereby issue the following proclamation and executive order specifically amending and superseding specified provisions of Executive Order No. 57 issued on the 29th day of January, A.D., 1974.

WHEREAS, the Red River Delta Law Enforcement Planning Council, Inc. has been created to function as the law enforcement planning agency for the area comprised of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Winn and Vernon; and

WHEREAS, the creation of the Red River Delta Law Enforcement Planning Council, Inc. is in the best interests of the people of the State of Louisiana because of better service in assessing problems in the fields of law enforcement and the administration of criminal justice and more comprehensive and coordinated plans in law enforcement; and

WHEREAS, the Kisatchie-Delta Economic Development District Council, Inc. has functioned in this capacity for this district until this time; and

WHEREAS, Executive Order No. 57 states in Article III relative to Law Enforcement Planning Districts that the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Winn, and Vernon comprise the Kisatchie-Delta Law Enforcement Planning District; and

WHEREAS, Executive Order No. 30 stated in Article IV, Section A relative to "Delineation" that one of the law enforcement planning agencies is the "Kisatchie-Delta Economic Development District Council, Inc.—Kisatchie-Delta Law Enforcement Planning District" and such agency is the sixth unnumbered agency listed in the section and which agency is referred to in Article IV of Executive Order No. 57 as a recognized planning agency; and

WHEREAS, the name of law enforcement planning district should be changed to reflect the creation and establishment of the Red River Delta Law Enforcement Planning Council, Inc.

NOW, THEREFORE, I, Edwin W. Edwards, Governor of the State of Louisiana, do hereby amend and

supercede specified provisions of Executive Order No. 57 issued on the 29th day of January, A.D., 1974, by providing the following:

In Article III relative to Law Enforcement Planning Districts delete the following:

* * *
Kisatchie-Delta Law Enforcement Planning District—
Avoyelles, Catahoula, Concordia, Grant, La-
Salle, Rapides, Winn and Vernon Parishes;

and insert in lieu thereof the following:

* * *
Red River Delta Law Enforcement Planning Dis-
trict—Avoyelles, Catahoula, Concordia, Grant,
LaSalle, Rapides, Winn and Vernon Parishes;
* * *

FURTHERMORE, the Red River Delta Law Enforcement Planning Council, Inc. is hereby fully recognized as the established planning agency for the Red River Delta Law Enforcement Planning District as provided in this executive order, and expressly replaces and supercedes the Kisatchie-Delta Economic Development District Council, Inc. for the former Kisatchie-Delta Law Enforcement Planning District provided for by the sixth unnumbered agency in Section A on Delineation of Article IV, relative to Law Enforcement Planning Agencies, of Executive Order No. 30 issued on the 30th day of February, A.D., 1973.

IN WITNESS WHEREOF, I have here-
unto 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 24th day of
March, 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Dairy Stabilization Board

(Editor's Note: The following rule was adopted on
March 17, 1976.)

In accordance with the provisions of R.S. 49:953, the Louisiana Dairy Stabilization Board hereby finds that an imminent peril to the public health, safety, and welfare requires the adoption of an emergency rule upon fewer than fifteen days notice and that it is necessary to proceed without prior notice or hearing for the following reasons:

WHEREAS, the Louisiana dairy industry contributes more than 250 million dollars per year to the economy of this State and

WHEREAS, the Louisiana dairy industry furnishes a livelihood for approximately 35,000 families of the State, and,

WHEREAS, the Division of Health of the Louisiana Health and Human Resources Administration has issued a permit to an out-of-state dairy products processor and, as a result, thousands of gallons of processed milk from the State of Mississippi are being sold daily in the City of New Orleans, and

WHEREAS, the Division of Health now has multiple applications from processing plants from surrounding states including the states of Texas, Arkansas, and Mississippi, and

WHEREAS, we have been reliably informed that the Division of Health plans to automatically grant these permits on certifications from the various out-of-state Boards of Health without Louisiana Health inspectors ascertaining that these plants do, in fact, meet the rigid sanitation standards as Louisiana plants must meet, and

WHEREAS, the mass flow of processed milk from other states into Louisiana will rob the Louisiana dairy farmers and Louisiana processors of their traditional markets and destroy a great and valuable industry of this State to the detriment of all our citizens, and

WHEREAS, the Louisiana Dairy Stabilization Board feels that Louisiana dairy farmers and Louisiana dairy products processors should be given every opportunity to protect and preserve the markets that they have developed in this State, and

WHEREAS, Act 31 of 1974 empowers this Board to take such steps as are required in order to enable licensees to meet legal competition;

NOW, THEREFORE BE IT RESOLVED THAT the Dairy Stabilization Board establish an experimental system of dock pricing and back-door delivery for a period of one hundred and twenty days commencing at

12:01 a.m., Tuesday, March 23, 1976, or for such shorter period of time as the Board may hereafter determine, the prices to be established by the individual processors and further that the Chairman appoint a committee immediately to report back to the Board before March 22, on the proper method to administer this system.

BE IT FURTHER RESOLVED THAT the Dairy Stabilization Board formally request of Governor Edwin W. Edwards and the Louisiana Legislature that Act 31 of 1974 be amended to provide that the Dairy Stabilization Board determine dairy products costs as provided for in the Act and that the Dairy Stabilization Board no longer fix wholesale prices of dairy products but that the processors and distributors be prohibited from selling dairy products below the established costs.

Done on this 17th day of March, 1976, at Baton Rouge, Louisiana.

Jesse H. Cutrer, Jr.
Director

DECLARATION OF EMERGENCY

Livestock Sanitary Board

The Livestock Sanitary Board on March 12, 1976, took emergency action, as provided for in R.S. 49:953B, to amend its rules relative to testing horses offered for sale at Louisiana auction markets for equine infectious anemia, and to impose a fee of not more than \$3.00 for administering such tests.

The text of the amended rule follows:

Regulation 3—Governing the Operation of Livestock Auction Markets

Section 13. Equine Requirements

- A. All horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted by an approved laboratory within six months of date of sale.

Exceptions:

- a. Horses consigned for immediate slaughter and re-consigned from auction market on VS 1-27 to an approved slaughtering establishment.

- b. Horses consigned for slaughter and purchased by individual must have blood sample drawn by an accredited veterinarian and submitted to an approved laboratory. Horses may then move to purchaser's premises under quarantine until results of Coggins test are received. If animal is found to be positive, it must be properly identified and will remain under quarantine until sold for immediate slaughter. Owner may request confirmation test of positive animal(s) at time of identification and blood sample will be collected by a State veterinarian and forwarded to an approved laboratory for confirmation.

Forrest E. Henderson, D.V.M.
State Veterinarian

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

The Louisiana and Wildlife and Fisheries Commission on March 23, 1976, took emergency action as authorized by R.S. 49:953B to extend for thirty days the oyster harvesting season in a certain area east of the Mississippi River and in Bay Junop in Terrebonne Parish. The text of the Commission's resolution follows:

Whereas, Act 616, adopted during the Regular Session of the 1974 Legislature, authorized the Louisiana Wildlife and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on State-controlled oyster seed grounds, and

Whereas, Commission biologists checked the oyster seed grounds east of the Mississippi River, as well as Bay Junop in Terrebonne Parish, and found the outer reefs to have from 15,000 to 20,000 sacks of large oysters which could be harvested by the oyster fishermen rather than to have these oysters lost to predators and/or high salinity.

Now, therefore, be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby authorize and empower the Director to extend the oyster season in a certain area located east of the Mississippi River until May 15, 1976, with said extension being thirty days after the previously established closing date. The oyster seed grounds excluded from this season is that area west of a line that runs as follows:

Beginning at a point of land known as California Point. Thence N 18° W, 15,000' to a point known as Pelican Point. Thence N. 38° E, 6,000' to a point of

land known as Telegraph Point. Thence N 50° W, 6,000' to a point of land (this point being located S 58° E, 3,500' from U.S.C. & G.S. Triangulation Station Iron). Thence N 20° E, 4,500' to a point of land, this point being located N 70° E, 4,000' from U.S.C. & G.S. Triangulation Station Iron). Thence N 11° W, 13,000' to the most easterly point of land on Stone Island. Thence N 32° E, 21,000' to a point of land known as Mozambique Point.

Be it further resolved that the aforementioned extension of oyster season shall also apply to the Bay Junop oyster seed grounds in Terrebonne Parish.

Now, therefore, be it further resolved that only three-inch or larger oysters can be harvested and those harvested smaller in size shall be culled back into the reefs. The extended season after April 15, 1976, can be closed on a twenty-four hour notice by the Director of the Commission for biological purposes or for reasons of difficulty to enforce the three-inch law or oyster fishermen harvesting in closed areas.

J. Burton Angelle
Director

Rules

RULES

Department of Corrections

(Editor's Note: The following rules were adopted on April 5, 1976.)

Department Regulation No. 10-11

Records of Adult Offenders and Ex-Offenders

1. Purpose. To establish a formal policy regarding access to records of offenders and ex-offenders.
2. To Whom This Regulation Applies. This regulation is applicable to all persons employed by the Department of Corrections.
3. Department's Access to Information and Records of Other Agencies:
 - A. R.S. 15:840.0 provides that during the course

of any investigation which the department is authorized by law to conduct, or which is necessary for the rehabilitation of persons in the custody of the department, the department shall have access to information and records under the control of any state or local agency which is reasonably related to the rehabilitation of the individual.

B. All information obtained on an offender shall be confidential and shall not be disclosed to anyone except in accordance with this regulation.

4. General. Before the release of any information in department records, it is necessary to first determine whether the individual or agency has a right to know the information and also whether they have a need to know. The following paragraphs of this regulation spell out who has a right to know the information contained in department files and the extent of that right. In determining whether an individual or agency has a need to know the information requested, the request should be examined to see if the request is legitimately and properly related to the individual's or agency's responsibilities and whether the information will be used for the purpose intended.

Examples:

1. A secretary working for the Department of Corrections has a right to know information contained in department files [see 6(a)(7) below], however, if she wishes to examine these records for personal reasons, she would not have a legitimate need to know, because her requested access is not related to the purpose of her employment.
2. A state senator has a right to read department records relating to the discharge of his duties as a state official [see 6(c)(2), below]. If, however, he made the request in his role as a private attorney, he would not have a legitimate need to know under this section.
5. Form of Requests. Requests for information may be made verbally except where otherwise noted. However, any request for the ongoing furnishings of records or the furnishing of large masses of records to a particular agency or individual must be submitted in writing to the Director for approval. The requesting individual or agency must certify that they will not release the information to any other individual or agency.

6. Release of Non-medical Information and Records:

A. Information on a particular individual may be released without special authorization to the following:

- (1) Board of Parole;
- (2) Board of Pardons;
- (3) Governor;
- (4) Sentencing Judge;
- (5) District Attorneys;

* (6) Publically funded law enforcement agencies;

(7) Personnel of the Department of Corrections, including legal representatives and student workers;

(8) Court officers with subpoenas specifying the information desired.

B. Fingerprints, photographs, and information pertaining to arrests and disposition of criminal charges may be released to local, state, or federal criminal justice agencies* without special authorization.

C. Upon approval by the Director or his designated representative, information may be read, but not copied, by the following, under certain conditions as set forth in R.S. 15:574.12:

(1) Social service agencies assisting in the treatment of the offender or ex-offender;

(2) Appropriate governmental agencies or officials.

(3) Approved researchers.

D. The Director or his designated representative may also, under certain conditions, approve the selective reading of information to private citizens or organizations aiding in rehabilitation or directly involved in hiring of the offender or ex-offender.

E. Statistical information and information of a general nature (age, physical characteristics, offense, date of conviction, length of sentence and discharge date) requested on a specifically named offender or ex-offender may be released to the general public, including members of the press at any time.

7. Release of Medical Records (R.S. 44:7)

A. Medical charts, records, reports, documents, and other memoranda prepared by physicians, surgeons, psychiatrists, nurses, and employees of the department may be released to the following when they are legitimately and properly interested in the disease or in the condition of the patient, without consent of the patient:

- (1) Board of Parole;
- (2) Board of Pardons;
- (3) Governor;
- (4) Personnel of the Department of Corrections, including legal representatives and student workers;
- (5) Doctors;
- (6) Hospitals, clinics and nursing homes;
- (7) Courts, whenever the past or present condition is at issue or relevant in any judicial proceeding.

B. Medical records, except psychiatric reports, shall be available to anyone having a legitimate interest, provided the patient or, in case of his death, his legal heir or next of kin has consented in writing to their release.

8. Subpoenaed Records (R.S. 15:574.12).

A. Whenever any record covered by this section is subpoenaed (except in the case of medical records for which a release has been obtained), the pertinent records shall be submitted to the appropriate court for a ruling as to whether the information should be made available to the person who caused the subpoena to be issued.

B. The court shall examine the information in private and shall withhold the information should it find;

- (1) That the information is not relevant to the proceedings, or
- (2) That the information was derived from communications which were obviously made in the confidence that they would not be disclosed, or
- (3) That confidentiality is essential to future useful relations between the source and the recorder of the information.

9. Fees. All persons or organizations, except state or federal agencies or officials, requesting copies of records, shall be charged fifty cents for each page copied.

10. Penalties Failure to abide by this regulation may result in dismissal from the Department of Correc-

tions or in refusal to comply with future requests for information.

*Includes all state police, Sheriff Offices, Police Departments, Departments of Correction, the U.S. Attorney and Attorneys General, and the Federal Bureau of Investigation. Any other agency wishing to qualify under these sections must request in writing that the department make a finding of their eligibility for access.

C. Paul Phelps
Director

RULES

Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted on March 25, 1976.)

(1) A new edition of Bulletin 741, Handbook for School Administrators wherein are contained requirements for high school graduation as follows:

English	3 units
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Must be any three of the four courses, English I, II, III, IV. (A course in basic reading will be available as an elective course to enable students who need it to take the three English units required.)

Health and Physical Education	2 units
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Each required unit must include 30 hours of health instruction.

Mathematics	2 units
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Science	2 units
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Social Studies	2 units
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Two units in social studies shall be required. One unit must be in American History (including six weeks of instruction in Americanism vs. Communism); and one unit must be civics or an equivalent course in citizenship education as approved by the State Department of Education.

Total Required	11 units
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Electives	9 units
Total required for graduation	20 units

These requirements are effective as per the following:

Regulations in Bulletin 741 will become effective with the beginning of the 1976-77 school year, except that the graduation requirements will become effective with the incoming freshmen of the 1976-77 school year. Students enrolled in high school prior to the effective date of the graduation requirements shall be permitted to graduate in accordance with the requirements in effect at the time of their enrollment.

Other sections of the new version of Bulletin 741 shall be published in future editions of the Register. These policies shall be listed under 3.01.50 of the Policy and Procedure Manual.

(2) 3.01.84 Guidelines for the Adoption of Textbooks

1. A textbook is a tool which should enable a teacher to achieve the objectives of a course of study.
2. Textbooks should not contain material that promotes, as opposed to objectively presenting, a partisan or sectarian viewpoint.
3. Textbooks should objectively present concepts of citizenship, democracy, authority, freedom of expression, and free enterprise.
4. Violence, civil disorder, and social strife should be treated as to cause and consequences.
5. Blatant sensationalism is sufficient cause to disapprove a textbook.
6. Textbooks shall not contain language or illustrations which are obscene.
7. Recognizing the First Amendment rights of every citizen of the United States, textbooks shall clearly recognize that cultural, religious, social, ethnic, and sexual differences can be utilized to promote successful learning.
8. Textbooks shall not promote discrimination on the basis of sex.
9. Textbooks should promote concepts in harmony with the work ethic of our society.

10. Textbooks should do nothing to undermine the sanctity of the home or the individual right to privacy.

11. The content of history texts shall reflect true scholarship evidencing familiarity with primary sources.

12. It is the function of textbooks to promote the proper use of the English language.

(3) 3.01.81 Time schedule for Textbook Adoptions (Five Year Cycle of Adoptions)

The Textbook and Media Advisory Council may review the cycle every year in order that any needed changes can be made and recommended to the Board.

The adoption schedule is as follows:

- | | |
|---------|---|
| 1976-77 | Aerospace Education
Reading, grade K-8
Elementary & High School Science
Health, Safety Education & First Aid
Driver Education
Physical Education
Health—Elementary & High School |
| 1977-78 | High School Mathematics
Elementary Mathematics
Special Education
Handwriting
Trade & Industrial Arts
Guidance
Art—Elementary & High School |
| 1978-79 | Foreign Language—Elementary & High School
Music—Elementary & High School
Distributive Education
Home Economics
Agriculture
Career Education—Elementary & High School
Music—Instrumental & Vocal
Business Education |
| 1979-80 | Social Studies—Elementary & High School
Louisiana Studies
Black Studies
Dictionaries
Drug Abuse Education |
| 1980-81 | English Literature, grade 7-12
Language & Composition |

Literature
Spelling—Elementary & High School
English—9-12
Journalism
Speech

- (4) Deletion of Policy and Procedure Manual Rule number: 3.01.82.

Textbook Labels, as follows: Rule No. 7 of the rules and regulations for state owned (free) textbooks is amended to change the word "pasted" to the word "printed" in that sentence referring to the ownership label. The labels recommended by the National Association of State Textbook Directors are officially adopted. (1083:9:12-9-66)

- (5) The fixing of the following limit on the adoption of textbooks:

Textbooks shall be limited to a maximum of eight books per skill area of discipline. Justification must be given the Board for those adoptions exceeding this number.

Earl Ingram
Director

RULES

Health and Human Resources Administration

Division of Family Services

(Editor's Note: These regulations were adopted in order to comply with Act 551 of the 1975 Regular Session of the Louisiana Legislature. They have been in effect as an emergency measure since April 1, 1976, and become permanent rules with this publication.)

The Louisiana Health and Human Resources Administration, Division of Family Services, has adopted in the Louisiana Medical Assistance Program a policy for payment of chiropractor services.

Payment will be made to chiropractors for their services under the following conditions:

1. Payment will be made to chiropractors who are licensed by the State and who are certified by the Licensing and Certification Section for participation in Medicare (Title XVIII).

2. Payment will be made only for chiropractic treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by X-ray to exist) which the chiropractor is legally authorized to perform by the State. (Current Procedural Terminology Code 9485.) The restriction of payment for services to treatment by manual manipulation precludes payment for diagnostic X-rays taken by chiropractors.
3. Payment will be made for up to three chiropractic visits per calendar year. There is no provision for any additional visits.

All persons eligible for the medical assistance program are eligible for payment in their behalf to chiropractors for services, and these persons may be identified by a medical eligibility card which they receive monthly.

William H. Stewart, M.D.
Commissioner

RULE

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services in accordance with the Administrative Procedures Act of 1974 is deleting from its manual of policies and procedures the regulation that provides when an AFDC (Aid to Families With Dependent Children) recipient receives a foster care payment for a child in his care, the portion of the foster care payment for shelter and services to this child is counted as cash income. Effective May 1, 1976, and no later than the date of next redetermination of eligibility for AFDC, thereafter no part of a foster care payment will be counted as income in determining the amount of the AFDC grant.

William H. Stewart, M.D.
Commissioner

RULES

Health and Human Resources Administration Division of Youth Services

Amendments to the State Plan for Child Support Enforcement and Establishment of Paternity

(Editor's Note: Sections 2.11-1 and 3.5-1 of the

State Plan for Child Support Enforcement and Establishment of Paternity under Title IV-D of the Social Security Act were adopted by the Health and Human Resources Administration, Division of Youth Services, in compliance with Federal regulations as promulgated in the Federal Register, Vol. 40, No. 217, Monday, November 10, 1975, p. 52376. In addition, Section 2.6-1 was amended. The State Plan, as amended, may be reviewed at the offices of the Division of Youth Services from 8:30 a.m. through 4:00 p.m., Monday through Friday.)

() No.

(X) Yes. Until December 31, 1975, with respect to those recipients of assistance who continue to be eligible for assistance in the absence of an assignment in accordance with 45 CFR 232.11(a)(4), the provisions of 45 CFR 302.31, 302.32, 302.51 and 302.52 (as implemented by sections 2.1, 2.4 and 2.5 of this plan) will be applied as if there were an assignment in effect pursuant to 45 CFR 232.11.

* * * *

2.6 Individuals Not Otherwise Eligible for Paternity and Child Support Services

1. The child support collection or paternity determination services established under this plan are made available to any individual not otherwise eligible for such services upon application filed by such individual with the IV-D agency.

2. An application fee is charged each individual who applies for services under this section.

(X) No

() Yes, the fee is established in accordance with 45 CFR 302.33 and detailed in Attachment 2.6A.

3. An application fee is charged and any actual costs, in excess of the application fee, incurred in the determination of paternity and collection of child support in a particular case, are deducted from the amount of such recovery.

(X) No

() Yes; the individual for whom child support collection services are provided will be informed of this. In some cases the IV-D agency may pro rate deductions over a period of months to recover the large initial costs of establishing paternity or collecting child support.

* * * *

2.11 Child Support Activities with Respect to Recipients who have not Assigned Support Rights

The law of the State on August 1, 1975, met the requirements of 45 CFR 232.11(a)(1).

3.5 Safeguarding Information

The State provides safeguards pursuant to State statute imposing legal sanctions which restrict the use of disclosure of information concerning applicants and recipients to purposes directly connected with:

1. the administration of this plan, the State plans or programs under Title IV-A, IV-B, IV-C, I, X, XIV, and XVI, (AABD), XIX, or XX, or Title XVI (SSI) of the Act;

2. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plans or programs; and

3. the administration of any other Federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

Under this provision, disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name or address any such applicant or recipient is prohibited.

Attachment 35A sets forth the legal basis in the State statute and the criteria for the types of information to be safeguarded.

William H. Stewart, M.D.
Commissioner

RULES

Board of Parole

Rules and Regulations Determining Conduct of the Board of Parole and Related Agencies in the Granting, Releasing, and Supervising of Parolees

(Editor's Note: The following rules were adopted on March 31, 1976.)

I. Composition of Board

The Board of Parole is composed of five members appointed by the Governor. Four members are appointed to staggered terms of six years, and the fifth member, who acts as chairman, is appointed to a four year term which runs concurrent with the Governor.

II. Board Headquarters

The domicile of the Board of Parole is in the Parish of East Baton Rouge, City of Baton Rouge, Louisiana.

III. Meeting of the Board

A. Procedure:

1. Business will be conducted by use of Robert's Rules of Order.
2. Three members shall constitute a quorum.
3. Those docketed for a parole hearing may be represented by counsel, relatives or friends. The Board will direct questions to and/or request statements from these representatives.
4. The Board may extend invitations to individuals to sit as observers.
5. The vote of each member shall be recorded by name and date in the case record.

B. Schedule of Meetings

The Board of Parole has scheduled meetings in the following order:

1. First Monday, business meetings.
2. First Tuesday of each month, Jackson Barracks, A.M. maintenance force from Jackson Barracks and Special Treatment Unit. Orleans Parish Prison, P.M. maintenance force from Orleans Parish Prison.
3. First Wednesday of each month, Louisiana Correctional and Industrial School, Dequincy, Louisiana.
4. Second Monday of each month, East Baton Rouge Parish Prison for Parish Jail cases and maintenance force for LSP.
5. Second Tuesday of each month, Louisiana Correctional Institute for Women and Louisiana State Police Barracks for maintenance force.
6. Second Wednesday of each month, Caddo Correctional Institute for jail cases and maintenance force at Ouachita Parish Jail. Alternate months.
7. Third Monday, business meeting.
8. Third Tuesday, Wednesday, and Thursday of each month, Louisiana State Penitentiary, Angola, Louisiana for cases on parole docket.
9. Fourth Tuesday of each month, Louisiana State Penitentiary, Angola, Louisiana for revocation hearings and work release.
10. Fourth Wednesday of each month, Dixon Correctional Institute Jackson, Louisiana, for parole cases docketed.
11. Fourth Thursday, Louisiana State Penitentiary, Angola, Louisiana, to complete the docket for the month, if necessary.
12. Mondays and Fridays of every week, Parole Board conferences, appointments, business and file review in the office.
13. Those eligible for parole who are confined to Parish Prisons will be given hearings as the schedule permits. Dates for such hearings will be arranged on a month by month basis.

Scheduled meetings may be changed by majority vote of the Board, providing such changes are made in time to notify all concerned.

IV. Parole Consideration

Automatic Dockets

- A. All persons confined by the Department of Corrections and not excluded from parole by law, will be automatically docketed for a parole hearing at one third of sentence. The Probation and Parole Staff will prepare a post-sentence pre-parole investigation. These investigations will be returnable thirty days prior to regular monthly meetings preceding the eligibility date whenever possible.

Special Parole

- B. First offenders with a sentence of less than five years, that do not come under the exclusions in the law, may be given a hearing at any regularly scheduled meeting.

The sentencing court must be notified by the Chairman of the Board of Parole at least ten days prior to an early parole hearing date.

The Board will request comments from the judge and district attorney of the parish of conviction concerning any proposed early parole applications.

The Parole Board will require a post-sentence pre-parole report before an early parole hearing.

- C. The authority for determining the applicant's offender class and maximum sentence will be the official prison record constructed by the Custodian of Records at the Louisiana State Penitentiary. The Board will accept changes in the offender class when checked and verified.

Parish Jails and Prisons

- D. For applicants for parole incarcerated in parish jails and prisons, an official copy of the judgment and sentences handed down by the court will be required. Also, a letter by the warden or jailer attesting to applicant's conduct must be attached.

Work Release

- E. A work release parole hearing may be given to an inmate when he is recommended to the Parole Board for work release. The final decision for parole will be made by a vote of the Parole Board, with or without a final hearing, at or near the conclusion of the work release program.

Recind Vote

- F. The Board of Parole has the authority to rescind its decision to grant parole at anytime before the certificate of parole is officially issued to the inmate. If a decision to grant is rescinded by the Parole Board, the inmate will be given another parole hearing on the next docket. Decisions to grant parole usually will be made thirty days prior to parole eligibility date.

V. Categories ineligible for parole consideration

- A. No parole shall be granted to any prisoner serving a life sentence.
- B. No prisoner may be paroled while there is pending against him any indictment or bill of information for any crimes suspected of having been committed by him while a prisoner.

Upon conviction, the following are also excluded from parole by law:

1. Second Degree Murder—for 40 years (R.S. 14:30.1) Effective date: September 12, 1975.
2. Armed Robbery (R.S. 14:64) Effective date: December 13, 1966, 11:30 a.m. Emergency legislation.

Note: parole was not allowed by Act 475 of 1962, (effective date August 1, 1962) however, it was subject to major exceptions.

3. Illegal Carrying of Weapons (3rd and subsequent convictions (R.S. 14:95) Effective date: September 12, 1975.
4. Taking Contraband to or from Correctional Institutions under the Control of the Board of Corrections (R.S. 14:402) Effective Date: July 30, 1958.

5. Taking of Contraband to State-owned Hospitals (R.S. 14:402.1) Effective Date: August 1, 1962.

6. Simple Burglary of a Pharmacy (R.S. 14:62.1) Effective Date: July 31, 1974.

NOTE: A conspiracy or attempt to commit any of the above, except second degree murder, is without the benefit of parole (R.S. 14:26 and R.S. 14:27). July 29, 1942.

VI. Protesting and Opposing a Parole

The number of people opposing the granting of a parole will not be limited, but the number appearing before the Board at one time will be determined by the Board at that time.

VII. Processing the Release of Parolees

- A. All paroles granted will be contingent on the existence and/or development of an approved employment and an acceptable residence. If these conditions do not exist or cannot be developed, the parolee shall not be released from the institution of incarceration.
- B. In establishing the fact by field investigation that approved employment and acceptable residence exist, the Board of Parole will coordinate its action with the Division of Probation and Parole, Department of Corrections.
- C. It is within the discretion of the Board of Parole to grant paroles to (1) students, (2) persons who have an independent source of income, (3) invalid persons with bona fide care, public or private and (4) persons who are engaged in business on their own account. These could be considered approved employment plans within the meaning of the rules and regulations.
- D. Once employment and residence requirements have been established by the Division of Probation and Parole, the Board of Parole will issue, under the signature of the Chairman or Acting Chairman, a Parole Certificate authorizing the release of the inmate.
- E. Acceptance of this specific parole plan with all stated conditions of conduct will be mandatory on the part of the inmate before

his release can be effected. A person may refuse parole, if he so desires.

VIII. Parole Supervision

Field supervision of parolees will be the responsibility of the Chief Probation and Parole Officer, Division of Probation and Parole, Department of Corrections.

IX. Parole Revocation

A. New Felony Conviction

1. Parole status will be automatically revoked whenever a parolee has been convicted of and sentence has been passed for a new felony.
2. A new felony conviction committed by a person on parole from Louisiana, in another State, will be considered by the Parole Board as probable cause for revocation of parole.

B. Technical Violations

1. No parolee, who has not been convicted of an additional felony offense, shall be returned to the Louisiana State Penitentiary for revocation unless written authorization or a warrant to return him has been issued by the Board of Parole. He will have a hearing within thirty days after his return to the institution unless he should waive such a hearing in writing, or request in writing that his hearing be continued.
2. Parole status may be revoked by the Board of Parole at a revocation hearing only after probable cause has been found at a preliminary hearing held by the Parole Hearing Officer, the Court, or a Magistrate and is supported by a written report by the officers of the Division of Probation and Parole, except absconders who have waived extradition or have been extradited, and those who are revoked by law.

C. Absconders

Extradition or waiver of extradition shall be considered as probable cause on absconders apprehended out of state.

D. Due Process

1. The Division of Probation and Parole will give written notice of the alleged violations to the parolee prior to the revocation hearing as provided by *Morrissey v. Brewer* and *Gagnon v. Scarpelli*, Decision of the U.S. Supreme Court.
2. The alleged parole violator may be represented by counsel.
3. At the revocation hearing the Board will disclose to the parolee the evidence against him.
4. The parolee will be given the opportunity to be heard in person and to present witnesses and documentary evidence.
5. The parolee will be given the right to confront and cross examine adverse witnesses, unless the hearing officer specifically finds good cause for not allowing confrontation.
6. A written statement will be issued by the Board as to the reasons for revoking parole, and the evidence relied upon to make the decision.

X. Parole Revocation: Police Power

- A. The Board of Parole may issue a warrant for the return of any paroled prisoner to the Louisiana State Penitentiary and/or the jail or prison from which he was paroled, at any time information has been found that the parolee may have violated the conditions of parole.
- B. Arrest and Detention—Arrest Without a Warrant

If a Probation and Parole Officer has reason to believe that a parolee has violated his parole and that an emergency exists, so that awaiting action by the Parole Board would create an undue risk to the public or parolee, such Probation and Parole Officer may arrest a parolee without a warrant or may authorize any peace officer to do so. Such parolee may be detained in a local jail or detention facility, pending action by the Parole Board. The

arresting officer shall promptly notify Headquarters and make written request for a warrant.

C. Detainers

A Parole Officer may place a hold or detainer on a parolee arrested on new charges. For the sake of clarification of detainer policy, the Board considers as a risk those persons arrested on such new charges. After placing such hold or detainer, the Parole Officer must proceed in the same manner as under Section X.B. No bond is permissible. R.S. 15:574.4.

D. Fugitive from Justice

A prisoner for whose return a warrant has been issued, and whose whereabouts is unknown, shall, after the issuance of the order, be deemed a fugitive from justice.

XI. Paroles Contingent on "Out-of-State Plans"

- A. Parole to out-of-state plans will be considered when the State in question issues a written statement expressing its willingness to accept the parolee under specific employment and residential conditions.
- B. When it is the opinion of the Board of Parole that it is in the best interest of both society and the individual in question, a parole may be granted, contingent on the conditions of existing detainers and notices that are held by local authorities of this and other states or Federal authorities.
- C. Before any parolee can be considered to a plan in another state, it is mandatory that he sign an "Agreement to Return."

XII. Authority of the Board of Parole

The Board of Parole is concerned with those activities connected with decision making, whereas the Division of Probation and Parole is concerned with the administrative work and the supervision of parolees.

- A. The Board of Parole has the authority to release persons convicted of a felony and sentenced to a correctional institution, parish prisons and jails, who are eligible under the law.

- B. A parolee returned to incarceration for a parole violation that does not include a new sentence for a felony offense, will be required to serve the remainder of the sentence, subject to applicable commutation statutes or good-time credits. Any such prisoner may be considered for re-parole, at a date set by the Board of Parole.
- C. A prisoner returned to incarceration as a parole violator who has received a new sentence for a felony offense on parole shall serve out the entire sentence under which he was paroled, subject to applicable commutation statutes, unless the Court imposing the new sentence shall have otherwise directed. This prisoner shall begin serving his new sentence and be eligible for a parole hearing at the completion of one-third of the maximum sentence.
- D. The Board of Parole accepts the official prison record as issued by the Custodian of Prison Records in determining when sentences are concurrent or consecutive.
- E. The Board of Parole will require valid copies of judgments and sentences as handed down by the Court and/or Courts.
- F. The Board will keep a record of its acts and will inform each institution of its decisions.
- G. The Board will make an annual report to the Director of Corrections for inclusion in his/her report to the Governor, with respect to its activities during the fiscal year.
- H. The Board will adopt such rules, not inconsistent with law, as it deems necessary and proper, with respect to the eligibility of prisoners for parole, the conduct of parole hearings and the conditions imposed upon parolees.

XIII. Specific Conditions under which Parole is Granted

- A. The Parole Board has adopted the regulation that each prisoner must sign an agreement to abide by the following specific parole conditions prior to his release:
 - 1. That I will report immediately to the Division of Probation and Parole Office, Department of Corrections, which is listed on the face of this certificate.

- 2. That I will remain within the limits fixed by the Certificate of Parole. If I have good cause to leave these limits, I will obtain written permission from the Parole Officer and the approval of the Division of Probation and Parole before doing so.
- 3. That I will, between the first and fifth day of each month, until my final release, and also on the final day of my parole, make a full and truthful written report upon the form provided for that purpose and that I will take or mail my report to my Parole Officer. I will report to the Probation and Parole Officer when directed to do so.
- 4. That I will avoid injurious or vicious habits and places of disreputable or harmful character.
- 5. That I will not associate with persons known to be engaged in criminal activities or with persons known to have been convicted of a felony.
- 6. That I will in all respects conduct myself honorable, work diligently at a lawful occupation, and support my dependents, if any, to the best of my ability.
- 7. That I will promptly and truthfully answer all inquiries directed to me by the Division of Probation and Parole or Parole Officer.
- 8. That I will live and remain at liberty and refrain from engaging in any type of criminal conduct.
- 9. I agree to live and work at the places stated in my parole plan and will not change residence or employment until after I have permission to do so from the Parole Officer.
- 10. I shall not have in my possession or control any firearm or other dangerous weapon.
- 11. I will submit myself to available medical or psychiatric examination or treatment or both when ordered to do so by the Parole Officer.

12. That I hereby do waive extradition to the State of Louisiana from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Louisiana.

13. I understand that should my parole be revoked for any reason, I will lose all previously earned good time up to 180 days as required by Act 200 of 1974.

14. If I am arrested while on parole, the Board has the authority to place a detainer against me which will in effect prevent me from making bail pending disposition of my new charges.

B. Any special conditions may be imposed by the Board of Parole.

XIV. Suspension of Supervision Parole

The reporting conditions of a parolee may be suspended for such time as the parolee shall satisfy the Board of Parole that supervision is not necessary, after a minimum of two years has been served on parole. However, he will continue to be subject to revocation if he violates any of the conditions of parole, with the exception of monthly parole report, before the expiration of his maximum sentence. The Parole Board may order him back under maximum supervision at anytime.

XV. Confidential Nature of Parole Files

All information in the files of the Parole Board will be handled in accordance with the Provisions of R.S. 15:574:12.

XVI. Changes or Revisions

As changes occur, dated pages will be replaced to indicate such changes or revisions.

Sybil Fullerton
Chairman

RULES

Department of Public Safety

Rules for the Issuance of a Driver's License Following a Change of Name or Sex

I. Place of application, fees and forms to be used.

Application for a driver's license with a change of name and/or sex may be made at any Driver's License Division office in Louisiana or through the mail by writing to: Department of Public Safety, Driver's License Division, Post Office Box 1271, Baton Rouge, Louisiana 70821, Attention: Change of Sex and/or Name.

The applicant must complete those forms normally used by the Department of Public Safety in applying for either a new driver's license or a renewal of one's driver's license, as the case may be.

The fee for the issuance of the new license with the change of sex and/or name shall be the same as those fees charged for the issuance of new licenses or the renewal of an old license.

II. Certification of change of name and/or sex.

A. In the case of a change of sex, the applicant must present:

1. A medical statement signed by a physician stating that the applicant has undergone an operation for a sex change, that the operation was successful, and that a sex change has been made. The current sex status must be shown.

2. A corrected copy of a birth certificate showing the change of sex and/or name.

3. A court judgment specifying that there has been a change of sex and what the previous sex was and what the current sex is. Also, there must be an affidavit from the individual and that this change is with no intent to defraud the public.

B. In the case of a name change, the applicant must present a judgment showing that a legal name change has occurred. Further, it is necessary that a birth certificate showing the corrected name also to be presented.

III. Exceptions.

A. A person requesting a change of name on his or her driver's license whereby his or her name has been changed by marriage is excepted from the foregoing rules and regulations.

- B. Where applicable under the law, a notarial adoption may be used to accomplish a name change.

Donald J. Thibodeaux
Director

RULES

Department of Public Safety

Sign Requirements for Used Vehicle Dealerships

Under the authority granted by R.S. 32:727, paragraph A, the following rules are adopted to define "an established place of business" (R.S. 32:719) (b) (3) as it pertains to used vehicle dealers:

1. An established place of business shall have a permanently affixed sign which clearly denotes that used cars or other used vehicles are offered for sale at the location to which the sign is affixed.
2. The sign referred to in Rule No. 1 must be clearly visible from the street or roadway in front of the establishment.
3. The overall dimensions of the sign shall be at least four feet by two and one-half feet or contain a minimum of ten square feet.
4. The letters and numerals on the sign which state the business name and type of business shall be a minimum of five inches in height.
5. The trade name on the sign shall be the same trade name used to secure a used vehicle dealer's license, or used when applying for a used vehicle dealer's license.

Donald J. Thibodeaux
Director

RULES

Louisiana Department of Public Works

Amendment to Section 2.6.0.0. of the Regulation and Standards for Water Well Construction

The following rule amending Section 2.6.0.0. of the Rules and Standards for Water Well Construction was

adopted March 9, 1976, by Louisiana Department of Public Works to be effective April 20, 1976.

Section 2.6.0.0. Cementing or Grouting

Chapter 8 of the Sanitary Code, State of Louisiana, requires that the annular space between the casing of a water well and the bore hole be tightly filled with a cement slurry or an impervious fill material. The method and materials employed generally depend upon (1) local geohydrologic conditions and (2) the type of well construction. The primary reasons for cementing or "grouting" are:

1. To protect the water supply from surface contamination,
2. To increase the life of the well by protecting the casing against exterior corrosion, and,
3. To prevent movement of water of an unsatisfactory quality from one aquifer to another.

Section 2.6.1.0. Regulations for Cementing or Grouting

To prevent the entry of contaminants into a well and borehole at and near the surface and to prevent the movement of water of objectionable quality into an aquifer that contains potable water, cement slurry or fill shall be placed in the annular space in a continuous operation using a "circulation" method that permits the cement slurry or grouting material to move upward in the annular space to the surface. If the material is placed using a "tremie" or "grouting" pipe placed in the annular space, sufficient space is required to assure that the material or slurry completely surrounds the casing or pipe. If conductor casing or pipe is used, it shall be the same height above the ground as the well casing, and the annular space between the well casing and conductor pipe shall be made watertight at the surface.

Section 2.6.2.0. Procedures for Cementing or Grouting

A. No sands containing salt water and/or water of objectionable quality between ground surface and the production sand. If these conditions prevail, the upper fifty feet of the annular space shall be filled with cement slurry or a highly viscous fill material. If conductor casing is installed, it shall be set to a depth of not less than fifty feet and cemented in place.

B. One or more sands between surface and the production sand contain salt water and/or water of objectionable quality. If these conditions prevail, the annular space between the well casing and the hole shall be filled with cement slurry, at the minimum, to a depth of not less than twenty feet below the deepest sand

containing salt water or water of objectionable quality. If conductor casing is used, the casing or pipe shall be set and cemented, at the minimum, to a depth of twenty feet below the deepest sand containing salt water or water of objectionable quality.

Roy Aguiard
Director

Notices of Intent

NOTICE OF INTENT

Governor's Consumer Protection Division

The President of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval of the following rule and regulation proposed for adoption by the Director of the Governor's Consumer Protection Division at its public meeting on May 6, 1976, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Street, Baton Rouge, Louisiana 70804.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended approval of the Director's adoption of this rule by personally appearing at the above public meeting at the above designated time, day and place and submitting same.

Rules and Regulations

Title 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II—Unfair and Deceptive Acts or Practices

Section 5007. Deceptive Pricing

A. Definitions—For the purpose of this rule the following definitions shall apply:

- (1) "To advertise" as used herein means to inform consumers and to represent by any means such as, but not limited to, oral statements, shelf tags, preticketing, display cards, handbills, and advertisements in newspapers, magazines, or on radio or television.

- (2) "Trade area" as used herein means the area in which the seller does business and to which the seller disseminates advertising of his goods and/or services.
 - (3) "Advertiser" means any person or firm which advertises prices to consumers.
 - (4) "Merchandise" means all wares and commodities, including services, such as are ordinarily the objects of trade and commerce.
- B. It shall be an unfair and deceptive act or practice for any seller to do any of the following:

- (1) Represent in any manner that by purchasing any of the seller's merchandise, consumers are afforded savings amounting to the difference between the stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily offered for sale in a legitimate manner and/or sold at retail in the trade area involved and/or is the price at which such merchandise has been usually and regularly offered for sale in a legitimate manner and/or sold at retail in the recent regular course of a seller's business.
- (2) Represent that any price is "special," "discount," "sale," "reduced to," or anything except the usual and customary price at which the good or service sells, unless the reduction is in fact from the seller's preceding price or from the bona fide price at which the article was offered for sale for a reasonably substantial period of time.
- (3) Using the words "list price," "suggested retail price," "retail price," "ret. price," "regular price," "reg. price," or words of similar import to refer to the price of any merchandise, when such price is fictitiously inflated or deceptively higher than the price or prices at which such merchandise is usually and customarily offered for sale in a legitimate manner and/or sold in the trade area; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.
- (4) Using the words "regular," "reg.," "retail," "ret.," or words of similar import to refer to the price of any merchandise which is in excess of the price at which such merchandise has been

usually and regularly offered for sale in a legitimate manner and/or sold by retail outlets in the trade area in the regular course of business; or otherwise misrepresenting the usual and customary retail selling price of such merchandise.

- (5) a. Failing to keep on file, subject to review by the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district, or any of their employees or duly commissioned agents, the evidence, proof, market survey, or basis supporting the fact that any price compared to a stated selling price is, in truth, the usual and customary price of the person, store, business, or owner, agent, or employee thereof representing the price comparison; or is the usual and customary price at which merchandise has been regularly offered for sale in a legitimate manner and/or sold by comparable retail outlets in the trade area served by the advertiser.
- b. Printed documents furnished by the manufacturer or non-retail distributor indicating suggested retail prices may serve as initial evidence, proof, or basis supporting a comparative price within the requirements of this section. If such printed documents furnished by the manufacturer or non-retail distributor indicating suggested retail prices are not acceptable to the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district or any of their employees or duly commissioned agents, then the burden of proof shall be on such agencies and their employees or commissioned agents to disprove such documents.
- (6) Section 5007 shall not act to bar a legitimate and bona fide introductory offer wherein a reduction in price is used for an article that will within the near future have a higher price. For example, it shall not be illegal under Section 5007 to offer a new item for sale for a price of \$75 in order to introduce it to the market and to so state the price as being the reduction from a regular price of \$100 when within the near future the regular selling price of the item will be \$100.

- (7) Representing, either expressly or impliedly,

lowered prices as a result of some unusual circumstances such as, but not limited to, fire, flood, going out of business, clearance, exceptional purchase, manufacturer's close out, special purchase, unless such unusual circumstance or circumstances are in fact true and the prices are actually lower than the seller's usual prices.

- C. Whoever engages in deceptive advertising violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive trade practices; provided further that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, nor shall it operate as a defense to other activities otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Commission, or by the courts of the State of Louisiana or of the United States.
- D. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

Charles W. Tapp
Director

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to hold a public hearing for the purpose of inquiring into the facts surrounding and ascertaining the truth concerning the following trade and commercial practices.

- 1) Operating practices and policies of private employment agencies relating to the consuming public, including but not limited to: advertisements of jobs, direct or indirect referrals, standards for dismissals, and other contractual provisions; and
- 2) The effectiveness of State laws/administrative rules regulating private employment agencies.

Any interested person may appear and present testimony and other related evidence concerning the

hereinabove mentioned subjects by personally appearing at the public hearing to be held on May 26 and 27, 1976, beginning at 9:00 a.m., in the Mineral Board auditorium, State Land and Natural Resources Building, Fourth at North Street, Baton Rouge, Louisiana 70804, convened pursuant to R.S. 51:1401 et seq. and Consumer Protection Rules Title 3:40-50.

Charles W. Tapp
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to take up at its May 27, 1976 meeting the consideration of proposals stated below: (public notification made herein indicates no final approval).

- a. Adoption of a new edition of Bulletin 1191, Pupil Transportation Handbook stating Board policies on school transportation.
- b. The adoption of a 1976-77 Elementary and Secondary Education Act, Title IV Annual Program Plan. (Code of Federal Regulations, Title 45, Section 100c.1.)
- c. Amendment of older versions of Bulletin 741, Handbook for School Administrators, allowing college credit to count for high school units. The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., May 5, 1975, at the following address:

Board of Elementary and Secondary
Education
P.O. Box 44064
Baton Rouge, Louisiana 70804

The public is made aware of the consideration of the above rule changes in compliance with R.S. 49:951, et seq.

All interested parties will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular April Board meeting.

Earl Ingram
Director

NOTICE OF INTENT

**Health and Human Resources Administration
Division of Management
Office of Licensing and Certification Section**

The Louisiana Health and Human Resources Administration, Division of Management, Licensing and Certification Section, proposes to adopt as of May 20, 1976, to be effective July 1, 1976, the following procedures for licensing alcoholism and drug abuse programs and facilities:

**Licensing Procedures of Alcoholism and
Drug Abuse Programs**

The primary authority to license facilities which offer treatment, rehabilitation, education, and prevention services for the alcoholic and for the drug dependent person is established by the provisions of Act 364, State of Louisiana 1975, comprising R.S. 40:1057.1 through R.S. 40:1057.9. (See Appendix A). In addition, the authority for the licensing of alcoholism and drug abuse facilities is established in part by the provisions of Act 90, State of Louisiana 1961, as amended; and in part by Act 15 and Act 22, Title 22, Section 215.3, State of Louisiana 1974.

A. Licensing Procedures

1. Licensing Optional

a. The provisions of Act 364 of 1975, Section 1057.2 is documented to provide optional licensing of comprehensive care centers or any component centers thereof which are designed to offer a broad range of services to individuals who have problems associated with alcohol abuse and alcoholism, and drug abuse and drug dependency.

b. It is recommended that the governing body of each respective alcoholism or drug abuse program, for both public agencies and non-governmental agencies, vote whether or not to apply for the licensing of its program or any component thereof.

2. Application Procedure

a. For initial licensing, applicant must complete form of application supplied by the State Licensing Authority. Each completed form of application for licensing should be mailed or delivered to the Licensing and Certification Section, Division of Management, Room 1013, Natural Resources Building, P.O. Box 3767, Baton Rouge, Louisiana 70821.

b. This completed form of application must be received by the Licensing and Certification Section ninety days prior to the date for which licensing is sought. The application shall be accompanied by a license fee of fifty dollars. (State of Louisiana Alcoholism and Drug Abuse facilities are exempt from this licensing fee.)

3. Initial Licensing and Renewal

a. The initial licensing procedure for meeting the standards of Act 364 of 1975 is the same for renewal. A license once issued shall be effective for one year and subject to annual review.

b. The initial application for licensing shall be considered a continuing application for licensing unless the governing body of the alcoholism program and/or drug abuse has withdrawn its application or said application was denied, revoked, or not renewed by the Commissioner of the Louisiana Health and Human Resources Administration.

c. Under the provisions of Act 364 of 1975, a provisional license may be issued to a center (Alcoholism or Drug Abuse) for a period not to exceed six months in cases where full compliance with standards require an extension of time.

d. If the alcoholism or drug abuse facility is a subdivision of another licensed facility, but not part of the physical plant, then the main facility shall be licensed according to its basic function; and the program component shall be licensed separately and distinctly according to the provisions embodied in this Manual of Standards.

4. Facilities Exempt for Licensing

The following identified facilities are exempt from the statutory licensing provisions of Act 364 of 1975:

- a. Hospitals licensed under R.S. 40:2100.
- b. Nursing homes licensed under R.S. 40:2009.
- c. Facilities or services operated by the Federal government.

5. Procedure of Sight Review for Licensing

a. The State Licensing Authority, the Licensing and Certification Section of the Division of Management of the Louisiana Health and Human Resources Administration shall utilize the site review process by field staff personnel to make a thorough investigation of each

center (Alcoholism and Drug Abuse) proposed to be licensed. The purpose of the site visits is to determine if each applicant for licensing is meeting the minimum standards as prescribed in the regulatory procedures under the provisions of Act 364 of 1975.

b. The findings and recommendations of the site review by staff personnel of the State Licensing Authority shall be submitted in writing to the facility within forty-five calendar days after the site visit.

6. Summary of Other Major Provisions of Act 364 of 1975

a. Effective date for the implementation of the provisions of Act 364 of 1975 has been established by the agency to be on the date beginning July 1, 1976.

b. For applicant's cooperation and compliance with the codes and rules of the State Fire Marshal, parish and multiple parish health units, or municipal boards of health, see Section 1057.4, Act 364 of Appendix A within this document.

c. For the listing of the grounds relevant to the denial, revocation, or nonrenewal of a license, see Section 1057.5, Act 364 of Appendix A.

d. For the procedures established concerning the notice for nonrenewal or revocation and the process for hearing or appeal by an applicant or licensee, see Section 1057.6, Act 364 of Appendix A.

e. For the center's cooperation with the right of the agency to make inspection of its records and reports, see Section 1057.8, Act 364 of Appendix A.

f. For the established term of license, amount of renewal fee, display of license, and the provisions for non-transfer of a license or provisional license, see Section 1057.8, Act 364 of Appendix A.

g. For the statutory provisions which empower the agency to impose penalties on a licensed comprehensive care center or component center thereof for violation of the established standards, see Section 1057.9, Act 364 of Appendix A.

7. Technical Assistance

Alcoholism and drug abuse treatment, rehabilitation and educational programs, which encounter difficulty in meeting the licensing criteria set forth in this document of standards may obtain technical and other assistance from the Office of the Licensing and Certification Section, Division of Management, Room 1013, Natural

Resources Building, P.O. Box 3767, Baton Rouge, Louisiana 70821.

Written comments and requests for a public hearing will be received at the Office of Jack Letcher, Licensing and Certification Section, Division of Management, Room 1013, Natural Resources Building, P.O. Box 3767, Baton Rouge, Louisiana 70821. If requested, a public hearing will be held on Friday, April 30, 1976, at 10:30 a.m. in the Mineral Board Hearing Room, State Land and Natural Land and Natural Resources Building, corner of Riverside Mall at North Street, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Livestock Sanitary Board

(Editor's Note: The proposed amendment to Regulation 3, Section 13, is now in effect on an emergency basis. The proposed amendment to Section 10 was adopted as an emergency on September 12, 1975, and expired after 120 days.)

The Livestock Sanitary Board proposes to amend its Regulation 3 relative to operation of livestock auction markets. Interested persons may submit written comments through May 12, 1976, to the Livestock Sanitary Board, P.O. Box 44003, Baton Rouge, Louisiana 70804. Reasonable opportunity for oral comments will be permitted at a Board meeting to be held at 10:00 a.m. in the office of the Commissioner of Agriculture, 8th Floor of the State Capitol, Baton Rouge.

The text of the proposed new regulations follows:

Regulation 3—Governing the Operation of Livestock Auction Markets

Section 10. Cattle Requirements

A. Brucellosis

3. All cattle twenty months of age and over for dairy breeds and twenty-four months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, and including animals under these ages which are parturient or post-parturient that are offered for sale for breeding or stocker purposes

must be further identified by an official metal ear tag and must be tested for brucellosis.

Exceptions:

- a. Steers and spayed heifers.
 - b. Cattle consigned from dry feed lots
-
6. The sale of all male and female cattle twenty months of age and over for dairy breeds and twenty-four months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, and including animals under these ages which are parturient or post-parturient that are not tested will be restricted to:
 - a. Recognized slaughter establishments for direct movement to these establishments.
 - b. Representatives of specifically approved out-of-state slaughter establishments.
 - c. Permitted State-Federal quarantined feed lots.
 - d. Auction operators to support prices as required by U.S. Department of Agriculture, Packers and Stockyards Division. These untested cattle twenty months of age and over for dairy breeds and twenty-four months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, and including animals under these ages which are parturient or post-parturient, that are purchased by the auction market operator to support prices shall maintain original white official backtags until sold for slaughter on the next sale day.

Exceptions:

Steers and spayed heifers.

* * * *

Section 13. Equine Requirements

- A. All horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted by an approved laboratory within six months of date of sale.

Exceptions:

- a. Horses consigned for immediate slaughter and re-consigned from auction market on VS 1-27 to an approved slaughtering establishment.
- b. Horses consigned for slaughter and purchased by individual must have blood sample drawn by an accredited veterinarian and submitted to an approved laboratory. Horses may then move to purchaser's premises under quarantine until results of Coggins test are received. If animal is found to be positive, it must be properly identified and will remain under quarantine until sold for immediate slaughter. Owner may request confirmation test of positive animal(s) at time of identification and blood sample will be collected by a State veterinarian and forwarded to an approved laboratory for confirmation.

Forrest E. Henderson, D.V.M.
State Veterinarian

NOTICE OF INTENT

Department of Public Safety

The Department of Public Safety proposes to adopt rules relative to the licensing of private training and driver instructor schools. Interested persons may submit written comments, through May 5, 1976, to the Department of Public Safety, Legal Section, 2124 Wooddale Boulevard, Baton Rouge, Louisiana 70806, Attention: James C. Dixon. The text of the proposed rules follows:

Rules and Regulations

Definitions: The following words and phrases have been defined as follows:

1. Motor Vehicles: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
2. Person: Every natural person, firm, partnership, association or corporation.
3. Operator: Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.
4. Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
5. Department: Any reference herein to the Depart-

ment shall be construed as referring to the Department of Public Safety, acting directly or through its duly authorized officers and agents.

6. Director: The Chief Officer of the State Department of Public Safety.

7. Commercial Driving Schools or Commercial Driver Training Schools: A school maintained, classes conducted or instruction offered by an individual, for consideration, profit or tuition, the purpose of which is to educate or train an individual or individuals, either practically or theoretically or both to operate or drive a motor vehicle.

8. Agent: Any person, whether employed by a commercial driving school or operating in his behalf, or whether acting in behalf of any school located within or outside of this State who shall personally solicit any individual within this State to enroll in a commercial driving school.

9. Solicitor: Any individual, firm or corporation who sells, offers for sale, or attempts to sell any product or service.

10. Suspension: Licensee privilege to operate a commercial driving school or to instruct (as provided in these regulations) is temporarily withdrawn.

11. Revocation: The licensee privilege to operate a commercial driving school or to instruct (as provided in these regulations) is terminated.

Requirements for an Initial Commercial Driving School License

1. All instructors being employed by commercial driving schools already licensed by this Department must, prior to being issued an instructor's certificate, pass a special written, eye, and driving test administered by a member of the Department of Public Safety. The contents of this examination will be taken from the following material:

1. Louisiana Driver's Handbook.
2. Louisiana Motor Vehicle Code.
3. Rules and Regulations Governing Commercial Driving Schools.

2. In addition to the above, all new instructors employed by commercial driving schools already licensed by the Department must within three months after employment successfully pass the required rules, regulations, test, etc., of the Department of Public Safety. Failure to complete such requirements when notified by the Department will result in the revocation of his

instructor's certificate, and the person will not be eligible for re-licensure until such time as he has complied.

Initial Application for Commercial Driving School License

1. Application: Before any license is issued, an application shall be made in writing to the Department on a form prepared and furnished by the Department, which shall include a statement showing:

- (a) The title or name of the school or classes together with ownership and controlling officers and when originated.
- (b) The specified course of instruction which will be offered.
- (c) The place or places where such instructions will be given.
- (d) The qualifications of instructors, agents, and supervisors in each specific field together with their names, addresses, and other information required on form.

2. Other Data to Accompany Application:

(a) Applicants or any officer or partner thereof shall be required to furnish with the application three sets of photographs taken within thirty days to date of filing and must be presented with the application. All pictures must be identical 1½" square and must show full face view of neck, shoulders, and uncovered head.

(b) Two sets of fingerprints of each digit on the right and left hands accompanied by an affidavit from some parish or city enforcement officer (qualified to take prints) that the photographs and fingerprints are those of the applicant.

(c) A statement from a physician certifying mental ability, visual acuity, and that applicant does not have any contractual diseases, hearing ailments, epilepsy, dizzy spells, or fainting spells.

(d) Evidence must be furnished with application that each instructor or agent employed by the school is in possession of a valid instructor's certificate or agent's card issued by the Department.

(e) A certified copy of certificate of adopted business name in the event that the business is to be conducted under an adopted business name along with a copy of the advertisement placed in the newspaper.

(f) Samples of any and all contracts to be used by the school.

(g) Sample copies of all forms of receipts to be used by the school.

(h) Copies of all forms used by the school which will be furnished or delivered to students.

(i) If a driving school has agents or solicitors employed, a copy of the financial agreement between the school and the agent or solicitor must be attached to his application when forwarded to the Department.

3. License Fees: Every application for a license must be accompanied by an application fee of twenty-five dollars for the school and ten dollars for each individual instructor. If the application is approved, a fee of twenty-five dollars will be charged each time the license is renewed. Licenses must be renewed by December 31 of each calendar year. All license fees shall be paid by money order or certified check, payable to the Department of Public Safety, Post Office Box 1271, Baton Rouge, Louisiana 70821, and attached to the application form.

4. Effective Date: Each original license, instructor's certificate or agent I.D. card shall be valid for a period of one year from January 1 to December 31.

5. Non-transferability: Licenses shall not be transferable. In the event of change of ownership, application for a new license shall be made and the old license must be surrendered to the Director before a license will be issued to the new owner. The fee for the new license is twenty-five dollars for each school and ten dollars for each individual instructor payable as set forth above and shall accompany the application for the new license.

6. Display: The license must be conspicuously displayed in the licensee's principal place of business at all times.

7. Loss, Mutilation or Destruction of License, Instructor's Certificate, Agent's I.D. Card or Vehicle Registration Card: If one of the subject licenses is lost or destroyed, a duplicate will be issued upon presentation of loss or destruction, and in case of mutilation upon surrender of such license. Such proof shall consist of an affidavit indicating:

- (a) Date the license was lost, mutilated or destroyed.
- (b) The circumstances involving the loss, mutilation, or destruction.
- (c) The name of the police department or police authority to which report was made, and date of such report.

Changes in Officers or Addresses

The Department of Public Safety must be notified in writing immediately if there is any change in the address of the owner, partner, officer, or driving instructor of any commercial driving school.

The Department must be notified in writing within ten days of any changes in the officers, directors, or stockholders of any corporation in holding a license. In such cases each new officer, director, or stockholder must supply the same information as would be required on an original application by the corporation.

Failure to inform the Department of the above changes shall be grounds for suspension or revocation of the driving school's license.

Renewal:

Application for renewal of license shall be made on the prescribed form, accompanied by a fee of twenty-five dollars and ten dollars for each individual instructor payable to the Department of Public Safety by money order or certified check, which is returnable in the event the application for renewal is not approved. License renewal forms for school license, vehicle registration cards and instructor's certificate must be forwarded to the Department thirty days prior to the time your school license expires. Owners who permit their license to expire will not be able to operate their school.

Location:

1. A commercial driving school properly licensed shall be allowed to teach in an area within a fifty mile radius of the place where the driving school is located. When a driving school advertises or lists a different phone or address, other than the main office, it will be necessary to establish a branch office in this location.

2. A commercial driving school operating in a parish where the driver's licenses issued is 25,000 or more annually shall be located in a business location. At no time may a driving school be operated from a residence.

3. No commercial driving school shall be located within three hundred feet of any building or a portion thereof used for the purpose of conducting Louisiana State driver's license examinations.

Office Requirements

All commercial driving schools operating in a location which requires the school to be located in an area designated for business shall operate from an office in the following manner:

1. The school's license must be conspicuously displayed at the place of business.

2. All records pertaining to the operation of the school shall be maintained in this office and available for inspection during the hours of 9 a.m.–5 p.m. Monday through Saturday.

3. A telephone used exclusively for the operation of the driving school must be maintained.

4. Sufficient indoor space to teach a student the theoretical instruction relating to the rules and regulations of the road and safe driving practices must be maintained. The room should be enclosed so that there will be no interference from the public. Approval of the office space by the Department of Public Safety will be determined after the inspection report is received at the Department's Headquarters in Baton Rouge, Louisiana.

5. Someone must be available during normal working hours to give information regarding lessons or to produce the school's records in the event a member of this Department wishes to inspect the school.

6. The office cannot be in conjunction with an answering phone service.

A commercial driving school may use the services of an "answer phone service" to answer his telephone when he is out of his office. Under no circumstances shall the operator of the answer phone service contact the owner or operator at his home regarding prospective students.

The owner or operator will be permitted to list his home phone number in his advertisement or business cards provided it specifically states that this number may be called after 6 p.m.

Commercial Driving School Name

No commercial driving school shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another driving school without the approval of the Director of the Department of Public Safety. The school shall not use the word "State" in any part of the school name.

Branch Offices:

1. A commercial driving school desiring to open a branch office in a different location or operating one at the present time shall make application on the form set forth in these rules and regulations, prescribed by the Director, accompanied by the application fee of twenty-five dollars and an additional ten dollars for each individual instructor, which fees shall not be refunded.

2. Where the owner of a branch office is conducting business under an adopted name and the branch office is to be located in a parish other than that in which the principal place of business is located, the owner must submit with his application a copy of a certificate of adopted business name certified by the clerk of the parish in which such branch office is to be located.

3. If a branch office is discontinued, the branch office license must be surrendered to the Director or his authorized representative. Each branch office must be equipped to and shall perform substantially the same services as apply to the principal place of business.

Records and Contracts:

Every licensee shall maintain the following records:

a. A permanently bound book or a permanent card file, setting forth the name, address contract number and terms of payment, with respect to every person giving and receiving lessons, lectures, tutoring, instructions of any kind, or any other services relating to instructions in the operation of a motor vehicle.

The permanent file shall also contain records showing the date, type, and duration of all lessons, lectures, tutoring, and instruction including the name of the instructor giving such lessons and the tag number, make and model of vehicle used to conduct the road test.

b. A record of all receipts and disbursements. All records must be retained for three years from the date of the last entry.

c. A file containing a duplicate copy of every contract entered between the school and every person taking lessons, lectures, tutoring, and instructions relating to the operation of a motor vehicle. The original contract must be given to the student taking instructions and a duplicate thereof must be retained by the school.

d. All instructors are required to ascertain, before giving driving instruction, that the student possesses a learner's permit or a restricted license issued by the Department of Public Safety for the purpose of learning to drive.

The receipt and the contract may be incorporated in the same document provided it contains paragraphs a, b, c, d, and e under Contents of Contracts.

Contents of Contracts:

All student contracts shall contain the following items:

1. Date contract to be signed.
2. Name and address of school.
3. Name and address of student.
4. Student's date of birth, description, etc.
5. Type of vehicle to be used in giving instructions.
6. List of equipment in vehicle to be used for training.
7. Number of hours student will be trained.
8. Total fee for instructions.
9. Contract is to be signed by both parties and witnessed.
10. Agreed contract price per hour or lesson.
11. Whether or not an additional charge is made for the use of school vehicle in taking actual driving test, or for picking up a student or taking him to his residence or destination.
12. A disclaimer phrase as follows: "An owner, instructor, agent, or employee of a driving school cannot guarantee the student the securing of a driver's license to operate a motor vehicle."
13. The term "No Refund" is not permitted in contracts.

Insurance and Safety Requirements

No school vehicle certificate will be issued unless and until:

a. The licensee has filed with the Director evidence of insurability in a company authorized to do business in this State in the amount of at least \$25,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for one person, to a limit of at least \$50,000 because of bodily injury or death of two or more persons in any one accident, and to a limit of \$5,000 because of destruction of property of others in any one accident.

The driving school shall furnish evidence of such insurance coverage in the form of a certificate from an insurance carrier, which evidence shall stipulate that the Director shall be notified when the policy expires or it is cancelled, and shall include make, model, motor or serial number.

b. Fleet Policies: If the licensee is covered under a fleet plan and another vehicle is added to the fleet, the insurance company must notify the Department of Public Safety that the unit has been added.

c. Every motor vehicle used for driver training shall have a current Louisiana license plate and be not more than five years old, with special equipment as follows: operable extra brake and extra clutch pedals where vehicle has conventional shift, rearview mirror placed on inside of motor vehicle, two outside rearview mirrors, one on each side of the vehicle, and cushions for the proper seating of students when necessary.

Program of Instruction:

A. Commercial driving schools licensed under this Act shall make available both theoretical and practical instruction.

B. Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe, driving practices, pedestrian safety, and the drivers responsibility. In preparing questions to be used for instructional purposes, the school shall not have them made up in the same manner as the questions used by the Department of Public Safety on its examinations.

C. Practical instruction shall include the demonstration of and actual instructions in stopping, starting, shifting, turning, backing, parallel parking, and steering in dual controlled vehicle which meets the department's requirements.

Application for or Renewal of Instructor's Certificate

All applications for or renewals of an instructor's certificate must be accompanied by a notarized statement from the owner (unless the owner is making application) of the driving school listing the applicant's

name, address, and that said person is or will be employed by the school.

All applicants must be Louisiana residents.

Carrying Certificates

The instructor's certificate and the school vehicle identification certificate on forms prescribed by the Director must be carried in the vehicle at all times while driving instructions are being given.

An agent shall have in his or her possession his or her identification card while acting in behalf of the school he or she is licensed to represent.

Instructor Qualifications

A. Every instructor in a school shall be a citizen of the United States, at least twenty-one years of age, and a person of good moral character.

B. Every instructor shall have a valid chauffeurs license issued by the State of Louisiana before making application for an instructor's certificate.

C. Every instructor must maintain during any consecutive three year period, a driving record which does not include more than one chargeable accident. Any violation resulting in suspension or revocation will automatically cause the cancellation of the instructor's certificate.

D. All new instructors must pass (1) a special written test, (2) a vision test, and (3) road rules test, prepared and administered by the Department of Public Safety, embracing subject matter pertinent to the care, operation, road signs, laws affecting traffic of the motor vehicle. The contents of this examination shall be taken from the following material:

1. Louisiana Driver's Handbook.
2. Louisiana Motor Vehicle Code.
3. Rules and Regulations Governing Commercial Driving Schools.

The visual acuity of an instructor cannot be worse than 20/40 in one eye and 20/50 in the other, or 20/30 in each eye separately with or without glasses. An instructor cannot be absent one functional eye, hand, or foot.

E. No person shall perform any instructional duties as an owner or employee of any school or branch thereof unless such person shall meet the qualifications for instructors as herein provided. All instructional personnel must possess a valid instructor's permit issued by the Department of Public Safety.

General Regulations and Policies

1. The applicant or licensee must not have been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or moral conduct.

2. No parish official, his agent or employe whose duties relate in any way to the issuance of state drivers' licenses, nor any employee of the Department of Public Safety or any member of his immediate family shall be connected in any capacity whatsoever with any commercial driving school.

3. The school shall agree to permit the department and its representatives to inspect the school and shall make available to the department, at any time when requested to do so during normal working hours, full information pertaining to any or all items of information contained in the application form, and shall permit them to make photostatic copies of the school records required to be kept by the department.

4. A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised", "recommended", or "endorsed" by the Department of Public Safety. Nor shall the school use the word, "State" in any part of the school name.

A. No commercial driving school shall advertise in any way until such time as the school is properly licensed by the State of Louisiana Department of Public Safety. Any advertisement in the telephone directory or other publications that are considered permanent shall first be approved by the Department.

5. The driving school must exhibit on all motor vehicles licensed by the Department a sign identifying the name of the school. This identification may be painted on the front, side, or rear of the motor vehicle. If the identification is not painted on the rear of the motor vehicle, a portable identifying sign must be attached securely to the rear bumper or on the top of the motor vehicle visible from the rear. If driving instructions are given at night, the vehicle must have reflectorized signs.

6. No commercial driving school instructor, employee, or agent will be permitted to accompany any student into any examining office rented, leased, or owned by the Department of Public Safety for the purpose of assisting any student taking a driver license examination.

7. No commercial driving school instructor, employee, or agent will be permitted to loiter in or on the premises rented, leased or owned by the Department of Public Safety.

8. No commercial driving school instructor, employee, or agent shall be permitted to personally solicit any individual on the premises rented, leased, or owned by the Department of Public Safety for the purpose of enrolling them in any commercial driving school.

9. No commercial driving school instructor, agent, or

employee shall be permitted to use the space provided on the premises of any office rented, leased or owned by the Department of Public Safety for parallel parking during the hours while driving tests are being conducted. 10. No agent shall solicit or act in behalf of any driving school without being properly licensed by the Department.

Revocation or Suspension

Any license or certificate may be suspended or revoked by the Director of Public Safety.

The Director may suspend or revoke any license or certificate if he finds:

a. The licensee has violated any provision of this act or any of the rules and regulations of the department.

b. That the applicant or licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or moral conduct, will be revoked permanently.

c. That the applicant or licensee has knowingly presented to the department false or misleading information relating to licensing.

d. That the applicant, licensee, any instructor or agent is addicted to the use of alcoholic liquors, morphine, cocaine, or other drugs having similar effect, or is incompetent.

e. That the owner or licensee has failed or refused to permit the department or its representatives to inspect the school or class, or motor vehicle which was used to teach its students or failed to provide full information and disclosure pertaining to any or all items contained in an application or to its program.

f. The applicant has failed or refused to submit to the department an application for license in the manner prescribed by the department.

g. That a licensed instructor, agent or owner has failed to produce his license when requested to do so either by prospective students or officials of the department.

h. That an applicant or licensee has failed to maintain adequate standards of instruction or qualified instructors or equipment sufficient to maintain the school or classes.

i. That the licensee is employing instructors, teachers, or agents who have not been approved and licensed by the department.

j. That there has been a change in ownership of the school without immediately advising the department.

k. An instructor, agent, or owner has aided or assisted a person in obtaining a drivers' license by fraudulent practice.

l. The licensee or instructor is instructing students contrary to the restrictions imposed on the students drivers' licenses.

m. Unauthorized possession of application forms or questionnaires used by the Department of Public Safety in conducting drivers' license examinations.

Information Which Must be Listed in Contract

1. Date contract to be signed.
2. Name and address of school.
3. Name and address of student.
4. Student's date of birth, description, etc.
5. Type of vehicle to be used in giving instructions.
6. List of equipment in vehicle to be used for training.
7. Number of hours students will be trained
8. Total fee for instructions.
9. Contract is to be signed by both parties and witnessed.

Donald J. Thibodeaux
Director

NOTICE OF INTENT

Board of Trustees School Lunch Employees' Retirement System

The Board of Trustees of the Louisiana School Lunch Employees' Retirement System, in session on April 2, 1976, proposes to adopt the following policy with respect to the payment of employee and employer contributions on workmen's compensation.

In line with an opinion from the office of the Attorney General which states, in part,

"A perusal of the law, both general and specific, reveals no legal authority for the mandatory deduction of retirement contributions from compensation benefits. In the absence of such authority, and in light of the extraordinary status afforded workmen's compensation benefits, the School Lunch Employees' Retirement System should not deduct employee contributions to the system from monthly compensation payments being received by an injured employee. A caveat, however, should be noted. Should the employee and the employer mutually agree that retirement deductions be made from the benefits, such an agreement would be permissible."

the Board will accept employee and employer contributions on workmen's compensation benefits paid members of the School Lunch Employees' Retirement System and will allow appropriate service credit provided that both employee and employer contributions are paid at the local level.

Lucy LaBorde
Secretary-Manager

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