

# CONTENTS

## I. EMERGENCY RULES

Health and Human Resources Department:	
Office of Family Services—Extension of hospitalization beyond the yearly maximum	239
Increase in prescription dispensing fee	239
New payment rates for SNFs and ICFs I and II	239

## II. RULES

Education:	
Board of Trustees for State Colleges and Universities—Student government associations	239
Board of Elementary and Secondary Education—Out-of-state fees at vo-tech schools; Annual Program Plan for Adult and Community Education; Title I Migrant Education State Plan; removal of deficiencies during summer school	240
Board of Regents—Requirements for tenure; teacher preparation programs; courses in Louisiana by out-of-state institutions	240
Governor's Office:	
Division of Administration—Personnel rules	241
Health and Human Resources Department:	
Office of Family Services—Home property of Medicaid recipients in nursing homes	250
Natural Resources Department:	
Office of Conservation—Drilling and production of geothermal resources	251
Public Safety Department:	
Fire Prevention Board of Review—Rules of procedure	257
Wildlife and Fisheries Department:	
1978-79 hunting and trapping seasons	257

## III. NOTICES OF INTENT

Commerce Department:	
Board of Architectural Examiners—New rules	258
Office of Financial Institutions—Credit card operations at savings and loan associations	258
Education:	
Board of Elementary and Secondary Education—Implementation of Act 754; language relative to religion; Annual Program Plan for the Administration of Vocational Education	259
Governor's Office:	
Tax Commission—Self-reporting forms for personal property	259
Health and Human Resources Department:	
Air Control Commission—Control of smoke and control of particulate matter and/or suspended particulate matter	259
Office of Family Services—Increase in AFDC and GA payment levels	259
Extension of hospitalization beyond the yearly maximum	260
Increase in prescription dispensing fee	260
New payment rates for SNFs and ICFs I and II	260
Office of the Secretary—Resources owned by State residential facilities for the mentally retarded	261
Natural Resources Department:	
Office of Conservation—Oil storage in Weeks Island Salt Dome	261
Division of State Lands—Fees for permits	261
Public Safety Department:	
Office of Motor Vehicles—Certificates of self-insurance and maintenance of compulsory motor vehicle liability	262
Treasury Department:	
Bond Commission—Procedural rules	263
Wildlife and Fisheries Department:	
Sportfishing on the Rockefeller Refuge; alligator season; duck and goose seasons	264

## IV. POTPOURRI

Natural Resources Department:	
Office of Conservation—Hydrocarbon storage in Sulphur Mines Salt Dome	264

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

Effective July 1, 1978, the Department of Health and Human Resources has adopted policy to be utilized to approve extensions beyond the maximum allowed fifteen days of hospitalization per recipient per year under the Medical Assistance Program.

The policy reads as follows:

Effective for admissions on and after July 1, 1978, the Professional Studies Activities/Length of Stay (PAS/LOS) criteria will be applied to all patient hospital stays as long as the recipient has at least one of his eligible fifteen days remaining.

The Office of Family Services is implementing this procedure for the following reasons:

1. Federal program requirements specify that payment can be made only for medically necessary hospital stays.
2. The Office of Family Services wishes to determine if it is budgetarily feasible to remove the existing fifteen day annual maximum and to pay for each admission for an eligible recipient using the PAS/LOC guidelines.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination with the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

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

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

Effective July 15, 1978, the Department of Health and Human Resources has adopted policy regarding an increase in the maximum dispensing fee for prescriptions.

The policy reads as follows:

Effective July 15, 1978, the dispensing fee allowance for prescriptions under the pharmaceutical services program of the Office of Family Services is increased to a maximum of \$2.80.

The Office of Family Services is implementing this policy for the following reasons:

1. The results of the Federally mandated survey conducted to determine the cost of dispensing a prescription in Louisiana warrants an increase in the dispensing fee for prescriptions paid by the Medical Assistance Program.
2. The required funds have become available by legislative enactment to revise payments to reflect these increased costs.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rulemaking are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

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

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

Effective June 1, 1978, the Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt the following new rates of payment to Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I) and Intermediate Care Facilities II (ICF II). The rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$717.23	\$650.92	\$465.98
Daily	\$ 23.58	\$ 21.40	\$ 15.32

These rate increases for Skilled Nursing Facilities and Intermediate Care Facilities I and II services are being implemented based on verification through cost reports of increased actual costs for providing these services and the availability of funds to revise payments to reflect increased costs.

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

# RULES

## RULE

### Board of Trustees for State Colleges and Universities

Section 8.12 Student Government Association.

#### A. Statement of Policy.

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. A Student Government Association shall operate under a constitution approved by the President of an institution. An institution is authorized to collect Student Government Association fees, approved by the Board, and to maintain them in a separate institution account. Funds may be withdrawn from a Student Government Association account by authorization of a legally constituted body of a Student Government Association with the approval of an institution's chief student personnel officer and/or his or her designated agent.

#### B. Tuition waiver and salaries for Student Government Association (SGA) Officers.

1. A waiver of tuition (as defined in Section 6.6B of Part VI of this Manual) shall be granted, by the institutions under the jurisdiction of the Board, to the top three elected SGA officers at those institutions, with the exception of Delgado Vocational-Technical Junior College, where the recipients of the tuition waivers shall be the SGA Presidents at the four Delgado College campuses. The waiver of tuition shall remain in effect for the duration of the respective terms of office.

2. A salary may be paid, with student government funds, to the president, vice president, treasurer, and/or secretary; the salary shall be determined by the Student Government Association at each institution.

3. Receipt of this tuition waiver and salary for the SGA officers shall be contingent upon performance of assigned duties and tasks as set out and defined in the respective SGA constitutions.

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

## RULES

### Board of Elementary and Secondary Education

#### Rule 5.03.31a

The Board amended the policy on out-of-state fees for students enrolled in vocational-technical schools to allow appeals in special cases by deleting the phrase "of Louisiana industry" to read as follows:

State operated trade and vocational-technical schools are not to charge this fee to permanent employees who are taking night or extension courses.

\* \* \* \*

#### Rule 3.07.10a

The Board adopted Annual Program Plan for Adult and Community Education for Fiscal Year 1979.

\* \* \* \*

#### Rule 3.05.01

The Board adopted Title I Migrant Education State Plan for Fiscal Year 1979.

The Department of the State Register has elected not to publish these two annual plans in accordance with R.S. 49:954.1C. Copies of the plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

\* \* \* \*

#### Rule 3.01.51i

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, page 32 to allow promotion from one elementary grade to another elementary grade upon removal of deficiencies during summer school.

#### Summer Schools

The following regulations govern the operation of approved summer schools:

##### Purpose

1. To enable students to schedule courses which would tend to enrich their experiences.
2. To take new subjects.
3. To enable students who have failed in subjects to remove deficiencies.

##### Administration

1. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school must be conducted in an approved school building.
3. A parish with seven or more summer school teachers shall have at least one certified principal.

##### Application

1. All summer schools must apply to the State Department of Education for approval.
2. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

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

## RULES

### Board of Regents

#### Amendment to Policy 4.1

In the section of Policy 4.1 entitled "Academic Tenure," the third paragraph will read as follows:

The uniform minimum provisions for tenure adopted by the Board of Regents shall be implemented in all public colleges and universities, including their professional schools, in Louisiana. Any higher education management board may adopt more stringent requirements for awarding tenure than those contained in this policy; however, no management board may adopt less stringent requirements for tenure than those contained herein. The following statements of the Regents define the general provisions of the uniform tenure policy which shall be administered by the respective management boards:

\* \* \* \*

#### Guidelines for Programs for Preparation of Teachers and other Professional School Personnel

All programs existing in the state as of the date of this policy which have achieved approval by their institution's management board and the Board of Regents and which meet certification requirements of the State Board of Elementary and Secondary Education will be maintained subject to the Board of Regents' ongoing academic program review.

All new programs of study and new degree programs in teacher education shall be recommended for approval by the State Department of Education to the State Board of Elementary and Secondary Education only after prior approval of the program by the institution's management board and the Board of Regents. An institution desiring to initiate a program in teacher education may, if it so desires, consult with the Department of Education at any time for review and advice on the acceptability of the program for certification purposes. As adopted by the Board of Regents, this policy applies to public institutions of higher education.

\* \* \* \*

#### Policy on Graduate Courses Offered in Louisiana by Out-of-State Institutions

Courses offered in Louisiana by out-of-state institutions shall be recognized for purposes of teacher certification and salary increments only if the following conditions are met:

1. The out-of-state institution must be registered with the Secretary of State as a bona fide business operating in the State of Louisiana for the purpose of offering teacher education courses or programs and with the Louisiana State Board of Regents as required by Act 225, 1976.
2. Any institution offering a course in Louisiana must have State approval and regional accreditation recognized by the state in which the institution is domiciled for each program from which a course is offered.
3. Course level offerings in the State of Louisiana must bear accreditation at the same level of offering in the state of domicile.
4. Post-baccalaureate courses offered in Louisiana must be applicable to the same advanced degree program at the home campus of the out-of-state institution and must carry comparable graduate credit at the home campus.

Responsibility for written verification of compliance with the above conditions lies with the applying institution prior to the first class meeting of each course.

William Arceneaux  
Commissioner of Higher Education

## RULES

### Office of the Governor Division of Administration

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*(Editor's Note: The following rules will become effective on July 24, 1978.)*

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#### LAC 1-3:1 Definitions

1.0 Definitions of terms: For the purposes of these rules, the following terms shall be defined as indicated:

1.1 Allocation—the assignment of an individual position to an appropriate class on the basis of its duties and responsibilities, and the knowledge, abilities and skills required of incumbents.

1.2 Appointing authority—the Commissioner or other persons delegated by him or her to appoint or remove employees of the Office of the Governor.

1.3 Certify, certification—the act of supplying a section head with a list of applicants from an eligibles register to enable him or her to fill a vacant position on the basis of merit.

1.4 Class—a position or group of positions that involve similar duties and responsibilities, require similar qualifications, are designated by a single title indicative of the kind of work, and for which the same pay range can be applied with equity.

1.5 Classification—a synonym for “allocation.”

1.6 Classified employee, classified position—an employee or position subject to the personnel rules of the Louisiana Civil Service System.

1.7 Class specification—a written statement of the duties and responsibilities characteristic of a class which also includes the knowledge, abilities, and skills required to perform the work of the class and the education and experience normally required to provide the specified knowledge, abilities, and skills.

1.8 Classification plan—the orderly arrangement into classes of all covered positions in the Office of the Governor.

1.9 Covered position—a position in the Office of the Governor included under the authority of these rules by the provisions of LAC 1-3:2.3 and any administrative determinations authorized by that rule.

1.10 Demotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a lower maximum salary rate.

1.11 Dismissal—a separation from service for cause.

1.12 Eligible—a person who has demonstrated in the examination process that he or she had the minimum qualifications necessary to learn the duties and responsibilities of the class within a reasonable probationary or trainee period.

1.13 Eligibles register—a ranking of all eligibles for a class according to their current examination grades.

1.14 Employee—a person occupying an allocated position in the Office of the Governor.

1.15 Examination—a test or combination of tests held by the Personnel Director to determine the relative merit of applicants for the positions in the Office of the Governor. These may consist of a written test, oral interview, evaluation of training and experience, performance test, aptitude test, or such other measures of merit as are deemed appropriate by the Personnel Director.

1.16 For cause—as in suspension for cause and dismissal for cause; a sufficient degree of substandard performance or undisciplined or insubordinate behavior on the part of an employee such that the proper functioning of the employee's work unit is impaired.

1.17 Full-time position—a position whose normal workweek is forty hours or more.

1.18 Layoff—a separation from employment made necessary by lack of work or funds, or for other reasons not related to the failure of the employee to perform up to the standards of work for the class.

1.19 Leave earned—time off with pay accumulated according to prescribed formulas.

1.20 Part-time position—a position whose normal workweek is less than forty hours.

1.21 Pay plan—a schedule of salary ranges and steps within ranges established pursuant to these rules.

1.22 Permanent position—a position budgeted with the expectation that it will be staffed for the full budget year.

1.23 Permanent status in class—the status obtained by an employee upon his or her completion of the probationary period for his or her current position.

1.24 Position—a group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one employee.

1.25 Position control number—a number assigned by the Personnel Director to a position in order to track all changes in incumbents or class allocations. Every covered position has a unique, unchanging position control number.

1.26 Probationary period—a working test period which must be successfully completed for an employee to obtain permanent status in class.

1.27 Promotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a higher maximum salary rate.

1.28 Reallocation—action by the Personnel Director assigning a position to a new class because of changes in its duties and responsibilities.

1.29 Resignation—a separation from employment at the request of the employee which is not used to avoid the effect of a disciplinary order by a section head or the Personnel Committee, and which is not a retirement.

1.30 Retirement—a separation from employment at the request of the employee, after which the employee is qualified to receive retirement benefits from one or more of the official State retirement systems.

1.31 Section—a principal organizational unit within the Office of the Governor; includes agencies, authorities, or commissions established either by legislation or executive order.

1.32 Separation from service—any separation from employment; includes layoff, dismissal, resignation, retirement or death.

1.33 Sick leave—time off with pay granted an employee who is suffering with disability which prevents the performance of the employee's duties and responsibilities; or who requires medical, dental or optical consultation or treatment.

1.34 Student—a person enrolled in an accredited high school, college, or university in the State, or a person enrolled in a State-operated vocational technical school, in a sufficient number of courses and classes in such institution to be classified as full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose status as such because of vacations during the academic year or because of failure to attend summer school.

1.35 Suspension—enforced leave without pay for cause.

1.36 Temporary intersectional assignment—the movement of an employee between sections to temporarily perform the

duties and responsibilities of a vacant position for which he or she is qualified.

1.37 Temporary position—a position budgeted with the expectation that it will be staffed for less than the full budget year.

1.38 Trainee—an original appointee who is unable to fully perform the duties and responsibilities of the class because of the highly complex nature of the work. The employee requires a longer, more intensive introductory period than the ordinary probationary period is designed to provide.

1.39 Transfer—movement by an employee between positions in the same class.

1.40 Vacancy—a position in the Office of the Governor established but not occupied.

### **LAC 1-3:2 General Provisions**

2.1 Title: These rules shall be known as the Personnel Rules of the Office of the Governor.

2.2 Purpose: These rules are designed to serve as the basis for a comprehensive human resources management system, based on merit principles and to aid in the efficient management of all sections within the Office of the Governor.

2.3 Scope of rules: These rules apply to the following positions in the Office of the Governor and their incumbents.

A. All positions in the Division of Administration except the Commissioner of Administration.

B. All positions in the following sections: Contractual Review, Facility Planning and Control, and the State Register.

The Commissioner of Administration may exempt from the coverage of these rules forty policy-making and confidential positions in the sections named in A and B above.

2.4 Amendment of rules: Amendments to these rules may be proposed to the Personnel Committee by any administrator, supervisor, or employee of the Office of the Governor, or by any member of the Personnel Committee. Amendments shall be effective when approved and promulgated by the Personnel Committee.

### **LAC 1-3:3 Organization for Personnel Administration**

3.1 The Commissioner of Administration: The Commissioner of Administration shall:

3.1.1 In his capacity as appointing authority, approve all appointments, promotions, demotions, transfers, separations from service, or pay changes in accordance with these rules.

3.1.2 Appoint a Personnel Director to whom authority for the administration of the human resources management system shall be delegated.

3.2 The Personnel Director: The Personnel Director shall be responsible to the Commissioner for the administration and technical direction of the human resources management system. As secretary to the Personnel Committee he or she shall be responsible for the execution of any decisions or orders of the Committee. The Personnel Director shall:

3.2.1 Formulate and prescribe such procedures and forms as he or she may deem necessary, appropriate, or desirable to carry out the principles, policies, and rules of the human resources management system.

3.2.2 Develop, administer, and maintain the classification plan.

3.2.3 Recommend to the Personnel Committee amendments to the pay plan as necessary to maintain its competitiveness with other employers, considering both fringe benefits and immediate compensation.

3.2.4 Administer the pay plan.

3.2.5 Establish and maintain a roster of all employees in the Office of the Governor and other elements of a personnel information system.

3.2.6 Administer procedures, standards and guides for the systematic evaluation of the performance of all personnel covered by these rules.

3.2.7 Develop and administer a program of employee communications and relations.

3.2.8 Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of qualified employees to meet operating needs and requirements of the Office of the Governor.

3.2.9 Develop in cooperation with section heads and the Commissioner, training, educational, and safety programs for employees of the Office of the Governor covered by these rules.

3.2.10 Prepare and submit to the Commissioner budget requests covering the estimated costs of administering the human resources management system.

3.2.11 Attend all meetings of the Personnel Committee and act as its secretary and keep minutes of its proceedings.

3.2.12 Prepare an annual report to be presented to the Personnel Committee setting forth a statistical summary of the classification, allocation, pay survey, and employee relations activities of the Personnel Office.

3.3 The Personnel Committee: The Personnel Committee shall be comprised of seven members.

3.3.1 Three members shall be persons from the private sector and/or colleges and universities with professional skills in personnel management, law, or labor-management relations and shall be appointed by the Governor for staggered three year terms.

3.3.2 Two members shall be administrators or supervisors within the Office of the Governor and shall be appointed by the Commissioner.

3.3.3 Two members shall be permanent, full-time employees of the Office of the Governor, but not section heads or their principal assistants, and shall be elected by fellow employees.

3.3.4 The term for administrators, supervisors and employees of the Office of the Governor serving on the committee shall be one year.

3.3.5 Four members of the committee shall constitute a quorum for any purpose.

3.4 Delegation of duties: To enhance the efficiency and effectiveness of the administration of the human resources management system, the Commissioner and the Personnel Director may, at their discretion, delegate to subordinate employees any of their duties as set forth in these rules.

### **LAC 1-3:4 The Classification Plan**

4.1 Purpose of the classification plan: The classification plan shall provide a complete inventory of all positions in the Office of the Governor covered by these rules and accurate specifications for each class of employment. The plan shall standardize titles, each of which will be indicative of a definite range of duties and responsibilities and will have the same meaning throughout the Office of the Governor.

4.2 Composition of the classification plan: The classification plan shall consist of:

4.2.1 A grouping into classes of similar positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be compensated equitably within the same range of pay under similar working conditions;

4.2.2 Class titles, descriptive of the work of the class, which will identify each class;

4.2.3 Written specifications for each class of positions, containing a description of the nature of work of each class of positions; illustrative examples of work performed in the class;

incumbent qualifications expressed as knowledge, abilities, and skills necessary for performance of the work; and a statement of the type of experience and training generally providing this knowledge, ability and skill;

4.2.4 A position control file showing for each covered position its position control number, the class to which it is allocated and the name of the current incumbent.

4.3 Use of the classification plan: The classification plan shall be used:

4.3.1 In preparing public announcements of examinations and in other recruitment and selection processes;

4.3.2 As a guide in preparing competitive examinations that will measure the knowledge, abilities, and skills required to perform the work of the class;

4.3.3 In determining lines of promotion and developing career counselling and training programs for employees;

4.3.4 In determining salaries to be paid for various classes of work;

4.3.5 As a guide in determining the performance requirements of a position for purposes of appraising the performance of the position incumbent;

4.3.6 In providing uniform job terminology understandable to all State officials, executives, administrators, employees and the general public.

4.4 Interpretation of class specifications: Specifications are to be interpreted in their entirety and in their relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are descriptive and explanatory of the kind of work performed and they neither include all duties which may be performed nor restrict duties which may be assigned to incumbents.

4.5 Class title: Class titles, or designated code symbols, shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to or employed in a position covered by these rules under a title not included in the classification plan. Specific working titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

4.6 Administrative authority of section heads: The assignment of duties and responsibilities to positions shall be wholly the responsibility of the section heads, and their subordinate supervisory personnel. The classification plan shall in no way operate or be construed to operate as a limitation on the duties and responsibilities assigned to any position.

4.7 Maintenance of the classification plan: The Personnel Director is charged with the responsibility for the proper and continued maintenance of the classification plan so that it will reflect the duties being performed by each employee in the Office of the Governor and the class to which each position is allocated.

Development of new class specifications, revisions of existing class specifications, and reallocation of positions within the classification plan shall be made as follows:

4.7.1 The Personnel Director shall conduct such reviews of proposed or existing positions as he deems necessary to insure their proper allocation in the classification plan.

4.7.2 In carrying out his responsibility to maintain the classification plan the Personnel Director may at any time require to be prepared a formal description of the duties and responsibilities of any position covered by the rules.

4.7.3 The Personnel Director may establish new classes, modify or abolish existing classes, allocate new positions, and reallocate or abolish existing positions as necessary to maintain the classification plan.

4.8 Reporting of organizational or job changes: Changes in section organizations or programs, or in the duties and responsibilities of individual positions shall be reported as follows:

4.8.1 When anticipated changes in programs or organization could significantly affect the assignment of duties and responsibilities to positions in a section, the section head shall confer with the Personnel Director within a reasonable time prior to the organization or program changes to formulate methods for efficiently allocating and filling the affected positions.

4.8.2 Whenever permanent, substantial changes in the duties and responsibilities assigned a position occur, the section head shall within thirty days notify the Personnel Director on the prescribed forms, which will include a written job description, setting forth the actual duties and responsibilities assigned to the position.

4.8.3 When a section head realigns supervisor-subordinate relationships in his or her section, he or she shall notify the Personnel Director of the changes within thirty days.

4.8.4 Any employee may request in writing a classification review of his or her own position at any time, providing the position has not been reviewed within the previous three months. The section head shall forward the request to the Personnel Director within twenty days.

4.8.5 Upon receipt of a position review request, the Personnel Director shall promptly investigate the duties and responsibilities of the identified position, determine its proper classification, and reallocate the position to its proper class if it is improperly classified.

4.9 Reallocation of filled positions: When a filled position is reallocated, the Personnel Director shall determine whether the incumbent is to remain in the position after reallocation or be appointed to another position in the previous class, or in any other class for which the incumbent is qualified.

The Personnel Director shall consult with the employee and the section head in making the determination. The Personnel Director may require the incumbent to pass the examination for the new class as evidence of his or her qualifications.

If the Personnel Director determines that the incumbent is to be transferred to another position and no position is available in a class for which the incumbent is qualified, the incumbent shall be laid off.

### **LAC 1-3:5 The Pay Plan**

5.1 Composition of the pay plan: The pay plan shall set forth the schedule of pay ranges for all classes in the classification plan. Pay ranges shall consist of minimum and maximum rates of pay with such intermediate steps as are necessary for the merit system.

5.2 Development and maintenance of pay ranges: Pay ranges shall be related directly to classes in the classification plan and shall be determined with due regard for:

A. Prevailing compensation for similar work in other governmental units and private establishments in the region, considering both pay rates and fringe benefit programs.

B. The ranges of pay for other classes in the Office of the Governor considering the difficulty of their work and their degrees of responsibility.

C. The availability of qualified employees in particular occupational categories.

D. Any other relevant economic considerations.

The Personnel Director shall annually gather data on the prevailing compensation programs for such benchmark classes in the Office of the Governor as he or she deems necessary to measure the adequacy of the pay plan as a whole. On the basis of information developed from this investigation the Personnel Director shall submit his or her findings and recommendations for pay plan amendments to the Personnel Committee.

5.3 Effect of amendments to pay plan: On the effective date of any amendment to the pay plan, employee salaries will be adjusted so that every employee occupies the same numerical step in the

pay range for his or her class as the employee occupied in the previous pay range for the class.

5.4 Appointment rate: The minimum rate established for a class shall be paid upon appointment except that an appointment above or below the minimum rate may be authorized if the section head submits reasons in writing to the Personnel Director. Both the Personnel Director and the Commissioner must approve appointments above the minimum rate.

Appointments to student positions may be made at any rate allowed under the provisions of LAC 1-3:6.14 and of any policies established by the Commissioner.

Appointments above the minimum rate may be made to any pay rate within the class range; such appointments shall be granted only on the basis of the exceptional qualifications of the appointee. No emergency or temporary appointment shall be made at a pay rate higher than the minimum. Appointments below the minimum rates may be made only on a trainee basis. Trainees shall be appointed at a salary rate not greater than eighty percent of the step-one rate for their class.

5.5 Merit increases: Merit increases within a class range may be granted to employees with permanent status in class or to employees with probationary status following a transfer or promotion to a step higher than the minimum for the class pay range. Merit increases shall not be granted to other probationary employees, or to temporary, emergency, student, or trainee employees.

Such increases shall not be automatic but shall be granted only upon the recommendations of the section heads. The Personnel Director and the Personnel Committee shall review and make recommendations to the Commissioner for the implementation or modification of each section's proposed increases.

An employee may appeal the decision of the Commissioner to the Personnel Committee which shall have final authority to determine the amount of each employee's merit increase.

No employee shall receive more than a 7¼ percent increase within a class in any fiscal year period. For purposes of this provision both the annual merit increase and the automatic, end-of-probation increase provided for in LAC 1-3:5.7.2 shall be considered merit increases.

5.6 Pay rates on transfer, promotion, demotion, temporary intersectional assignment or reallocation of a filled position: If an employee is transferred, promoted, demoted, temporarily assigned to duty in another section, or if his or her position is reallocated, the employee's pay in the new position shall be determined as follows:

5.6.1 A transfer entails no pay action.

5.6.2 In the promotion, the employee's pay shall be increased to the step amount in the new class nearest to the amount which is 7½ percent above the employee's pay in his or her former class, provided that the amount used to determine the employee's step in his or her new pay range may exceed the maximum pay rate of the former class but shall not exceed the maximum pay range of the new class.

5.6.3 In a demotion, upon formal recommendation by the section head to the Personnel Director, the employee's pay shall be fixed on any step within the range for the new class which is lower than his or her last rate of pay.

5.6.4 In a temporary intersectional assignment the employee shall be entitled to the same salary and benefits as he or she would be entitled to in his or her regular position.

5.6.5 In a reallocation of a filled position when the incumbent remains in the position, his or her pay shall be determined according to the rules governing promotion, demotion, or original appointment, whichever is applicable.

5.6.6 Any pay adjustment made pursuant to this rule shall take effect only after approval by the Commissioner.

5.7 Pay rates on completion of trainee or probationary periods: The satisfactory completion of a trainee or probationary period shall have the following effect:

5.7.1 An employee who has successfully completed a trainee period shall be moved to step one in the class pay range.

5.7.2 If the probationary period was served in connection with a transfer or promotional appointment which assigned the incumbent to a minimum pay step, or in connection with an original appointment to any pay step, the employee shall receive a pay increase of five percent from the assigned step.

5.7.3 At the successful completion of any other probationary period than that provided for in LAC 1-3:5.7.2, the employee shall not receive a pay increase.

5.8 Pay rates for part-time employees: Employees in part-time positions shall be paid proportionately to full-time employees in their class.

5.9 Travel and other official expenditures: The prescribed rates of pay do not include allowances for official travel or other expenditures incurred conducting State business, or allowances made to employees for the official use of privately owned automobiles. Employees will be reimbursed for such expenditures in accordance with applicable State travel regulations.

5.10 Total remuneration: The prescribed rates of pay include payment for all work performed even though work may be performed in more than one section. Subsistence or maintenance allowances received in lieu of cash shall be considered as part of the total salary. Whenever subsistence is allowed in lieu of cash, a schedule of such charges together with a statement of the policy and rule to be followed in making the charges shall be established by the Commissioner.

5.11 Overtime: Overtime work is to be held to a minimum consistent with the needs and budgetary constraints of the Office of the Governor, and it is the responsibility of each section head to explore all possible alternatives before a decision is made to work employees on an overtime basis.

5.11.1 All overtime work must be authorized by the section head.

5.11.2 Additional pay for overtime work shall not be considered as a part of the employee's base pay.

5.12 Consideration for overtime hours worked:

5.12.1 Section heads shall receive no additional compensation for hours worked in excess of the work week for their positions established by the Commissioner.

5.12.2 Subject to the provisions of LAC 1-3:5.11.3, an employee serving in a class with a minimum rate of pay of \$971 per month or more shall earn one hour of compensatory time for each hour he or she is required to work in any day in excess of eight.

5.12.3 An employee serving in a class with a minimum pay rate of less than \$971 per month shall be compensated for each hour he or she is required to work in any week in excess of forty either:

A. By receiving overtime pay at the rate of one-and-one-half times the hourly equivalent of his or her regular pay rate for each overtime hour; or

B. By receiving compensatory time credit at the rate of one hour of compensatory time for each overtime hour.

Each section head shall determine whether employees in his or her section to which this subsection applies will be compensated for overtime hours by receiving overtime pay or compensatory time credit.

The section head may, at any time, change the method of overtime compensation in accordance with the provisions of this subsection.



### 5.13 Compensatory Time:

5.13.1 Any employee may take one hour of leave with pay for every hour of compensatory time earned, provided that:

A. The employee's section head must approve any use of earned compensatory time as leave with pay.

B. The employee's section head may at any time require the employee to take all or part of his or her earned compensatory time as leave with pay.

C. Employees shall be required by their section heads to use earned compensatory time before taking annual leave or being placed on leave without pay.

5.13.2 An employee serving in a class with a minimum pay rate of less than \$971 per month shall be paid for each hour of accrued, unused compensatory time at the expiration of six months following the end of the quarter year in which it was earned. The employee shall be paid at the rate of one and one half times the hourly equivalent of his or her regular pay rate for each hour of payable compensatory time.

5.13.3 No employee serving in a class with a minimum pay rate of \$971 or more per month shall be eligible to receive any payment for earned compensatory time.

5.13.4 Upon termination an employee's accrued, unused compensatory time shall be cancelled, and shall not be recredited to the employee upon his or her subsequent appointment to any position in the Office of the Governor.

5.13.5 Compensatory time may be accumulated without limitation.

### LAC 1-3:6 Recruitment and Selection

6.1 Recruitment information: Notice of all vacancies and examination sessions shall be directed to current employees and to such other labor market sources as the Personnel Director determines will be most likely to provide qualified applicants and to allow all citizens the opportunity to exercise their maximum skill and talent in the service of the Office of the Governor.

Information in all recruitment notices shall be based on the current specifications for the vacant position's class and shall include title and salary range; the nature of the work to be performed; the experience and training required; the time, place, and manner of taking applications; the last date for receiving applications and any other information the Personnel Director may require.

6.2 Selection by competitive examination: All appointments shall be made according to merit. Insofar as practicable every applicant shall be rated by an examination process appropriate for his or her class prepared at the direction of the Personnel Director.

Examinations may be assembled or unassembled and may include written, oral, physical or performance tests, ratings of training and experience, or any combination of these. They may rate such factors as education, experience, demonstrated performance, aptitude, knowledge, character, physical fitness or any other qualifications which the Personnel Director determines to be valid indicators of performance in the class.

An applicant who takes an examination shall not be admitted to another examination for the same class until at least four weeks have elapsed from the date of the previous examination. No applicant shall be admitted to examination for the same class more than three times in any twelve-month period.

An applicant's official grade shall be the one obtained on his or her most recent examination.

Each applicant shall be given written notice of his or her final examination rating or of his or her failure to attain a place on the class register.

6.3 Report of section recruitment efforts: Whenever section administrators or other employees are engaged in the recruitment process, the section head shall provide that applications received from candidates are sent to the Personnel Director for review.

All applications, or other documents submitted to the Personnel Director shall be marked with the position control number(s) of the position(s) being recruited for.

No offers of employment shall be made until the Personnel Director has determined the eligibility of the applicants.

6.4 Eligibles registers and their uses: The Personnel Director shall assure that eligibles registers for the various classes are sufficient to meet section operating requirements. The registers shall contain a ranking of those persons who have qualified by the examination process for classes in the Office of the Governor.

All original or temporary appointments to full-time or part-time positions and all promotional appointments shall be made from competitive lists of eligibles certified from the appropriate eligibles register except that the Personnel Director may designate such classes as unskilled labor, custodial workers, and similar classes as noncompetitive classes and the examination and certification process shall not be required for appointments to these classes.

A demotion may be made from a noncompetitive certificate of an employee who has passed the examination for the lower class.

6.5 Duration of Eligibles Registers: The Personnel Director shall determine the period during which eligibles registers shall remain in effect, but this period shall not exceed one year.

When the Personnel Director deems it necessary, a new eligibles register may be combined with an existing register by placing the names of eligibles from both registers on a combined register.

6.6 Removal from eligibles registers: The Personnel Director may remove from an eligibles register the name of any applicant if it is determined that he or she: intentionally made a false statement on the application or during any employment interviews; perpetrated or permitted any fraud in the examination or selection processes; has declared that he or she is no longer available for appointment; or on three separate occasions has failed to respond to inquiries of availability.

6.7 Certification of eligibles: The Personnel Director shall certify eligibles from appropriate registers in the order of their rating in the examination process, giving consideration to the type of appointment and the location of the place of employment.

6.8 Use of certified eligibles lists: When the Personnel Director certifies a list of eligibles for filling a vacant position, the section head shall:

6.8.1 Select for appointment one of the eligibles ranking no lower than fifth among those on the list who declare themselves available for appointment; or reject the certified list by determining that none of the top five available eligibles are suitable for the vacant position. In this case the section head shall submit to the Personnel Director a written explanation for their rejection.

6.8.2 Submit to the Personnel Director written evidence of the availability or unavailability of each certified eligible.

6.9 Multiple certifications of eligibles lists: When a section head rejects a certified list of eligibles he or she may request the certification of another list of eligibles from the appropriate class register.

The Personnel Director shall certify another eligibles list to the section head unless the section head has failed to provide the required explanation for the rejection of the previous list.

The repeated certification of eligibles to fill a vacant position shall continue until either the section head validly selects an available eligible from a certified list; or the appropriate register is exhausted.

6.10 Methods of filling vacancies: All vacant positions, except specifically designated student positions, shall be filled by original appointment, promotional appointment, trainee appointment, temporary appointment, emergency appointment, transfer, or demotion. The Personnel Director shall determine the method of filling any vacancy giving due consideration to the recommendation of the affected section head.

6.11 Original and promotional appointment: Both new applicants to the Office of the Governor and current employees



shall be required to successfully complete the same examination process to be declared eligible for original or promotional appointment to a class. Both new applicants and current employees who successfully complete the examination process shall be placed on the same eligibles register for the class.

Section heads shall make original or promotional appointments, subject to the approval of the Commissioner, from the appropriate list of eligibles certified by the Personnel Director.

Section heads shall document their reasons for selecting or rejecting available eligibles from the certified list according to procedures established by the Personnel Director.

6.12 Temporary appointment: Insofar as it is practicable, all appointments to vacant positions shall be permanent. Whenever a section head determines that a position should be filled for a limited period, he or she shall describe in writing to the Personnel Director the circumstances which require the temporary appointment.

Temporary appointments shall be made from lists of qualified applicants certified to the section head by the Personnel Director. No temporary appointment shall exceed six months in duration.

Temporary appointments require the approval of the Commissioner.

6.13 Trainee appointment: When the duties and responsibilities of a position require it, the Personnel Director may authorize a section head to appoint an applicant to a position as a trainee.

When the section head determines that the employee is able to function in the position on a full performance basis he or she shall notify the Personnel Director. The employee shall attain permanent status in class upon the Personnel Director's approval of the end of the trainee period.

The minimum duration of a trainee period shall be one year from the date of the trainee appointment.

6.14 Student appointment: A student may be appointed to a specifically designated student position without regard to the selection provisions of these rules. No employee shall be eligible to earn permanent status in class while an incumbent of a student position. No incumbent of a student position shall be compensated at a pay rate higher than the minimum rate prescribed for the class of work he or she is performing.

The Personnel Director shall provide for the establishment and classification of specifically designated student positions.

6.15 Emergency appointment: A section head shall be permitted to make an emergency appointment when a position vacancy caused by unforeseen circumstances or conditions beyond his or her control threatens the proper functioning of the Office of the Governor and the efficient rendering of public services.

A section head may make an emergency appointment without having formally established a position for the appointee. After making such appointment, the section head shall immediately report to the Personnel Director the duties and responsibilities of the appointee and the expected duration of the need for the appointee's services. After receiving notification of such an appointment the Personnel Director shall take such steps as he or she deems necessary to maintain the integrity of the classification plan, and the rule for limitation of emergency appointments.

An emergency appointment may be made without regard to the selection provisions of these rules but in no case shall such appointments continue longer than thirty work days and in no case shall a position be filled by emergency appointment for more than thirty in any ninety work days.

The section head shall immediately report any emergency appointment to the Personnel Director for approval.

6.16 Temporary Intersectional assignment: Pursuant to an agreement between section heads for the utilization of an employee with special knowledge or qualifications, and with the prior approval of the Personnel Director, an employee may be assigned to

a position for which he or she is qualified in another section for a period not to exceed sixty-five work days. Such arrangement may be continued beyond sixty-five work days upon presentation of sufficient justification in writing to the Personnel Director, but in no case shall a position be filled by such an assignment for more than one hundred thirty work days in any twelve-month period.

6.17 Transfer: A transfer is a movement by an employee between positions in the same class. No examination shall be required of a transferring employee.

Transfers between sections must be approved by the employee and either by both section heads or by the section head proposing to accept the employee into his or her section and the Personnel Director.

Transfers require the approval of the Commissioner.

6.18 Demotion: An employee may be demoted voluntarily, or for cause upon the recommendation of the section head and approval of the Commissioner. A written statement of the reason for the demotion for cause shall be submitted to the Personnel Director and the employee affected prior to the effective date of the action. An employee may be demoted only to a class for which he or she has passed the examination.

6.19 Probationary periods: Every employee shall serve a probationary period when he or she is originally or promotionally appointed, transferred, or demoted except that an employee demoted to the same position in the same class from which he or she was promoted shall not serve a second probationary period in that position.

The employee who serves a trainee period after appointment to a position shall not be required to serve a probationary period for that position.

6.20 Uses of the Probationary Period: The probationary period shall be regarded as the working test portion of an examination process. The probationary period shall begin on the effective date of an employee's appointment, transfer or demotion and shall continue for a period of six months. At the request of the section head the Personnel Director may extend an employee's probationary period one work day for every work day during the probationary period the employee was unable to work due to personal illness or injury.

A section head may dismiss or demote a probationary employee whose performance does not meet the required work standards at any time during the employee's probationary period. If however an employee who has been promoted is found during his or her probationary period not to meet the required work standards of the new class, he or she shall be transferred to a position in his or her former class if there is one vacant.

### **LAC 1-3:7 General Personnel Policies**

7.1 Hours of Work: The normal workweek for a full-time position in the Office of the Governor shall be not less than forty hours as established by the Commissioner. When the work of a position is needed on less than a full-time basis the Commissioner may establish a part-time workweek for that position.

7.2 Holidays: The following holidays with pay will be observed by all employees in all covered positions:

- A. New Year's Day.
- B. Mardi Gras Day.
- C. Good Friday.
- D. Independence Day.
- E. Labor Day.
- F. Veteran's Day.
- G. Thanksgiving Day.
- H. Christmas Day.

I. Inauguration Day once in every four years in the City of Baton Rouge.

J. General Election Day every two years.

K. Any other day declared a State holiday by the Governor.

7.3 Holiday work: Employees required to work during paid holidays shall earn overtime or compensatory time as provided in LAC 1-3:5.11-5.13.

7.4 Employees eligible for annual and sick leave: Permanent, probationary, trainee, and temporary status employees shall earn annual and sick leave. Emergency and student status employees shall not earn annual and sick leave. Daily attendance and leave records must be maintained for employees eligible to accrue annual and sick leave.

7.5 Earning of annual and sick leave: The earning of annual and sick leave shall be based on the full-time equivalent years of State service excluding service in a student position. Annual and sick leave shall be creditable at the end of each regular pay period in accordance with the following general schedule:

7.5.1 Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.

7.5.2 Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.

7.5.3 Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.

7.5.4 Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.

7.5.5 Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

7.6 Limitation of earning of leave: No employee shall be credited with annual or sick leave for any overtime hours, or for any hour of leave without pay. Employees shall earn annual and sick leave during periods of leave with pay except that when an employee separates from service without returning to active duty after a period of leave with pay the annual and sick leave earned during that last period of leave with pay shall be void and shall not be credited to the employee's accumulated annual and sick leave.

7.7 Carrying annual and sick leave forward: Accrued unused annual and sick leave credited to an employee shall be carried forward to succeeding calendar years without limitation.

7.8 Transfer of annual and sick leave: If an employee changes without a break in service from a position in the Office of the Governor to the classified service, or from the classified service to a position in the Office of the Governor or is promoted, transferred, or demoted to a new position within the Office of the Governor, his or her annual and sick leave shall be forwarded to the section or agency accepting him or her as an employee and shall be credited to him or her.

7.9 Use of annual leave: Annual leave must be applied for by the employee and may be used only when approved by the section head. Annual leave shall not be charged for nonwork days. The minimum charge to annual leave records shall not be less than one half hour.

A section head may require an employee in his section to take annual leave whenever he feels it is best for the employee or the department, provided the employee shall not be required to reduce his or her accrued annual leave below the equivalent of fifteen working days.

Upon an employee's separation from service, the value of annual leave then to his or her credit, up to a maximum of three hundred hours, shall be paid to him or her in a lump sum, disregarding any final fractions of an hour. The payment shall be computed as follows:

A. When an employee is paid on an hourly basis, multiply his or her regular hourly rate at the time of termination by the

number of hours of accrued annual leave, not to exceed three hundred hours.

B. When an employee is paid on other than an hourly basis, determine his or her hourly rate of converting his salary at the time of termination in accordance with the provisions in the uniform payroll system for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave, not to exceed three hundred hours.

Should an employee of the Office of the Governor become an officer of the State, or assume a position appointed by the Governor, or transfer to another branch of government, he shall be paid for unused accumulated annual leave only upon final termination of his services to the State of Louisiana.

7.10 Use of sick leave: Sick leave with pay may be taken for illness or injury which prevents performance of an employee's usual duties, or for medical, dental, or optical consultation or treatment. Sick leave shall not be charged for nonwork days. The minimum charge for sick leave shall be one-half hour.

The Commissioner may at his or her discretion advance sick leave to an employee qualified to earn sick leave who has exhausted all of his or her annual and sick leave and has not recuperated sufficiently to return to active duty. The total amount advanced to any employee for any single illness or injury shall not exceed twenty-two working days.

The value of any advanced sick leave which has not been repaid at the time of the employee's separation from service shall be deducted from his or her last paycheck and/or paid in cash to the employee's section unless the separation is to move into a classified position, then the advanced sick leave shall be forwarded to the department or agency accepting him or her as an employee.

Upon separation caused by disability, death, or retirement, all advanced sick leave shall be cancelled.

In no instance shall an employee be paid for any accumulated sick leave left to the employee's credit at the time of separation from service in the Office of the Governor.

7.11 Reinstatement of leave:

7.11.1 When an employee who has previously been paid for accumulated annual leave according to LAC 1-3:7.9 or the Civil Service Rules is employed in the Office of the Governor, he or she shall pay the employing section the amount received less an amount equal to the product of the number of working hours between the last day worked and the day of his or her return to employment multiplied by the hourly pay rate used to calculate the payment he or she received for accumulated annual leave. The employee shall be given annual leave credit by the employing section for the number of hours for which he or she has made reimbursement.

7.11.2 All annual leave to an employee's credit at the time of separation from service for which he or she was not paid shall again be credited to the employee upon his or her subsequent appointment to a position in the Office of the Governor, provided that such appointment occurs within five years of the date of separation.

7.11.3 All sick leave to an employee's credit at separation shall again be credited to him or her upon his or her subsequent appointment to a position in the Office of the Governor, provided that such appointment occurs within five years of the date of separation.

7.12 Other leave with pay: An employee may be given time off by his or her section head without loss of pay, annual leave, sick leave or compensatory leave when, on a regular working day, he or she is:

A. Performing required jury duty.

B. Summoned to appear as a witness before a court, grand jury, or other public body or commission.

C. Performing emergency civilian duty in relation to national defense.

D. Prevented from performing his or her assigned duties because of a natural disaster, as determined by the employee's section head.

E. Voting in a primary, general, or special election which falls on his scheduled work day, provided not more than two hours of leave shall be allowed an employee to vote in the parish where he or she is employed, and not more than one day to vote in a parish outside the one where he or she is employed.

F. Taking an employment examination for a position in the Office of the Governor, or taking an examination before a State licensing board necessary to employment within the Office of the Governor.

G. Prevented from performing duties essential to his or her work because of local conditions or celebrations, as determined by the employee's section head.

7.13 Maternity leave: Sick leave, annual leave, compensatory leave and leave without pay may be granted for maternity purposes.

7.14 Military leave: Employees who are members of a reserve component of the armed forces of the United States or the National Guard shall be granted leave of absence from their positions, without loss of pay, time, annual, sick or compensatory leave, when ordered to active duty for field training or training authorized in lieu thereof when the individual is given constructive credit for such training, for periods not to exceed fifteen working days in any calendar year; provided that the section head may grant an employee annual or leave without pay or both, in accordance with other provisions of these rules, for such periods which exceed fifteen working days in any calendar year.

Employees who are inducted or ordered to active duty to fulfill their reserve obligations or who are ordered to active duty in connection with reserve activities for indefinite periods or for periods in excess of their annual field training are ineligible for the leave with pay provided for in the previous paragraph.

7.15 Optional leave with pay—workmen's compensation payments: When an employee is absent from work due to disabilities for which he or she is entitled to workmen's compensation he or she may use sick and annual leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his or her regular salary.

7.16 Funeral leave: An employee may be given time off without loss of pay, annual leave, or sick leave, when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity, affinity being defined as the relationship by marriage between a husband and his wife's blood relatives, or between a wife and her husband's blood relatives, provided such time off shall not exceed two days on any one occasion. Relatives within the fourth degree of relationship for purposes of this section include the following: mother, father, grandmother, grandfather, great grandmother, great grandfather, child, grandchild, great grandchild, brother, sister, uncle, aunt, cousin, nephew, grand nephew, niece, grand niece, great uncle, great aunt.

7.17 Leave without pay: An employee may be granted leave without pay for a period not to exceed one year by his or her section head for sickness, disability, educational development, or other good and sufficient reasons which are considered to be in the best interest of the Office of the Governor.

7.18 Prohibition:

7.18.1 Political, religious or racial prejudice: No employee shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of political, religious, racial, age, national origin, sexual or other extraneous considerations and forms of prejudice. No employee shall be discriminated against because of physical handicap if the handicap does

not inhibit effective performance in the position he or she is occupying or applying for.

7.18.2 Fraud: No person shall willfully or corruptly make any false statement, certificate, mark rating, or report in regard to any test, certificate or appointment, or commit or attempt to commit any fraud preventing the impartial execution of the personnel rules.

7.18.3 Payment of money or services: No person seeking appointment or promotion shall either directly or indirectly give, render or pay any money, service, or other valuable things to any person for, on account of, or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

7.18.4 Political endorsement: No person shall seek the benefit of, or attempt to use any political influence in his or her application of any appointment or in connection with performance appraisals, merit increases, grievance processes, or appeals decisions.

7.18.5 Candidate for office: No employee shall continue in his or her position after being qualified as a candidate for nomination or election to any public office in the State government.

7.18.6 Other prohibitions: No employee shall engage in any other activities prohibited by law or executive order.

7.18.7 Penalty of violations: Violation of any of the above prohibitions shall be grounds for rejection of application, suspension or dismissal.

### **LAC 1-3:8 Performance Appraisal**

8.1 Standards of performance: Supervisors shall continually review subordinate performance and counsel subordinates on their strengths and weaknesses. Every employee's performance shall be rated periodically according to the requirements of the class specification and any other performance standards established for the class by the Personnel Director.

8.2 Rating approach to performance appraisal: The Personnel Director shall establish and administer a method of rating the performance of employees of the Office of the Governor. This system shall include:

A. Initial appraisal of an employee's performance by his immediate supervisor.

B. Documentation by the supervisor of work incidents corroborating his appraisal or documentation of other appraisal results when in the opinion of the Personnel Director the initial appraisal is extremely favorable or unfavorable to an employee.

C. Review of the completed performance appraisal report by the section head to insure correct application of performance appraisal principles, and fair and equitable ratings in his section.

D. Opportunity for the employee to inspect his completed appraisal form and documentation, and to enter any explanatory or elaborating comments of his own on the form.

E. General review of the performance appraisal process and all performance appraisal reports by the Personnel Director before inclusion of the report in the employee's personnel folder.

F. General review of each section's aggregated performance appraisal reports by the Personnel Committee.

The Personnel Director may investigate the accuracy of rating reports and may take action to secure the adjustment of the ratings to conform with the facts as ascertained. It shall be the duty of the Personnel Director to provide for the equitable application of established performance standards by different rating officers.

8.3 Use of performance appraisals: The rating approach to performance appraisal shall be considered by appropriate management personnel in granting merit increases, in making promotions or layoffs and in taking disciplinary actions.

8.4 Performance records: The records on which the ratings of each employee are based may be inspected only by the employee

or his duly authorized representative, by the section head of an employee, or by any other section head who is considering accepting the employee into his or her section. They shall not be open to inspection by any other persons outside the Personnel Office of the Office of the Governor.

8.5 Abuse of appraisal process: Employees who allege abuse of the performance appraisal process shall seek redress according to the employee grievance procedure, LAC 1-3:9.8.

### **LAC 1-3:9 Separations, Disciplinary Actions, Appeal and Grievance Processes**

9.1 Resignation: Any employee resigning from service shall file a written resignation with his or her section head at least two weeks before leaving. The resignation shall state the date it is to become effective and the employee's reasons for leaving. Section heads shall forward the employee's resignation to the Personnel Office within twenty-four hours after receipt.

A resigning employee who fails to notify his or her section head as required by this rule may be denied future employment in the Office of the Governor.

Unauthorized absence from work for a period of three consecutive working days may be considered by a section head as an automatic resignation.

9.2 Layoff: Whenever, because of lack of work or insufficient funds within a section, it becomes necessary to reduce the work force within that section, employees shall be laid off in order determined by quality and length of their service.

The Personnel Director and the employees concerned shall be given notice of the layoff at least thirty days prior to the effective date.

Layoffs require approval of the Commissioner.

9.3 Suspension: A section head may suspend an employee without pay for cause. Suspensions of up to three work days may be imposed on an employee solely on the authority of the section head. Extensions of a suspension beyond three work days, or additional suspensions to the first for any employee in any two-month period require the prior approval of the Commissioner.

Within twenty-four hours of the time a suspension becomes effective, the section head shall notify by written memo the employee suspended and the Commissioner. The notice shall include the terms of the suspension and the cause of the suspension.

9.4 Dismissal for cause: Any employee may be dismissed for cause upon the recommendation of the section head and the approval of the Commissioner. A written statement of reasons for the dismissal shall be submitted to the Personnel Director and the employee affected prior to the effective date of the action.

9.5 Appealable actions: The following personnel actions are appealable directly to the Personnel Committee: position allocations and reallocations, including determination of an incumbent's qualifications to remain in a reallocated position; examination and rating of applicants, and certification of eligibles; and determination of an employee's merit increase award.

9.6 Appeal process: All appealable actions shall be presented to the Personnel Committee in writing by a party alleging injury from the action within thirty work days of the date when the employee learned of the action.

Within forty-five work days of the receipt of an allegation of an appealable action, the Personnel Committee shall hold a hearing to determine the merits of the allegation, render a decision and direct its enforcement by the parties of the appeal. The Personnel Committee's decision shall be appealable only to an appropriate Federal regulatory agency or court of law.

Any administrator, supervisor, or employee who refuses to comply with a decision and order from the Personnel Committee which is not on appeal shall be considered to be performing below the required standard of work for his or her class and shall be

subject to disciplinary action by the Commissioner upon recommendation by the Committee.

9.7 Grievance actions: The following actions are not appealable but may be reviewed by the Office of the Governor's grievance process:

9.7.1 An allegation by an employee of the abuse of a supervisor's or section head's administrative authority.

9.7.2 Disciplinary actions (including dismissal, suspension without pay, or demotions) affecting employees with permanent status in class.

9.7.3 Disciplinary actions affecting any employee if such actions are alleged to have been based on prohibited considerations of the employee's political or religious beliefs, race, sex, age, national origin, or handicapped status.

9.7.4 An allegation by any employee of abuse of other personnel or management prerogatives not appealable to the Personnel Committee.

9.8 Grievance process: It is in the best interest of the Office of the Governor that an employee's supervisors and section head be given the opportunity to resolve his or her grievance before a formal appeal is made to the Personnel Committee. Therefore, an employee alleging a grievance action as defined in the previous section shall seek redress according to the following process:

9.8.1 If the employee alleges that the grievance resulted from prohibited discrimination because of the employee's political or religious beliefs, race, sex, age, national origin or physical handicap, the employee may, within ten work days of the last known occurrence of the grievance, notify the Personnel Director.

The Personnel Director shall conduct any investigations required to ascertain the facts underlying such grievance and shall prepare and transmit a report containing a summary of findings to the employee and to the head of the employee's section, within five work days.

If the grievance is not resolved to the satisfaction of the employee within five work days, the employee may then file a written appeal with the section head within ten work days of the Personnel Director's report.

The section head shall render a written decision within five work days. If the section head does not resolve the employee's appeal, the employee may follow LAC 1-3:9.8.6.

9.8.2 If the grievance is not alleged to be the result of prohibited discrimination then within ten work days of the last known occurrence of the grievance, the employee must verbally discuss the grievance with his or her immediate supervisor. The employee must also request redress of the grievance.

9.8.3 If the redress is not granted, the employee must file a written grievance appeal with his or her immediate supervisor within five work days following the failure or refusal of the immediate supervisor to agree to the employee's oral request for redress of the grievance. The supervisor must render a decision in writing to the employee within five work days.

9.8.4 If redress is still not granted, the aggrieved employee may appeal in writing to the second supervisory level, if applicable within five work days following receipt of the immediate supervisor's written decision. The second-level supervisor shall render a written decision within five work days.

9.8.5 If redress is still not granted, the aggrieved employee may submit a written appeal to the section head within five work days following receipt of the second-level supervisor's written decision. The section head shall render a written decision within five work days.

9.8.6 If redress is still not granted, the aggrieved employee may submit a written appeal to the Personnel Committee within five work days following the receipt of the section head's written decision. The Personnel Committee shall review the facts related to the grievance, render a decision, and direct its enforce-

ment by the parties to the appeal. The decision of the Personnel Committee shall be appealable only to an appropriate Federal regulatory agency or court of law.

If either aggrieved employees, supervisors or section heads fail to follow the procedures as set forth, the decision will be in favor of the other party.

Any administrator, supervisor, or employee who refuses to comply with a final decision from the grievance process which is not on appeal shall be considered to be performing below the required standard of work for his or her class and shall be subject to disciplinary action by the Commissioner upon recommendation by the Personnel Committee.

Charles E. Roemer, II  
Commissioner of Administration  
Executive Assistant to the Governor

## RULES

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, (OFS), has adopted policy 19-347 of the Medical Assistance Manual, Chapter XIX, which defines the treatment of the home property six months after a Medicaid recipient enters a nursing home.

The policy reads as follows:

19-347 A.(2)Treatment of Home Property of Applicant/Recipient in a Nursing Home.

(a) Home property of a person converted to Supplemental Security Income (SSI) of a person who was receiving Title XIX nursing home vendor payments only in December, 1973, is protected by OFS policy on home property in effect in December, 1973, as long as the provisions of that policy are met and the person continues to meet grandfather provisions. OFS policy as of December, 1973, provides that:

When the client is forced to live away from home, his property shall continue to be considered his home (shall not be considered excess property) if he is keeping it available and intends to use it as his home when his condition permits.

This policy shall apply when the client is forced to live elsewhere because of his need for nursing care or medical care, or had to leave his home temporarily because of natural disaster, such as a flood.

(b) For those individuals whose eligibility for Medical Assistance was or is determined on or after January 1, 1974—that is, those individuals whose eligibility is not protected under the SSI “grandfather” provision noted in (a) above—the SSI policies in effect relative to home property are applicable. That policy now provides that “Short temporary absences from home like trips, visits, and hospitalization do not affect the home exclusion as long as the individual intends to return home. An absence of more than six months, however, may indicate that the home no longer serves as the principal place of residence if the home is not used by the spouse or dependent relative. For example, in the case of a long medical confinement of indefinite duration the point may be reached where it is unrealistic to say that the absence is only temporary, even though the individual may intend to return home.”

Since a long absence (more than six months) “may indicate” that the client will not be able to retain the home as the principal place of residence, and it remains the intent of the client to return home, the home shall be excluded as a resource until a determination is made, based on medical opinion, that there is no possibility that the client’s intent can be realized during the

remainder of his life. This factor shall be reviewed no less frequently than once annually, and a statement signed by the client’s treating physician shall be secured. Suggested statements, which can be prepared for the physician’s signature, are as follows:

(1) If the physician is of the opinion that there is no possibility that the client can return to his home, the following is suggested:

It is my opinion that \_\_\_\_\_’s physical or mental condition is such that he will not be able to return to his home during the remainder of his life.

\_\_\_\_\_  
Date Physician’s Signature

(2) If the physician cannot certify that the client will not be able to return to his home, the following is suggested:

I am unable to conclude on the basis of my findings of \_\_\_\_\_’s physical or mental condition that he will not be able to return to his home during the remainder of his life. There continues to be a possibility, given the right conditions, that he will be able to return to his home.

\_\_\_\_\_  
Date Physician’s Signature

(3) If the treating physician will not sign a statement, the case shall be referred to the Medical Social Review Team (MSRT) of the Office of Family Services for the required determination. The referral in the form of a memo directed to the MSRT shall contain current medical information and pertinent social data and the suggested statements as noted in (1) and (2) above. When MSRT renders its decision regarding the status of the return home, the appropriate statement shall be signed and dated by the designated MSRT physician and the memo returned to the local office.

(c) When the physician and/or MSRT certifies that the client will not be able to return to his home, the home shall be declared an excess resource and the client shall have three months to dispose of the property.

An extension to the three month limit is possible in situations where the client makes concrete efforts to sell and/or legally dispose of the property. In these situations, the extension is granted by State Office. The request shall be in the form of a memorandum with a summary of the situation.

It will not be necessary to obtain a physician’s and/or MSRT’s statement in the following situations.

(1) The client’s spouse and/or dependent relative live there; or,

(2) If an SSI eligible has joint ownership of the home; or,

(3) The client’s equity does not exceed six thousand dollars and a six percent return is received.

In these situations, the home property is excludable as a resource.

(3) Residence Factor of Eligibility.

The applicant for Title XIX benefits meets the eligibility criteria if he is living in Louisiana voluntarily with the intention to remain a resident of Louisiana, and not for a temporary purpose.

A resident of another state who becomes ill while visiting in Louisiana or who is brought to Louisiana for medical treatment is not eligible for Title XIX benefits from Louisiana.

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

## RULES

### Department of Natural Resources Office of Conservation

#### Rules and Regulations for Drilling and Production of Geothermal Resources

##### Rule I. Definitions.

A. Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in these rules:

B. "Office" shall mean the Office of Conservation of the State of Louisiana.

C. "Commissioner" shall mean the Commissioner of the Office of Conservation of the State of Louisiana.

D. "District Manager" shall mean the head of any one of the districts of the State under the Office of Conservation, and as used, refers specifically to the Manager within whose district the well or wells are located.

E. "Agent" shall mean the Commissioner of the Office of Conservation, a designated representative, the Chief Geologist, the Chief Engineer, or any of the district managers or their aides.

F. "Geothermal resources" shall mean:

1. All products of geothermal processes, embracing indigenous steam, hot water, hot brines and geopressured waters excepting, however, waters produced incidental to oil or gas exploration or production.

2. Steam and other gases, hot water and hot brines resulting from water, gas or other fluids artificially introduced into geothermal and/or geopressured water formations.

3. Heat, natural gas dissolved in formation water or which was dissolved in formation water and is produced at the geothermal and/or geopressured well bore, or other associated energy found in geothermal and/or geopressured water formations.

4. Any by-product derived therefrom.

G. "Geothermal by-product" shall mean any mineral or minerals, excluding oil and natural gas, which are found in solution or in association with a geothermal resource and which have a value less than seventy-five percent of the value of the total geothermal resource if utilized or not because of the quantity, quality or technical difficulties in extraction and production of sufficient value to warrant extraction and production by themselves or which production would waste or not fully utilize the geothermal resource.

H. "Geothermal lease" shall mean a contract by which the lessee is granted the right for exploration, drilling, development, production and distribution of geothermal resources and by-products.

I. "Geothermal operation" shall mean the exploration for, drilling for, development of, production of, and distribution of, geothermal resources.

J. "Geothermal well" shall mean a well whose principal production is geothermal resources.

K. "Well," when used alone in these rules and regulations, shall mean any well bore used for study of or development of geothermal resources.

L. "Completion." A geothermal well shall be considered completed when geothermal resources are produced or capable of being produced through the wellhead.

M. "Waste" shall mean the development of a geothermal resource which results in an appreciable reduction in the total energy which would ultimately be recoverable under prudent and proper operation.

N. "Pollution" shall mean such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state including change in temperature, taste, color, turbidity, or odor of the waters or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such water harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

O. "Waters of the state" shall mean all waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial public or private, situated wholly or partly within or bordering upon the state, excepting waters and sewage systems; treatment works of disposal systems, water and potable water distribution systems, and water withdrawn for use until such time as all uses and final treatment have been completed.

P. "Reservoir" shall mean one or more aquifers containing the geothermal resource.

Q. "Field" shall mean the general geothermal resource area which is underlain or appears to be underlain by a reservoir as defined herein.

R. "Owner" shall mean the person who has the right to drill into and to produce from a reservoir and to appropriate the production either for himself or others.

S. "Subsidence" is the net lowering in elevation of the land surface during a specified time interval, usually calculated as a change in elevation of bench marks between successive surveys. This may be the composite change resulting from various natural and man-made causes. (B.E. Lofgren, 1977, Background Studies for Appraising Subsidence in the Texas Gulf Coast Region. U. S. Geological Survey Open-File Report 77-412 in cooperation with ERDA, p.8.)

T. "Allowable" shall mean the daily production rate of water measured in U.S. gallons, and allocations shall be made for each well and/or reservoir by the Commissioner of Conservation for the State of Louisiana.

U. All other words used herein shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the geothermal industry shall be given that meaning which is generally accepted in said geothermal industry or in the alternative, the oil and gas industry.

##### Rule II. Application to Drill.

A. All applications for permits to drill wells for geothermal resources or conversions of existing wells for geothermal development below the fresh water sands shall be made on Form GR-10 or revisions thereof, and mailed or delivered to the District Office. These applications, in duplicate, shall be accompanied by three copies of the location plat, preferably drawn to a scale of five hundred feet to the inch. The plats shall be constructed from data compiled by a registered civil engineer or surveyor and shall definitely show the amount and location of the acreage with reference to quarter-section corners, or other established survey points. There shall also be shown all pertinent lease and property lines, leases, and offset wells, including oil and gas wells. When the tract to be drilled is composed of separately owned interests which have been pooled or unitized, the boundaries to and the acreage in each separately owned interest must be indicated. Well location certification must be either written on or attached to the well location plat and the certification must be signed by a registered civil engineer, qualified surveyor, or a qualified engineer regularly employed by the applicant. If possible, the application card shall give the name and address of the drilling contractor; otherwise the information as



soon as determined, shall be supplied by letter to the District Manager.

B. Dual completion will be granted only after proper application to the Commissioner.

C. No well shall be drilled, nor shall the drilling be commenced, before a permit for such well has been issued by the Office of Conservation; furthermore, any work, such as digging pits, erecting buildings, derricks, etc., which the operator may do or have done, will be done at his own risk and with the full understanding that the Office of Conservation may find it necessary to change the location or deny the permit because of the rules and regulations applying in that instance.

D. No well shall commence drilling until a sign has been posted on the derrick and subsequently on the well if it is a producer, showing the ownership and designation of the well, name of lease, section, township, range, and the serial number under which the permit was issued. The obligation to maintain a legible sign remains until abandonment.

In order to make the designation of wells, as referred to above, more uniform throughout the state, and thus facilitate the handling of all matters relative to any particular well, the following system of rules has been developed for use in the naming of wells in the future in Louisiana;

1. In no case shall any operator name or well name exceed thirty characters. (A space is equivalent to one character.)

(a) Abbreviation shall be used whenever possible to comply with the above. It is recommended that "S" be used for sand and "U" for unit.

(b) The official well name appearing on Form GR-10 (Application to Drill) shall be used when reporting on all Office of Conservation forms and also in any correspondence.

2. Lease Wells. All wells drilled on a lease basis shall bear the lessor's surname and initials or given name.

Example:	<u>Lease Name</u>	<u>Well No.</u>
	J. R. Smith	2

3. The Commissioner shall prescribe or cause to have prescribed the procedure for assigning well and/or unit nomenclature and may issue a memorandum concerning same from time to time as the need arises.

(a) Developmental units proposed at a hearing shall be named in accordance with the latest memorandum (Memo dated December 1, 1972, Procedure For Assigning Nomenclature, Coding, Allowables, and Filing of Reports for all types of units).

(b) Any unit maps filed with an application for hearing must reflect proposed unit names in accordance with the latest memorandum.

4. Units with Alternate Unit Wells. For those cases where more than one well serves the same proration unit, the wells shall be named in accordance with the latest memorandum (December 1, 1972) and the well number shall be followed by the letters "ALT" in the case of each alternate well.

Example:	<u>Lease Name</u>	<u>Well No.</u>
	Hayes SUE: J.R. Smith	1
	Hayes SUE: Dave Luke	1 ALT
	Hayes SUE: St. Mary	22 ALT

### Rule III. All Other Applications.

A. All applications for permits to repair (except ordinary maintenance operations) or workovers involving, but not limited to abandonment (plug and abandon), acidizing, deepening, perforating, perforating and squeezing, plugging (plug back), plugging and perforating, plugging back and side-tracking, plugging and squeezing, pulling casing, side-tracking, squeezing, squeezing and perforating, sand control, cementing casing or liner as workover feature, or when a well is to be killed or directionally drilled, shall be made to the District Office on Form GR-4 and a proper permit shall be received from the District Manager before work is started. A description of the work done under the above recited work permit(s) shall be furnished on the reverse side of the Well History and Work Resume Report (Form WH-GR), which form shall be filed with the District Office of the Office of Conservation in which the well is located within twenty days after the completion or recompletion of the well. At least twelve hours prior notice of the proposed operations shall be given the District Manager and/or an offset operator in order that one of them may witness the work. If the District Manager or an agent fails to appear within twelve hours, the work may be witnessed by the offset operator, but failing in this, the work need not be held up longer than twelve hours. This rule shall not deter an operator from taking immediate action in an emergency to prevent damage.

### Rule IV. Records.

A. The District Office shall be supplied with available field maps showing lease lines and well locations for all producing areas within the District, such maps to be provided by persons or companies operating in the field, on request of the Commissioner or his agent.

B. Electrical and other logs, when run, of all test wells, or wells drilled in search of geothermal resources, shall be mailed in duplicate to the District Office of the Office of Conservation in which the well is located, such copies to be mailed within ten days after completion of the well. These logs shall be filed on the following scales:

1. All North Louisiana Districts: Normal log, two inches to one hundred feet.

2. All South Louisiana Districts: Normal log, one inch to one hundred feet; detailed log, five inches to one hundred feet.

The service company running the electric log on the well shall include as a part of the information on the log the permit serial number of the well.

C. A form entitled "Well History and Work Resume Report" (Form WH-GR) shall be filed with the District Office in which the well is located within twenty days after completion of the well. This report shall be filed on forms furnished by the Office of Conservation or on like forms as reproduced by the operator.

### Rule V. Casing Program.

A. Conductor Pipe: Conductor pipe is that pipe ordinarily used for the purpose of supporting unconsolidated surface deposits. The use and removal of conductor pipe during the drilling of any geothermal resource well shall be at the option of the operator.



B. Surface Casing:

1. Casing to be set shall be determined from Table 1 hereof:

Table 1

Total Depth of Contract (Feet)	Casing Required (Feet)	No. of Sacks Cement	Surface Casing Test Pressure Pounds Per Square Inch
0-2500	100	200 or circulate to surface*	300
2500-3000	150	500 or circulate to surface*	600
3000-4000	300	500 or circulate to surface*	600
4000-5000	400	500 or circulate to surface*	600
5000-6000	500	500 or circulate to surface*	750
6000-7000	800	500 or circulate to surface*	1000
7000-8000	1000	500 or circulate to surface*	1000
8000-9000	1400	500 or circulate to surface*	1000
9000-Deeper	1800	500 or circulate to surface*	1000

\*Circulate to the surface shall mean the calculated amount of cement necessary to fill the theoretical annular space plus ten percent.

In known low-pressure areas, exceptions to the above may be granted by the Commissioner or his agent. If, however, in the opinion of the Commissioner or his agent, the above regulation shall be found inadequate, an additional or lesser amount of surface casing and/or cement or test pressure shall be required for the purpose of safety and the protection of fresh water sands but, in all cases, surface casing will be set below the base of the lowest known aquifers containing three thousand mg per liter of total dissolved solids.

2. Surface casing shall be tested before drilling the plug by applying a minimum pump pressure as set forth in Table 1. If at the end of thirty minutes the pressure gauge shows a drop of ten percent of test pressure as outlined in Table 1 the operator shall be required to take such corrective measures as will insure that such surface casing will hold said pressure for thirty minutes without a drop of more than ten percent of the test pressure. The provisions of D.7 of this Rule, for the producing casing, shall also apply to the surface casing.

3. Cement shall be allowed to stand a minimum of twelve hours under pressure before initiating test or drilling plug. "Under pressure" is complied with if one float valve is used or if pressure is held otherwise.

C. Intermediate Casing:

1. Intermediate casing is that casing used as protection against caving of heaving formations or when other means are not adequate for the purpose of segregating upper strata.

2. If an intermediate casing string is deemed necessary by the District Manager for the prevention of underground waste, such regulations pertaining to a minimum setting depth, quality of casing, and cementing and testing of sand, shall be determined by the Office of Conservation after due hearing. The provisions of D.7 of this Rule, for the producing casing, shall also apply to the intermediate casing.

D. Producing Casing:

1. Producing casing is that casing used for the purpose of segregating the horizon from which production is obtained and affording a means of communication between such horizons and the surface.

2. The producing casing shall consist of new or reconditioned casing, tested at mill test pressure or as otherwise designated by the Office of Conservation and set at a sufficient depth to seal off all formations above the horizon in which the well is to be completed. The position of the horizon shall be determined by coring, testing or electrical logging, or other satisfactory method, and the producing casing shall be bottomed and cemented at a

point below or above the geothermal geopressured reservoir, if determinable and practicable.

3. Cement shall be placed by the pump-and-plug method, or another method approved by the Office of Conservation. Sufficient cement shall be used to fill the calculated annular space behind the casing to such a point as in the opinion of the District Manager local conditions require to protect the known oil, gas, geothermal reservoir(s), and all other formations occurring above; but in every case, no less cement shall be used than the calculated amount necessary to fill the annular space to a point at least, but not less than five hundred feet above the bottom of the intermediate string of casing.

4. The amount of cement to be left remaining in the casing, until the requirements of Paragraph 5 of this Rule have been met, shall not be less than twenty feet. This shall be accomplished through the use of a float-collar, or other approved or practicable means, unless the full-hole cementer, or its equivalent, is used.

5. Cement shall be allowed to stand a minimum of twelve hours under pressure and a minimum total of twenty-four hours before initiating test or drilling plug in the producing casing. "Under pressure" is complied with if one or more float valves are employed and are shown to be holding the cement in place, or when other means of holding pressure is used. When an operator elects to perforate and squeeze or to cement around the shoe, he may proceed with such work after twelve hours have elapsed after placing the first cement.

6. Before drilling the plug in the producing casing, the casing shall be tested by pump pressure, as determined from Table 2.

Table 2  
(Intermediate and Producing Casing)

Depth Set (Feet)	No. of Sacks Of Cement*	Producing String Test Pressure Pounds Per Square Inch
2000-3000	200	800
3000-6000	300	1000
6000-9000	500	1200
9000-Deeper	500	1500

\*But in every case no less cement shall be used than the calculated amount necessary to fill the annular space to a point 500'

above the producing formation but not more than 200' above the bottom of the intermediate string of casing.

If at the end of thirty minutes, the pressure gauge shows a drop of ten percent of the test pressure or more, the operator shall be required to take such corrective measures as will insure that the producing casing is so set and cemented that it will hold said pressure for thirty minutes without a drop of more than ten percent of the test pressure on the gauge.

7. If the Commissioner's agent is not present at the time designated by the operator for inspection of the casing tests of the producing casing, the operator shall have such test witnessed. An affidavit of test, on the form prescribed by the Office of Conservation, signed by the operator and witness, shall be furnished to the District Office of the Office of Conservation showing that the test conformed satisfactorily to the above-mentioned regulations before proceeding with the completion. If test is satisfactory, normal operations may be resumed immediately.

8. If the test is unsatisfactory, the operator shall not proceed with the completion of the well until a satisfactory test has been obtained.

#### E. Tubing and Completion:

1. All flowing wells shall be produced through tubing set on a packer or, as an alternate method and upon approval by the District Manager, through casing, provided that such casing is cemented back to the next string.

2. When a well develops a casing pressure, upon completion, equivalent to more than three-quarters of the internal pressure that will develop the minimum yield point of the casing, such well shall be required by the District Manager to be killed, and the leak repaired so as to keep such excessive pressure off of the casing.

#### F. Wellhead Connections:

1. Wellhead connections shall be tested at a pressure indicated by the District Manager in conformance with conditions existing in areas in which they are used.

#### Rule VI. Blowout Preventers.

A. All wells drilling or running casing or tubing are to be equipped with a master gate and a blowout preventer having the correct size rams or plugs installed and in first class condition, together with a flowing valve of the recommended size and working pressure. If a "fill-up" line is connected to the blowout preventer, the line shall be equipped with such valves and fittings of at least the same working pressure as the blowout preventer. If the preventer is hydraulically operated, adequate pressure shall at all times be available for efficient operations.

B. The entire control equipment shall be in good working order and condition at all times and shall meet the test or inspection requirement of the Office.

C. If at any time, evidence indicates that the preventer is not efficient, the casing shall be blocked off below the preventer by some effective method and such repairs to the preventer shall be made as to allow it to hold the originally designated pressure test.

D. Drill strings shall be equipped with a stop-cock or some other type of drill-stem back-pressure valve for the purpose of controlling back-flow.

E. No casing shall be perforated until adequate control equipment has been installed and in good working order. Such control equipment shall consist of master valve and lubricator, or their equivalent.

#### Rule VII. Casingheads.

A. All wells shall be equipped with casingheads with a test pressure in conformance with conditions existing in areas in which they are used. The casinghead body, as soon as installed, shall be

equipped with proper connections and valves accessible to the surface. Reconditioning shall be required on any well showing pressure on the casinghead, or leaking between production string and next larger size casing, when in the opinion of the District Manager, such pressure or leakage assumes hazardous proportions or indicates the existence of underground waste. Mud-laden fluid may be pumped between any two strings of casing at the top of the hole, but no cement shall be used except by special permission of the Commissioner or his agent.

#### Rule VIII. Hazards.

A. All wells shall be cleaned into a pit, barge, or tank, located at a distance of at least one hundred feet from any fire hazard. Before any well shall be perforated, the drilling fluid in the well shall be conditioned and brought to a weight necessary to hold the formation fluid pressure at the point to be perforated with a reasonable margin of safety provided. However, in cases where the tubing and christmas tree are set for production, the weight of the drilling fluid may be reduced below the weight necessary to hold the formation fluid pressure at the point to be perforated. Before perforating, proper connections for lubricating the gun in and out of the hole shall be installed. All drill stem tests shall be started and completed during daylight hours. "Started and completed" shall mean the opening and the closing of the drill stem testing tool valve or valves controlling the flow through the choke.

B. Any rubbish or debris that might constitute a fire hazard shall be removed to a distance of at least one hundred feet from the vicinity of wells, tanks and pump stations. All waste and produced fluids shall be disposed of in such a manner as to avoid creating a fire hazard or polluting streams and fresh water strata.

C. Each operator shall so conduct his operations and maintain his equipment as to reduce to a minimum the danger of explosion, fire and consequent waste.

#### Rule IX. Drilling Fluids.

A. The inspectors and agents of the Office of Conservation shall have access to the mud records of any drilling well, except those records which pertain to special muds and special work with respect to patentable rights, and shall be allowed to conduct any essential test or tests on the mud used in the drilling of a well. When the conditions and tests indicate a need for a change in the mud or drilling fluid program in order to insure proper control of the well, the District Manager shall require the operator or company to use due diligence in correcting any objectionable conditions.

#### Rule X. Well Allowables, Completion, Production, Production Records, and Production Tests.

A. Allowables will be set by the Commissioner and he may, after proper notice, call a hearing.

B. Upon initial completion, a four-point multiple-step draw-down test shall be made. The District Manager shall have the discretion, based on bottomhole conditions, to require the use of bottomhole or surface data for calculating the draw-down pressure used in this test.

C. Monthly production shall be reported to the District Manager with the original to the Office of Conservation in Baton Rouge on Form GR-Operator's Monthly Production Report within forty-five days following the end of the reporting month.

#### Rule XI. Water, Gas and Geothermal By-products Measurements.

A. "Gallon" shall mean one (U.S.) gallon or 3.7852 liters of fluid at a temperature of 60°F and a pressure of 14.73 psia.

B. Pressure and temperature shall be measured at the wellhead for purposes of determining the energy content of the water. The volume (gallons) of the water and attendant temperature and pressure shall be measured and recorded after gas removal.

C. A cubic foot of gas is hereby defined as that amount of gaseous hydrocarbons contained in a cubic foot of space at the base temperature of 60°F and an absolute pressure of 14.4 lbs/sq.

in. plus 10 oz./sq. in., which temperature and pressures are referred to as the base temperature and pressure, respectively.

D. Basic orifice coefficients used in the calculation of gas flow shall be those contained in the American Gas Association's Gas Measurement Committee Report No. 1 and No. 2, or some other basic orifice coefficients generally accepted in the industry and approved by the Office of Conservation such as those published by the Foxboro Company, American Meter Company, and Pittsburg Equitable Meter Company. Corrections for base pressure and base temperature shall be made. Corrections for super-compressibility are recommended when equal to or greater than one percent in cases where data are available. Corrections for Reynolds number and expansion factor are recommended only in cases where their combined corrections equal to or exceed one percent.

E. Gas measurements with Pitot tubes shall be based on Reid's formula and shall follow recommendations similar to those set forth in Appendix 4 of the Bureau of Mines Monograph 7. Corrections for base pressure and base temperature shall be made as in orifice measurements.

F. Gas measurements with orifice well tests shall follow recommendations similar to those set forth in Bulletin No. E-7 of the American Meter Company. Corrections for base pressure and base temperature, and gravity shall be made as in orifice measurements.

G. The wellstream shall be sampled at the wellhead quarterly and appropriate chemical analysis determined and recorded. By-products shall be measured using customary units and the results recorded.

#### Rule XII. Delegation of Authority.

A. It is the duty of the Commissioner of Conservation or his agents, to make such changes in the monthly production and proration orders as may appear reasonably necessary for the purposes of safety, conservation, and the prevention of waste, in accordance with the orders and regulations of the Office.

#### Rule XIII. Bottomhole Pressure.

A. The Commissioner shall have the authority to require bottomhole pressure and temperature surveys of the various fields at such times as he may designate. However, operators shall be required to take bottomhole pressure and temperatures in all wells upon initial completion. Tubing and tubing heads shall be free from obstructions in wells used for bottomhole pressure test purposes.

#### Rule XIV. Disposal.

A. Disposal of all geothermal/geopressured operation waste material into the surface waters of the state shall be done pursuant to and under the control of regulations and procedures set forth by the Stream Control Commission or other appropriate State or Federal agencies having control over such surface disposal.

B. Produced salt water and related waste material may be sorted in pits where such pits have been approved by the Commissioner of Conservation.

C. Produced salt water shall not be disposed of into a zone producing or productive of hydrocarbons unless such disposal is approved by the Commissioner of Conservation after a public hearing or unless prior approval has been granted to use the proposed zone for salt water disposal.

D. Prior to disposing of salt water by injecting same into any subsurface formation, a permit therefor must be obtained from the Commissioner of Conservation. Such permit may be issued by the Commissioner without a public hearing when the applicant has complied with the procedures, rules and regulations applicable to salt water disposal into the subsurface by means of an injection well.

#### Rule XV. Directional Drilling and Well Surveys.

A. Except as otherwise provided in this Rule, every well drilled in the State of Louisiana shall be drilled in such a manner that at

any measured depth the actual or apparent location of the well bore shall be within a circle whose center is the surface location and whose radius is equal to said measured depth multiplied by the factor 0.087156. The actual or apparent resultant deviation of the well bore from the vertical shall not be in excess of five degrees at any measured depth. In the event a survey indicates that the well bore is outside the above circle at any measured depth, the well bore must be straightened and drilling may continue only within the specified limit. A directional survey shall be required and shall be filed with appropriate District Manager as confirmation that the well bore has been straightened and is in fact within the above limit. After an operator has commenced drilling a well and desires to change the bottomhole location by directionally controlling and intentionally deflecting said well from the vertical whether more or less than five degrees, unless done to straighten the hole or to sidetrack junk in the hole or because of other mechanical difficulties, he shall first make application for an amended location showing by attached plat the amended projected bottomhole objective and secure an amended permit to drill before commencing such operations. The amended bottomhole location or objective shall comply with all minimum distances from lease or property lines as prescribed by all statewide orders or any other applicable field orders. In the event a well is to be drilled at a distance from a property line where such distance is less than the apparent resultant lateral deviation, as determined by multiplying the proposed total depth of the well by a factor 0.087156, a permit to drill for geothermal resource will be issued with the understanding that the operator will be required to furnish the appropriate District Manager with inclination and/or directional survey data as proof that the well will be completed in compliance with the provisions of this rule before an allowable is assigned to said well.

B. An inclination survey shall be made on all wells drilled in the State of Louisiana with the first shot point at a depth not greater than that of the surface casing seat and succeeding shot points not more than one thousand feet apart. Inclination surveys conforming to those requirements may be made either during the normal course of drilling or after the well has reached total depth. Such survey data shall be certified by the operator's representative and/or drilling contractor and shall indicate the resultant lateral deviation as the sum of the calculated lateral displacement determined between each inclination survey point, assuming that all such displacement occurs in the direction of the nearest property line. If a directional survey determining the bottom of the hole is filed with the Commissioner of Conservation upon completion of the well, it shall not be necessary to furnish the inclination survey data. Except as otherwise specified herein, all inclination and/or directional survey data shall be filed along with Form WH-GR (Geothermal Well History).

C. A directional survey shall be run and three certified copies thereof filed by or at the direction of the operator with the appropriate District Manager of the Office of Conservation on all future wells drilled in the State of Louisiana where:

- (1) the well is directionally controlled and is thereby intentionally deflected from the vertical, or
- (2) the surface location is less than three hundred thirty feet from the nearest property line, or
- (3) the resultant lateral deviation as calculated from inclination survey data is a distance greater than the distance from the center of the surface location of the well bore to the nearest property line, or
- (4) the well bore deviates laterally a resultant distance greater than that determined by a five degree angle from a vertical line passing through the center of the surface location of the well bore.

"Property line," as used herein, shall mean the boundary dividing tracts on which geothermal resource rights, royalty rights or leases are separately zoned, except that where a voluntary unit or a unit as defined in Section 9, Paragraph B, of

Revised Statutes of 1950, has been created, the boundaries of the unit shall be considered the property line.

D. The Commissioner of Conservation, on his own initiative or at the request of an offset operator, shall have the right to require the operator to run a directional survey on any well if there is reasonable cause therefor. Whenever a survey is so required by the Commissioner at the request of an offset operator, and the operator of the well and the offset operator are unable to agree as to the terms and conditions for running such survey, the Commissioner, upon request of either, shall determine such terms and conditions, after notice to all interested parties and a public hearing.

E. Unless required by the Commissioner of Conservation under Paragraph D hereof, a directional survey shall not be required for any well which is not directionally controlled, and thereby intentionally deflected from the vertical, and which has a surface location, maximum angle of deviation, and total depth, all in compliance with the provisions hereof.

F. The Commissioner of Conservation may assess appropriate penalties for failure to comply with any of the provisions hereof.

#### Rule XVI. Plugging and Abandonment.

##### A. Schedule of Abandonment:

1. Dry Holes: All wells drilled for geothermal resources found to be noncommercial prior to or after the effective date of these rules shall be plugged within ninety days after operations have been completed thereon or ninety days after the effective date of this rule, whichever is later, unless an extension of time is granted by the Commissioner of Conservation to consider the utility of such well.

##### 2. Other Wells on or After Effective Date of Rule:

(a) All wells wherein production operations or use as a service well have ceased on or after the effective date of this rule shall continue to be reported on the Form GR-5PD with the appropriate notation that the well is off production or no longer in use as a service well, along with the date of last production or date the service well ceased to be used.

B. The responsibility of plugging any well over which the Commissioner of Conservation has jurisdiction shall be the owner(s) of record.

C. In the event any owner(s) responsible for plugging any well fails to do so, and after a diligent effort has been made by the Office to have said well plugged, then the Commissioner may call a public hearing to show cause why said well was not plugged.

D. The Commissioner or his agent may require the posting of a reasonable bond with good and sufficient surety in order to secure the performance of the work of proper abandonment.

E. The District Manager shall be notified immediately by the new operator whenever a change of operator occurs. This must be accomplished by submitting Office of Conservation Form GR-10-A (Application for Amended Permit to Drill for Geothermal Resource) to reflect the new operator.

##### F. Plugging Procedures:

1. Notification of intention to plug any well or wells over which the Commissioner of Conservation has jurisdiction, shall be given to the appropriate District Manager prior to the plugging thereof. Notification shall be made in writing to the District Office in the form of a work permit (Form GR-4), of which an original and three copies are required. Where plugging involves a well with a rig on location, the District Manager may grant verbal approval to plug and abandon the well provided the work permit is subsequently submitted. Any operator who fails to comply with this requirement may be required by the District Manager to place additional cement plug(s) and/or prove the plug(s) are placed as the operator states they are.

2. Once an operator has been issued a work permit to plug and abandon a well by the appropriate District Manager, then

said operator shall be required to contact the appropriate inspector a minimum of twelve hours prior to beginning the plugging operations. During drilling and/or workover operations, the requirement to contact the appropriate inspector a minimum of twelve hours prior to beginning the plugging operations shall be waived at the time verbal notification is made to the District Office.

3. In plugging geothermal resource wells, it is essential that all known oil or gas bearing formations be protected.

(a) A cement plug of at least one hundred fifty feet shall be placed immediately above the uppermost perforated, or producing, interval of the reservoir. If he deems it advisable, the District Manager may allow a bridge plug with a minimum of one hundred feet of cement on top to be placed immediately above each reservoir.

(b) In wells completed with screen or perforated liners, if it is impractical for the operator to remove the screen or perforated liner, he shall place a cement plug of at least one hundred fifty feet, with the bottom as near as practical to the top of the screen or liner. If the District Manager deems it advisable, a bridge plug with a minimum of one hundred feet of cement on top and placed as near as practical to the top of the screen or liner may be used in lieu of the cement plug.

(c) When production casing is not run or is removed from the well, and surface casing has been set below the base of the lowest 3,000 mg per liter of total dissolved solids aquifer(s), a cement plug of at least one hundred feet shall be placed from at least fifty feet below the shoe of the surface casing to at least fifty feet above. In lieu of the above, the operator shall have the option of using a cement retainer placed at least fifty feet above the surface casing shoe, and a sufficient amount of cement shall be squeezed below the retainer to form a cement plug from the base of the retainer to fifty feet below the base of the surface casing. A ten-foot cement plug shall be placed on top of the retainer.

(d) If fresh water horizons are exposed when producing or intermediate casing is removed from the well, or as a result of not being run, a cement plug shall be placed from at least fifty feet below the base of the aquifer(s) containing 3,000 mg per liter of total dissolved solids to at least two hundred feet above the base of the aquifer(s). A cement plug of at least one hundred feet shall also be placed from at least fifty feet below the shoe of the surface casing to at least fifty feet above it. In lieu of the above, the operator shall have the option of using a cement retainer placed at least fifty feet above the surface casing shoe and a sufficient amount of cement shall be squeezed below the retainer to form a cement plug from the base of the retainer to fifty feet below the base of the surface casing. A ten-foot cement plug shall be placed on top of the retainer.

(e) The setting and location of the first plug below the top thirty-foot plug shall be verified by tagging. In the event a retainer is used, tagging will not be necessary.

(f) Additional cement plugs shall be placed to adequately contain any high pressure oil, gas or water sands or as may be required by the District Manager.

(g) A thirty-foot cement plug minimum shall be placed in the top of the well.

(h) Mud-laden fluid with sufficient weight per gallon but not less than nine pounds per gallon shall be placed in all portions of the well not filled with cement, unless otherwise approved by the District Manager.

(i) All cement plugs shall be placed by the circulation or pump down method unless otherwise authorized by the District Manager. The hole must be in a static condition at the time the plugs are placed.

(j) After placing the top plug, the operator shall be required on all land locations to cut the casing a minimum of two feet below plow depth. On all water locations, the casing shall be cut a minimum of ten feet below the mud line. If an operator contemplates reentering the well at some future date for salt water disposal or other purpose, the District Manager may approve after receiving written request from an operator not to cut off the casing below plow depth or mud line.

(k) The plan of abandonment may be altered if new or unforeseen conditions arise during the well work but only after approval by the District Manager.

4. Upon plugging any well for any cause, a complete record thereof shall be made out, duly verified and filed in triplicate on Form P & A in the District Office within twenty days after the plugging of such well. A cementing report shall be filed with the plugging report.

#### G. Temporary Abandonment of Drilling Wells:

Any drilling well which is to be temporarily abandoned and the rig moved away, shall be mudded and cemented as it would be for permanent abandonment, except a cement plug at the surface may be omitted.

#### Rule XVII. Exception and Hearings.

A. If any operator can show to the Commissioner that the drilling and producing methods herein prescribed or the particular method by him prescribed for securing tests of well, or any other part of this rule, as applies to his well or wells, result in waste or as to such operator are unreasonable, the Commissioner may enter such an order, as a special exception to the aforesaid rules and regulations, as will prevent such waste or eliminate such unreasonable restraint, as may result from the application of the aforesaid rules and regulations to the well or wells of such operators; provided, however, that before any operator shall be allowed the benefit of an order granting an exception as authorized by this Rule, such operator must establish that such exception, if granted, will not result in waste in the field as a whole or give him an inequitable and unfair advantage over another operator or other operators in the field. No special exception will be granted except upon written application, fully stating the alleged facts, which shall be the subject of a hearing to be held not earlier than ten days after filing of the application. Prior to the hearing upon such application, at least ten days notice thereof shall be given by publication to all operators in the field. In addition to said notice of publication, adjacent operators, where appropriate, may be given at least ten days notice of said hearing by personal service, or by registered mail.

#### Rule XVIII. Application of Special Field Orders.

A. This rule shall be cumulative of, and in addition to, all special orders, rules and regulations affecting the drilling and production of geothermal resources, as heretofore promulgated. In case of any conflict between this rule and the special orders on specific fields, said special orders on specific fields shall govern.

#### Rule XIX. Subsidence.

A. The operator of a proposed geothermal well is responsible for establishing representative elevations of the land surface in the area of the proposed development. Plans for establishing these reference elevations must accompany the application for a permit to drill the well.

B. Surface elevation of the wellhead will be determined in accordance with U.S.G.S. standards for fourth order leveling and will be filed with the completion report and annually thereafter.

C. A gamma ray-neutron log, including a collar locator log, will be run from total depth to the base of the previous casing string and filed with the completion report.

D. If in the opinion of the Commissioner there is evidence of subsidence, the Commissioner shall have authority to require a hydrogeologic study or such other actions as he deems necessary.

R. T. Sutton  
Commissioner of Conservation

## RULES

### Department of Public Safety Fire Prevention Board of Review

I. Any application to the Board of Review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information.

1. The name of the applicant.
2. A brief description of the facts.
3. A copy of the order of the Fire Marshal which is being appealed.
4. A reference to the section of the law or code being reviewed.
5. A brief description of the suggested alternatives to the requirements of the Fire Marshal or a brief description of why the applicant feels the requirement of the Fire Marshal is not within the Fire Marshal's authority or a brief description of why the interpretation of the Fire Marshal is incorrect or what specific relief is requested by the applicant.
6. A list of the individuals who will be appearing before the Board and a brief description of the testimony or information they will be providing to the Board.
7. A list of all the documents which will be introduced or provided to the Board along with a brief description of the documents, and if possible, a copy of said documents.
8. A list of each exhibit except for documents and a brief description of the exhibit.

II. Whenever possible, a notice of the meeting, date and place and the agenda will be recorded in the Louisiana Register; however, whenever that is not possible, a copy of the meeting notice including the date, time and place and agenda of the meeting of the Board will be published in the official notices of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any city or town in which the meeting of the Board is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of such appeal.

III. A copy of the determination of the Board as prepared by the Chairman will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.

Dallas Greene, Chairman  
Fire Prevention Board of Review

## RULES

### Department of Wildlife and Fisheries

#### Hunting Seasons

The Louisiana Department of Wildlife and Fisheries, via resolution of the Wildlife and Fisheries Commission, has adopted rules and regulations concerning the 1978-79 hunting season for resident game birds and animals and rules and regulations concerning

hunting on wildlife management areas. The Department of the State Register has determined that publication of these rules would be unduly cumbersome and exercised its privilege to omit them from the Louisiana Register, as per R.S. 49:954.1C.

These rules are available for public inspection at Wildlife and Fisheries headquarters, 400 Royal Street, New Orleans. They will be published in pamphlet form and made available, free, throughout the state on or about September 1, 1978.

**Trapping Season**

Be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby set the trapping season for nutria, beaver, mink, muskrat, otter, raccoon, opossum, skunk, bobcat and fox for the 1978-79 season, from December 1, 1978, through February 28, 1979.

Be it further resolved that if additional time is required to prevent

the overpopulation of nutria and muskrat in some areas, recommendations for an extended season be presented to the Commission's January, 1979 meeting.

**Migratory Game Birds**

Whereas, the U.S. Fish and Wildlife Service has announced its regulations for the hunting of certain migratory game birds including doves, snipe, woodcock, rails, gallinules, and teal, and

Whereas, the Louisiana Wildlife and Fisheries Commission must establish season dates for the hunting of these species within the frameworks, baglimits, shooting hours, and number of hunting days promulgated by the U.S. Fish and Wildlife Service as announced in the Federal Register, now

Therefore, be it resolved, that the Louisiana Wildlife and Fisheries Commission does hereby establish the following dates for the migratory game birds listed below:

	<b>Dates</b>	<b>Days</b>	<b>Bag and Possession</b>	
Doves (North Zone)	Sept. 2—17	16	12	24
	Oct. 14—Nov. 12	30	12	24
	Dec. 16—Jan. 8	24	12	24
	Total	70		
Doves (South Zone)	Oct. 14—Nov. 26	44	12	24
	Dec. 16—Jan. 10	26	12	24
	Total	70		
Snipe	Nov. 4—Feb. 18	107	8	16
Woodcock	Dec. 9—Feb. 11	65	5	10
Rails	Sept. 22—Nov. 30	70	15	30
Gallinules	Sept. 22—Nov. 30	70	15	30
Teal	Sept. 22—Sept. 30	9	4	8

Now therefore be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby also place into effect all other hunting regulations related to the taking of these species, including

shooting hours and bag limits as promulgated by the U. S. Fish and Wildlife Service.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Notices of Intent

**NOTICE OF INTENT**

**Department of Commerce  
Board of Architectural Examiners**

Pursuant to R.S. 49:951, et seq., notice is hereby given that the Louisiana State Board of Architectural Examiners intends to consider at its August 25, 1978, meeting adoption of revised rules and regulations for the practice of architecture in the State of Louisiana.

Interested persons may present their views, in writing, to the Louisiana State Board of Architectural Examiners, 1987 Dallas Drive, Baton Rouge, Louisiana, 70806 not later than August 24, 1978.

Teeny Simmons, Director  
Board of Architectural Examiners

**NOTICE OF INTENT**

**Department of Commerce  
Office of Financial Institutions**

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:237(B), hereby gives notice of his intention to adopt the following rule.

Any interested person may submit, orally, or in writing, his views, arguments, data, or reasons in support of, or in opposition to, the proposed rule by mail or by personally visiting the Commissioner's Office at 5420 Corporate Boulevard, Suite 207, Baton Rouge, Louisiana 70808, during its normal office hours from 8:00 a.m. to 4:30 p.m. on any day, not a legal holiday, or day of the weekend, through August 4, 1978.

**Proposed Rule**

State-chartered savings and loan associations in their course of business may contract for participation in credit card operations with a State or national-chartered bank domiciled in Louisiana under the following:

1. A Louisiana State savings and loan association can participate only as an agent in a credit card program. It may not be a principal issuer.

2. The contract between the bank and the association, with regard to the issuance of credit cards, must provide for:

a. Reasonable fees to be received by the association.

b. The bank involved to absorb all chargeoffs and/or losses on all credit card transactions.

3. All credit card participation agreements between a bank and a State savings and loan association must be submitted to the Commissioner for approval.

Kenneth E. Pickering  
Commissioner of Financial Institutions

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its August 24, 1978, meeting the following policies:

1. Rules and regulations for the implementation of Act 754 and P.L. 94-142, regarding special education.

2. Amendment to page 21, Bulletin 741, *Handbook for School Administrators*, to restore language relative to religion.

3. Annual Program Plan for the Administration of Vocational Education for Fiscal Year 1979.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., August 9, 1978, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Interested persons will be afforded reasonable opportunity to submit data, views, or comments at the regular August meeting.

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

## NOTICE OF INTENT

### Office of the Governor Tax Commission

In accordance with the provisions of Section 953 of Title 49 of the Louisiana Revised Statutes, notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on August 22, 1978, at 10:00 a.m. in the State Mineral Board Auditorium on the First Floor of the Natural Resources Building in Baton Rouge, Louisiana.

The purpose of this hearing is to adopt self-reporting forms for "Personal Property" to be used by the state's assessors.

Interested persons may inspect a copy of the proposed form beginning fifteen days prior to the scheduled hearing at the official domicile of the Louisiana Tax Commission in the Capitol Annex in Baton Rouge, Louisiana any time prior to 4:15 p.m. on August 21, 1978.

Those desiring to be heard at the hearing will be given reasonable opportunity to make their presentations.

C. Gordon Johnson, Chairman  
Tax Commission

## NOTICE OF INTENT

### Department of Health and Human Resources Air Control Commission

The Department of Health and Human Resources, Air Control

Commission, proposes to revise Sections 18.2 and 19.5.1 of its rules and regulations.

The proposed changes will be discussed at a hearing to be held at 10:00 a.m. September 26, 1978, in the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans. The Commission will consider adoption of the proposed changes during a meeting to be held on November 28, 1978. Written comments may be submitted through September 15 to Orey Tanner, Jr., Assistant Chief, Air Quality Section, Box 60630, New Orleans, Louisiana 70160. The proposed changes follow:

18.2 Control of Smoke. The emission of smoke from any combustion unit (other than a flare, as described in Section 18.3 below) or from any type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial, institutional and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than No. 1 on the Ringelmann Smoke Chart (or of such opacity) as to obscure vision to a degree equivalent to the above except that emitted during the cleaning of a fire box or the building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators may be darker than No. 1 on the Ringelmann Smoke Chart (or the equivalent opacity) for a period not more than four consecutive minutes in any sixty consecutive minutes.

\* \* \* \* \*

19.5.1 Control of Particulate Matter and/or Suspended Particulate Matter. The emissions of particulate matter and/or suspended particulate matter from any source other than new or existing fluid catalytic cracking unit incinerator-waste heat boilers shall be controlled so that the shade or appearance of the emission is not denser than twenty percent opacity; except that emitted may be denser than twenty percent opacity for a period not more than four consecutive minutes in any sixty consecutive minutes.

For new or existing fluid catalytic cracking unit incinerator-waste heat boilers emissions shall not exceed thirty percent opacity except that emitted may be denser than thirty percent opacity for a period not more than three consecutive minutes in any sixty consecutive minutes.

Emissions already less than that allowed by the process weight rate limitation (Table 3) will be considered by the Technical Secretary for exemption from the provisions of the subsection.

When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this subsection, this subsection will not apply.

James F. Coerver, Technical Secretary  
Air Control Commission

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, proposes to adopt increases in the Aid to Families with Dependent Children (AFDC) and General Assistance Programs payment levels. The following increases for both programs remain the same as those approved by resolution of the Louisiana Legislature for May and June, 1978. These increases were implemented in May and June by the emergency rule-making procedures of the Administrative Procedures Act as amended by Acts 279 and 524 of the 1976 Regular Session of the Legislature.



**Assistance Payments**

**AFDC**

**Non-Urban Grant**

Household Size	Flat Grant Amount
1	\$ 48
2	90
3	127
4	159
5	189
6	216
7	245
8	272
9	298
10	325
11	353
12	382
13	413
14	443
15	474
16	504
17	535
18	565

For each additional person add \$33 to the flat grant amount.

**Urban Grant**

1	\$ 53
2	101
3	140
4	172
5	203
6	231
7	258
8	286
9	312
10	338
11	367
12	396
13	424
14	455
15	485
16	518
17	543
18	578

For each additional person add \$36 to the flat grant amount.

The urban grant amounts are in effect in Orleans, Jefferson, St. Bernard and East Baton Rouge Parishes and are based on higher shelter costs in those areas.

The maximum grant increases will result in payments that will average \$130 month.

**General Assistance**

Size of Household or Circumstance	New Maximum
1 person	\$ 70
2 or more	99
1 with special diet	105
2 + with special diet	110
1 foster family placement	121
1 special care required	115
2+ special care required	120

The General Assistance maximum grant increases will result in payments that will average \$65 per month.

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

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services proposes to adopt permanent policy to be utilized to approve extensions beyond the maximum allowed fifteen days of hospitalization per recipient per year under the Medical Assistance Program. This policy was adopted as an emergency rule, effective July 1, 1978.

The proposed policy reads as follows:

Effective for admissions on and after July 1, 1978, the Professional Studies Activities/Length of Stay (PAS/LOS) criteria will be applied to all patient hospital stays as long as the recipient has at least one of his eligible fifteen days remaining.

Comments on the proposed policy changes may be submitted in writing or orally until 1:00 p.m., August 4, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 4065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, proposes to adopt permanent policy regarding an increase in the maximum dispensing fee for prescriptions. This policy is promulgated elsewhere in this issue of the *Louisiana Register* as an emergency rule effective July 15, 1978.

The policy reads as follows:

Effective July 15, 1978, the dispensing fee allowance for prescriptions under the pharmaceutical services program of the Office of Family Services is increased to a maximum of \$2.80.

Comments on the proposed policy and procedural changes may be submitted in writing or orally until 1:00 p.m., August 4, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, proposes to adopt as permanent policy the following new rates of payment to Skilled Nursing Facilities, Intermediate Care Facilities I and Intermediate Care Facilities II. The new rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$717.23	\$650.92	\$465.98
Daily	\$ 23.58	\$ 21.40	\$ 15.32

These rates were adopted by emergency rule, effective June 1, 1978, and are promulgated elsewhere in this issue of the *Louisiana Register*.

Comments on the proposed policy change may be submitted in writing or orally until 1:00 p.m., August 4, 1978 to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804, Phone (504) 389-6036.

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

## NOTICE OF INTENT

### Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt the following rules and regulations relative to the treatment of resources owned by residents of State residential facilities for the mentally retarded. These rules are being enacted under the authority granted to the Secretary by R.S. 46:1757 and pursuant to the requirements of the Administrative Procedures Act of Louisiana as amended.

Interested persons may submit written comments until 4:30 p.m., August 4, 1978, to the following address: Otto P. Estes, Assistant Secretary, Office of Mental Retardation, 721 Government Street, Baton Rouge, Louisiana 70802.

#### Treatment of Resident Resources State Residential Facilities for the Mentally Retarded

A resident of a State mental retardation residential facility shall be allowed to retain resources valued up to \$1,500 as defined by the Supplemental Security Income (SSI) program. Resources valued in excess of \$1,500 shall be disposed of in a manner which is acceptable for SSI determination of eligibility under that program. This includes, but is not limited to, legitimate sale or transfer of resources, payment to the facility for cost of care, and purchase of personal items. Failure to comply with this policy will subject the resident to discharge. The resident and/or family shall have six months from the date of identification of excess resources to accomplish the reduction or have an acceptable plan for reduction in effect.

Exceptions to this policy may be made by individual facilities with concurrence of the Mental Retardation Central Office under the following circumstances:

(1) The individual resident is placed in the facility for a specific period of time to accomplish certain goals and there is a plan in effect for return of the resident to his own home or other community placement. Such plans would generally not exceed one year in duration.

(2) There is joint ownership of property or an inviolable trust which makes access to the principal amount of the funds or resource impossible.

(3) The individual would not be eligible for Title XIX even if resources were reduced.

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

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

Docket No. SDS 78-4

In accordance with the laws of the State of Louisiana, R.S. 30:1 et seq., R.S. 49:951, et seq., and particularly R.S. 30:6B and R.S. 30:23B, a public hearing will be held in the Conservation Auditorium, First Floor State Land and Natural Resources Building 625 North Fourth Street, Baton Rouge, Louisiana at 9:00 a.m. August 16, 1978, upon the application of the Department of Energy.

At such hearing the Commissioner of Conservation will hear testimony and consider evidence relative to the storage of crude oil in existing conventional mined caverns at Weeks Island Salt Dome, T14S, R6 and 7E, Iberia Parish, Louisiana. The storage caverns have been developed by Morton Salt Company in their rock salt mining operations.

Prior to authorizing the use of cavities and/or caverns for storage, the Commissioner must find:

1. That the area of the salt dome sought to be used for injection, storage and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use,

2. That the use of the salt dome cavern for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt; and,

3. That the proposed storage, including all surface pits and surface storage facilities incidental thereto which are used in connection with the salt dome cavern storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome area.

The Commissioner will consider any other matters relative to the construction and operation of crude oil storage in salt caverns in the Weeks Island Salt Dome, Iberia Parish, Louisiana.

Oral and written comments will be received from any interested party at the public hearing.

Written comments which will not be presented at the hearing will need to be received not later than 5:00 p.m., August 15, 1978, at the Baton Rouge Office. A summary of the proposed plan is available for inspection in the Office of Conservation, 625 North Fourth Street, Baton Rouge, Louisiana, and Lafayette District Office, Box 51285, Lafayette, Louisiana 70505.

Comments should be directed to R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re: Comments—Salt Dome Storage.

R. T. Sutton  
Commissioner of Conservation

## NOTICE OF INTENT

### Department of Natural Resources Division of State Lands

The Department of Natural Resources, Division of State Lands, proposes to amend its rules relative to the fees charged for permits. Interested persons may submit written comments through August 3, 1978, to Box 44124, Baton Rouge, Louisiana 70804. The proposed new rules follow.

Section C (8). Fees for permits are as follows:

a. An application for a permit under Section A shall be accompanied by an administrative and processing fee of \$50.00.

b. An application for a permit under Section B shall be accompanied by an administrative and processing fee of \$50.00.

c. In the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work, the price of which shall be fixed by the Secretary based on his estimate of the cost of such special work to the State. The Secretary shall notify the applicant of the estimated cost of such special work and shall not proceed to perform such special work until the estimated cost of same is paid.

William C. Huls, Secretary  
Department of Natural Resources

## NOTICE OF INTENT

### Department of Public Safety Office of Motor Vehicles

Notice is hereby given that the Department of Public Safety, Office of Motor Vehicles, proposes to adopt the following rules relative to maintenance of compulsory motor vehicle liability security and the issuance of certificates of self-insurance. Interested persons may submit their written views and opinions until 4:30 p.m., August 6, 1978, to the following address: Department of Public Safety, Driver Management Bureau, Box 64886, Baton Rouge, Louisiana 70896.

#### Proposed Rules Certificates of Self-Insurance

1. Place of application. Applications for certificates of self-insurance shall be made at the Driver Management Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to Department of Public Safety, Record-Management Section, Self-Insurance Unit, Box 64886, Baton Rouge, Louisiana 70896.

2. Applications. All applications for certificates of self-insurance shall be made on Form LC-75 or revisions thereof. In cases where the applicant has more than twenty-five vehicles registered in his name, the application shall be accompanied by the following items:

- a. A list of all vehicles registered in the name of the applicant including the make, model, year, vehicle identification number, and current license plate number.
- b. A financial statement of assets, liabilities, and net worth in sufficient detail to show that the applicant is possessed and will continue to be possessed of the ability to pay judgments.

In cases where the applicant has twenty-five or fewer vehicles registered in his name, the application shall be accompanied in addition to a and b above by the following items:

- c. A statement from the assessor in each parish wherein the applicant owns immovable property assessed in his name which statement shall include a description of the property, the assessed valuation thereof, and whether the property is subject to a homestead exemption.
- d. A mortgage certificate on each parcel of property listed in response to paragraph c.
- e. An appraisal, in writing, of the fair market value of each parcel of property listed in response to paragraph c, given by a person qualified to give appraisals in this state.

3. Issuance. The Department shall have thirty days from the date of the filing of the application either to issue or deny the application. Failure to deny within that time shall be considered the same as issuance of the certificate. Issuance shall be evidenced by a written certificate signed by the Secretary, or his designated representative, and mailed to the applicant at the address given on the application.

4. Limitation on issuance. No certificate shall be issued to any applicant whose net worth as shown in the application is less than

the sum obtained by multiplying ten thousand dollars by the number of vehicles registered in applicant's name and adding five thousand dollars thereto.

5. Renewal. Every person to which a certificate of self-insurance has been issued shall reapply annually as provided above on or before July 1, except that a parcel of property once having been appraised need not be reappraised more often than every five years. Failure to reapply timely or the filing of false information regarding the applicant's financial condition shall be grounds for cancellation of the certificate under Rule 6.

6. Cancellation. Upon not less than five days notice and a hearing pursuant to such notice, the Department of Public Safety may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay a judgment within thirty days after such judgment shall have become final, shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

7. Hearings. Hearings called pursuant to Rule 6, shall be conducted by the Secretary, or his designated representative, in accordance with the administrative rules of the Department of Public Safety.

8. Appeals. Any person whose application is denied or whose certificate is cancelled may apply for judicial review as provided in R.S. 32:852.

#### Maintenance of Compulsory Motor Vehicle Liability Security

1. Applicability. Every self-propelled motor vehicle registered in this state except those motor vehicles used primarily for exhibit or kept primarily for use in parades, exhibits, or show, shall be covered by compulsory motor vehicle liability security.

2. Compliance. The registered owner of every vehicle included in Rule 1 shall maintain compulsory motor vehicle liability security at all times while the vehicle is used upon the highways of Louisiana in one of the following forms:

a. An automobile liability policy as defined by R.S. 32:900, or a binder for same, providing coverage of at least five thousand dollars on account of injury to or death of any one person and ten thousand dollars on account of any one accident resulting in injury or death of more than one person and not less than one thousand dollars coverage for damages to the property of others.

b. A motor vehicle liability bond which means a bond conditioned that the obligor shall, within thirty days after the rendition thereof, satisfy all judgments rendered against him or against any person responsible for the operation of the obligor's motor vehicle, with his express or implied consent in actions to recover damages for property damage or for bodily injuries, including death at any time resulting therefrom, and judgments rendered as aforesaid for consequential damages consisting of expenses incurred by a husband, wife, parent, or tutor for medical, nursing, hospital, or surgical services in connection with or on account of such bodily injuries or death sustained during the term of said bond by any person, and arising out of the ownership, operation, maintenance, control, or use upon the highways and roads of the state of such motor vehicle, to the amount or limit of not less than five thousand dollars for damages to the property of others and of not less than five thousand dollars on account of injury to or death of any person and subject to such limits as respects injury to or death of one person and of not less than ten thousand dollars on account of any one accident resulting in injury to or death of more than one person. Bonds filed pursuant hereto must be written by a bonding company approved to do business in this state.

c. A deposit with the State Treasurer of cash in the amount of ten thousand dollars or bonds, stocks, or other evidence of indebtedness satisfactory to said treasurer of a market value of not less than ten thousand dollars for each vehicle registered.

d. A certificate of self-insurance as provided by R.S. 32:1042 and the rules and regulations of the Department of Public Safety.

3. Proof of compliance. Each person who applies for registration of a self-propelled motor vehicle, or applies for a motor vehicle inspection tag, shall declare in writing on a form provided by the Department that the motor vehicle is covered by security as required by R.S. 32:861 and that he or she intends to maintain said security at all times while said vehicle is used upon the highways of Louisiana.

a. If the stated security is a motor vehicle liability policy, then the person shall give the name of the insured, the name of the company, the policy number, and the dates of coverage on the policy.

b. If the stated security is a motor vehicle liability bond, then the person shall give the name of the surety or insurance company and the power of attorney number for the representative of surety or insurance company who signed on behalf of the company.

c. If the stated security is a certificate of the State Treasurer, then the person shall declare in whose name the certificate was issued and the date of its issuance.

d. If the stated security is a certificate of self-insurance, then the person shall give the certificate number.

In addition to the declaration required above, the Department by written demand may require at any time proof of compulsory motor vehicle liability security by any person in whose name a motor vehicle is registered. If after thirty days from the date of the written demand no proof of security has been furnished, the Department shall revoke the registration of the vehicle and suspend the driving privileges of the registered owner until such time as security is provided and as provided in Rule 7.

4. Minor drivers. The application of any minor, fifteen years of age or above, in the case of a driver's license, or seventeen years of age or above in the case of a chauffeur's license, shall not be granted unless it is signed by either the father or mother of the applicant, who has custody of the applicant; otherwise, by the tutor, or other person having custody of him, and, in any event, unless the persons in their aforesaid capacities declare that all vehicles owned by the family are covered by security as required in R.S. 32:861 or that no vehicle is owned by the family.

5. Accident reports. The driver of any vehicle involved in an accident or collision resulting in injury to or death of any person or total property damage to an apparent extent of one hundred dollars or more shall forward a written report of the accident or collision to the Department of Public Safety within thirty days following the accident or collision. This report shall be given by the completion of Department of Public Safety Form SR-10.

6. Sanctions for false declaration. Should the Commissioner determine that any person has, in his application for registration of any motor vehicle or in his application for a motor vehicle inspection tag, falsely declared that the motor vehicle was covered by the security required by R.S. 32:861 or that the security has lapsed, then the Commissioner shall revoke the registration of the vehicle and suspend the driving privileges of the person for a period of not less than six months nor more than eighteen months.

7. Sanctions for noncompliance. Should the Commissioner determine that a registered vehicle is not covered by security as required by R.S. 32:861 or that the registered owner has allowed the required security to lapse, he shall revoke the registration of the vehicle and suspend the driving privileges of the registered owner until such time as security is provided, but in any event for a period of not less than thirty days nor more than twelve months.

8. Hearings. Any person whose driver's license or registration tags has been suspended or revoked pursuant to the Compulsory Motor Vehicle Liability Security Law may request a hearing within

ten days from the date of the mailing of the notification of withdrawal of driver privileges (Department of Public Safety Form C-2) by written request to the Department of Public Safety, Driver Management Bureau, Box 64886, Baton Rouge, Louisiana 70896.

A notification of withdrawal of driving privileges shall be sent by United States mail and directed to the driver at the address given in his application for a driver's license, or on the notification of change of address pursuant to R.S. 32:406. When so addressed and mailed, notices shall be conclusively presumed to have been received by the addressee.

Every request for a hearing postmarked no later than ten days from the date of mailing of the notification of withdrawal of driving privileges shall be considered timely.

Every person requesting such a hearing shall specify the grounds on which he bases his request. Failure to specify sufficient grounds will result in the denial of the request.

All hearings shall be conducted in accordance with the administrative rules of the Department of Public Safety.

9. Appeals. Every final order of suspension or revocation shall be subject to judicial review as provided in R.S. 32:852.

Leroy S. Havard, Assistant Secretary  
Office of Motor Vehicles

## NOTICE OF INTENT

### Department of the Treasury Bond Commission

Notice is hereby given that proposed amendments and additions to the resolution adopted by the State Bond Commission at a special meeting held in the State Capitol on October 28, 1976, pursuant to provisions of Act 279 of the Legislature of Louisiana, Regular Session of 1976, which constitutes the rules and policies of the State Bond Commission, will be considered at the State Bond Commission's regular meeting held on August 8, 1978. The rules and policies include the following subject matters:

1. Regular and special meeting dates, times and notices thereof.
2. Requirements for consideration of applications for approval of the holding of elections or incurring of debt by political subdivisions, public corporations or State agencies.
3. Fees to be paid attorneys or financial advisors.
4. Separate rules for refunding bond applications.
5. Line of credit matters for State or other agencies.
6. Rating agency matters and their relationship to local and State bodies.
7. Approval of emergency election dates.
8. Rules of order.
9. Separate rules for Public Trust applications.
10. Statutes and Constitutional provisions used by the Commission.
11. Organizational chart.

At the August 8, 1978, meeting, anyone will be given an opportunity to be heard regarding the proposed adoption of the new and amended rules and procedures. The meeting will be held in a Senate Committee room in the basement of the State Capitol at 9:30 a.m.

Barry Kams, Secretary and Director  
Bond Commission

## NOTICE OF INTENT

### Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission will consider at its regular meeting at 10:00 a.m. August 22, 1978, at 400 Royal Street, New Orleans, Louisiana, the following:

1. Rules and regulations for sportfishing on the Rockefeller Refuge.
2. Dates and regulations for the 1978 alligator season.
3. Dates, bag limits, and other regulations for the 1978-79 duck and goose seasons. (This topic may be considered at a special meeting which may be required by controlling Federal regulations.)

Written comments may be submitted to 400 Royal Street, New Orleans, Louisiana 70130 through August 11, 1978. Reasonable time for oral comments will be granted at the Commission's meeting.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Potpourri

### Department of Natural Resources Office of Conservation

#### Order No. SDS-6

(Pertaining to the use of salt dome cavities or caverns for the storage of liquid and/or gaseous hydrocarbons in the Sulphur Mines Salt Dome, Calcasieu Parish, Louisiana.)

The Commissioner of Conservation finds as follows:

1. That the storage of liquid and/or gaseous hydrocarbons in salt dome cavities or caverns is in the public interest.
2. That the area of Sulphur Mines Salt Dome sought to be used for injection, storage and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use with the exceptions listed in Finding No. 7 hereof.
3. That the use of the salt dome cavities for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt.
4. That the proposed storage, including all surface pits and surface facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome.
5. That the liquid and/or gaseous hydrocarbons to be injected or stored in Sulphur Mines Salt Dome are deemed to be the sole property of the injector, subject to the provisions of any contracts with the affected land or mineral owner.
6. That in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which the salt dome cavity may lie, or any other person, be entitled to any right of claim in or to such liquid and/or gaseous hydrocarbons stored unless permitted by the injector.
7. That the testimony presented revealed that Cavems 2, 4, 5, 6 and 7 conform to the above findings and the provisions of findings 3 and 4 of Order 29-M relative to structural design and cavity integrity with the following exceptions:
  - a. Cavity 7 is approximately two hundred feet from the western edge of the salt dome.

b. The volume increase of the cavity after each fill cycle will be approximately fifteen percent; however, the area of maximum radius increase is indefinite.

Now, therefore, it is ordered that:

1. Due to the proximity of Cavern 7 to the edge of the salt dome, a sonar profile shall be required and administrative approval obtained before each successive refill cycle.
2. In view of the above findings, the application to store liquid and/or gaseous hydrocarbons in the Sulphur Mines Salt Dome is hereby approved.

This order shall be effective on and after July 20, 1978.

R. T. Sutton  
Commissioner of Conservation

**CUMULATIVE INDEX**  
**(Volume 4, Numbers 1-7)**

- Administration, Division of (see Governor's Office)  
AFDC, Aid to Families with Dependent Children (see Health and Human Resources Department, Family Services)  
Aging Services, Bureau of (see Health and Human Resources Department, Human Services)  
Agricultural and Environmental Sciences, Office of (see Agriculture Department)  
Agriculture Department:  
    Agricultural and Environmental Sciences, Office of:  
        Seed Commission, 29ER, 57N, 66ER, 88N, 104R  
        Structural Pest Control Commission, 29R, 90N, 205R  
        Sweet-potato Weevil Quarantine and Regulation, 213N  
    Dairy Stabilization Board, 68R  
    Livestock Sanitary Board, 29R  
Air Control Commission (see Health and Human Resources Department)  
Ambulance standards, 107R  
Anhydrous ammonia, 25N, 87R  
Architectural Examiners, Board of (see Commerce Department)  
Arts, 203EO  
Assistant District Attorneys, Governor's Advisory and Review Commission on, 202EO  
BESE, Board of Elementary and Secondary Education (see Education)  
Blind services, 11N, 68R  
Bond Commission (see Treasury Department)  
Campaigning, 102EO  
Certified Public Accountants, Board of (see Commerce Department)  
Child care, 1ER, 14N, 56R, 103ER  
Civil Air Patrol, 11N, 69R  
Civil Service Department, State:  
    Civil Service Rules:  
        Administrative Procedures Act, 91N, 106R  
        Classified and unclassified positions, 90N, 106R  
        Examinations, 238P  
        Leave, 11N, 69R  
        Noncompetitive classes, 11N, 68R  
Clinics, 116N, 210R  
Colleges and universities (see also Education):  
    Academic programs, 2R, 12N, 69R, 209R, 214N  
    Construction, 3R  
    Faculty and staff, 12N, 58N, 69R, 214N, 240R  
    Financial assistance, 213N  
    Master Plan for Higher Education, 124-201R  
    Out-of-state institutions, 13N, 209R, 214N, 240R  
    Student government, 239R  
    Tuition, 2R, 66ER, 91N, 103ER, 207R, 239R  
Colleges and Universities, State, Board of Trustees for (see Education)  
Commerce Department:  
    Architectural Examiners, Board of, 258N  
    Certified Public Accountants, Board of, 213N, 223R  
    Contractors, Licensing Board for, 12N, 69R  
    Financial Institutions, Office of, 258N  
    Racing Commission, 235N  
    Real Estate Commission, 12N, 57N, 91N, 115N, 123E, 207R, 223R, 235N  
Community Services, Office of (see Urban and Community Affairs Department)  
Comprehensive Planning Assistance Program, 59-64N  
Computers, 65EO  
Conservation:  
    Energy, 28EO  
    Geothermal resources, 116-122N, 251-57R  
Conservation, Office of (see Natural Resources Department)  
Contractors, Licensing Board for (see Commerce Department)  
Corrections Department:  
    Penitentiary, Louisiana State, 220P  
Council of One Hundred, Governor's, 203EO  
Credit cards, 258N  
Dairy Stabilization Board (see Agriculture Department)  
Data Processing Coordinating and Advisory Council, 65EO  
Day care, 1ER, 14N, 56R, 103ER, 216N, 230R  
Dental treatment, 3R  
Disasters, 65EO  
District attorneys, 202EO  
Dredged material, 114R  
Drugs, 3R, 217N, 239ER, 260N  
Education:  
    Colleges and Universities, State, Board of Trustees for:  
        Athletic policies, 235N  
        Faculty and staff, 12N, 69R  
        Financial and leave policies, 235N  
        Letters of intent, 12N, 69R  
        Student personnel, 213N, 235N, 239R  
    Education Department, 12N, 69R  
    Education Services, Governor's Special Commission on:  
        Plan for Reorganization, 12N  
    Elementary and Secondary Education, Board of:  
        Act 20 Guidelines, 2R, 66ER, 91N, 103ER, 207R  
        Act 754, 259N  
        Adult and Community Education, Annual Program Plan, 214N, 240R  
        Annual Program Plan, Title IV, 115N, 224R  
        Certification of School Personnel, Standards for (Bulletin 746), 13N, 69R, 115N, 214N, 222ER, 224R, 235N  
        Food and Nutrition Programs Policies of Operation (Bulletin 1196), 1R, 91N, 208R  
        Libraries, School, Standards for (Bulletin 1134), 2R  
        Migrant Education State Plan, Title I, 214N, 240R  
        Nonpublic Schools, Standards for Approval of, 235N  
        School Administrators, Handbook for (Bulletin 741):  
            Credit, 1R, 13N, 91N, 204ER, 207R, 214N, 240R  
            Nonpublic schools, 13N, 70-75R, 208R, 235N  
            Religion, 259N  
            School standards, 91N, 235N  
        Second Language Specialists, 106R  
        Vocational Education, Annual Program Plan for the Administration of, 259N  
        Vocational-technical education, 1R, 13N, 75R, 115N, 214N, 224-27R, 240R  
    Louisiana State University, Board of Supervisors, 57N, 209R  
    Regents, Board of:  
        Academic programs, 2R, 214N, 240R  
        Bylaws, 14N, 76R, 107R  
        Finance, 3R  
        Master Plan for Higher Education, 124-201R  
        Tenure, 214N, 240R  
        Southern University, Board of Supervisors, 235N  
    Education Services, Governor's Special Commission on (see Education)  
    Elementary and Secondary Education, Board of (see Education)  
    Embalmers and Funeral Directors, Office of (see Health and Human Resources Department)  
    Emergencies, Governor's Committee on (see Governor's Office)  
    Emergency medical transportation, 67ER, 93N, 103ER, 107R, 109R, 115N, 210R  
    Employment Security, Office of (see Labor Department)  
    Energy Conservation Plan, 28EO  
    Environmental protection:  
        Air pollution, 31-55R, 58N, 115N, 259N  
        Surface mines, 4-9R  
        Water pollution, 6R, 26N, 117N, 212R, 237N, 251-57R  
    EPSDT, Early and Periodic Screening, Diagnosis and Treatment (see Health and Human Resources Department, Family Services)  
    Errata, 101, 123  
    Executive Orders:  
        EWE-78-1, Governor's Commission on Mental Retardation Laws, 28  
        EWE-78-2, State Employees Van Pooling Authority, 28  
        EWE-78-3, Data Processing Coordinating and Advisory Council, 65  
        EWE-78-4, Governor's Committee on Emergencies, 65  
        EWE-78-5, State employees election campaigning, 102

---

E—Errata      EO—Executive Order      ER—Emergency Rule  
L—Legislation      N—Notice of Intent      P—Potpourri  
PPM—Policy and Procedure Memorandum      R—Rule

EWE-78-6, New member, Board of Trustees of the Louisiana Public Facilities Authority, 102  
 EWE-78-7, Assessment of public service and other properties, 202  
 EWE-78-8, New member, Board of Trustees of the Louisiana Public Facilities Authority, 202  
 EWE-78-9, Governor's Advisory and Review Commission on Assistant District Attorneys, 202  
 EWE-78-10, Governor's Council of One Hundred, 203  
 EWE-78-11, Approval of the Bylaws of the Louisiana Public Facilities Authority, 204

Falcons, 238N  
 Family Services, Office of (see Health and Human Resources Department)  
 Financial Institutions, Office of (see Commerce Department)  
 Fire Prevention Board of Review (see Public Safety Department)  
 Fishing:  
   Commercial, 57R  
   Oysters, 11R, 212R  
   Shrimp, 100N, 205ER, 211R  
   Sport, 264N

Food service, school, 1R, 13N, 91N, 208R  
 Forestry, Office of (see Natural Resources Department)  
 Foster care, 1ER, 14N, 56R  
 Gas:  
   Liquefied petroleum, 25N, 86R, 220P  
   Natural (see Natural gas)  
 Geothermal resources, 116-122N, 251-57R  
 Governor's Office:  
   Administration, Division of, 236N, 241-50R  
   Emergencies, Governor's Committee on, 65EO  
   Mental Retardation Laws, Governor's Commission on, 28EO  
   Tax Commission:  
     Assessments, 92N, 202EO, 218P, 259N  
     Leased equipment, 92N, 209R  
     Taxable situs, 30R  
     Timber stumpage values, 9R  
   Van Pooling Authority, State Employees, 28EO  
 Handicapped care, 94-99N, 99N, 114R, 230-34R  
 Harris, T. H., Scholarship Foundation Board of Trustees (see Education, Education Services, Governor's Special Commission)  
 Health and Human Resources Department:  
   Air Control Commission:  
     Rules, 31-55R, 259N  
     State Implementation Plan, 58N, 115N  
   Embalmers and Funeral Directors, Board of, 115N, 227R, 236N  
   Family Services, Office of:  
     American Repatriated Citizens Program, 93N, 107R  
     Aid to Families with Dependent Children Program, 4R, 92N, 93N, 204ER, 214N, 227R, 229R, 259N  
     Clinics, 116N, 210R  
     Comprehensive Annual Services Program Plan (CASP), 92N, 103ER, 227R  
     Cuban Refugee Program, 93N, 107R  
     Day care, 1ER, 14N, 56R, 103ER, 216N, 230R  
     Early and Periodic Screening, Diagnosis and Treatment Program, 3R  
     Food Stamp Program, 214N, 227R  
     Foster care, 1ER, 14N, 56R  
     General Assistance Program, 4R, 93N, 204ER, 259N  
     Medical Assistance Program, 4R, 67ER, 93N, 103ER, 107R, 109R, 115N, 204ER, 210R, 214N, 215N, 216N, 222ER, 228R, 229R, 236N, 239ER, 250R, 260N  
     Medically Needy Program, 3R, 15N, 204ER, 214N, 229R  
     Medicaid (Title XIX), 4R, 15N, 67ER, 92N, 93N, 103ER, 107R, 109R, 115N, 210R, 216N, 222ER, 228R, 236N, 239ER, 250R, 260N  
     Medicare, 92N, 109R  
     Mental retardation, 1ER, 14N, 56R  
     Supplemental Security Income (SSI), 92N, 222ER, 227R, 236N, 250R, 261N  
     Vietnamese Refugee Program, 93N  
     Work Incentive Program, 1ER, 14N, 56R  
   Health Services and Environmental Quality, Office of:  
     Construction Grants Priority List, 237N

Sanitary Code, 230R  
 Human Services, Office of:  
   Aging Services, Bureau of, 116N, 210R, 217N  
   Management and Finance, Office of:  
     General hospitals, 14N, 56R  
   Medical Examiners, Board of, 94N, 109-113R  
   Mental Health, Office of, 210R  
   Mental Retardation, Office of, 28EO, 113R  
   Nursing, Board of, 58N, 114R  
   Rehabilitation Services, Office of:  
     Blind Services Program, 11N, 68R  
     Vocational Rehabilitation Program, 11N, 68R  
   Secretary, Office of, 94-99N, 99N, 114R, 220P, 230-34R, 261N  
   Veterinary Medicine, Board of, 100P, 217N  
   Youth Services, Office of:  
     Foster care, 1ER, 14N, 56R

Health Services and Environmental Quality, Office of (see Health and Human Resources Department)  
 Higher Education Assistance Commission (see Education, Education Services, Governor's Special Commission)  
 Higher Education, Master Plan for, 124-201R  
 Horses, 29R  
 Hospitals:  
   Admissions, 14N, 56R  
   Emergency treatment, 15N, 56R  
   Inpatient services, 3R, 239ER, 260N  
   Outpatient services, 3R  
 Human Services, Office of (see Health and Human Resources Department)  
 Hunting:  
   Alligators, 264N  
   Animals, 100N, 257R  
   Birds, 100N, 238N, 257R, 264N  
 Hydrocarbons (see Oil, see also Natural gas)  
 Insurance, compulsory liability, 262N  
 Intermediate care facilities:  
   Mentally retarded, 1ER, 14N, 56R  
   Standards for payment, 3R, 103ER, 115N, 210R, 216N, 228R, 239ER, 260N

Labor Department:  
   Employment Security, Office of, 59N, 76R, 237N  
 Lands, Division of State (see Natural Resources Department)  
 Law Center, Louisiana State University, 57N, 209R  
 Libraries, school, 115N, 224R  
 Liquefied Petroleum Gas Commission (see Public Safety Department)  
 Livestock Sanitary Board (see Agriculture Department)  
 Long term care, 67ER, 93N, 107R  
 Louisiana State University, Board of Supervisors (see Education)  
 Marine and Petroleum Institute, 224R  
 Medicaid (see Health and Human Resources Department, Family Services)  
 Medical Examiners, Board of (see Health and Human Resources Department)  
 Medicare (see Health and Human Resources Department, Family Services)  
 Mental Health, Office of (see Health and Human Resources Department)  
 Mental illness treatment facility, 220P  
 Mentally retarded:  
   Group homes, 113R  
   Intermediate care facilities, 1ER, 14N, 56R  
   Legislation, 28EO  
   Residential facilities, 261N  
 Mental Retardation Laws, Governor's Commission (see Governor's Office)  
 Mental Retardation, Office of (see Health and Human Resources Department)  
 Milk cases, 68R  
 Mineral leasing, 210R  
 Mineral Resources, Office of (see Natural Resources Department)

E—Errata    EO—Executive Order    ER—Emergency Rule  
 L—Legislation    N—Notice of Intent    P—Potpourri  
 PPM—Policy and Procedure Memorandum    R—Rule



Mining:  
 Coal and lignite, 4-9R  
 Sand and gravel, 212R  
 Surface, 4-9R

Motor Vehicles, Office of (see Public Safety Department)

Natural gas:  
 Exploration, 9-11R, 210R  
 Pipelines, 15-25N, 76-86R  
 Storage, 123P, 220P, 264P

Natural Resources Department:  
 Conservation, Office of:  
 Geothermal resources, 116-122N, 251-57R  
 Natural Resources and Energy Act, 15-25N, 76-86R  
 Salt domes, 100 N, 123P, 220P, 261N, 264P  
 Surface Mining and Reclamation Act, 4-9R  
 Forestry, Office of, 9R  
 Lands, Division of State, 261N  
 Mineral Resources, Office of:  
 Geophysical permits, 9-11R  
 Resource development, 59N, 210R  
 Secretary, Office of, 210R

Nurses:  
 Education, 58N  
 Licensed Practical, 58N  
 Registered, 58N, 114R

Nursing, Board of (see Health and Human Resources Department)

Nursing homes, 67ER, 93N, 222ER, 236N, 250R

Oil:  
 Exploration, 9-11R, 210R  
 Storage, 100N, 123P, 220P, 261N, 264P

Penitentiary, Louisiana State (see Corrections Department)

Personnel, 236N, 241-50R

Pesticide, 29R

Physician's assistants, 94N, 109-113R

Physician services, 3R, 215N, 229R

Pipelines, 15-25N, 76-86R, 211R

Planning and Technical Assistance, Office of (see Urban and Community Affairs Department)

Pollution (see Environmental protection)

Professional Engineers and Land Surveyors, Board of Registration (see Transportation and Development Department)

Psychologists, school, 13N, 214N

Public Facilities Authority, 102EO, 202EO, 204EO

Public Safety Department:  
 Fire Prevention Board of Review, 217N, 257R  
 Liquefied Petroleum Gas Commission, 25N, 86R  
 Motor Vehicles, Office of, 262N

Quarantine, 29R

Racing Commission (see Commerce Department)

Real Estate Commission (see Commerce Department)

Regents, Board of (see Education)

Rehabilitation Services, Office of (see Health and Human Resources Department)

Retarded (see Mentally retarded)

Revenue and Taxation Department:  
 Severance tax, 9R

Savings and loan associations, 258N

Schools:  
 Law, 57N, 209R  
 Nonpublic, 13N, 70-75R, 208R, 235N  
 Real estate, 12N, 57N, 115N, 224R, 235N  
 Special, 214N, 224-27R  
 Summer, 204ER, 214N, 240R  
 Vocational-technical, 1R, 13N, 115N, 214N, 224-27R, 240R

Seed Commission (see Agriculture Department, Agricultural and Environmental Sciences)

Sex stereotyping, 115N, 224R

Skilled nursing facilities, standards for payment, 3R, 103ER, 115N, 210R, 216N, 228R, 239ER, 260N

Social workers, school, 214N

Southern University, Board of Supervisors (see Education)

Soybean seed, 29ER, 57N, 66ER

State employees:  
 Campaigning, 102EO  
 Classified and unclassified positions, 90N, 106R  
 Leave, 11N, 69R  
 Noncompetitive classes, 11N, 68R  
 Unclassified, 236N, 238P, 241-50R  
 Van pooling, 28EO

Stream Control Commission (see Wildlife and Fisheries Department)

Structural Pest Control Commission (see Agriculture Department, Agricultural and Environmental Sciences)

Sweet-potato weevil, 213N

Tax:  
 Ad valorem, 30R, 92N, 202EO, 209R, 218P, 259N  
 Severance, 9R

Tax Commission (see Governor's Office)

Teachers:  
 Certification, 2R, 13N, 66ER, 69R, 235N, 240R  
 Education, 13N, 66ER, 69R, 207R, 214N, 240R  
 In-service training, 12N, 69R  
 Remedial reading, 222ER, 235N  
 Salary, 13N, 106R  
 Tuition exemption, 2R, 66ER, 91N, 103ER, 207R  
 Vocational-technical, 13N, 75R

Textbooks, 13N, 76R

T. H. Harris Scholarship Foundation Board of Trustees (see Education, Education Services, Governor's Special Commission)

Timber stumpage values, 9R

Transportation and Development Department:  
 Overweight vehicles, 68ER  
 Professional Engineers and Land Surveyors, Board of Registration for, 88R, 238N

Trapping, 100N, 258R

Treasury Department:  
 Bond Commission, 263N

Unemployment compensation, 59N, 76R

Universities (see Colleges and universities; see also Education)

Urban and Community Affairs Department:  
 Community Services, Office of, 122N  
 Planning and Technical Assistance, Office of, 59-64N

Van Pooling Authority, State Employees (see Governor's Office)

Vehicles, overweight, 68ER

Veterinary Medicine, Board of (see Health and Human Resources Department)

Vocational rehabilitation, 11N, 68R

Vocational-technical education (see Schools; see also Education, Elementary and Secondary)

Welfare (see Health and Human Resources Department)

Wildlife and Fisheries Department:  
 Dredging, 114R

Fishing:  
 Commercial, 57R  
 Shrimp, 100N, 205ER, 211R  
 Sport, 264N

Hunting:  
 Alligators, 264N  
 Animals, 100N, 257R  
 Birds, 100N, 238N, 257R, 264N

Oyster seed grounds, 11R, 212R

Seismic exploration, 238N

Stream Control Commission:  
 Sand and gravel, 212R  
 Water Quality Management Work Plan, 26N

Trapping, 100N, 258R

Youth Services, Office of (see Health and Human Resources Department)

E—Errata    EO—Executive Order    ER—Emergency Rule  
 L—Legislation    N—Notice of Intent    P—Potpourri  
 PPM—Policy and Procedure Memorandum    R—Rule