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# Executive Orders

## EXECUTIVE ORDER EWE-78-12

WHEREAS, in the absence of further action by me, the Governor's Pardon, Parole and Rehabilitation Commission will terminate on August 1, 1978; and

WHEREAS, such Commission was originally created by Senate Concurrent Resolution No. 3 of the 1976 First Extraordinary Session of the Louisiana Legislature and has rendered valuable service to the Governor, the Legislature and the public; and

WHEREAS, the Commission was primarily established to study, analyze, and make recommendations to the Legislature with respect to laws, rules, regulations, programs, practices, and procedures in relation to pardons, paroles, furloughs, commutations, work release, and other matters relating to the rehabilitation of persons incarcerated in the correctional institutions of this state; and

WHEREAS, since its inception the Commission has produced meaningful research, reports, and findings and has provided a forum for correctional personnel, legislators, other government officials and the public to examine, consider, and make recommendations relating to the problems of inmates while institutionalized, and thereafter.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby continue, reestablish, and restructure the Governor's Pardon, Parole and Rehabilitation Commission.

The Commission shall, consistent with the purposes mentioned in the said concurrent resolution, continue to make recommendations based upon its studies, research, and determinations to the Governor and to the Legislature as it deems appropriate and may, in addition, bring within its purview and scope of study and action any or all of the following as determined by the Commission:

Support for and aid in implementing legislative recommendations;

Design and construction of a model for assessing the fiscal impact of correctional policy decisions;

Research and analysis of existing and potential barriers to employment of ex-offenders, interagency coordination of services for offenders and their families, community-based correctional programs, local pretrial diversionary programs and State subsidies for local correctional programs; and

Study, describe and prepare an effective and workable prisoner rehabilitation plan for the State of Louisiana and devise a uniform system for formulating and administering policy and procedural decisions regarding prisoners and their release programs.

FURTHER, the Commission shall continue to conduct such examinations and research projects as are necessary to develop rules, regulations, and procedures in the areas under consideration and may revise its priorities to conform to any additional areas requiring study or action as delineated in this order.

The Commission is also authorized to hold hearings, to employ necessary personnel, and to do all other things which it considers necessary and appropriate to accomplish the purposes herein expressed.

FURTHER, the Commission is authorized to utilize the staff, services, and facilities of the Louisiana Legislative Council and the Louisiana State Law Institute and to request and use such other counsel, assistance, personnel, facilities, and advice as may be obtained from any and all other sources, public and private, including but not restricted to, business, labor, and private research agencies, individuals, or organizations.

For purposes of the study herein continued, expanded, and extended, the members of the Commission shall receive, from

available sources, a per diem allowance of not to exceed fifty dollars and mileage.

The Commission's membership shall consist of (1) the Chief Justice of the Supreme Court of the State of Louisiana or a member of the judiciary designated by him, (2) the President of the Louisiana District Judges Association or any other district judge designated by him, (3) a judge from the Criminal District Court of Orleans Parish designated by a majority of the members of said Court, (4) the President of the Louisiana District Attorneys' Association and (5) one member designated by him from among its membership, (6) the President of the Louisiana Sheriffs Association and (7) one member designated by him from among its membership, (8) the Secretary of the Department of Corrections or his designee, (9) the Chairman of the Louisiana Board of Pardons or his designee from among the other members of said Board, (10) the Chairman of the Louisiana Board of Parole or her designee from among the other members of said Board, (11) the Chairman of the Criminal Law Section of the Louisiana State Bar Association or his designee, (12) the Assistant Secretary of the Office of Human Development of the Department of Health and Human Resources, (13) the Executive Counsel to the Governor, (14) an attorney appointed by the Governor who shall be representative of the attorneys who defend persons charged with criminal offenses, and (15) four additional members appointed by the Governor to represent the public. The Chairman of the present Commission shall continue to serve in that capacity at the pleasure of the Governor.

FURTHER, the Governor's Pardon, Parole and Rehabilitation Commission shall make such written reports together with proposals for recommended legislation to the Governor and to the Legislature and its committees as it deems appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton, on this the 31st day of July, A.D. 1978.

Edwin Edwards  
Governor of Louisiana

## EXECUTIVE ORDER EWE-78-13

WHEREAS, the Capitol Gardens complement the State Capitol Building in a manner reminiscent of the grand gardens of the South; and

WHEREAS, the gardens add a graceful dimension to the imposing and geometric Art Deco motif of the thirty-four story monument; and

WHEREAS, the recent inclusion of the Capitol Building and Gardens on the National Register of Historic Places signifies the importance and architectural beauty of this building and these grounds; and

WHEREAS, the Gardens have permitted touring visitors, the citizens visiting on governmental business, and downtown workers a place of cool, inviting repose amid spreading oaks and elms; and

WHEREAS, the Gardens are the resting place of former United States Senator Huey P. Long, forty-first Governor since our Statehood; and

WHEREAS, the Gardens need careful, professional and well-planned attention to return them to their former condition as a showplace and a peaceful park.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby create and establish a Special Task Force on the Care of the State Capitol Grounds to study the needs of the green areas surrounding the State Capitol Building, make recommendations for the well-planned and professionally maintained administration of the gardens and propose a workable comprehensive landscape master plan. The Task Force shall be composed of seventeen members as follows: the Presidents of the Baton Rouge Garden Club, the Baton Rouge Men's Garden Club, the Baton Rouge Chapter of the Louisiana Garden Club Federation, the Bonneaire Garden Club, the Community Gardeners, the

Round-the-Clock Club and the Sherwood Forest Garden Club; a representative of the LSU Extension Service, the LSU College of Environmental Design or the LSU College of Horticulture; the Assistant Secretary of the Office of Forestry of the Department of Natural Resources; the Assistant Secretary of the Office of State Parks of the Department of Culture, Recreation and Tourism; the Superintendent of State Buildings and Grounds, Division of Administration, Office of the Governor; the Director of Facilities Planning and Control, Office of the Governor; a member of the Louisiana Horticulture Commission; the President of the Foundation for Historical Louisiana, Inc.; and three members of the general public chosen by the Governor.

The Task Force shall study the plans for the gardens as designed and the records of maintenance of the gardens. It shall assess the present condition of the grounds and the needs of the area for the continued use and enjoyment by the general public. The Task Force shall address the various methods of financing the gardens, personnel, and the methods of maintenance, use and future needs.

FURTHER, the Task Force shall meet on the call of the Chairman, who shall be designated, no later than September 15, 1978. Thereafter, the Task Force shall meet on a regular basis and report its findings, recommendations and alternative proposals to the Governor no later than March 15, 1979. The final report shall be available to the Legislature and the public.

Members shall serve at the pleasure of the Governor; any appointee to fill a vacancy shall be selected in the manner of the original appointment. No member shall receive per diem or reimbursement from public funds.

The Division of Administration, through the Division of Buildings and Grounds and the Facilities Planning and Control, shall provide adequate research and technical and clerical support to the Task Force. All State departments whose heads are appointed by the Governor shall provide whatever assistance is requested by the Task Force to carry out its purpose, duties, and responsibilities.

The meetings of the Task Force shall be open to the public at all times. The Task Force shall be dissolved, and its work shall be completed by June 30, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of August, A.D. 1978.

Edwin Edwards,  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has adopted, effective July 1, 1978, the maximum level (cap rate) for long term care eligibility for an individual to be \$568.20 and for a couple occupying the same room in a long term care facility the double cap rate of \$1,036.40. This revision will allow the Medical Assistance Program to comply with Federal regulation (45 CFR 248.2 (d) and 248.4 (e)).

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Security, 775 Riverside North, Baton Rouge, Louisiana.

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

## DECLARATION OF EMERGENCY

### Department of Transportation and Development

The Louisiana Department of Transportation and Development has exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1978, the following rules as amendments to the Department of Transportation and Development's "Regulations for Trucks, Vehicles and Loads." These emergency rules will provide for equitable enforcement of Act 113 of the Louisiana Legislature of 1977, which became effective upon the signature of the Governor on June 22, 1977, and are in the best economic welfare of the state:

All vehicles or combination of vehicles, except automobiles, recreational vehicles which are not over-size or overweight, single unit pickup trucks, trucks which have a three-yard capacity or less, wreckers that are not towing trucks, empty garbage trucks, ambulances, fire trucks, buses and vans which are less than one-ton capacity and trucks assigned to law enforcement agencies that are not normally used for load carrying purposes, shall stop at permanent weigh stations for weighing, measuring, and inspection purposes.

Violation of this regulation shall subject the violator to a penalty of \$100.00 in accordance with R.S. 32:388.

George A. Fischer, Secretary  
Department of Transportation and Development

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission, having declared the existence of an emergency, on July 27, 1978, adopted the following rules relative to the 1978 alligator season. The nature of the emergency was that September is the latest that a season can be held because the alligators begin to hibernate.

#### Alligator Season

Whereas, Louisiana's efforts to manage the resident population of alligators for the past eighteen years have substantially increased the total population, and

Whereas, the Louisiana Department of Wildlife and Fisheries has successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled, and

Whereas, data collected during the 1972, 1973, 1975, 1976, and 1977 seasons and from aerial inventory during July, 1978, reflects that the seasons were beneficial in all respects, and

Whereas, population levels in Cameron, Vermilion, and Calcasieu parishes now warrant the establishment and continuation of a season in this region of the state, and

Whereas, it has been determined from the past five seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked out extremely well and no evidence was found that the opening of the season encouraged illegal killing of these reptiles, and since alligators are a renewable resource and should be managed on a sustained yield basis to provide economic incentive for preserving marshlands, and

Whereas, sufficient populations estimates in other portions of the coastal marshes of Louisiana do support a controlled harvest of surplus animals, and

Whereas, when the authority is granted to the State of Louisiana to establish a season in these areas an alligator season will be permitted,

Now, therefore be it resolved, that an alligator season be hereby established in accordance with the following regulations. No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accor-

dance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973:

1. Open Area: Parishes of Calcasieu, Cameron, and Vermilion. Coastal marshes and fringe swamp areas including converted marshland. An estimated 100,000 alligators are present in this area outside the refuges. No more than eight percent of this population may be taken during the season.

2. Harvest Season: The open season shall run for a twenty-six day period beginning on September 5, 1978, and continue through September 30, 1978. No alligators under four feet in length may be taken.

3. Harvest Methods: Alligators may be taken only during the daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season, describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal. Pole hunting is prohibited to protect the nesting female population.

4. Licenses: An alligator hunter must have a valid commercial alligator hunter license to take, transport, or sell alligators or their skins. The fee for the resident license is twenty-five dollars per year and for the nonresident, five hundred dollars. These licenses are nontransferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceeding the season. He must complete the application form provided by the Department and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted between the dates August 1 and September 5, 1978. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators in interstate commerce in the course of a commercial activity must be licensed in accordance with State and Federal regulations.

5. Tagging: In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of five dollars. The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Department. Lost or stolen tags will not be replaced, but must be reported. Tags can be used only on the lands applied for and approved on the application.

6. Alligator Farmers and Breeders: Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators. No alligator on breeding farms may be killed without such a permit. Tagging validation is required on skins taken.

7. Harvest Rates: A maximum of eight percent of overall population in the open season area may be taken. Tags will be issued on the following basis: Cameron and Calcasieu parishes, brackish marsh, one per three hundred acres; intermediate marsh, one per one hundred twenty-five acres; fresh marsh, one per one hundred twenty-five acres; pump-off districts regardless of marsh type, one per five hundred acres. Vermilion Parish, intermediate marsh, one per one hundred acres; fresh marsh, one per four hundred acres; brackish marsh, one per one hundred fifty acres; pump-off district, one per five hundred acres.

8. Validation of Alligator Skins: All alligator skins taken during the experimental alligator season shall be checked and a second tag fixed by personnel of the Louisiana Department of Wildlife and Fisheries at the headquarters of the Rockefeller Refuge on October 2, 3, or 4, 1978. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8:00 a.m. and 5:00 p.m. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin in Louisiana.

9. Shipment: All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Department. Forms provided must be filled out completely and returned to the Department within fifteen days following the close of the season. Raw alligator skins transported in the course of a commercial activity, shipped or transported within the state must be labeled with tags issued by the Department describing the number of skins, the consignor, shipping point, consignee, and destination. All parts of alligators, other than the raw skins, shipped or transported within or out of the state must be clearly labeled with the license number of the alligator hunter and the number of the official tag which was attached to the alligator skin.

Be it further resolved, that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Secretary of the Louisiana Department of Wildlife and Fisheries.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

## Rules

### RULES

#### Department of Agriculture Office of Agricultural and Environmental Sciences

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

#### III. Quarantined Areas.

1. In the United States the areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and South Carolina.

#### 2. In Louisiana:

a. Quarantined areas are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts hereinafter listed.

Bienville Parish—that portion of T17N located in R4W and 5W in Lincoln and Bienville Parishes;

Bossier Parish—that portion of R11 and 12W north of Interstate 20 located in T18 and 19N in Bossier Parish;

Caddo Parish—all of Wards 6 and 7;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N and that portion consisting of a one mile

radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

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

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

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

Ouachita Parish—Ward 4; that portion consisting of a one mile radius of and including the property of H. K. Wimberly, Section 4, R2E, T17N; and Ward 5; that portion consisting of a one mile radius of and including the property of J. W. Lea, Section 8, R2E, T18N; and that portion consisting of a one mile radius of and including the property of O. W. Hattaway, Section 18, R2E, T18N;

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

West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; and that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N;

and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Louisiana Register and the Official Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

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

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after August 20, 1978.

Richard Carlton, State Entomologist  
Office of Agricultural and Environmental Sciences

## RULE

### Department of Commerce Office of Financial Institutions

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

## RULES

### Department of Commerce Racing Commission

#### Preface and Foreword

The racing of horses and pari-mutuel betting connection therewith are closely supervised. The main purposes of this close supervision are to assure the public and owners of competing horses:

1. That the association conducting a race meeting is operated by responsible management;

2. That every owner and trainer seeking to enter a horse in competition is a person of good character and of financial responsibility;

3. That every horse appearing in a race is the animal he is represented to be on the program; is carrying the correct weight as assigned by the track handicapper;

4. That every race run will represent a true competitive effort by every participating horse and rider;

5. That no rider during the running of a race commits any act that would unfairly tend to make the race anything other than a true competitive test;

6. That every horse is physically fit to race;

7. That no one responsible for the custody of a competing horse has administered any prescribed medication to the competing animal within a specified time prior to the race;

8. That every racing association is doing its utmost to provide the spectator public, the horses and their attendants the best possible facilities it can afford;

9. That the wagering facilities and the management and clerks in this department are of an order to inspire confidence of the patrons in the way this feature of the sport is conducted.

It is with the foregoing purposes in mind that the legislatures of the states where horse racing is conducted, have, by statute created racing commissions or boards, and vested them with authority to adopt and enforce rules of racing.

Act No. 554 of the Legislature of the State of Louisiana in the year 1968, as amended, created the Louisiana State Racing Commission, and vested said Commission with full powers to prescribe rules, regulations, and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the State of Louisiana.

The rules of racing as adopted and herein set forth are published and declared the Rules and Regulations of Racing for the State of Louisiana. They have been compiled with the hope that they will promote racing on a high plane and encourage breeding and ownership of thoroughbred horses and quarter horses in the state.

The Louisiana State Racing Commission is a member of the National Association of State Racing Commissioners and is bound by the Constitution and by-laws of this organization.

The Louisiana State Racing Commission is an agency within the Department of Commerce of the Executive Branch of the Louisiana State government.

The Commission consists of nine members appointed by the Governor. The Commission is organized by law in such a manner that three appointees have terms which overlap the other six appointees by two years, six years being the actual term of each commissioner.

The Commission is vested with complete supervision over all thoroughbred and quarter horse racing in the state and over all associations conducting race meetings.

No person or association can conduct a race meeting or have anything to do with the conduct of such a meeting, except pursuant to a license granted and issued by the Commission.

The Commission is vested by law with full authority to prescribe the rules, regulations and conditions under which horse racing may be conducted in this state on which pari-mutuel wagering is conducted. These rules apply to all tracks under the Commission's jurisdiction.

Whenever any question, condition or situation arises not covered specifically by any of these rules, the stewards shall make such findings of fact and take such action thereon as they, in the exercise

of sound judgment and discretion shall deem proper. Any person aggrieved by any ruling so made shall have the right of appeal to the Commission and if not satisfied, then to the Courts in the manner provided by law.

For the full text of the laws on racing see Louisiana Revised Statutes 4:141 et seq., as amended.

#### **LAC 11-6:1 Definitions**

1.1 The following words and phrases, irrespective of literal meaning as defined in recognized dictionaries, have assumed special meanings and connotations as used in racing, and in the context of these rules shall be construed as having the following special meanings:

1.2 Accredited Louisiana Bred: A Thoroughbred, Quarter Horse, or Appaloosa horse foaled in Louisiana in conformity with the respective breed or breeders association and recognized by the Commission.

1.3 Added Money: Cash, exclusive of trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

1.4 Age: The number of years since a horse was foaled, reckoned as if such horse were foaled on January 1 of the year in which such horse was foaled.

1.5 Arrears: All sums due by a licensee or a permittee as reflected by his account with the horseman's bookkeeper, including subscriptions, jockeys' fees, forfeitures, and any default incident to these rules.

1.6 Association: Any person, or persons, or legal entity, required to be licensed under the Louisiana State Racing Commission to conduct a race meeting, and when used herein, the association conducting a race meeting where such rules are applicable.

1.7 Authorized Agent: Any person currently licensed as an agent for a licensed owner by virtue of notarized appointment of agency lodged with the Commission.

1.8 Betting Interest: A single horse, or more than one horse joined in the "mutuel field," on which a single pari-mutuel wager may be placed.

1.9 Bleeder: Any horse known to have bled from its nostrils during a workout or race.

1.10 Breeder: Rules as set forth by the Jockey Club of New York, American Quarter Horse Association, or Appaloosa Horse Club, Inc.

1.11 Claiming Race: Any race in which every horse running therein may be transferred in conformity with these rules.

1.12 Closing: Time published by the association after which entries or nominations for a race will not be accepted.

1.13 Commission: The Louisiana State Racing Commission. "Commissioner" is a member of the Commission.

1.14 Day: Any twenty-four hour period beginning at 12:01 a.m. and ending at midnight. "Racing day" is a day on which races are conducted. "Calendar days" are those consecutive days counted irrespective of number of racing days.

1.15 Declaration: Withdrawal of a horse entered in a race prior to time of closing of entries therefor in conformance with these rules.

1.16 Disciplinary Action: Action taken by the stewards or the Commission for a rule violation which can include suspension, revocation, voidance of a license, or ejection or exclusion from association grounds, or assessment of a forfeiture, or reprimand, or any combination thereof.

1.17 Disqualification: An order of the stewards or Commission revising the order of finish of a race.

1.18 Entry: The act of nominating a horse for a race in conformance with these rules. See "mutuel entry."

1.19 Equipment: Accouterments other than ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.

1.20 Exhibition Race: A race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

1.21 Field, or Mutuel Field: A single betting interest involving more than one horse formed when the number of horses starting in

a race exceeds the numbering capacity of the totalizator. The highest numbered horse within the numbering capacity of the totalizator and all horses of a higher number are grouped in the mutuel field.

1.22 Forfeit: Money due by a licensee or permittee because of an error, fault, neglect of duty, breach of contract, or alternative order of the stewards or Commission.

1.23 Handbook or Foreign Book: Bets taken illegally outside the pari-mutuel system.

1.24 Handicap Race: A race in which the weights to be carried by the horses therein are assigned by the association handicapper with the intent of equalizing the chances of winning for all horses entered. A "free handicap" is a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting therein.

1.25 Horse: Any Thoroughbred, Quarter Horse, or Appaloosa horse registered as such and when used in these rules to designate any Thoroughbred, Quarter Horse, or Appaloosa irrespective of age or sex designation.

1.26 Ineligible: A horse or person not qualified under these rules or conditions of a race to participate in a specified racing activity.

1.27 Jockey: A rider currently licensed to ride in races as a jockey, or apprentice jockey, or a provisional jockey permitted by the stewards to ride in two races prior to being issued a license.

1.28 Lessee: A licensed owner whose interest in a horse is by virtue of a written lease.

1.29 Lessor: Owner of a horse that is leased.

1.30 Licensee: Any person, partnership, corporation, or business entity receiving a license, permit, or privilege from the Commission to conduct a race meeting or meetings.

1.31 Maiden: A horse which has never won a race on the flat at a recognized meeting in any country. A maiden which was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

1.32 Match Race: A race between two horses, for which no other horses are eligible.

1.33 Meeting (Race Meeting): The entire period of consecutive days granted by the Commission to a licensed association for the conduct of racing.

1.34 Month: A calendar month.

1.35 Mutuel Entry: A single betting interest involving two or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one horse joined in a mutuel entry is a wager on all horses joined in the same mutuel entry.

1.36 Mutuel Field: See "field."

1.37 Nominator: The person in whose name a horse is entered for a race.

1.38 Optional Claiming Race: A race that is restricted to horses entered to be claimed for a stated price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

1.39 Overnight Race: A race for which entries close seventy-two hours or less before the time set for the first race of the day on which such race is to be run.

1.40 Owner: Any person who has, in whole or in part, any right, title, or interest in a horse, or any lessee of a horse, who has been duly issued a valid owner's license for a horse.

1.41 Permittee: Any person, partnership, corporation, or business entity which receives a license, permit, or privilege from the Commission to engage in a business, occupation, or profession on the grounds of an association licensed to conduct a race meeting in Louisiana.

1.42 Place: When used in the context of a single position in the order of finish in a race, "place" means second; when used in the context of pari-mutuel wagering, a place wager is one involving a payoff on a betting interest which finished first or second in a race; when used in the context of multiple positions in the order of finish



in a race, "place or placing" means finishing first, second or third. See "unplaced."

1.43 Post: The starting point of a race.

1.44 Post Position: The relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

1.45 Post Time: The advertised moment scheduled for the arrival of all horses at the starting point for a race.

1.46 Prize: The combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to finish in a race.

1.47 Purse: The gross cash portion of the prize for which a race is run.

1.48 Purse Race: Any race for which entries close less than seventy-two hours prior to its running, and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

1.49 Race: A running contest between Thoroughbred, Quarter Horses, or Appaloosa horses, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

1.50 Racing Official: One of the officials of a race meeting as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary.

1.51 Racing Permit: A license granted by the Louisiana State Racing Commission to a qualified person or persons, associations or corporations, to conduct the business of horse racing in the State of Louisiana with pari-mutuel wagering thereon.

1.52 Recognized Meeting: Any meeting with regularly scheduled races for Thoroughbreds, Quarter Horses, or Appaloosa horses on the flat, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with the Jockey Club of New York, American Quarter Horse Association, or the Appaloosa Horse Club, Inc., and whose race records can be provided an association by the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc.

1.53 Registration Certificate: A document issued by the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, certifying as to the name, age, color, sex, pedigree, and breeder of a horse as registered by number with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc. It shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc. in lieu of a registration certificate when a horse is recognized as a Thoroughbred, Quarter Horse, or Appaloosa for breeding purposes insofar as registering its progeny with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc.

1.54 Ruled Off: Expulsion, exclusion or banishment from a racing premises.

1.55 Rules: When used in the plural, shall be deemed to mean all current rules promulgated by the Commission. When used in the singular, shall be deemed to be confined to the numbered rule, and subparagraphs thereof, wherein such mention is made.

1.56 Rulings: All determinations, decisions, or orders of the stewards or of the Commission duly issued in writing and posted.

1.57 Scratch: Withdrawal of a horse entered for a race after time of closing of entries therefor in conformance with these rules.

1.58 Scratch Time: Time set by the racing secretary as the deadline for a horseman to indicate his intent to scratch out of a race.

1.59 Secretary (Racing): The racing official who writes and publishes the conditions of each race to be run at any race meeting, and also performs such other duties as may be assigned to him in these rules or by the Commission.

1.60 Specimen: Sample of blood, urine, saliva, or other excretion of bodily fluids taken or drawn from a horse for chemical testing.

1.61 Stable: One or more horses under the jurisdiction of a single trainer.

1.62 Stakes: All fees paid by subscribers to an added money or stakes race for nominating, eligibility, entrance, or starting, as may be required by the conditions of such race, such fees to be included in the purse.

1.63 Stakes Race: A race which closes more than seventy-two hours in advance of its running and for which subscribers contribute money towards its purse.

1.64 Stewards: The stewards of the meeting or their duly appointed deputies.

1.65 Starter: A horse in a race when the starting gate doors open in front of it at the moment the starter dispatches the horses for a race.

1.66 Subscription: Nomination or entry of a horse in a stakes race.

1.67 Supplemental Purse: Any amount of money above the amount of the purse offered by an association shall be considered supplemental purse money.

1.68 Thoroughbred, Quarter Horse, and Appaloosa Horse Racing: The conduct of running contest between horses, each of which is registered with the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, and certified as having a Thoroughbred, Quarter Horse, or Appaloosa pedigree, and each of which is ridden by a jockey, such conduct being licensed by a governmental regulatory body.

1.69 Trial: A race, or series of races, run in preparation for, preliminary to, or as an elimination for a future stakes, derby, or handicap.

1.70 Unplaced: Not among the first three horses finishing a race.

1.71 Walkover: A race in which the only starter, or all starters, represent single ownership.

1.72 Weigh In: Presentation of a jockey to the clerk of scales for weighing after a race.

1.73 Weigh Out: Presentation of a jockey to the clerk of scales for weighing prior to a race.

1.74 Weight for Age: A standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to age of the horse as set out in R.S. 4:156.

1.75 Workout: A training exercise of a horse on the training track or main track of an association during which such horse is timed for speed over a specified distance.

1.76 Year: Twelve consecutive months beginning with January and ending with December.

## **LAC 11-6:2 General Rules**

2.1 All owners and trainers of horses and their stable employees are subject to the laws of Louisiana and the rules promulgated by its Commission immediately upon acceptance and occupancy of stabling accommodation from, or approved by, an association. Owners, trainers, and stable employees shall accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Commission.

2.2 No person shall use improper, profane, or indecent language to a racing official. No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association. No person shall make a handbook or a foreign book on the grounds of an association. No person shall solicit for, or bet with, a handbook or a foreign book on the grounds of an association. No person shall be allowed in the stewards' stand unless previous permission is obtained from the stewards. If any owner, trainer, jockey, stable employee, or other personnel solicits bets from the public by correspondence or other methods, they shall be ruled off.

2.3 When a person is ruled off a course or suspended, every horse owned in whole or in part by him, or under his care or supervision, shall be ineligible to be entered or to start unless transferred by a bona fide sale or lease to a person in good standing and approved by the stewards.

2.4 Complaints against a racing official, other than a steward, shall be made to the stewards in writing and be signed by the complainant. Complaints against a steward shall be made in writing to the Commission and be signed by the complainant.



2.5 All persons exercising or schooling horses are compelled to wear protective helmets recommended by the stewards and approved by the Commission. This shall apply to association outriders and pony riders in post parade. Anyone failing to comply with this requirement may be fined or suspended.

2.6 Any horseman, or licensed personnel, or their agents causing, creating, or lending to the incitement of a strike, or who, through compulsion, discourage any horseman from entering horses in regularly scheduled races in order to create a malfunction in the scheduling of a race program, or to harass or embarrass the Commission, track management or any agency connected with racing shall be called before the Commission to show cause why their license should not be revoked.

2.7 No dog, licensed or unlicensed, shall be permitted to run or be at large upon any race grounds of an association licensed by the Commission. Each owner or keeper of a dog shall have such dog securely confined within his premises or enclosure, or secured by a chain therein, at all times, except that a dog may be allowed outside of such enclosure if under a secure leash and accompanied by his owner or keeper. Any owner or keeper found guilty of violating this rule shall be fined not less than twenty-five dollars, first offense; fifty dollars, second offense; and may be ruled off the track for any subsequent offense. In cases where the rules of the association prohibit dogs, the rule will be strictly enforced.

### **LAC 11-6:3 Health Rules**

3.1 All rules set forth by the Livestock Sanitary Board of the State of Louisiana will be strictly enforced.

3.2 No horse will be allowed at the track, or entered, or permitted to start unless a current, valid health certificate covering the horse is on file with the racing secretary.

3.3 A health certificate is valid when it is made by a veterinarian licensed by the State authority which governs licensing veterinarians in the state where the examination and certificate were made. It is current if it is dated not more than ten days prior to the date the horse described on the certificate arrives at a licensed Louisiana race track for the first time in a calendar year. The certificate shall include the temperature of the horse at the time it was examined.

3.4 The association conducting a meet is responsible for compliance with this section.

3.5 When a meet is in progress or imminent, the association veterinarian shall post in a conspicuous place rules guaranteeing approval, systematic, and effective measures to control flies, mosquitoes, and other insects at all times.

3.6 The association veterinarian shall insure that horses are stabled in individual box stalls with separate feeding and watering facilities, and that the stables and immediate surrounding area are maintained in approved sanitary condition at all times, and that satisfactory drainage is provided, and that manure and other refuse is promptly and properly removed. This also applies to off-track facilities.

3.7 Veterinarians practicing veterinary medicine on a race track where a race meeting is in progress, or imminent, shall use one-time, disposable type needles and shall dispose of them in a manner approved by the Commission.

3.8 No one other than a licensed veterinarian may have a needle or syringe of any kind, type or description on his person or in his custody, control or possession, or in the custody, control or possession of any of his employees while on any racing premises.

3.9 Paddocks, starting gates and other equipment subjected to contact by different animals must be kept in a clean condition and free of dangerous surfaces. This is the responsibility of the association.

3.10 Sterile equipment must be used for collecting material for saliva, blood, and urine tests. All types of instruments used on horses, including surgical, tattooing, dental, and similar items, must be properly cleaned and sterilized by boiling for fifteen minutes, or autoclaving fifteen minutes at fifteen pounds pressure before use on any animal.

3.11 The association shall provide isolation facilities where horses ordered isolated by the State Veterinarian must be kept. Approved sanitary measures shall be instituted by the association in cooperation with the Louisiana Livestock Sanitary Board.

### **LAC 11-6:4 Racing Officials**

4.1 Persons nominated by an association to serve as racing officials during a race meeting must first be approved by the Commission. Any proposed person not previously approved by the Commission as an official in the capacity for which he is nominated, shall pass a written examination on the rules and laws of racing before being finally approved and licensed. The test shall be administered under the direction of the Commission. Racing officials shall serve only as long as approved by the Commission, and shall be under the supervision of the stewards.

4.2 No person while serving as a racing official shall own an interest in a horse racing at the meet where he is employed, or a jockey contract, or the association under his supervision. Nor shall he cause to be bought or sold, for himself, or another, any Thoroughbred, Quarter Horse, or Appaloosa under his supervision. Nor shall he wager on any race under his supervision. He shall not write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associations as such. For the purposes of the above, the following racing department employees shall also be deemed racing officials: assistant starter, jockey room custodian, jockey room employees, valets, outriders.

4.3 Racing officials serving in the capacity of stewards, placing and/or patrol judges, clerk of scales, starter, and horse identifier shall take and satisfactorily pass an optical examination within one year prior to the race meeting at which they serve, such examination evidencing corrected twenty-twenty vision and ability to distinguish colors correctly.

4.4 Any racing official who desires to leave his employment during the race meeting must first obtain permission from the Commission. In the event a vacancy occurs among racing officials other than stewards, the association shall promptly nominate a successor, subject to approval of the Commission. In the event the association does not nominate a successor in time to permit the orderly conduct of racing, then the stewards shall immediately appoint a temporary successor.

### **LAC 11-6:5 Stewards**

5.1 No person shall qualify for Commission appointment or approval as a steward unless:

5.1.1 He has served as a steward, or racing secretary, or assistant racing secretary, or starter, or placing judge, or patrol judge, or paddock judge, or clerk of scales. However, the Commission may use its discretion if deemed necessary in the appointment or approval of a steward.

5.1.2 He has satisfactorily passed an optical examination evidencing corrected twenty-twenty vision and an ability to distinguish colors correctly within one year prior to approval as a steward.

5.2 There shall be three stewards for each race meeting, one of whom shall be appointed by the Commission and two of whom shall be nominated by the association for approval by the Commission. Names of an association's nominees for steward shall be submitted at the time of application for its association license, if possible. In all cases, the names must be submitted no later than thirty days before commencement of a race meeting and be accompanied by biographical data setting out the experience and qualifications of the nominees. The association shall submit successive nominees until two persons are approved by the Commission as qualified to serve as stewards. No steward shall serve until approved by the Commission, which shall not withhold its approval except for just cause.

5.3 Stewards shall serve from the seventh day before the first racing day until one minute before midnight on the day after the last racing day of the race meeting for which they are appointed. Provided, in the event a dispute or controversy arises during a race meeting which is not settled at the conclusion of the race meeting, then the power of the stewards shall be extended for the period necessary to resolve the matter, or until the matter is referred or appealed to the Commission.

5.4 Stewards shall be responsible to the Commission and may be replaced by the Commission at any time for failure to perform their duties to the satisfaction of the Commission.

5.5 If one or more stewards are absent, the ones present shall appoint a deputy or deputies to act temporarily for those absent.

Should all three be absent the racing secretary shall appoint three deputies.

5.6 The stewards shall have and exercise the powers of supervision, control, and regulation of racing at each licensed race meeting on behalf of the Commission. By way of illustration and without limitation thereof, the powers of the stewards shall include:

A. Authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing.

B. Authority to resolve all questions, disputes, protests, complaints, or objections concerning racing which arise during a race meeting.

C. Authority to suspend the license of a participant in racing, or eject or exclude from association grounds, or any part thereof, licensed or unlicensed persons upon reasonable belief that a violation of these rules has occurred, or is about to occur.

D. The power to interpret and enforce the rules of racing and determine all questions pertaining to a racing matter not specifically covered by these rules in conformity with justice and the customs of the turf, subject to the authority and orders of the Commission.

E. Authority to issue decisions or rulings pertaining to racing which shall supercede orders of the officers, directors, and officials of an association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include without limitation thereof, postponing a race, cancelling a race, or ruling a race run as "no contest."

F. The power to request and receive assistance from racing officials, members of the track security police, State or local police, in the investigation of possible rule infractions.

G. Authority to conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters.

5.7 In the event a regularly named rider, trainer, or racing official, other than a steward, is unable for any reason to perform, the stewards may select a substitute therefor. Upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace any rider, trainer, or racing official other than a steward.

5.8 In addition to their general powers, the stewards shall have certain specific duties and responsibilities, to wit:

A. They shall take cognizance of all misconduct or rule infractions irrespective of whether or not complained of, and cause investigations to be made of all instances of possible rule infractions. They shall take such action as they deem necessary to prevent a rule infraction.

B. At least one steward shall be on association grounds from scratch time, or if not a racing day, when entries are first taken, until entries are closed. At least one steward shall be present for the regular showing of racing films or videotapes. All three stewards shall be on association grounds for a continuous period beginning two hours before post time for the first race until conclusion of the last race.

C. At least one steward, or a designated representative of the stewards, shall be present in the paddock at least twenty minutes before each race and until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and to inspect, with the paddock judge and association and/or State Veterinarian, all horses for fitness.

D. The stewards shall inspect all applications for licenses to participate in racing, and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer's license and jockey agent's license. They shall make recommendations to the Commission as to the qualifications of all applicants for licenses to participate in racing.

E. They shall review all licenses, registration certificates, and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointment of agents, adoption of racing colors or stable name, and determine the eligibility and appropriateness thereof for participation in racing.

F. They shall require proof of eligibility of a horse or person to participate in a race if such is in question, and in absence of sufficient proof to establish eligibility, they may rule such horse or person ineligible.

G. The stewards shall review stall applications and advise the association of undesirable persons, if any, among owners and

trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

H. They shall supervise the taking of entries, receive all declarations and scratches, and determine all questions arising from and pertaining thereto. The stewards may in their discretion refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries in any way.

I. They shall cause the "inquiry" sign to be posted on the infield odds board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward or patrol judge as to the fairness of the running of the race. They shall cause the "objection" sign to be posted on the infield odds board upon the lodging of an objection. And they shall cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of the pari-mutuel payoff.

J. The stewards shall review the patrol films or videotapes of each day's races before commencement of the successive day's races and draw up a list of riders, including all apprentice jockeys who the stewards feel should review such films for instructional purposes, and cause the list to be posted in the jockeys' room.

K. They shall maintain a daily log, reporting all their actions on all controversies which arise during the day. The reports shall show the name of the track, date, weather, track condition, claims, rulings issued, and any other circumstances or condition regarded as unusual. Such reports shall be signed by all three stewards and filed within twenty-four hours at the Commission's general office.

L. They shall make periodic inspections of the barn area and check track security, and make occasional informal visits to the jockey's room and observe and check security at the weighing out. Such inspections and observations made shall be noted in the steward's report.

M. The stewards shall maintain a minute book which shall contain a detailed written record of all questions, disputes, protests, complaints, or objections brought to their attention. The minute book shall also include reports of all investigations undertaken by the stewards, summaries of all related interviews conducted, and the rulings which resulted. If a ruling is not unanimous, the dissenting steward shall record reasons for his dissent. The steward's minute book shall be available to the Commission for inspection at all times.

5.9 Within seven days after the conclusion of a race meeting, the State Steward shall submit to the Commission a written report setting out the condition of the meeting and association grounds, and any recommendations for the improvement thereof which he may deem appropriate.

5.10 The State Steward is the presiding steward at all race tracks under the jurisdiction of the Louisiana State Racing Commission. All other stewards shall report all their actions to the State Steward.

#### **LAC 11-6:6 Racing Secretary**

6.1 The racing secretary shall discharge all duties, expressed or implied, required by the rules of racing and he shall report to the stewards all violations of the rules or regulations of the meeting.

6.2 The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations, and scratches. Among the duties for which the racing secretary and his staff are responsible are:

A. Safekeeping of registration certificates and racing permits for horses, recording information required thereon, and returning same to the owner or trainer at the conclusion of the race meeting.

B. Having ownership of each horse current and up to date on foal certificates.

C. Daily posting of entries for the benefit of the public as soon as possible after the entries have been closed and declarations have been made.

D. Assigning stall applicants such stabling as he may deem proper after consultation with the stewards, and maintaining a record of arrival and departure of all horses stabled on association grounds.

E. Publishing the official daily program, insuring the accuracy therein of the following information:

1. Sequence of races to be run and post time for the first race.

2. Purse, conditions, and distance for each race, and current track records for such distance.

3. The full name of licensed owners of each horse, and description of racing colors to be carried. Where a horse or horses have been leased, both lessee and lessor will be listed.

4. The full name of the trainer, the full name of the jockey named for each horse, and the weight to be carried.

5. The saddle cloth number or designation for each horse, and the post position for each horse if there is a variance with the saddle cloth designation.

6. Identification of each horse by name, color, sex, age, sire, and dam.

7. Such other information as may be requested from time to time by the association or the Commission.

6.3 In writing his condition book, the racing secretary shall respect these essential conditions:

A. No two-year olds shall compete in any race with older horses prior to September 1 of any year.

B. No race for two-year-olds prior to May 1 of any year, shall be at a distance greater than four and one-half furlongs, and no race for two-year-olds after September 15 of any year shall be at a distance less than five and one-half furlongs. Provided, however, this rule shall not apply to tracks which are less than one mile in length.

#### **LAC 11-6:7 Clerk of the Scales**

7.1 The clerk of the scales shall weigh jockeys out and in, and he shall record and publish any overweight or variation from the weight appearing on the racing program.

#### **LAC 11-6:8 Paddock Judge**

8.1 One racing official shall serve as paddock judge. He shall have general supervision of the paddock and be responsible for:

A. Assembling the horses in the paddock no later than fifteen minutes before the scheduled post time for each race.

B. Properly identifying all horses entered in each race. The horse identifier shall be under the supervision of the paddock judge.

C. Maintaining a written record of all equipment and inspecting all equipment of each horse saddled, and reporting any change thereof to the stewards.

D. Inspection of bandages of a horse. The paddock judge may order such bandages removed. He shall see that the numbers on the saddle cloth, jockey's shoulder, and cap correspond. The paddock judge shall require the plater in attendance in the paddock to see to it that all horses are properly shod, and shall report any irregularities to the stewards. However, in the absence of the plater, the veterinarians in the employ of the Commission shall perform such duties.

E. Schooling of all horses in the paddock, which must be approved by the stewards.

F. Taking such measures as to insure that the saddling of all horses is orderly, open to public view, free from interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence.

#### **LAC 11-6:9 Starter**

9.1 The starter shall give orders to secure a fair start.

9.2 No appliance of any kind shall be used on a horse except at the written request of the owner or trainer, subject to approval of the stewards.

9.3 Horses are in the hands of the starter from the moment they enter the track from the paddock.

9.4 Where the film patrol is not used, the starter shall make the sole decision on the question of what horse or horses are prevented from an equitable start in a race through failure of the gates to function.

9.5 The starter may employ such assistant starters as he may deem necessary and shall change the gate position of each assistant starter without notice to the assistant starters until the field for each race shall come upon the track.

9.6 No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value, or other compensation for such starter's or assistant starter's service in connection with the running of any race or races. No starter, nor assistant starter, shall either directly or indirectly bet on any race or engage in any betting transaction, nor have any interest

in any horse. This rule has no application to salaries received from associations.

9.7 All races shall be started out of a stall gate.

9.8 If the starters for a stakes race do not exceed the capacity of the track but do exceed the capacity of the gate, the surplus shall be started from outside the gate.

9.9 The starter may recommend suspension or fine to the stewards, and such action must be promptly reported.

9.10 First-time starters shall be schooled under the supervision of the starter or his assistant, who shall report to the racing secretary horses that are schooled sufficiently to start. Unruly horses shall be placed on the schooling list, which must be posted, and shall not start until approved by the starter. The starter or his assistants shall not mistreat or use abusive language to a jockey.

9.11 A false start is void and the horses shall be started again as soon as practical. Any horse running the course from a false start may be excused by the stewards.

9.12 If a horse is locked in the gate, the starter shall immediately notify the stewards who will notify the mutual department.

9.13 Horses shall take their positions in the starting gate in numerical order from the inside rail according to post position, unless in the starter's opinion a horse is unduly fractious or unruly, in which case the starter shall be the final authority as to the horse's numerical loading into the starting gate. Horses refusing to enter their designated stalls, or which are otherwise unruly, may be started from outside the gate and behind the starting line.

9.14 The stewards shall be furnished an official program at the end of each day's racing showing the name of each horse handled by an assistant starter and the name of the assistant starter handling the horse.

#### **LAC 11-6:10 Patrol Judges**

10.1 The patrol judges for each race shall take their stations at a place designated by the stewards. They shall duly report all their pertinent observations to the stewards.

#### **LAC 11-6:11 Placing Judges**

11.1 The placing judge or judges shall decide which horse wins, and shall assign the respective places in the race to as many horses as they think proper. When the judges differ, the majority shall govern.

11.2 In determining the places of horses at the finish of a race, the placing judges shall consider only the noses of the horses.

11.3 On all tracks, approved cameras shall be installed as an aid to the placing judges. However, in all cases, the camera is merely an aid and the decision of the judges shall be final. The type of photofinish equipment is to be designated by the Commission from time to time.

#### **LAC 11-6:12 Timer**

12.1 There shall be one or more timers.

12.2 Every person exercising a horse shall upon request of an official timer, correctly identify the horse he is exercising and shall state the distance over which such horse is to be worked and the point on the race track where it is intended to start the workout. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the stewards.

12.3 The timer will post daily his workout sheets in the racing secretary's office and in appropriate places in all betting areas.

#### **LAC 11-6:13 Veterinarians**

13.1 All veterinarians shall be licensed to practice under the laws of Louisiana. No owner or trainer shall employ a veterinarian not licensed by the Commission. This rule shall apply to veterinarians treating horses stabled off the association grounds and registered to race at any track in the State of Louisiana under supervision of the Commission. Any owner or trainer employing unlicensed veterinarians will be subject to a fine or suspension or both.

13.2 In an emergency, if an unlicensed veterinarian is employed, a report must be filed immediately with the stewards at the track where the horse is registered by the owner or trainer.

13.3 The association shall appoint a veterinarian and he shall be assigned various duties.

13.4 There shall be not more than three veterinarians appointed by the Commission. They shall perform various duties as directed by the Commission.

13.5 A Commission veterinarian shall be present to serve under the direction of the stewards at scratch time, and at 12:00 noon each day, and at 6:00 p.m. when night racing prevails.

13.6 No veterinarian employed by the Commission or by an association shall be permitted, during the period of his employment, to treat or prescribe for any horse on the grounds or registered to race at any race track, for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he is employed by the Commission or an association.

13.7 A veterinarian, while practicing his profession with horses racing under the jurisdiction of the Commission, will not be eligible for an owner's or trainer's license.

#### **LAC 11-6:14 Licenses, Registration and Fees for Participants in Racing**

14.1 Assistant trainer is considered a trainer for licensing purposes and an assistant trainer shall be required to take out an annual license.

14.2 An owner and/or trainer is accountable and shall be responsible for picking up the badge of any discharged employee.

14.3 Owners and/or trainers must report personnel changes to the stewards within twenty-four hours. Any owner or trainer harboring or employing an unlicensed person shall be fined not less than twenty-five dollars. No person under the age of eighteen years shall be granted a license by this Commission, except upon presentation of a birth certificate and permit from the Louisiana State Labor Board, then the minimum age for licensing shall be sixteen. The Commission does not recognize probationary licenses or temporary licenses, except as may be provided in LAC 11-6:45. No person shall be granted a trainer's license who is under eighteen years of age.

14.4 All applications for licenses must be completely and correctly filled out, properly signed and, when required, notarized. All licensees and permittees of the Commission must be fingerprinted and photographed. Anyone failing to be fingerprinted or photographed shall be suspended or fined or both. This rule shall not apply to owners.

14.5 Applicants for an owner's or trainer's license must submit satisfactory evidence of their financial stability and ability to care for and maintain the horses owned and/or trained by them. Failure to establish such financial responsibility shall be grounds for denial or revocation of license.

14.6 An applicant must furnish his local and permanent addresses and telephone numbers when applying for a license.

14.7 Any omission or misrepresentation will be deemed sufficient cause for refusal or revocation of a license by the Commission.

14.8 No person requiring a license from the Commission shall carry on any activity whatsoever upon the premises of a licensed association unless and until he has been duly licensed, except owners may be allowed a grace period of not more than ten days. Such grace shall be granted only to owners currently licensed in a jurisdiction holding membership in the National Association of State Racing Commissioners or a comparable authority in a foreign country. The Commission will accept the National Association of State Racing Commissioners uniform owners application as adopted, March 16, 1970.

14.9 An applicant for a license as trainer must show proof of at least two years track experience with a racing stable. Application shall be accompanied by the written statements of two reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. An applicant shall be given a thorough examination by the stewards and such other persons as they may appoint.

14.10 The Commission may refuse to license any applicant who has been refused a license by any other state racing commission or turf governing body.

14.11 The Commission may refuse to license, or revoke the license of an applicant whose previous conduct in Louisiana or elsewhere in connection with horse racing is considered by the Commission to have been objectionable, obnoxious, or detrimental to the best interest of racing.

14.12 The refusal to grant a license, unless accompanied by good and valid reasons, shall not be considered as a ruling of this Commission. Likewise, a refusal to grant a license by any other state, unaccompanied by good and valid reasons, shall not be considered as a ruling by this Commission.

14.13 Any person, licensed in any capacity by the Commission and employing the facilities and privileges of the racing association and who at the same time patronized illegal off-track betting establishments, will be denied such facilities and privileges of the racing association. In addition, his license may be revoked by the Commission.

14.14 The Commission may recognize any disciplinary action taken by the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc., and no person against whom disciplinary action has been taken shall be eligible for licensing by this Commission.

14.15 An applicant for a license from the Commission must act in the capacity stipulated by the license issued only. Anyone making false statements to procure a license will be fined, suspended and/or both.

14.16 In addition to all other requirements for a trainer's license, each applicant therefor must furnish a certificate of insurance, or a binder therefor, of an insurance company licensed and/or authorized to do business in the State of Louisiana, showing he or she has workmen's compensation insurance covering his or her employees during the entire period for which the license shall be valid, if issued. This rule does not apply to trainers racing horses at a current meeting which is in progress, however, after November 15, 1977, this rule shall apply to all trainers.

#### **LAC 11-6:15 Owner**

15.1 If an owner changes licensed trainers, he must notify the stewards and the racing secretary and cause the new trainer to sign his name on the owner's registration.

15.2 The personnel of every stable must be registered.

15.3 After a horse has been registered with the racing secretary, listing the owner, no horse will be transferred, unless claimed, without permission of the stewards and a notarized bill of sale from the registered owner. However, the stewards may at their discretion allow sellers seventy-two hours within which to file the notarized bill of sale.

15.4 Every change of ownership or trainers of a horse during a race meeting must be approved by the stewards and every application therefor must be submitted on an official transfer form furnished by the Commission, in triplicate, signed by both parties. If approved by stewards, such approval shall be endorsed in writing on the transfer form, a copy being furnished the racing secretary with a copy retained by the parties. The racing secretary is responsible for the proper transfer on the foal certificate on file in his office.

15.5 The purchase or transfer of any horse on the grounds at any track, whether by private sale, claim, or public auction, does not guarantee the new owner a stall for such horse unless approved by the stewards. The association has the right to allocate stalls to those horses which fit the racing program, as well as those horses which are sound.

15.6 Horses sold to any person or stable not registered for racing in Louisiana must be removed from the grounds of an association within twenty-four hours, unless permission to remain on the grounds is granted by the association.

15.7 Before a horse may be entered its owner or owners must secure the appropriate licenses from the Commission, unless permission is granted by the stewards.

#### **LAC 11-6:16 Partnerships**

16.1 Each partnership must be registered with the Commission, and its application for a license must be signed by all of the partners or their authorized agents. Each partner shall be required to obtain an owner's license.

16.2 Partnership papers shall, among other things, set forth the following:

- A. The name and address of each and every person having any interest in the horse or horses involved.
- B. The relative proportions of such interests.
- C. To whom the winnings are payable.
- D. In whose name the horse or horses shall run.
- E. With whom the power of entry and declaration rests.
- F. The terms of any contingency, lease, or any other arrangement.

16.3 In case of emergency, authority to sign declarations from a partnership may be given to the racing secretary by telegram, promptly confirmed in writing.

16.4 If the racing secretary is unable to communicate with all proper parties in an attempt to obtain a declaration from a partnership, he may authorize a horse involved in a partnership to enter and to start in a stakes race without a declaration from a partnership.

16.5 Any alteration in a recorded partnership registration, to be effective, must be reported in writing to the racing secretary, signed by all partners and approved by the stewards.

16.6 All the parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits, and other obligations.

16.7 Each partner shall own not less than twenty-five percent interest in each horse. Each partner's percentage shall be declared in the application for partnership license.

#### **LAC 11-6:17 Authorized Agent**

17.1 Each authorized agent must obtain a license from the Commission for each owner represented.

17.2 An authorized agent may appoint a subagent only when authorized to do so by the document or application under which he was so licensed. A subagent, who must be licensed, may not act for more than one authorized agent or stable. A trainer may be the authorized agent for only one stable.

17.3 An owner's revocation of the authority of his agent must be filed in writing with the Commission and shall be effective on the day of filing.

#### **LAC 11-6:18 Stable Name**

18.1 All stable names shall be cleared with the office of the National Association of State Racing Commissioners.

18.2 Each stable name must be duly registered with the Commission. In applying to race under a stable name, the applicant must disclose the identity or identities behind the stable names. If a partnership or corporation is involved, the rules covering such must be complied with.

18.3 No license as an owner shall be granted to the lessee or lessees of any corporation or syndicate unless such corporation or syndicate shall have no more than ten stockholders or members, as the case may be, each of whom shall be a registered and beneficial owner of stock or have membership in such corporation or syndicate. Every such stockholder or member is required to be licensed as an owner.

18.4 The stockholders or members of any corporation, syndicate or partnership, which leases horses for racing purposes in the State of Louisiana and also any such corporation, syndicate or partnership, shall make and file with the Commission as and when requested by it, a report or reports under oath containing such information as the Commission may specify. Upon refusal or failure to file any such report or reports, the Commission may refuse a license to any lessee or lessees of such corporation, syndicate or partnership, or may revoke any such license which it may have granted.

18.5 No licensed trainer of race horses shall register a stable name, but a partnership of which a trainer is a member may use the stable name of another member, provided that the use of such other member's stable name has been authorized by the stewards.

18.6 The stable name must be carried on the official program with the name of at least one owner. If the stable name is represented by more than one owner, it should be indicated by the use of "et al."

#### **LAC 11-6:19 Trainer**

19.1 No trainer shall practice his profession except under his own name.

19.2 A trainer, or an assistant trainer, shall attend his horse in the paddock, and shall be present to supervise his saddling, unless he has obtained the permission of a steward to send another licensed trainer as a substitute.

19.3 A trainer is responsible for the condition of each horse trained by him.

19.4 Each trainer shall register with the racing secretary every person in his employ.

19.5 A trainer shall not have in his charge or under his supervision any horse owned, in whole or in part, by a disqualified person.

19.6 No trainer, owner, or other person shall move, or permit to be moved, any horse or horses in his care from the grounds of an association without written permission of the association and the stewards.

19.7 A trainer shall not enter or start a horse that is not in serviceably sound racing condition, has been trachea-tubed, or has been nerved. However, horses that have had a posterior digital (heel nerve) neurotomy performed on one or more feet, may be permitted to race. All horses that have been nerved shall be so designated on the foal certificate and be certified by the practicing veterinarian. All horses that have been nerved prior to this rule must also be certified, and it is the responsibility of the trainer to see that such nerving will be carried on the foal certificate. All nerved horses, high or low, must be published on the bulletin board in the racing secretary's office. Any horse that is high nerved shall not be permitted to enter in a race. A trainer shall not enter or start a horse which has been "nerve blocked" or treated with, or been given, any drug internally, externally, or by hypodermic injection, except as permitted in LAC 11-6:54. Nor shall a trainer enter or start a horse which is not properly plated, is blind or whose vision is seriously impaired in both eyes, is on a stewards', veterinarian's, starter's, or disqualified list, or is permanently barred from racing in any jurisdiction.

19.8 No trainer, owner or other person shall employ a jockey for the purpose of preventing him from riding in any race.

19.9 Trainers of horses entered in the first or second race shall inspect the condition of their horses one and one-half hours before post time of the first race. If any horse is found to be unfit to race, the trainer shall report that fact to the stewards one hour before post time of the first race.

19.10 Any trainer that anticipates being absent from his stable that he trains must have prior approval from the stewards, naming the trainer or assistant trainer that will saddle his horses and be responsible for his stable, however, in no case will his absence be over a duration of five days.

#### **LAC 11-6:20 Jockeys and Apprentice Jockeys**

20.1 Any person desiring to participate in this state as a rider and who never has ridden in a race may be permitted to ride in two races before being issued a license as a jockey or apprentice jockey, provided, however:

A. Such person has the qualification of a permittee and has at least one year of experience with racing stables.

B. A licensed trainer certifies in writing to the stewards that such person has demonstrated sufficient horsemanship to be permitted probationary mounts.

C. The starter has schooled such person breaking from the starting gate with other horses and approves such person as capable of starting a horse properly from the starting gate in a race.

D. The stewards in their sole discretion are satisfied such person intends to become a licensed jockey, possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in the race. No person shall be permitted to ride in any probationary race without prior approval of the stewards.

20.2 In addition to rules applicable to permittees, an applicant for a license as a jockey or apprentice jockey:

A. Must have served at least one year with racing stables.

B. Must have ridden in at least two races.



C. Must, when required by the stewards, provide a medical affidavit certifying such person is physically and mentally capable of performing the activities and duties of a licensed jockey.

20.3 Any person over the age of sixteen who has never been licensed as a jockey in any country, and who of his own free will, and if under age, has the written consent of his, or her parents or guardian, bound himself to an owner or trainer for a term of not less than three nor more than five years (subject to written extension if made for less than five years) by written contract approved by and filed with the Commission, and after at least one year's service with a racing stable, may claim in all overnight races, except handicaps, the following allowances:

A. An apprentice shall start with five pounds allowance. He shall continue this allowance for one year from date of his fifth winner, after which, if he has not ridden forty winners in the year following the date of his fifth winner, he shall continue the allowance for a period not to exceed three years from the date of his first winner or until he has ridden forty winners, whichever occurs first.

B. After the completion of conditions above, a contracted apprentice may claim for one year three pounds when riding horses owned or trained by his original contract employee, provided the contract has not been transferred or sold since the apprentice's first winner. The original contract employer shall be the party who was the employer at the time of the apprentice jockey's first winner.

20.4 An apprentice who is not under contract may be issued an apprentice jockey certificate on a form furnished by the Commission. Where all parties agree an apprentice contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

20.5 In the event an apprentice jockey is unable to ride for a period of fourteen consecutive days or more because of service in the armed forces of the United States, or because of physical disablement, or because of restrictions on racing, the Commission, upon recommendation of the stewards and after consultation with the racing authority which first approved the original apprentice contract, may extend the time during which such apprentice weight allowances may be claimed for a period no longer than the period such apprentice rider was unable to ride.

20.6 After completion of conditions in the above rules, a rider must be issued a license as a jockey before accepting subsequent mounts.

20.7 An apprentice jockey may ride in a race in which Quarter Horses are eligible to start but may not claim an apprentice allowance in such a race. The riding of the winner of such a race shall not be considered in computing the expiration of his right to claim apprentice allowances in races restricted to Thoroughbreds, nor shall the win be included in the monthly chart book of the Daily Racing Form.

20.8 When a jockey apprentice leaves the jurisdiction of the Commission, it shall be the duty of the clerk of scales and the apprentice jockey to record the number of winners the apprentice jockey has had at the race meeting immediately preceding his departure and to attach that record to the apprentice jockey's contract or certificate.

20.9 All contracts between an owner or trainer and a rider are subject to the rules of racing. All riding contracts for terms longer than thirty days, as well as any amendments thereto, or cancellation, or transfer thereof, must be in writing with the signatures of the parties thereto notarized, and must be approved by the stewards and filed with the Commission. The stewards may approve a riding contract and permit the parties thereto to participate in racing in this state if the stewards find that:

A. The contract owner or trainer who owns or trains at least three horses eligible to race at the time of execution of such contract.

B. The owner or trainer possesses such character, ability, facilities, and financial responsibility as may be conducive to developing a competent race rider.

C. Contracts for apprentice jockeys provide for fair remuneration, adequate medical care, and an option equally available to

both owner or trainer and apprentice jockey to cancel the contract after two years from the date of execution.

20.10 No rider may:

A. Ride any horse not owned or trained by his contract owner or trainer in a race against a horse owned or trained by his contract owner or trainer.

B. Ride or agree to ride any horse in a race without consent of his contract owner or trainer.

C. Share any money earned from riding with his contract owner or trainer.

D. Accept any present, money, or reward of any kind in connection with his riding of any race except through his contract owner or trainer.

E. No jockey or his wife shall own a race horse participating in the state in racing; nor shall either have any interest in one.

20.11 An apprentice shall not be permitted to acquire his own contract while his apprentice weight allowance is still in effect.

20.12 Any rider not so prohibited by prior contract may agree to give first or second call on his race-riding services to any licensed owner or trainer. Such agreements, if for terms of more than thirty days, must be in writing, approved by the stewards, and filed with the Commission. Any rider employed by a racing stable on a regular salaried basis may not ride against the stable which so employs him. No owner or trainer shall employ or engage a rider to prevent him from riding another horse.

20.13 The fee to a jockey in all races shall be deposited with the horsemen's bookkeeper in advance and shall be, in the absence of special agreement, as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 and under	\$27.00	\$18.00	\$16.00	\$15.00
\$500	\$30.00	\$20.00	\$17.00	\$15.00
\$600	\$36.00	\$22.00	\$17.00	\$15.00
\$700-900	10% of win purse	\$25.00	\$22.00	\$19.00
\$1,000-1,400	10% of win purse	\$30.00	\$25.00	\$20.00
\$1,500-1,900	10% of win purse	\$35.00	\$30.00	\$25.00
\$2,000-3,400	10% of win purse	\$45.00	\$35.00	\$30.00
\$3,500-4,900	10% of win purse	\$50.00	\$40.00	\$30.00
\$5,000 and up	10% of win purse	\$55.00	\$45.00	\$35.00

20.14 A jockey fee shall be considered earned by a rider when he is weighed out by the clerk of scales except:

A. When a rider does not weigh out and does not ride in a race for which he has been engaged because an owner or trainer engaged more than one rider for the same race. In such case, the owner or trainer shall pay an appropriate fee to each such rider engaged for such race.

B. When a rider capable of riding elects to take himself off the mount without, in the opinion of the stewards, proper cause therefor.

C. When a rider is replaced by the stewards with a substitute rider for a reason other than a physical injury suffered by such rider during the time between weighing out and start of the race.

20.15 Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride a horse he believes to be unsound, nor over a racing strip he believes to be unsafe, but if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, such rider may be subject to disciplinary action.

20.16 Each rider who has been engaged to ride in a race shall be physically present in the jockey room no later than one hour prior to post time for the first race on the day he is scheduled to ride, unless excused by the stewards and upon arrival shall report his engagements to the clerk of scales. In the event a rider should fail, for any reason, to arrive in the jockey room prior to one hour before post time of a race in which he is scheduled to ride, the clerk of scales shall so advise the stewards who thereupon may name a substitute rider and shall cause announcement to be made of any

such rider substitution prior to opening of wagering on the race.

20.17 Each rider reporting to the jockey room shall remain in the jockey room until he has fulfilled all his riding engagements for the day, except to ride in a race, or except to view the running of a race from a location approved by the stewards. A rider shall have no contact or communication with any person outside the jockey room other than an owner or trainer for whom he is riding, or a racing official, until he has fulfilled all his riding engagements for the day.

20.18 The association shall be responsible for such security of the jockey room as to exclude all persons except riders scheduled to ride on the day's program, valets, authorized attendants, racing officials, and persons having special permission of the stewards to enter the jockey room.

20.19 Any rider intending to discontinue riding at a race meeting prior to its conclusion shall so notify the stewards.

20.20 No rider shall place a wager, or cause a wager to be placed on his behalf, or accept any ticket or winnings from a wager, on any race, except in his own mount and through his owner or trainer. A rider shall maintain a precise and complete record of all such wagers, and such record shall be available for examination by the stewards at all times.

20.21 Upon leaving the jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional jockey costume, with all jacket buttons and catches fastened. Each jockey shall wear the cap, stock tie, and jacket racing colors registered in the name of the owner or stable of the horse he is to ride, white or light breeches, top boots, safety helmet approved by the Commission, and a number on his right shoulder corresponding to his mount's number as shown on the saddle cloth and daily race program. The clerk of scales and attending valet shall be held jointly responsible with a rider for his neat and clean appearance and proper attire.

20.22 Every rider shall be responsible for checking the film list posted by the jockey room custodian in the jockey room. The posting shall be considered as notice to all riders whose names are listed thereon to present themselves at the time designated by the stewards to view the patrol films or videotapes of races. Any rider may be accompanied by a representative of the jockey organization of which he is a member in viewing such films, or with the steward's permission, be represented at such viewing by his designated representative.

20.23 No jockey shall have an attendant other than those provided by the association. Such attendants shall be paid by the association.

20.24 Riders will not be permitted to use whips on two-year-olds prior to April 1.

#### **LAC 11-6:21 Jockey Agent**

21.1 A jockey agent may not contract the riding engagements of more than three riders.

21.2 Before being issued a license, a jockey agent must show proof of experience and knowledge of racing to the stewards by an oral and written examination approved by the Commission, and his application shall bear the actual signature of the rider he desires to represent. Any license granted is not transferable, and separate applications must be filed for each jockey the agent proposes to represent. However, after payment of the original fee no subsequent fee is required.

21.3 Any person who contracts engagements for a rider or riders without first obtaining a license to do so, or any jockey agent who exceeds the authority of the privileges granted, after having been licensed, may be fined or suspended, or both, at the discretion of the stewards.

21.4 If any jockey agent gives up the making of engagements for any rider he shall immediately notify the stewards, and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider.

21.5 Under no circumstances shall a jockey agent be permitted within the saddling enclosure during racing hours, nor shall he be allowed on the track proper or in the winner's circle at the conclusion of any race run. Nor shall an agent have access to the jockey

quarters at any time or communicate with any jockey during racing hours without permission of the stewards.

21.6 No jockey agent, or his wife, shall be the owner of any race horse, nor shall either have any interest in one.

21.7 No person other than an owner, trainer, jockey agent or authorized agent of an owner shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his own engagements.

21.8 Conflicting claims for the services of a jockey shall be decided by the stewards, and first call shall have priority.

#### **LAC 11-6:22 Jockey Room Custodian**

22.1 It shall be the duty of the jockey room custodian to see to it that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

22.2 He shall assist the clerk of the scales in any way that official requires. He shall oversee the care and storage of all racing colors. He shall oversee the jockey valets and arrange their rotation among jockeys in the manner of weighing out. He shall report to the stewards any irregularities that occur in his province. He shall see to it that jockeys and valets are neat in appearance and attire, in keeping with the rules, when they leave the rooms to ride in a race.

22.3 No person, other than racing officials, the Commissioners and necessary jockey room attendants, shall be admitted to the jockey room after 11:00 a.m. on a racing day, nor after 5:00 p.m. on a racing night, without consent of the stewards for each time of entry.

#### **LAC 11-6:23 Association's Duties and Obligations**

23.1 Before entering upon the discharge of their duties the following officials employed by an association shall be approved in writing by the Commission, viz., all stewards, racing secretaries, handicappers, starters, placing judges, clerks of scales, paddock and patrol judges, timers, examining and track veterinarians, private police agencies, calculators of mutuels, mutuel managers, money room supervisors, and such other persons as the Commission may designate from time to time because of their importance in the actual conduct of racing. Should any change or anticipated change in the above officials occur during a meet, the association must get prior approval from the Commission at least ten days before the anticipated change or changes. The association must submit, in writing, the time and reason for the change and furnish a resume of the replacement, except as provided in LAC 11-6:4.4.

23.2 No person under the age of sixteen years shall be employed in or about the track of any association, and all minors sixteen years of age or older must have work permits from the Louisiana State Labor Board.

23.3 It shall be the responsibility of each association to require that all owners, vendors, handicappers, etc., engaged in the selling of tout sheets on the association's property shall be properly licensed and approved by the Commission. The names of the owners and handicapper must be printed on each publication sold.

23.4 It shall be the duty of each licensee to observe and enforce the rules of racing and the regulations from time to time adopted by the Commission.

23.5 Each association shall apply for a license to conduct a meeting not later than April 15 and August 15 of each year and shall submit to the Commission for approval, thirty calendar days prior to the opening date, a complete list of racing officials, heads of departments, calculators, private police agencies, and others, showing the positions they are to fill and their compensation. It shall be the responsibility of each association to ascertain that each person employed by the association be properly licensed under the rules of racing. Should a category not exist defining a particular status of employment, the applicant shall apply for a miscellaneous license.

23.6 The stable area of the premises of every association shall be enclosed with a fence, the type and construction of the fence to be subject to the approval of the Commission. The association shall maintain a twenty-four hour guard at any opening of the fence during the horse race meeting.



23.7 A round-the-clock patrol of the fenced area shall be maintained by security officers, who shall pay special attention to the presence of unauthorized personnel, to the enforcement of fire prevention measures and to the inspection of tack rooms and living quarters for fire hazards.

23.8 Each association shall provide adequate and sanitary living quarters with proper sanitary arrangements, and ample and convenient toilet and heating facilities for stable employees, and shall provide in its stable area at least one tack room of a minimum area of one hundred square feet for every six horses stabled, with adequate facilities for housing personnel therein.

23.9 Each association shall provide, equip, and operate a first aid room within its enclosure.

23.10 The Commission may refuse to issue or renew a license, or may suspend or revoke a license issued if it finds that the applicant, or any person who is a partner, agent, employee, or associate of the applicant, has knowingly associated or consorted with any person or persons who have been convicted of a felony in any jurisdiction, or is knowingly consorting or associating with bookmakers, touts, or persons of similar pursuits, or has himself engaged in similar pursuits, or has been found guilty of any fraud or misrepresentation in connection with racing or breeding, or otherwise has violated any law, rule, or regulation with respect to racing in this or any other jurisdiction, or any rule, regulation, or order of the Commission, or has been found guilty of or engaged in similarly related or like practices. Provided however, the Commission may issue or renew a license or refuse to suspend or revoke a license issued, where the applicant or licensee has not engaged in such association or activities for a period of ten years, or for good cause shown.

23.11 It shall be the duty of each association, through its employees to notify the secretary of the Commission of all ejections within twenty-four hours, giving names, addresses, and offenses.

23.12 Associations licensed to conduct meetings shall give as a purse, stakes, or reward, an amount in cash of not less than one thousand dollars for each race, unless the association has applied for and received special permission from the Commission.

23.13 All race tracks under the jurisdiction of the Commission shall take and make, at the association's expense a complete film or videotape recording of all races run by said association. The arrangements for film or videotape recordings shall be in a form satisfactory to the Commission. They shall be susceptible to development as needed after the end of any race in order to enable the officials to better judge the races and rule on all claims of infractions of the rules, and thereby better protect the interests of the public in racing.

23.14 In order to educate and protect the jockeys, the association involved shall show the films and videotape recordings to the jockeys at a designated time.

23.15 Each association shall, according to its license, conduct Thoroughbred, Quarter Horse, or Appaloosa horse racing between the hours of 10:00 a.m. and 12:00 midnight. If for any reason the races scheduled for the night cannot be fulfilled by 12:00 midnight, the stewards will cancel the remaining race or races. Not more than nine races may be run by an association in any one racing day, unless special permission is granted by the Commission.

23.16 The stable area must be properly lighted, so that it will be entirely void of darkness in any section. Lights will be turned on at dusk and they shall remain on until one hour after the last race. Lights shall not be turned on or off while the horses are on the track. The parking area must be properly lighted, so that it will be entirely void of darkness in any section. Lights will be turned on at dusk and they shall remain on until one hour after the last race, or until all cars have departed, whichever may first occur.

23.17 Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who will keep a separate bank account to be known as the "horsemen's account." At all times the horsemen's account shall contain sufficient funds to cover all monies due horsemen in regard to purses, jockey fees, stakes, rewards, claims, and deposits. Withdrawals

from this account shall be only for such purposes. The account shall at all times be subject to audit by the Commission.

23.18 Members of the Commission and its representatives shall have the right to full and complete entry to any and all points of the grounds of the association. All racing associations shall recognize buttons of the National Association of State Racing Commissioners and parking permits issued by the Louisiana State Racing Commission.

23.19 Each association conducting racing shall submit to the Commission the conditions for all races it proposes to hold, together with the stakes, purse, or reward to be offered, all of which shall be approved by the Commission before being published.

23.20 An association, operating pari-mutuel betting, shall maintain a satisfactory totalizer. Each association shall install at the finish line at its track, and shall adequately maintain, two photofinish cameras.

23.21 Betting within the confines of a race track other than through pari-mutuel machines is strictly prohibited. Any person making a handbook, or betting with a handbook, shall be ejected from the grounds and denied any further admission. If any person solicits bets to be made on horses, he shall be ejected from the grounds and denied further admission. No gaming device, other than that permitted by law, shall be allowed on the grounds. Cards, dice, and petty games of chance are prohibited.

23.22 All portions of purse money shall be available to the winners thereof upon order of the stewards, following their winning. No percentage of winnings shall be deducted by any association or horsemen's bookkeeper for itself or for another person, club, or body, unless at the request of the person to whom such winnings are payable, except that an association or horsemen's bookkeeper may withhold from winnings any money due it. This section shall not apply to races written exclusively for accredited Louisiana bred Thoroughbreds, Quarter Horses, and Appaloosa horses which shall be governed as provided by statutes regulating purses for such races.

23.23 Each association shall provide and furnish an adequate office for the use of the Commission.

23.24 Associations may allow telephones on their respective grounds for the transaction of ordinary association business. Associations may also allow telegraph wires on their respective grounds during their race meeting for the benefit of the public press, but no information regarding the result of any race shall be transmitted out of the race track until the results are official, nor shall any message transmitting money, or other things of value, or directing the placing of any wager on the result of a race be sent over the wires. Nor shall any message be sent in cipher code or any form other than in plain and intelligible English, under penalty of forfeiture of license.

23.25 No telephone shall be installed in the stable area except upon the request of the association conducting the meeting and the written approval of the Chairman of the Commission. The receiver and transmitter of any such telephone shall be installed within a box and the same shall be kept securely locked from fifteen minutes before post time of the first race until fifteen minutes after the finish of the last race. No use of such equipment shall be made during such time except upon express approval of the State Steward, representing the Commission.

23.26 Each association shall submit in writing to the Commission for approval, with their application for dates, the names of persons or corporations who will operate the concessionaries and/or caterers within the confines of the track for the duration of the race meeting. Concessionaries are hereby defined as parties engaged in the sale of liquor, soft drinks, ice cream, sandwiches, cigars, cigarettes, etc. Caterers shall be defined as parties engaged in the operation of dining rooms for sale of food, etc. The rules, regulations and conditions herein shall apply for the purpose of the sale of foods, beverages (both alcoholic and nonalcoholic), tobacco and other related items, each and every day that a race is conducted from the dates upon which a license has been granted by the Commission for racing privileges.

23.27 The operation shall be conducted so that all persons who patronize the respective tracks shall be satisfactorily served. Food,

beverages (both alcoholic and nonalcoholic), tobacco and other generally related items may be available for sale to the patrons of the various tracks on each day that racing is conducted under the license, permit, or privilege granted by the Commission. Concessionaries vending any liquid refreshments shall not permit the surrender of glass containers to customers except in the dining area.

23.28 The premises shall be kept in a clean condition, in good repair, well lighted and ventilated. The quality, quantity, and price of all items of food, liquor, beer, and other items sold shall be subject to the Commission's inspection.

23.29 All taxes, including sales tax, shall be promptly paid in accordance with the request of the Department of Revenue.

23.30 All facilities, including but not limited to those areas in which the food is prepared, shall be open for inspection by the Commissioners or any person designated by the Commission.

23.31 Upon demand of the Commission, the association or permittee shall file copies of all contracts, including all instruments evidencing any indebtedness, between the association and the permittee.

23.32 The permittee and/or an association who conducts the sale of food, beverages (alcoholic and nonalcoholic), tobacco and other generally related items shall give preference to persons domiciled in Louisiana in the hiring of employees.

23.33 All establishments dispensing food or drink shall provide on the premises adequate and conveniently located toilet facilities for its employees. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. The water supply shall be easily accessible to all rooms in which food or drink is prepared or utensils are washed, and shall be adequate, and of a safe, sanitary quality. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles in such a manner as not to become a nuisance. All food, drink, and beverages shall be wholesome and free from spoilage. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. The premises of all public eating and/or drinking places shall be kept clean and free of litter or rubbish. All vending machines shall be constructed, installed, maintained, and operated in an approved manner. All glasses, cups, spoons, and other utensils which come in contact with the mouth or lips, must be properly cleaned and sanitized after each use. Single service utensils must be used only once. All soft drink beverages, whether carbonated or uncarbonated, and alcoholic beverages, shall be dispensed in, or from, the original container as filled and sealed at the bottling plant, or from closed dispensers or containers fitted with a suitable faucet or spigot.

23.34 The rules and regulations as prepared and promulgated by the Louisiana State Board of Health shall be adhered to.

23.35 Racing associations shall provide a special barn, approved by the Commission, for the taking of all blood, urine and saliva tests. Horses shall be required to remain in the barn until all tests are taken. Personnel and facilities for the securing of saliva or urine or other samples and for the chemical analysis of such samples shall be prescribed by the Commission and shall be required at all meetings. Samples shall be taken from such horses as may be ordered by the Commission, stewards, or the State Steward.

23.36 Distance poles of all racing associations shall be of standard color designations, which are: one-quarter poles, red and white; one-eighth poles, green and white; one-sixteenth poles, black and white.

#### **LAC 11-6:24 Vendors**

24.1 All persons whose business or profession involves the selling or distribution of drugs, medications, pharmaceutical products, horse food or nutrients of any kind, or tack equipment on the grounds of an association, including their employees, shall be approved by the association and licensed by, and subject to the authority of, the Commission.

24.2 All drugs, medications, pharmaceutical products, and any other substances of a similar nature possessed or used within the

grounds of a racing association shall at all times bear appropriate labelling displaying the contents thereof.

24.3 Anyone anticipating distribution of tout sheets on association grounds must first get permission from the association, secure a license from the Commission, and clearly identify all owners and handicappers, on each sheet distributed.

#### **LAC 11-6:25 Entries**

25.1 Entries and declarations shall be made in writing and signed by the owner or trainer of the horse, or his authorized agent or his subagent. Jockey agents may make entries for owners or trainers after presenting the stewards with written permission from the owners or trainers.

25.2 The entrance to a race shall be free, unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it must accompany the entry.

25.3 In entering a horse it must be clearly identified by stating its age, name, color, sex, and the names of its sire and dam. Horses must be tattooed before being eligible to start. If its dam was covered by more than one stallion, the names of all of them must be given in order of service.

25.4 The entries of any person, or the transfer of any entry, may be refused for good cause.

25.5 On race courses and tracks less than a mile, in purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the association on the day of the race, which will be determined by lot when necessary, however, in races constituting the daily double and exactas, owners may declare out to ten interests. Declarations below eight interests may only be made by permission from the stewards.

25.6 No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a Quarter Horse, Thoroughbred, or Appaloosa. Registration of a Thoroughbred horse by the Jockey Club of New York, a Quarter Horse by the American Quarter Horse Association and an Appaloosa horse by the Appaloosa Horse Club, Inc., shall be prima facie evidence that such horse is a Thoroughbred, Quarter Horse or an Appaloosa. However, such registry shall not be conclusive evidence, nor binding on the Commission. At time of entry, certificate of registration from the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc. must be filed in the office of the racing secretary, except for certificate of registration filed at another track in the state which is then operating (foal certificate must be filed before starting). The stewards may at their discretion, waive this rule in the case of horses shipped in to start in stakes races.

25.7 No maiden five years old or older shall be allowed to start.

25.8 If a horse's name is changed, its new name shall be registered with the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc. and its old, as well as its new name, must be given in every entry list until it has run three races, and both names must be printed on official programs for those three races.

25.9 No horse shall be permitted to enter or to start unless it is in the care of, and is saddled by, a licensed trainer and has been fully identified.

25.10 No person shall change, or attempt to change, the identity of ownership of a horse in a manner which would violate these rules or the laws of the State.

25.11 No horse shall be permitted to enter or start unless approved by the association. Further, the stewards shall require that published past performances, in races or workouts, be sufficient to enable the public to make a reasonable assessment of its capabilities.

25.12 No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary. The registration certificate must be deposited in the office of the racing secretary within forty-eight hours after the date of arrival.

25.13 Whoever is in charge of a horse taken to the gate for schooling or work, must identify it to the starter or one of his assistants.

25.14 All ownership in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary before the horse shall start. Every change in ownership thereafter during the meeting shall also be filed with the racing secretary.

25.15 The holder of a mortgage, bill of sale, or lien of any kind against a horse, shall be required to file the same with the racing secretary prior to the time the horse is entered. Failure to do so shall forfeit his rights in the winnings of the horse prior to the time his claim is properly filed.

25.16 No horse may be entered for two races on a single day unless one is a stakes race.

25.17 A horse must be eligible to run at the time of starting.

25.18 If any entry from any disqualified person, or of a disqualified horse is received, such entry shall be void. No entry shall be accepted from husband or wife while either is disqualified. No horse on a steward's, veterinarian's, or schooling list shall be qualified to be entered, or to start.

25.19 Not more than two horses of the same ownership or interest shall be entered in any purse race or overnight event and both may start, or one or both may be declared at the option of the owner, but in conformity with the rules governing declarations. When making a double or joint entry, the owner or trainer must express a preference, and in no case may the two horses of an entry start to the exclusion of a single entry. In divided races, the starters in the separate divisions shall be determined by lot. In all races, joint entries may be made by any one or more of the owners. If a race is to be divided, an additional conditional entry may be accepted from any interest. Each interest may have a joint entry. All divided races will be considered separate races.

25.20 If any race fails to fill and is declared off, the names of all the horses that were entered therein shall be publicly posted in the office of the racing secretary not later than 1:00 p.m. of the same day, except all purse or handicap races having six or more separate interests at scratch time must be carded and run, with the exception of such races for two-year-olds between January 1 and June 30, both dates inclusive. The Commission steward shall be furnished with a copy of entries in races that fail to fill. In the event a carded or programmed race shall be called off, the association may split any race that may have been previously closed and cause a new drawing for post positions.

25.21 A nomination in a sweepstakes is a subscription and cannot be withdrawn.

25.22 Entrance money is not refunded on the death of a horse, or his failure to start.

25.23 Nominations shall be closed at the advertised time, and no nomination accepted thereafter. The racing secretary, however, may postpone closing of overnight races. When an hour for closing is designated, nominations for sweepstakes cannot be received afterwards, but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race. If a miscarriage of any nomination in a stakes race is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or it shall not be accepted.

25.24 When the nominations have closed they shall be compiled without delay by the racing secretary and conspicuously posted.

25.25 In the event the number of entries to any purse race is in excess of the number of horses permitted to start in such race, the starters for the race shall be determined by lot in the presence of those making the entries and the post positions shall be in the order in which they are drawn. The same methods shall be employed in determining the starters and post positions in split races.

25.26 A list of names not to exceed six may be drawn from the overflow entries and listed as eligible to start if originally carded horses are withdrawn. After a regularly carded horse, or horses, has been excused from a race, a new drawing shall be taken from the remaining horses on the also-eligible list and their order of eligibility and post positions shall be determined by the sequence in which they are drawn. The owner or trainer of any horse so

eligible, if he does not intend to start, shall notify the racing secretary not later than scratch time.

25.27 In a stakes race, the number of horses to compete will be limited only by the number of horses duly nominated and entered.

25.28 The entry of any horse which has been excused by the stewards from starting on account of physical disability or sickness shall not be accepted until the expiration of three calendar days after the day the horse was excused, except where a forty-eight hour entry rule prevails, then entry shall not be accepted until the expiration of three racing days after the day the horse was excused.

25.29 No alteration shall be made in any entry after closing of entries, but an error may be corrected.

25.30 Every owner or trainer shall, upon making an entry, be required to furnish the name of the jockey who rides his horse, or if this is not possible, he shall in any event be required to furnish it not later than scratch time. If no jockey has been named by that hour, the stewards shall name the best available rider.

25.31 A horse starting in a race, shall not be shod with ordinary or training shoes. Bar plates may be used only with the consent of the stewards, and permission to discontinue their use must be obtained from the stewards.

25.32 In cases where a trainer enters two horses each having bona fide separate owners, the horses may be allowed to run as separate betting units at the discretion of the stewards.

25.33 Conditions and payments for stakes and futurities scheduled by an association will be handled by the association unless authority is delegated to an organization approved by the Commission. However, in no case shall such authority be delegated to a person or organization residing or domiciled outside the State of Louisiana.

25.34 Post position shall be determined publicly by lot in the presence of the racing secretary or his deputy.

#### **LAC 11-6:26 Preferred List**

26.1 The racing secretary shall keep a list of all horses excluded from races because of too many entries, and they are to have preference in any race in which they may afterwards be entered in accordance with the regulations, as adopted by the racing secretary for the meeting. This shall be known as the preferred list.

26.2 Division of the preferred list with regard to claiming price and/or to distance shall be made at the discretion of the racing secretary, but whichever system is adopted shall be maintained for the entire meeting, unless a change is approved by the Commission.

26.3 If a horse has been excluded twice consecutively, it shall have preference over a horse excluded only once, and so on. No horse shall be placed on the preferred list if the owner thereof did not accept, when presented, the opportunity of starting. Horses whose names appear in the entries and have an opportunity to start will be given no preference whatsoever should they be entered for the following day and the race overfills.

26.4 A copy of the preferred list must be posted at the close of entries and any claim of error must be made by 10:00 a.m. of the following racing day.

26.5 In entering horses on the preferred list a claim of preference must be made at time of entry and noted on the entry, or the preference shall be lost.

26.6 No horse running in a trial will lose any preference for subsequent races, nor will such race be considered a stakes race.

#### **LAC 11-6:27 Declarations and Scratches**

27.1 No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent has given due notice in writing to the racing secretary.

27.2 For stakes races, if a horse is not named through the entry box at the usual time of closing, or as established in the conditions of the race as approved, the horse is automatically out.

27.3 The declaration or scratch of a horse out of an engagement is irrevocable. Horses may be declared from stakes races until forty-five minutes before post time for that race.

27.4 In purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the association on the day of the race, such right to be determined by lot when

necessary. However, in races constituting the daily double, exacta, or other such exotic wagering, owners may declare out to ten interests. Declarations below stipulated interests may only be made by permission from the stewards. Any race carded for exacta or exotic wagering must have at least eight betting interests, otherwise the stewards at their discretion may disallow exactas or exotic wagering for that particular race. The also-eligibles shall have the preference to scratch over regularly carded horses.

#### **LAC 11-6:28 Objections**

28.1 All objections, except claims of interference during a race, must be made to the stewards in writing and signed by the objector, and must be filed not later than one hour before post time. The stewards, however, may scratch an ineligible horse or reassign any prize a horse may have won, at any time.

28.2 Permission of the stewards is necessary before an objection can be withdrawn.

28.3 Any person or persons lodging an objection must pay all the costs and expenses incurred in determining the objection in such proportions as the stewards decide, unless relieved from such expense by the Commission. The stewards may require a cash deposit of fifty dollars before considering an objection, which may be forfeited if the objection should prove to be unreasonable or unnecessary.

28.4 Objections to a horse engaged in a race may be made by the owner, trainer, or jockey, of some other horse engaged in the same race, or by the officials of the meeting. Proof of the qualifications of any horse against which a protest has been lodged may be demanded by the stewards, and in default of such proof being given, they may declare the horse disqualified.

28.5 Objections to a horse based on what occurred in a race must be made before the numbers of the horses placed in the race have been officially confirmed.

28.6 Owners and trainers who make unnecessary complaints may be fined, suspended, or ruled off.

28.7 If by reason or sustained objection, ineligibility or insufficient weight, a race or place is erroneously awarded to another horse, the owner so wronged is entitled to the prize or money of which he was deprived, and in case of default, the stewards shall disqualify an owner who retains the prize money.

28.8 Pending a decision based on an objection, any prize which the horse against which the objection is lodged may have won, or may win, in the race, or any money held by the association as the price of a horse claimed in a race, if involved in the determination of the case, shall be withheld until the objection is determined.

28.9 In all cases of fraud, or willful deception, the time limitations shall not apply, provided the stewards are satisfied that the allegations are bona fide and are susceptible of verification. Also, the stewards may, on their own initiative, call for proof that a horse neither is disqualified in any respect, nor nominated by, nor the property wholly or in part, of a disqualified person, and in default of such proof, they may declare the horse disqualified.

28.10 Any objection to a horse, on the grounds of not having run the proper course, or of the race having been run on the wrong course, or of any other matter occurring in the race, must be made before the place of the horse in the race is confirmed officially.

#### **LAC 11-6:29 Postponement and Cancellation of Races**

29.1 If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded. No race which has closed shall be declared off except by the stewards.

#### **LAC 11-6:30 Pari-Mutuels**

30.1 No minor shall be allowed to wager. No jockey in racing colors shall enter the betting area.

30.2 Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window.

30.3 Should any emergency arise in connection with the operation of the pari-mutuel department which requires an immediate decision and is not covered by these rules, then the manager of the pari-mutuel department shall make the decision.

30.4 The manager of the pari-mutuel department shall be properly and timely advised by the placing judges prior to the beginning of wagering on each race, of the horses that will compete in the race.

30.5 When two or more horses run in a race, and are coupled because of common ties, they are called an "entry," and a wager on one of them shall be a wager on all of them.

30.6 When the number of horses competing in a race exceeds the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field," and a wager on one of them shall be a wager on all of them.

30.7 Before the wagering starts on each race, the morning line showing approximate odds on each horse may be posted on the public board. Entries shall be listed as one horse and, likewise, the field shall be listed as one horse. After wagering has begun on each race and immediately after there is one thousand dollars (more or less, depending on circumstances) in the straight pool, the approximate odds on each horse must be computed on each cycle of the tote and promptly posted on the tote board. The cycle of frequency of change on the totalizer board shall not be more than sixty seconds. The approximate odds shall agree with the amount wagered on each horse in the straight pool.

30.8 There shall be a minimum of four sets (and more under proper circumstances) of approximate odds posted during the wagering on each race. These odds, however, are approximate and not the exact figures used in the payoff.

30.9 The State Steward shall lock all pari-mutuel ticket issuing machines and sound the "off" bell when the horses leave the starting gate. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The State Steward, or the acting State Steward, may delay compliance with this rule in unusual circumstances. In no case shall the machines be unlocked until after the declaration that the result of the race is official.

30.10 If a horse, or horses, is locked in the gate, the proper racing official shall promptly notify the manager of the pari-mutuel department of the name and the number of the horse, or horses.

30.11 At the end of each race, the placing judges shall advise the manager of the pari-mutuel department via telephone of the official placement of the horses. No payoff shall be made until the receipt of such information, which will be followed in writing at the end of the race day.

30.12 If an error is made in posting the payoff figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the payoff, irrespective of the error on the public board. If because of mechanical failure, it is impossible to promptly correct the posted payoff, a statement shall be made over the public address system, stating the facts and corrections.

30.13 In the event of an irreparable breakdown of the totalizer, or the ticket issuing machine, or both, during the wagering on a race, the wagering for that race shall be declared closed. The payoff for that race shall be computed on the sums wagered in each pool up to the time of the breakdown. Wagering on the remaining races for that day, or until the next race after the defective machinery has been put in order, may be continued by employing the manual system of ticket selling. To cover this contingency it is suggested that each association shall have on hand at the beginning of a race day approved mutuel tickets for hand selling sufficient for not less than seven races.

30.14 In all cases when a horse has been excused by the stewards after wagering has started but before it becomes a starter, all money wagered on the horse so excused shall be deducted from the pool and refunded.

30.15 If a horse refuses to break, or wheels or props at the start, there shall be no refund, but if one horse, or more, is prevented from leaving the post at the start because of being locked in the gate, the money wagered on the horse, or horses, locked in the gate shall be deducted from the pool and be refunded.

30.16 If no horse finishes in a race, all money wagered on that race shall be refunded.

30.17 If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before the start, or all of the horses so coupled are locked in the gate.

30.18 If a jockey weighs in short of weight by more than two pounds, and his mount is disqualified in consequence of short weight, all monies wagered on the horse shall be deducted from the pool and shall be refunded on presentation of ticket sold on the horse.

30.19 In case of any entry, if one of the jockeys riding the entry weighs in short of weight by more than two pounds and his mount is disqualified in consequence of short weight, no refund shall be made unless the other portion of the entry is also disqualified for the same reason (short weight), in which case all money wagered on the entry so disqualified shall be deducted from the pool and shall be refunded. This rule applies with equal effect to the field.

30.20 In the case of a race postponed beyond the day originally scheduled, as elsewhere provided for, all money wagered on that race shall be refunded.

30.21 If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

30.22 In the event the track is thrown into darkness during the running of a race by virtue of a failure of electricity, such race shall be declared "no race" and all wagering upon the race shall be refunded.

30.23 If a horse wins and there is no money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any. If neither win nor place tickets were issued on a winning horse, then the straight pool shall be apportioned among holders of the show tickets.

30.24 If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

30.25 If no money has been wagered to show on a horse which is placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of shown tickets on the other horses which are placed first, second, or third in that race.

30.26 If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse. If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

30.27 When the results are "official," that word shall be flashed on the result board and shall signify that the placing of horses at that time by the judges is final insofar as the payoff is concerned. If any change is made in the order of finish of a race after the result is so declared official, it shall not affect the payoff. The posting on the result board of the order of winning, place, and show horses and the prices to be paid, shall not be deemed to signify that the result and prices are official until the "official" signal has been shown on the result board or announced by the public address system.

30.28 In the event of a foul being claimed, the work "inquiry" or "objection" shall be flashed forthwith on the result and mutuel board and an announcement thereof shall be made on the public address system.

30.29 Any ruling of the stewards with regard to the award of purse money made after the sign "official" has been purposely displayed by the placing judges shall have no bearing on the mutuel payoff.

30.30 Whenever there is a difference in any pool or pools, i.e., a difference between the sum total of the wagers on the individual horses as compared with the grand total as shown by the tote board, the larger amount shall be used as the basis for computing the payoff. The larger amount shall be used as the base on which the commissions are computed and paid to the association and to the State respectively.

30.31 The manager of the pari-mutuel department shall furnish a copy of all calculating sheets daily to the Commission. The association, if operating a pari-mutuel system without the totalizer system, shall, in taking off total or mutuel ticket sales, prepare two additional carbon copies thereof at the time of making, and furnish them to the Commission before the calculations for mutuel prices to be paid are made.

30.32 Complete and detailed records of each race, containing each change of readings of the odds and the actual possible payoff on each horse, shall be filed with the Commission at the end of each racing day.

30.33 The commission deducted by the association from pari-mutuel pools shall not exceed that percentage which is provided by law of the gross amount of money handled and the odd cents over any multiple of ten cents of winnings per dollar wagered. All associations licensed by the Commission to conduct racing under the pari-mutuel or certificate system of wagering must in all cases of a minus pool pay off \$1.10 on each \$1.00 wager.

30.34 Payments due on all wagers shall be made in conformity with the well-established practice of the pari-mutuel system. Money wagered on winning tickets is returned in full plus the profits. The practice is to work in dollars and not in number of tickets. The break permitted by law is deducted in all of the calculations which are necessary to arrive at the payoff prices, i.e., the odd cents over any multiple of ten cents of winnings per dollar wagered.

30.35 If an error is made in posting payoff figures on the public board, prior to the cashing of any pari-mutuel tickets affected by such error, it shall be corrected promptly and a statement explaining the facts made over the public address system.

30.36 In the event of an error in calculations of payoff prices which results in underpayments to the public, the aggregate of such underpayments shall be paid into the corresponding pool of the next race or races. If any such error should occur in computing the daily double or the exacta pools, the underpayment shall be added to the corresponding pool of the following race day for the daily double and the next exacta pool. Immediately upon the discovery of such an error, the Commission and the State Steward shall be furnished a detailed statement thereof in writing, signed by the association's manager of the mutuel department. In the event of an overpayment, the licensee shall absorb the amount paid in error.

#### **LAC 11-6:31 Dead Heats**

31.1 When a race results in a dead heat, the dead heat shall not be run off. Owners shall divide first and second money.

31.2 When two horses run a dead heat for first place, all prizes to which first and second horses should have been entitled shall be divided equally between them. This applies in dividing prizes, whatever the number of horses running a dead heat. Each horse shall be deemed a winner and liable to penalty for the amount he shall receive. Likewise, when two horses run a dead heat for second place, they shall divide the second and third money.

31.3 When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran the dead heat shall be deemed to have run a dead heat for first place.

31.4 If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

#### **LAC 11-6:32 Daily Double**

32.1 Only one daily double shall be permitted during any single race day. It shall be on the first and second races. All other forms of this type of wagering, with the exception of the exacta, are prohibited.

32.2 If either race of the daily double results in a dead heat, the payoff will be figured the same as a place pool, i.e., first, the regulation commission is deducted, then the total amount wagered on the winning combination is deducted, leaving the profit which is divided equally between holders of the winning combinations.

32.3 The payoff shall be posted after the pool closes and before the race completing the daily double has been run, except in the



event of a dead heat in the first half of the daily double, then the posting of the payoff may be deferred until the race completing the daily double has been run.

32.4 The daily double is not a parlay and has no connection with or relation to mutual betting. All tickets on the daily double will be calculated in an entirely separate pool. All tickets will be to win (straight) only. Entries are coupled in the daily double as in regular betting. Fields are coupled in the daily double as in regular betting.

32.5 If no ticket is sold combining the two winners, the daily double pool then shall be apportioned equally between those having tickets including the winner in the first race and those having tickets including the winner in the second race in the same manner in which a place pool is calculated and distributed. If no ticket is sold including the winner of the first race, the entire pool will be paid to holders of tickets which include the winner of the second race of the daily double. Likewise, if no ticket is sold including the winner of the second race, then the entire pool will be paid to holders of tickets which include the winner of the first race of the daily double. If no ticket is sold including the winner of either race, then the pool shall be paid to the holders of tickets which include the horses finishing second in the two races of the daily double.

32.6 If, for any reason, the second race of a daily double is cancelled and declared "no race," the daily double pool shall be distributed to the holders of the daily double tickets on the winner of the first race in the same manner as the straight pool of the first race is distributed, except as to the amount of distribution, which shall be controlled by the amount bet in the daily double pool.

32.7 If, for any reason, the first race of the daily double is cancelled and declared to be "no race," full and complete refund will be made of the daily double.

32.8 If any horse in the first half of the daily double not coupled with a starter is scratched or excused by the stewards, or if it is determined by the stewards that any horse not so coupled has been prevented from racing because of the failure of the stall doors of the starting gate to open, all money wagered on such horse shall be deducted from the daily double pool and shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon. Should any horse in the second half of the daily double not coupled with a starter be scratched or excused by the stewards, or if it be determined by such stewards that any horse not so coupled has been prevented from racing because of failure of the stall gate to open, then, all tickets combining the scratched horse with the actual winner of the first race in the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: "The net daily double pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winner of the first half and the quotient thus obtained shall be the price to be paid to holders of consolation tickets. The entire consolation pool shall be deducted from the net daily double pool."

32.9 If a ticket holder loses the first race of the daily double, and the horse is scratched in the second race, no money shall be refunded.

32.10 If no ticket is sold which would require distribution of the daily double pool as per the foregoing rules, a complete and full refund of the daily double pool shall be made.

32.11 Each association shall print the entire daily double rule in a conspicuous place in its race program.

#### **LAC 11-6:33 Exacta**

33.1 The object of the exacta is to select, in order, the official first and second place finishers in the designated exacta race. The exacta pool shall be held entirely separate from all other pools and is in no way a part of the daily double, or the win, place, or show pools.

33.2 Races in which exacta betting shall be conducted shall be approved by the Commission.

33.3 If a horse is scratched or excused from racing, no further tickets shall be sold designating that horse, and all tickets previously sold designating that horse shall be refunded and the money deducted from the gross pool.

33.4 In the event of a dead heat for win, the net pool shall be distributed to each combination of winners separately as in a win pool dead heat, e.g., in a dead heat of two horses there are two winning combinations, in a dead heat of three horses there are six winning combinations. In the event of a dead heat for second, the net pool shall be divided as in a win pool dead heat among holders of tickets combining the winner with each second place horse.

33.5 If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

33.6 Fields are prohibited in exacta races. Coupled entries are likewise prohibited in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of LAC 11-6:25.32. This rule shall not apply to handicaps, overnight handicaps and stakes race when designated by a licensee as an exacta race with prior approval of the Commission.

#### **LAC 11-6:34 Walking-Over**

34.1 If only one horse shall have weighed out, that horse shall be ridden past the judges' stand and go to the post, and shall then be deemed the winner.

34.2 In a sweepstakes, even if all the horses but one have declared forfeit, that horse must walkover, except by the written consent of all persons who pay forfeit.

34.3 In case of a walkover, one-half of the money offered to the winner is given.

34.4 When a walkover is the result of arrangements by owners of horses engaged, no portion of the added money nor any other prize need be given.

34.5 Any money or prize which, by the conditions of the race, is to go to the horse placed second, or in any lower place in the race, shall, if the winner has walked over, be dealt with as follows:

- A. If part of the stakes, it shall go to the winner.
- B. If a separate donation from the association or any other source, it shall not be given at all.
- C. If entrance money for the race, it shall go to the association.

#### **LAC 11-6:35 Colors**

35.1 Owners must provide themselves with suitable racing colors which must be registered with the racing secretary, except at tracks where colors are furnished by the association.

35.2 Anyone using colors other than his own is subject to be fined. However, in case of emergency the stewards may allow the use of substitute colors once.

35.3 Colors must be kept clean and in good repair. No colors that are vertical halves or quarters shall be allowed.

35.4 The Commission may refuse to accept for registration racing colors which:

- A. Are not readily distinguishable by color and pattern from racing colors currently registered in this state.
- B. Include advertising, promotional, or cartoon symbols or words, or which, in the opinion of the Commission, are not in keeping with the traditions of the turf.

35.5 Exceptions to the above may be allowed by the Commission upon request and approval.

35.6 The clerk of scales, and the valet serving a jockey, shall be jointly responsible for having the correct colors and cap on each rider when leaving the jockey room for the paddock.

#### **LAC 11-6:36 Equipment Changes**

36.1 Permission for any change of equipment from that which a horse carried in its last previous race can be obtained only from the stewards and must be obtained before the advertised scratch time.

36.2 Permission to add blinkers to equipment, or to discontinue the use of them, must be approved by the starter before being granted by the stewards.

#### **LAC 11-6:37 Whips**

37.1 In all races where a jockey will not ride with a whip, an announcement shall be made over the public address system of that fact. No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win. Jockeys are prohibited from whipping a horse upon the head, or

excessively, or brutally, or during the post parade except when necessary to control the horse.

37.2 No whip shall exceed twenty-eight inches in length, including the popper. All whips shall be approved by the stewards.

**LAC 11-6:38 Handicapper**

38.1 The handicapper shall assign the weights to be carried by each horse in a handicap.

38.2 The handicapper shall append to the weights for each handicap the day and hour from which winners will be liable to weight penalty. If there are no penalties, the fact shall be appended to the weights. No alteration of weights shall be made after publication.

38.3 In case of omission, through error, of the name or weight of a horse duly entered, the omission shall be rectified by the handicapper.

**LAC 11-6:39 Weight Penalties and Allowances**

39.1 Penalties are obligatory. Allowances are optional as to all or any part thereof, and must be claimed at time of entry.

39.2 A horse shall start with only the allowance to which it is entitled at the time of starting, regardless of its allowance at the time of entry. Horses incurring weight penalty or penalties for a race shall not be entitled to any weight allowance for that race. Horses not entitled to the first allowance in a race shall not be entitled to the second, and so on. Omission to claim an allowance is not cause of disqualification. No horse shall incur a penalty or be barred from any race for having been placed second or lower in any race. No horse shall be given an allowance for failure to finish second or in any lower place in any race. No horse shall receive an allowance for having been beaten in one or more races. This rule shall not prohibit maiden allowances or allowances to horses which have not won within a specific period or which have not won a race of specified value.

39.3 When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winning of that race until a winner has been adjudged.

39.4 Races won on tracks which are not reported in the Daily Racing Form or a comparable publication, shall not count toward penalties with respect to horses and apprentice jockeys.

39.5 No horse shall incur a weight penalty for a placement from which he is disqualified, but a horse placed through the disqualifi-

cation of another horse shall incur the weight penalties of that placement. No such placement, however, shall make a horse ineligible for a race which has already been run.

**LAC 11-6:40 Weight Scale**

40.1 The following is the attached scale of weights for ages, and shall be carried when not otherwise specified in the conditions of the race: (See below for weight scale.)

40.2 In races of intermediate lengths the weights for the shorter distance shall be carried.

40.3 In a race exclusively for two-year-olds the weight shall be one hundred twenty-two pounds when not otherwise specified in the conditions of the race. In a race for three-year-olds the weight shall be one hundred twenty-six pounds when not otherwise specified in the conditions of the race.

40.4 With the exception of handicaps, two-year-old fillies shall be allowed three pounds, and fillies and mares three years old and upward shall be allowed five pounds before September 1, and three pounds thereafter.

40.5 A weight allowance of three pounds will be allowed for all Louisiana bred horses, except in handicaps and stakes, or races exclusively for accredited Louisiana bred.

40.6 When a race is for two-year-olds, or exclusively for three-year-olds, or exclusively for four-year-olds, the minimum weight shall be one hundred twelve pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps, or stakes, or to races in which three-year-olds or four-year-olds compete with older horses. Nor shall this rule apply to quarter horses.

**LAC 11-6:41 Weighing Out**

41.1 Jockeys shall be weighed out by the clerk of scales not less than ten minutes before time for the race. In case of any change it shall be announced and posted.

41.2 If a horse runs in a throttle, hood, muzzle, martingale, breast plate or suspensory, they must be included in the jockey's weight. His weight shall also include his clothing, boots, goggles, arm number, saddle and its attachments, saddle cloth, pommel pad, etc. No whip, bridle, blinkers, head number, bit, reins, safety helmet, or number cloth shall be weighed. No bridle shall exceed two pounds in weight, and no whip shall exceed one pound in weight.

41.3 The association shall provide the only attendants who will be permitted to assist jockeys in weighing out.

**Weight Scale**

The following is the scale of weights for ages, and shall be carried when not otherwise specified in the conditions of the race:

Distance	Age	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
½ Mile	2-year-olds	—	—	—	—	—	—	—	105	108	111	114	114
	3-year-olds	117	117	119	119	121	123	125	126	127	128	129	129
	4-year-olds	130	130	130	130	130	130	130	130	130	130	130	130
	5-year-olds and up	130	130	130	130	130	130	130	130	130	130	130	130
Six Furlongs	2-year-olds	—	—	—	—	—	—	—	102	105	108	111	111
	3-year-olds	114	114	117	117	119	121	123	125	126	127	128	128
	4-year-olds	129	129	130	130	130	130	130	130	130	130	130	130
	5-year-olds and up	130	130	130	130	130	130	130	130	130	130	130	130
1 Mile	2-year-olds	—	—	—	—	—	—	—	—	96	99	102	102
	3-year-olds	107	107	111	111	113	115	117	119	121	122	123	123
	4-year-olds	127	127	128	128	127	126	126	126	126	126	126	126
	5-year-olds and up	128	128	128	128	127	126	126	126	126	126	126	126
1¼ Miles	2-year-olds	—	—	—	—	—	—	—	—	—	—	—	—
	3-year-olds	101	101	107	107	111	113	116	118	120	121	122	122
	4-year-olds	125	125	127	127	127	126	126	126	126	126	126	126
	5-year-olds and up	127	127	127	127	127	126	126	126	126	126	126	126
2 Miles	2-year-olds	—	—	—	—	—	—	—	—	—	—	—	—
	3-year-olds	98	98	104	104	108	111	114	117	119	121	122	122
	4-year-olds	124	124	126	126	126	126	126	126	126	126	126	126
	5-year-olds and up	126	126	126	126	126	126	126	126	126	126	126	126
1½ Miles	3-year-olds	96	96	102	102	106	109	112	114	117	119	120	120
	4-year-olds	124	124	126	126	126	126	125	125	126	124	124	124
	5-year-olds and up	126	126	126	126	126	126	125	125	126	124	124	124



### **LAC 11-6:42 Paddock to Post**

42.1 Permission must be obtained from the stewards to exercise a horse between races unless the horse is being warmed up on the way for a race. The official program number of a horse warming up must be displayed by his rider.

42.2 Horses must be in the paddock at least fifteen minutes before post time. Every horse must be saddled in the paddock.

42.3 All horses shall parade, carrying their weight and wearing their equipment, from the paddock to the starting post. They must pass the stewards' stand in numerical order. Any horse failing to do so may be disqualified by the stewards. No lead pony leading a horse in the parade shall obstruct the public's view of the horse it is leading, except with permission of the stewards.

42.4 In case of emergency the stewards or the starter may permit all jockeys to dismount and all horses to be attended during a delay.

42.5 If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post.

### **LAC 11-6:43 Post to Finish**

43.1 A leading horse is entitled to any part of the track, but if any horse swerves, or is ridden to either side, so as to interfere with or impede any other horse, it is a foul. The offending horse may be disqualified, if in the opinion of the stewards the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding. If the stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.

43.2 No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment. No jockey shall unnecessarily cause his horse to shorten its stride so as to give the appearance of having suffered a foul. All horses shall be ridden out in every race.

43.3 The stewards shall take cognizance of foul riding whether or not a formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, trainer, or owner of the horse interfered with.

43.4 If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

43.5 No owner, trainer, or jockey shall make a frivolous claim of foul.

43.6 If a horse winning a race equals or betters a track record and is disqualified, its time will be recognized as a track record unless the horse was disqualified for being stimulated. This track record shall be noted with an asterisk which will reveal that the horse was disqualified when it established the record.

### **LAC 11-6:44 Weighing In**

44.1 After a race, all jockeys shall be weighed in unless excused by the stewards.

44.2 No one shall assist a jockey unsaddling except by permission of the stewards, and no one shall throw any covering over a horse before it is unsaddled.

44.3 Each jockey shall weigh in at the same weight at which he weighed out, and if short by more than two pounds his mount shall be disqualified from any portion of the purse and all money wagered on it returned to holders of redeemable tickets.

### **LAC 11-6:45 Claiming Rule**

45.1 In claiming races any horse is subject to being claimed for its entered price by any racing interest recognized by the Commission, by any licensed horse owner, or his authorized agent, but only for the account of the person making the claim, or for whom the claim was made by the agent (provided however, that no person shall claim his own horse or a horse in which he has an interest or cause his horse to be claimed directly or indirectly for his own account). Also, a claim may be made by any person who has established his qualifications to claim by filing an application for license as a horse owner and has been granted a certificate authorizing the claim by the stewards at the meeting where a horse is to be claimed. A claim certificate shall not be issued until all conditions and qualifications for a horse owner's license have been met or completed. A claim certificate thus issued will be voided if

no claim is made within thirty days of the issuance, and the owner's license will be withdrawn.

45.2 The licensed prospective claimant must have obtained the services of a licensed trainer and may be required to provide additional evidence of his qualifications as a horse owner when such evidence is requested by the stewards of the meeting.

45.3 A claimed horse shall not enter in starter, optional, or claiming races for thirty days after being claimed in a race in which the determining eligibility price is less than twenty-five percent more than the price at which the horse was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the thirty-first day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in other states will be recognized and enforced.

45.4 The claiming price of each horse in a claiming race shall be the entered claiming price, plus tax.

45.5 If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a selling or claiming race, for a period of thirty days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period, nor shall it race in any other state until after the close of the meeting at which it was claimed, unless special permission is obtained from the Commission. However, a horse claimed at a track in Louisiana must remain at the track where it was claimed for a period of sixty calendar days or until the current meeting at which it was claimed is terminated. The following calendar day shall be the first day and the horse shall be entitled to enter at another track in the state whenever necessary so the horse may start on the sixty-first day following the claim.

45.6 All claims shall be signed, sealed, time stamped, and deposited in a locked box provided for that purpose in a designated place, at least fifteen minutes prior to post time for each race. The claim box shall be opened by the stewards and all claims shall remain in their possession. The claim envelopes shall not be opened by the stewards earlier than ten minutes prior to post time for the designated race. Notification will be made by the stewards to the proper officials of any claim or claims, if any. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the horsemen's bookkeeper, must first deposit with the horsemen's bookkeeper the whole amount of his claim in cash, for which a receipt will be given. If more than one person shall enter a claim for the same horse, the disposition of the horse shall be decided by lot by one of the stewards or his deputy, and the person so determined to have the right of the claim shall become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it. Any horse, other than the winner, that has been claimed, shall be taken to the paddock after the race has been run, for delivery to the claimant unless sent to the retention barn for delivery to the claimant after the specimen has been collected.

45.7 Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound, or injured leaving the starting gate, during the race, or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the State of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested, the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the State Veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

45.8 No person shall claim more than one horse in a race.

45.9 Each horse shall run for the account of the person in whose name it starts.

45.10 When a claim has been lodged it is irrevocable, and it is at the risk of the claimant.

45.11 Where a claimed horse has had a posterior digital (heel nerve) neurotomy performed prior to the claim, the claimant shall have forty-eight hours from the moment that the horse becomes a starter to protest the claim.

45.12 If the stewards should be of the opinion that any person is claiming a horse for the benefit of another, they may require him to make an affidavit that he is not doing so.

45.13 No horse shall be delivered except on a written order from the racing secretary.

45.14 Any person refusing to deliver a claimed horse shall be suspended and his case referred to the Commission. The claimed horse is disqualified until it is delivered to the successful claimant.

45.15 In claiming races, engagements follow the horse.

45.16 Any person who shall attempt to prevent another person from claiming any horse in a claiming race, or any owners running a horse in any claiming races who may make any agreement for the protection of claiming of each other's horses, may be fined or suspended by the stewards or ruled off by the Commission.

45.17 Any person or persons who shall enter, or allow to be entered, in a claiming race a horse against which any claim is held, either as mortgage, bill of sale, or lien of any kind, shall be ruled off, unless when or before entering the horse the written consent of the holder of the claim shall be filed with the racing secretary where the horse is entered.

45.18 The stewards shall be the sole judge of the validity of a claim.

45.19 All claims shall be on blanks and in envelopes furnished by the association and approved by the Commission. Both blanks and envelopes must be filled out completely and be letter perfect, otherwise the claim will be void. The horse's name must be identical to the way it is printed in the official racing program of the association, otherwise the claim will be void.

45.20 When a trainer is training for more than one owner, only one claim from that stable will be allowed for any one race. Only one claim from owners having the same trainer will be allowed for any one horse.

45.21 Delivery of a claimed winning horse to the claimant or his representative shall be made in the Commission retention barn after specimens (blood, urine, and/or saliva) have been obtained. This rule shall also apply to claimed horses selected for extra tests ordered by the Commission, stewards, or racing officials.

45.22 Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

#### **LAC 11-6:46 Engagements and Transfers**

46.1 If a horse is sold by private treaty, or at public auction, the written acknowledgement of both parties is necessary to prove the fact that he was sold with his engagements, but when a horse is claimed out of a claiming race, the horse's engagements are included.

#### **LAC 11-6:47 Winnings**

47.1 Winnings shall include all first place money earned up to the time appointed for the start, and shall apply to all races in any country, and shall include money won by walking over or by virtue of forfeit, but not any other money, or the value of any prize not of money or not paid in money. Winnings during the year shall be reckoned from and include January 1.

47.2 Winner of a certain sum shall mean winner of a single race of that value, unless otherwise expressed in the conditions.

47.3 The winnings of a horse in a stakes race shall be computed on the value of the gross earnings. In estimating the net value of a race to the winner, all sums contributed by its owner or nominator shall be included in the amount it won.

47.4 In estimating the value of a series of races in which an extra sum of money is won by winning two or more of the series, the extra money shall be estimated in the last race by which it was finally won.

#### **LAC 11-6:48 Registration and Accreditation**

48.1 Any person or persons fraudulently registering, or attempting to fraudulently register, a Thoroughbred with the Jockey Club of New York, a Quarter Horse with the American Quarter Horse Association, or an Appaloosa with the Appaloosa Horse Club, Inc., shall be denied a license, or have his license revoked.

48.2 The above penalties will also be applicable to any person or persons using, or attempting to use, fraud to certify a foal as an accredited Louisiana bred with organizations recognized by the Commission and the State of Louisiana. Should any breeder organization, recognized by the Commission, discover any irregularities, it shall promptly, in writing, report such violations to the Commission.

#### **LAC 11-6:49 Quarter Horse Racing**

49.1 The rules of the Commission shall govern Quarter Horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the American Quarter Horse Association so long as they are consistent with the rules of the Commission.

49.2 Cases not covered by the American Quarter Horse Association's rules shall be decided by the stewards, with the advice and consent of the Commission.

49.3 The jurisdiction of a licensed Quarter Horse race meeting shall be vested solely with the Commission.

49.4 The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for Quarter Horses.

49.5 Races between Thoroughbred and Quarter Horses are prohibited unless special permission is granted by the Commission.

#### **LAC 11-6:50 Appaloosa Horse Racing**

50.1 The rules of the Commission shall govern Appaloosa horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the Appaloosa Horse Club, Inc. so long as they are consistent with the rules of the Commission.

50.2 Cases not covered by the rules of the Appaloosa Horse Club, Inc., shall be decided by the stewards, with the advice and consent of the Commission.

50.3 The jurisdiction of a licensed Appaloosa horse race meeting shall be vested solely with the Commission.

50.4 The official stud book and registry of the Appaloosa Horse Club, Inc. shall be recognized as the sole official registry for Appaloosa horses.

50.5 Races between Thoroughbred and Appaloosa horses and races between Quarter Horses and Appaloosa horses are prohibited unless special permission is granted by the Commission.

#### **LAC 11-6:51 Louisiana Breeder Awards**

51.1 Any amount paid under R.S. 4:165 and R.S. 4:177 shall not be included in estimating the value of the race to the winner. In construing this rule the definitions contained in the rules of racing adopted by the Commission shall apply. All questions arising under this rule as to the breeding or foaling or accreditation of any winning horse shall be decided by the Louisiana Thoroughbred Breeders Association, the Louisiana Quarter Horse Breeders Association or the Appaloosa Horse Club, Inc. In case of a dispute, either party may appeal to the Commission for final decision.

#### **LAC 11-6:52 Appeals to the Commission**

52.1 Any person penalized or disciplined by the stewards may appeal to the Commission for a suspensive appeal staying the effects of the stewards' action pending disposition of such appeal by the Commission. All appeals must be filed in writing at the office of the Commission within five days of the date of the penalty or imposition of the discipline.

52.2 Any license or legal entity granted privileges by the Commission may file with the Commission a petition for a declaratory order or ruling as to the applicability of any statutory provision, or any rule, or order of the Commission or its employees. Such petition shall be in writing and signed under oath by the petitioner. The petition shall contain sufficient information to enable the Commission to act thereupon and the Commission may request additional information and facts. The Commission shall issue its order or ruling as expeditiously as possible after deliberate consideration of the issues involved and the interests affected.

### **LAC 11-6:53 Corrupt and Prohibited Practices**

53.1 If any person gives or offers, or promises to directly or indirectly bribe in any form, any person having official duties in relation to any race or race horse, or to any trainer, jockey or agent, or to any other person having charge of, or access to, any race horse; or if any person having official duties in relation to a race, or if any trainer, jockey, agent, or other person having charge of, or access to any race horse, shall accept, or offer any bribe in any form; or willfully enter, or cause to be entered, or to start in any race a horse which he knows or believes to be disqualified; or if any person is guilty of, or shall conspire with any other person for the commission of, or shall connive with any person being guilty of, any corrupt or fraudulent practice in relation to racing in this or any other country, such person may be disciplined as elsewhere provided in these rules or in the laws of the State.

53.2 Perjury in racing is the intentional making of a false written or oral statement in, or for use in, any proceeding or hearing before the Commission or the stewards, wherein the Commission or the stewards are authorized to take testimony. In order to constitute perjury in racing, the false statement must be made under sanction of an oath or an equivalent affirmation, and must relate to matter material to the issue of question in controversy. It is a necessary element of the offense that the person making such statement knew it to be false, but an unqualified statement of that which a person does not know or definitely believe to be true is equivalent to a statement of that which he knows to be false. Whoever commits or attempts to commit bribery, corrupt influencing, the fraudulent entering of a horse, a fraudulent practice in racing, or perjury, all as defined above may have his license revoked, be fined or suspended or both, or be ruled off of any race track under the jurisdiction of the Commission or any one or more of the foregoing as appropriate.

53.3 No assistant starter or jockey room employee may wager money or other valuable thing on the result of a race. No employee of any association licensed by this Commission shall furnish, other than to authorized persons, any information with respect to entries, scratches, results, or jockey changes in any race. No person shall solicit bets on the grounds of an association. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the ordinary whip approved, shall be possessed by anyone, or applied by anyone to a horse at any time on the grounds of an association during the meeting, whether in a race or otherwise. No person shall tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

53.4 Any substance or material for human or animal use, ingestion or injection, or for testing purposes that is not formally approved by the United States Food and Drug Administration is prohibited.

53.5 Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication made hypodermically must be done by a licensed veterinarian.

53.6 No medication shall be administered to a horse after the time fixed by the stewards and posted on the bulletin board in the racing secretary's office. Provided, however, that the time posted shall not be prior to entry in a race. If it is necessary to do so, it must be reported to the stewards by the trainer and the horse may be scratched.

53.7 A forbidden narcotic is a narcotic, the sale, possession, or use of which is prohibited by Federal, State, or local laws or regulations.

53.8 A stimulant, a depressant, a local anesthetic shall mean such substances as are commonly used by the medical and veterinary professions to produce such effects, and which are defined as such in accepted scientific publications.

53.9 The use of a stimulant, depressant, or anesthetic in a manner that might affect, or tend to affect, the racing performance of a horse is prohibited. (Stimulants and depressants are defined as medications which stimulate or depress the circulatory, respiratory, or central nervous systems.)

53.10 The use of any drug, regardless of how harmless or innocuous it might be, which by its very nature might mask or screen the presence of the aforementioned prohibited drugs is likewise prohibited.

53.11 Full use of modern therapeutic measures for the improvement and protection of the health of a horse is authorized; however, no such medication will be used on the day of the race except as may be provided in LAC 11-6:54 or by express permission of the stewards.

53.12 Personal veterinary records, which accurately record all medications shall be maintained by veterinarians, owners, trainers, and/or authorized personnel and will be made available to racing officials on request.

53.13 Controlled medication is permitted in Louisiana under the conditions set forth in LAC 11-6:54.

53.14 No person shall administer, or cause or knowingly permit to be administered, or connive at the administration of, any drug not permitted by LAC 11-6:54 to any horse entered for a race, which is of such character as could affect the speed of the horse in such race. Every owner, trainer, or groom must guard, or cause to be guarded, each horse owned, trained or attended by him in such manner as to prevent any person or persons from administering to the horse, by any method, any drug, not permitted by LAC 11-6:54, prior to the time of the start of the race which is of such character as to affect the speed of the horse in such race.

53.15 When a report is received from the State chemist reflecting in his expert opinion that the chemical analysis of blood, saliva, urine, or other samples taken from a horse indicate the presence of a forbidden narcotic, stimulant, depressant, or analgesic, local anesthetic or drugs of any description, not permitted by LAC 11-6:54, this shall be taken as prima facie evidence that such has been administered to the horse. Such shall also be taken as prima facie evidence that the owner, and/or trainer, and/or groom has been negligent in handling of the horse.

53.16 The owner, and/or trainer, and/or groom, and/or other person, shall be permitted to interpose reasonable and legitimate defenses before the Commission.

53.17 When a report as described in LAC 11-6:53.15 is received from the State chemist, the stewards shall conduct an investigation and a hearing. There shall be no ruling and the stable shall remain in good standing pending a ruling by the stewards. However, the horse alleged to have been administered any such chemical substance or material shall not enter in a race during the investigation and hearing.

53.18 The trainer and/or assistant trainer shall be responsible for and be the absolute insurer of the condition of the horses he enters regardless of acts of third parties. Trainers and/or assistant trainers are presumed to know the rules of the Commission.

53.19 Should the chemical analysis of any sample of the blood, saliva, urine, or other excretions of body fluids of any horse so analyzed contain any narcotic, stimulant, depressant, local anesthetic, analgesic, or drugs of any description, not permitted by LAC 11-6:54, the trainer of the horse may, after a hearing of the stewards, be suspended or ruled off, if the stewards conclude that the drug contained in the sample could have produced analgesia in, stimulated, or depressed the horse, or could have masked or screened a drug, not permitted by LAC 11-6:54, that could have produced analgesia in, stimulated or depressed the horse. The stable foreman, groom, and any other person shown to have had the care or attendance of the horse may be suspended, or ruled off. The owner or owners of a horse so found to have received such administration shall be denied, or shall promptly return, any portion of the purse or sweepstakes and any trophy in such race, and the same shall be distributed as in the case of a disqualification.

53.20 If a horse winning a race is disqualified, it will nonetheless be recognized as the winner of the race for the purpose of meeting the eligibility and conditions for all future races and the horse which is declared the official winner of the race will likewise be recognized as the winner of the race, pending final determination by proper authority.

53.21 If any owner, trainer, assistant trainer, groom, or stable attendant should interfere with, or use abusive language to the

State Veterinarian, his assistants, or any racing official while in the discharge of his duties, such person may be fined or suspended.

53.22 No person shall have in his possession, within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary (off-track) stable area, where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting, any prohibited drugs, hypodermic syringes or hypodermic needles or similar instruments which may be used for injection, except that licensed veterinarians may have in their possession such drugs, instruments or appliance, etc. as required in general veterinary practice.

53.23 Anyone tampering with a horse in any manner will be prosecuted as provided by law.

53.24 During the taking of a sample by a representative of the Commission, the owner, trainer, hot walker, groom, authorized agent, or chemist, representing the owner or trainer, may be present at all times. The sample so taken shall be placed in an authorized container and shall be immediately sealed, and the evidence of such sealing shall be indicated thereon by the signature of such representative of the owner or trainer. The veterinarian representing the owner or trainer shall have the right to attend and witness the examination and testing of the blood, saliva, or other excretion of body fluid.

53.25 The Commission, or the steward representing the Commission, investigating violations of law or the rules of the Commission, shall have the power to authorize searches of the person or the power to authorize entry and search of the stables, rooms, vehicles, or any other place within the track enclosure at which a race meeting is being held, or other tracks or places where horses eligible to race at the race meeting are kept. The Commission or the steward representing the Commission shall also have the authority to conduct or authorize searches of all persons licensed by the Commission, and of all employees and agents of any race track association licensed by the Commission, and of all vendors who are permitted by the race track association to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in stables, rooms, vehicles, or other places. Each licensee and permittee, in accepting a license, shall be deemed to have consented to such search and does waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule.

53.26 Each licensee and/or permittee, in accepting a license, shall be deemed to have consented to have any prior criminal arrest and/or criminal conviction disclosed and/or utilized during any steward's hearing, Commission hearing, or in any subsequent litigation arising from these hearings.

53.27 All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the person in charge of the detention barn. No person other than the owner, trainer, groom, or hot walker of a horse to be tested shall be admitted to the detention area without permission of the person in charge of the detention barn. No lead pony shall be admitted to the detention area without permission of the person in charge of the detention barn.

53.28 Stable equipment other than that necessary for washing and cooling out a horse is prohibited in the detention area. Buckets and water will be furnished by the person in charge of the detention barn. If a body brace is to be used, it shall be supplied by the responsible trainer and administered only with the permission, and in the presence of, the person in charge of the detention barn. A licensed veterinarian may attend a horse in the detention area only in the presence of the person in charge of the detention barn.

53.29 During the taking of a specimen from a horse, the owner, or responsible trainer (who, in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimen and so signify in writing.

53.30 All containers previously used for specimens shall be thoroughly cleaned in the Commission chemist's laboratory and shall be sealed with the laboratory stamp which shall not be broken except in the presence of the witness. Only water, with or without acetic acid, shall be used to moisten gauze used in collection of

saliva. Instruments and utensils used in the taking of samples shall be sterilized after each use.

53.31 The temperature of each sample shall be promptly taken and recorded by the person in charge of the detention barn or his assistant. The specimen shall be placed in a container and sealed with a double identification tag. One portion of such tag bearing a printed identification number shall remain with the sealed container. The other portion of such tag bearing the same printed identification number shall be detached in the presence of the witness, and the person in charge of the detention barn shall identify the horse from which such specimen was taken, as well as time, race, and day, verified by such witness, and such detached portions of identification tags shall be placed in a sealed envelope by the person in charge of the detention barn for delivery only to the Commission. The person in charge of the detention barn shall take every precaution to ensure that the Commission chemist and no member of the laboratory staff shall know the identity of the horse from which a specimen was taken prior to the completion of all testing thereon.

53.32 If after a horse remains a reasonable time in the detention area and a urine specimen has not been taken from the horse, the State Veterinarian may take a blood sample.

53.33 With the consent of the trainer or attendant, the person in charge of the detention barn may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen identification tag by the person in charge of the detention barn.

53.34 The person in charge of the detention barn shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the Commission chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

53.35 Each specimen shall be divided into portions so that one portion shall be used for initial testing for unknown substances, and another portion shall be preserved for further testing as the Commission may direct. The Commission chemist shall be responsible for safeguarding and testing each specimen delivered to his laboratory by the Commission representative.

53.36 The Commission chemist shall conduct individual tests for prohibited substances on each specimen, and shall identify any prohibited substance or metabolic derivative thereof.

53.37 Upon the finding that a test for prohibited substances is negative, the remaining portions of such specimen may be discarded. Upon the finding of test results which are suspicious, positive, or indicative of prohibited substances, such tests may be reconfirmed, and the remaining portion, if available, of such specimen shall be preserved and protected until such time as the stewards rule it may be discarded.

53.38 The Commission chemist shall submit to the State Steward a written report as to each specimen tested, indicating thereon by specimen tag identification number, whether a specimen was tested negative or positive for prohibited substances. The Commission chemist shall report test findings to no person other than the State Steward, Commission, or their designated representative.

53.39 In the event the Commission chemist should find a specimen suspicious of a prohibited medication, he may request additional time for test analysis and confirmation.

53.40 The horsemen's bookkeeper shall make no distribution of any purse until given clearance of chemical tests by the stewards.

53.41 The Commission chemist will make a further report to the State Steward and the Commission on any substance his tests showed, which is not normal in a horse. These reports shall be confidential and are not evidence for disciplinary action. They can be used as a warning to the trainer or veterinarian, by the stewards or by the Commission veterinarian, to improve his surveillance. The residue of specimen material from such tests will be preserved by the Commission chemist until released by the Commission.

53.42 In reporting to the State Steward that a test of a specimen was positive for a prohibited substance, the Commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of his professional opinion as to the positive finding.

### **LAC 11-6:54 Permitted Medication**

54.1 The use of phenylbutazone (Butazolidin), Arquel, and/or Lasix is permitted upon a race horse within a licensed racing enclosure or an auxiliary (off-track) stable area, subject to compliance with the following:

A. Only a veterinarian may prescribe, dispense, and administer phenylbutazone, Arquel and/or Lasix, except a trainer may administer phenylbutazone or Arquel if it is an ingestible or is topically applied.

B. Lasix may be administered the day of the race upon approval of the State Veterinarian. Lasix will not be administered to any horse racing in the State of Louisiana, except under the following conditions:

1. The subject horse must be known to bleed by either the Louisiana State Veterinarian or one of the association veterinarians, and will be considered a known bleeder.

2. When the subject horse is observed bleeding, it will not be accepted in the entries for a period of fourteen days, and then, only with the written consent of the Louisiana State Veterinarian. A known bleeder must remain on the Lasix list for a minimum of ninety days.

3. The Louisiana State Veterinarian at each track will keep an up to date list of horses placed on the Lasix or bleeders list and shall notify the other tracks that are racing in Louisiana.

4. Horses shipping in from other states, that intend to race in Louisiana, in order to qualify under this rule as known bleeders, must have filed in their behalf a statement to this effect from either the State Veterinarian or a licensed racing association veterinarian of that respective state. This statement must be filed with the Louisiana State Racing Commission veterinarian at the appropriate Louisiana track.

C. Daily reports of the administration of Lasix must be given to the State Veterinarian by 12:00 noon. They must be signed by the attending veterinarian and cosigned by the State Veterinarian, and must contain the following:

1. Date of the race.
2. Number of the race in which the horse is to run.
3. Name of the horse and its tattoo identification number.
4. Name of permitted medication or medications administered.
5. Hour and date that all permitted medication was administered to the horse.

D. Prior to or at the time of its entry in a race at each race meeting, a trainer shall report to the State Veterinarian each horse under his care by name, including the tattoo identification number, which shall run on phenylbutazone or Arquel. Once a horse is reported to be on a phenylbutazone or Arquel program, it shall be deemed to be continued on the program unless removed in accordance with the provisions of LAC 11-6:54.1F.

E. Whenever bleeder medication, Arquel, or phenylbutazone is to be administered to a horse entered for racing, that information will be posted for public information in the Daily Racing Form, and the Daily Racing Program.

F. Any horse on a phenylbutazone or Arquel program that races well and "lights the board" must be treated each time he races. A horse that races poorly, or is pronounced cured, or is not responding to phenylbutazone or Arquel therapy, may be taken off the treatment upon the recommendation of the treating veterinarian, subject to the approval of the State Veterinarian or, where a trainer administered the phenylbutazone or Arquel upon the recommendation of any veterinarian, subject to the approval of the State Veterinarian. Once a horse is taken off a phenylbutazone or Arquel program, it shall not be placed back on the phenylbutazone or Arquel for thirty days.

G. To insure that the use of phenylbutazone and Arquel is consistent and the reporting is accurate, the Commission reserves the right to pre-race blood tests or post-race urine tests, or both, whenever it is deemed necessary.

H. Notwithstanding anything herein contained to the contrary, phenylbutazone or Arquel shall not be prescribed, dispensed, or administered to a two-year-old horse.

54.2 As used in this rule, "veterinarian" shall mean a person who is licensed to practice veterinary medicine in Louisiana, and who is in good standing and is licensed by the Commission.

54.3 Any person found to have violated the provisions of this rule may be punishable by fine, and/or suspension, and/or revocation of license.

### **LAC 11-6:55 Training Tracks**

55.1 For the purpose of this rule a "training track" is an auxiliary race track on the grounds of any person or persons, associations or corporations used for workouts, schooling, starts, and the like of race horses that may start or be racing during a current meeting at a track of an association conducting racing with pari-mutuel wagering thereon, duly licensed by the Commission."

55.2 Anyone desiring to operate a training track must apply to the Commission for a license to conduct such a business. An application seeking such a license shall set forth the following:

A. The full name of the person, and if a corporation, the name of the state under which it is incorporated, and the names of the corporation's agents for the service of process within Louisiana.

B. If an association or corporation, the names of the stock holders and directors of the corporation or the names of the members of the association.

C. The exact location where it is desired to conduct a training track.

D. Whether or not the racing plant is owned or leased, and if leased the name and address of the owner, or if the owner is a corporation, the names of its directors and shareholders.

E. A statement of the assets and liabilities of the person applying for a license.

F. Such other information as the Commission may require.

55.3 The Commission, its stewards, agents and employees shall have full authority and jurisdiction over a licensed training track as may be appropriately exercised pursuant to R.S. 4:141 et seq. and the Rules of Racing as such apply to an association or licensee, or permittee and consistent therewith.

### **LAC 11-6:56 Deposit for Expenses**

56.1 A deposit of not less than fifty dollars nor more than five hundred dollars may be required by the Commission to defray the necessary expenses of witnesses called and necessary equipment required by the Commission upon appeal to the Commission of judges' or stewards' final rulings. If the Commission upholds the stewards' or judges' ruling, the necessary expenses of the Commission shall be deducted from the deposit and the balance, if any, shall be returned. If the Commission finds in favor of the appellant, the deposit will be returned.

Albert M. Stall, Chairman  
Racing Commission

## **RULE**

### **Department of Commerce Real Estate Commission**

#### **Rule 40**

School Investigation—The Commission shall have the authority, on its own motion, or following the consideration of a complaint made to it, to investigate any real estate school certified or licensed by it, to determine whether a school is complying with the rules and regulations of the Commission.

A. The Commission shall have the power and authority to revoke and/or suspend the certification of any school which it has previously licensed, if there is a violation of these regulations. In determining whether there has been a violation of the rules and regulations of the Commission, as they may relate to real estate schools, the Commission shall follow the provisions of R.S. 37:1456 regarding notice of charges, hearing, and suspension or revocation of certification.

B. All private real estate schools shall be subject to periodic visits by an official representative(s) of the Commission who will observe classroom activities, evaluate course content and instructor proficiency to insure that courses are being taught in accordance with the provisions set forth in R.S. 37:1461.

Stanley Passman, Executive Director  
Real Estate Commission

## RULES

### Board of Trustees for State Colleges and Universities

#### Policies and Procedures Manual

§6.5 A. An applicant living with his parents is classified as a resident if the parents have established a bona fide residence in Louisiana. Ordinarily a parent is considered to have established a residence in Louisiana if he actually resides and is employed full-time in the state. A parent who is unable to be employed or who is a housewife may be considered to have established a residence in Louisiana if there is convincing evidence that the person continuously resides in Louisiana. If only one parent qualifies as a resident of Louisiana, the student shall be classified as a resident. An individual who resides in Louisiana and is employed full-time in another state, or an individual who resides in another state and is employed full-time in Louisiana may be classified as a resident. In such case, appropriate documentary evidence shall be presented.

\* \* \* \*

#### §8.9 Academic Status of Students.

A. Full-time students. A full-time undergraduate student is one who is taking at least twelve semester hours, or its equivalent of scheduled work, during a regular semester or at least six semester hours during a summer session. A full-time graduate student is one who is taking at least nine semester hours, or its equivalent of scheduled work, during a regular semester. (For those institutions under the quarter system, a full-time undergraduate student is one who is taking at least eight semester hours, or its equivalent of scheduled work, during a quarter. A full-time graduate student is one who is taking at least six semester hours, or its equivalent of scheduled work, during a quarter.)

B. Part-time students. A part-time undergraduate student is one who is taking less than twelve semester hours during a regular semester or less than six semester hours during a summer session. A part-time graduate student is one who is taking less than nine semester hours during a regular semester. (For those institutions under the quarter system, a part-time undergraduate student is one who is taking less than eight semester hours during a quarter. A part-time graduate student is one who is taking less than six semester hours during a quarter.)

C. Special students. Institutions may designate certain students as special students and may consider them as full-time.

D. Hours pursued. Hours pursued are defined as all courses completed and those courses not completed in which the grade of WA, WB, WC, WD, and WF is received. In the case of a student repeating a course, the last grade and credits shall be used in computing the grade point average.

\* \* \* \*

### Part IX Athletic Policies

#### Preface

The intercollegiate athletic programs of the institutions under the jurisdiction of the Board shall be governed by these athletic policies.

Compliance with policies of the Board (as well as those of the National Collegiate Athletic Association (NCAA), National Junior College Athletic Association (NJCAA), Louisiana Association for Intercollegiate Athletics for Women (LAIAW), Southwest Association for Intercollegiate Athletics for Women (SWAIWA), and Association for Intercollegiate Athletics for Women (AIAW)) is the personal responsibility of each individual concerned insofar as any and all of these policies govern his or her actions.

The director(s) of athletics at each institution shall ensure that each individual concerned has available a current copy of the Board's *Policies and Procedures Manual* and current copies of the appropriate association manuals—NCAA, NJCAA, LAIAW, SWAIWA, and AIAW.

Unless otherwise specified in these Board policies, the manual of the appropriate association (NCAA, NJCAA, LAIAW, SWAIWA, AIAW) should be consulted to determine matters of athletic policy.

#### §9.1 Administration.

##### A. Athletic Committee.

1. The athletic policies of the institutions shall be determined by and shall be under direct supervision of the Board's Athletic Committee.

2. The Committee may suspend or place on probation an institution found in violation of any applicable policy, procedure, or rule.

3. The Committee may prohibit any student-athlete from competing for an institution and /or from participating in any championship meet or tournament, if the student-athlete has been adjudged in violation of any applicable policy, procedure, or rule.

4. When penalties for certain violations are not specifically covered by these athletic policies, the Committee shall use its discretion in affixing the penalties.

5. All actions of the Committee shall be subject to approval by the Board.

##### B. Coordinator of Athletics.

1. The Coordinator of Athletics shall be appointed by the Board, on recommendation of the Executive Director.

2. Duties of the Coordinator. The Coordinator:

a. Shall interpret these athletic policies and assist the member institutions in obtaining interpretations of NCAA, NJCAA, LAIAW, SWAIWA, and AIAW rules.

b. Shall be responsible for the enforcement of these athletic policies, and those of the NCAA, NJCAA, LAIAW, SWAIWA, and AIAW, and shall report violations and actions taken to any association of which an institution is a member.

c. Shall maintain a record of all athletic reports submitted in accordance with Sections 9.6D and 9.10 of this Part.

d. May, at his or her discretion, make inspections and investigations of an institution's athletic activities.

e. Shall impose all penalties prescribed in these athletic policies, as well as those indicated on the pre-enrollment applications. Public announcements pertaining to penalties imposed upon an institution shall be made only by the Coordinator.

f. Shall receive and act upon requests for eligibility rulings:

(1) A request for an eligibility ruling shall be submitted in writing by the athletic director at the institution.

(2) The following information shall be included in the request:

(a) The student-athlete's full name.

(b) The first date of matriculation in a junior college, college, or university.

(c) If a transfer, a positive statement that the student-athlete is eligible to return to the institution from which he or she is transferring.

(d) If a veteran, a statement as to voluntary or involuntary entrance to service, academic status at time of entering service, and length of time spent in the service.

(e) A positive statement, signed by the athletic director, as to prior participation (number of years and sports) in intercollegiate athletics.

(3) Omission of any of the above information shall invalidate the request.

g. Shall furnish each athletic director and coordinator with sufficient copies of the Board's *Policies and Procedures Manual*, and subsequent revisions.

h. Shall promote all athletic programs of the institutions through news media, alumni associations, and public contact.

i. Shall distribute the minutes of Faculty Commission meetings to presidents, athletic directors and coordinators, and commission members.

##### C. Faculty Commission.

1. The Faculty Commission, composed of the Chairperson of the Athletic Council from each institution, shall prepare



and present bylaws to the Athletic Committee and shall act as an appeals committee on rulings by the Coordinator.

2. Any proposed change to these athletic policies originating from an institution shall be presented through the Coordinator to the Faculty Commission for its consideration and presentation to the Athletic Committee. Any such proposed change shall be circulated to the Faculty Commission, athletic directors and coordinators, and presidents at least fifteen days prior to any recorded vote.

3. The Faculty Commission shall elect a chairperson and vice chairperson on an annual basis from among its members. This election shall be held at the first meeting following the national athletic association conventions.

4. All actions of the Faculty Commission shall be subject to approval by the Athletic Committee.

#### §9.2 Membership affiliation.

##### A. National associations.

1. Each institution shall be a member of the appropriate national association(s)—NCAA, NJCAA, and /or AIAW.

2. An institution may join other national, regional, or state associations.

B. Athletic conferences. An institution may be a member of a conference or participate as an independent.

#### §9.3 Finances.

A. All funds, including those from outside sources (cf. Subsections C and D below), used in an institution's athletic program shall be processed by the institution's chief financial officer, and are subject to audit.

B. Gate receipts, scholarship appropriations, athletic staff salary appropriations, receipts from sale of concessions and programs, and the twenty thousand dollars which the Board allocates are the only funds from State sources which may be expended for athletics.

C. Funds other than those from State sources may be used to support the athletic program. The value of a scholarship financed from other than State funds shall not exceed the value set forth in Section 9.4A of this Part, nor shall the use of scholarships financed from other than State funds exceed the limits set forth in Section 9.4B of this Part.

D. Federal money may be used as aid to student-athletes. However, each student-athlete, recruited and so aided, shall count as one of the total number of scholarships allowed as set forth in Section 9.4B of this Part.

E. Funds generated from athletic activities held on an institution's campus involving coaching personnel who are employed on a twelve-month basis shall be retained by that institution.

F. Athletic travel by members of an institution's athletic staff shall be charged to its athletic budget.

#### §9.4 Scholarships.

A. Value. A full athletic scholarship shall be defined according to current NCAA, NJCAA or AIAW policy.

B. Division of scholarships. The number of student-athletes on state athletic aid shall not exceed the total number, or the number (or equivalent dollar values) for each sport, as indicated by the following table:

Board's Limits on Per Year  
Allocation of Scholarships

Sports	Men	Women
Football	70	—
Basketball	15	12
Baseball	12	—
Softball	—	5
Track & Field, Cross Country	14	14
Tennis	4	5
Golf	4	5
Gymnastics	—	7
Swimming	—	5
Volleyball	—	5
Floater Scholarships*	10	10

\*An additional ten scholarships may be used in any sport other than football or basketball, in which case the limit for a sport set by the Board may be exceeded as long as the applicable national association rules are observed. The allocation of these ten floater scholarships by an institution shall be approved by the Coordinator of Athletics.

#### C. Restrictions.

1. A student-athlete who receives a scholarship in track, baseball, golf, tennis, gymnastics, weight lifting, swimming, bowling, or any spring or other sport shall not take part in football or basketball. However, a scholarship holder in football or basketball may be permitted to take part in such sports. This policy shall not apply if it is in conflict with rules of the applicable national associations.

2. Each institution shall comply with the conference scholarship rules of which it is a member.

#### D. Out-of-state scholarships.

1. No more than forty-seven percent of the total of scholarships available to student-athletes at an institution shall be awarded to out-of-state students. Of this number, no more than thirty shall be used for football. Out-of-state scholarships in excess of this number may be awarded if funds come from a source other than State funds, and provided the total scholarship limits as set forth in Section 9.4B of this Part are not exceeded.

2. An institution may waive out-of-state fees for a student-athlete only while he or she is an active participant. If the out-of-state student-athlete has completed his or her eligibility, then his or her out-of-state fees may be waived for not more than one year. This policy shall not apply if it is in conflict with rules of the applicable national association.

#### E. Penalties.

1. An institution that exceeds the out-of-state limit in any given year shall be required to reduce the total number of out-of-state scholarships allowed the following year by the number in excess of the limit.

2. For violation of giving athletic scholarships other than those authorized, an institution shall lose such scholarships, plus an additional scholarship for not less than one year; the student-athlete(s) awarded the scholarship(s) shall be ineligible at that institution for not more than one year.

3. An alternate penalty for awarding a student-athlete an unauthorized scholarship shall be a loss of eligibility for that student-athlete for one year. If he or she is a senior and has completed his or her eligibility, then the institution shall refund the money.

4. For exceeding the total number of tendered athletes allowed for each sport, the institution shall reduce immediately the number over the limit and lose for the following year one scholarship for each number over the total allowed tendered athletes. The number of total tendered athletes shall also be reduced by the same number.

#### §9.5 Eligibility.

A. The following eligibility policies shall apply to a student-athlete competing in an athletic contest sponsored by an institution:

1. A student-athlete shall be a bona fide registered student, regularly enrolled as a candidate for a degree, and doing full-time work in a regular course of study, unless a graduating senior. Additionally, a student-athlete shall be making normal progress, as defined by the institution.

2. A student-athlete shall not compete under an assumed name.

3. A student-athlete shall not have received a bachelor's degree, or as a graduate student shall comply with the rules of the applicable national association.

4. A high school graduate, upon his or her initial matriculation at an institution, who is ineligible to participate in a contest or organized practice during the first year in residence according to NCAA, NJCAA, LAIAW, SWAIAW, or AIAW rules, shall be eligible after the completion of two semesters, or three quarters, and twenty-four credit hours.

5. A student-athlete beyond his or her first year at an institution shall earn at least twenty-four semester hours, or the equivalent, in between seasons of competition in that respective sport.

6. All eligibility requirements shall be satisfied during the semester or quarter, or summer session preceding the semester or quarter, in which a student-athlete intends to participate (incomplete work within his or her own institution excepted). Only those credit hours granted after regular class attendance



will satisfy the requirements set forth in Subsections 1, 4, and 5 of Section 9.5A of this Part.

7. A student-athlete who has not officially attended an institution for one full academic year may appeal to the Coordinator of Athletics for immediate eligibility, if eligible at the time he or she left school.

8. A returning veteran shall be eligible at the academic level attained at the time of induction provided that the eligibility shall not exceed four years in any sport and provided he or she is eligible under all other policies.

9. If a student-athlete has served in the armed forces for a minimum of eighteen months, then Subsection 5 of Section 9.5A of this Part is waived for that period of service.

10. Athletic participation while a member of the armed forces (other than at the service academies) shall not count against a student-athlete's total intercollegiate competition.

11. A student-athlete suspended for academic, disciplinary, or other reasons by an institution, and who enlists voluntarily in the armed forces, shall not be eligible upon his or her discharge until the requirements set forth in Subsection 12 of Section 9.5A of this Part are met.

12. If a student-athlete withdraws from an institution after midterm of a regular semester or quarter in good standing and voluntarily enlists in the National Guard or Reserve unit and is on active duty for a period of at least six months, he or she shall be eligible immediately upon return to the same institution.

13. A student-athlete whose eligibility changes at the end of a quarter or semester, shall become eligible or ineligible to compete at the time the eligibility is officially certified by the student-athlete's institution, which shall not be later than the first day of classes of the following semester or quarter; if the student-athlete is eligible to compete at the time of the institution's first participation in a national association championship, the student-athlete shall remain eligible for the remainder of the meet or tournament.

14. A transfer student must be eligible to reenter the institution from which he or she is transferring.

15. All junior college level intercollegiate competition will count toward intercollegiate competition at an institution.

16. An institution may abide by a national association's hardship rule. The Coordinator of Athletics shall be presented the particular situation in writing and shall act as an agent to the national association.

B. Penalty. A student-athlete entering an institution in violation of Subsection 14 of Section 9.5A of this Part (Number 14 above) shall be permanently barred from participation at the institution.

#### §9.6 Recruiting.

A. An institutional employee, who is not a member of the institution's athletic staff, shall not serve as a talent scout (one who travels for an institution checking high school material, grades, and ability during the season and not actively taking part in coaching), unless the service is rendered on a voluntary basis. He or she shall not receive compensation or travel expenses.

B. Each institution shall be allowed to spend up to ten thousand dollars of its twenty thousand dollar Board allocation (cf. Section 9.3B of this Part) for its athletic recruitment program.

#### C. Signing dates.

1. For AIAW member institutions, the earliest date for signing a written statement of the amount, duration, conditions, and terms of financial aid based on athletic ability with a student-athlete shall be the first Monday in March.

2. For NCAA or NJCAA member institutions, the earliest dates for signing a written statement of the amount, duration, conditions, and terms of financial aid based on athletic ability with a student-athlete shall be as follows:

- a. Football—December 1.
- b. Basketball—March 1.
- c. Spring Sports—April 1.

3. If a high school athlete is participating in a football or basketball tournament or playoff, he or she shall not be signed until the completion of the contest.

4. A student-athlete who is signed before the dates enumerated above, shall be ineligible to participate at the institution with which he or she signed.

#### D. Pre-enrollment applications and letters of intent.

1. Pre-enrollment applications or letters of intent shall be signed on forms furnished and /or approved by the Coordinator of Athletics. A parent's (or guardian's) signature shall be required on the form if, and only if, the student-athlete is under eighteen years of age.

2. To be valid and binding, a duly signed and dated pre-enrollment application or letter of intent shall be forwarded to the Coordinator within fifteen days after a student-athlete (and parent or guardian if required) signs the form. Failure to forward the form as prescribed shall render the student-athlete free to sign with another institution.

3. The following policies shall apply to an institution if, and only if, they are not in conflict with the rules of the national association of which the institution is a member.

a. A student-athlete, who signs an athletic scholarship (partial or full) with one institution, and whose application is filed with the Coordinator of Athletics within fifteen days of the signing date, shall not sign with a second institution without loss of one year of eligibility; during this period, he or she shall not practice with or play for the second institution, nor be eligible for any type of scholarship award or other financial assistance, unless the student-athlete is released by the original signing institution. If released, the policy as set forth in Section 9.6E of this Part shall prevail. (These provisions shall also apply to a student-athlete who participates with one institution and then transfers to a second institution. These provisions shall not apply to a student-athlete whose financial assistance was terminated by the original institution with which he or she enrolled.)

b. An athletic scholarship award given by an institution to high school and transfer student-athletes shall be recognized and honored by all other institutions.

#### E. Migrants or transfers.

1. A migrant or transfer is a student-athlete who enters an institution after having registered at another institution. (Attendance at summer school is excepted.)

2. A migrant or transfer from an institution not under the jurisdiction of the Board shall cease to be classified as such after he or she has completed twenty-four semester hours, or the equivalent, in residence at an institution under the jurisdiction of the Board, provided he or she meets all other eligibility requirements.

3. If an institution is a member of the AIAW, a migrant or transfer shall be eligible for practice and competition; the student-athlete shall not be eligible for financial aid until completion of one academic year at that institution.

4. If an institution is a member of the NCAA or NJCAA, a migrant or transfer shall be eligible for practice and financial aid. The student-athlete shall not be eligible for competition until the completion of twenty-four semester hours, or the equivalent, at that institution.

#### F. Penalties.

1. If a prospective student-athlete is party to falsification of records, he or she shall be permanently barred from participating in athletics at an institution.

2. If there is proof that an individual, who is in any way a representative of an institution, has been a party to falsifying records or participating in any manner in irregular procedures regarding the establishing of a student-athlete's academic average, that institution shall be barred from any championship and post-season game participation in that sport for a period of one year.

#### §9.7 Supplemental policies.

A. A participant is any student-athlete who is on an athletic scholarship and /or who practices with an official team sponsored by an institution for intercollegiate competition.

B. A competitor is a student-athlete who takes part in any official intercollegiate contest.

C. A participant who drops from an athletic roster during a season may be replaced, provided the NCAA, NJCAA, or AIAW rules are not violated.

D. An institution shall be limited to a total of ten coaches for men's sports of football, basketball, baseball, and track; the number of part-time coaches shall not exceed the applicable

national association limitations on athletic staff. The directors of athletics and athletic trainers shall not be included in this total unless they are participating in the coaching activities of those four sports.

E. An institution shall be governed by the applicable national association rules pertaining to practice dates and playing seasons.

F. Spectator control. The responsibility of spectator control is vested with the Director of Athletics and /or any other institution official designated by the president of the home institution where the game or contest is being held; person(s) so designated shall be responsible for adequate policing, pertinent announcements over public address systems, and other measures necessary for the prevention of any exhibition of unsportsmanlike conduct.

§9.8 Penalties that may be assessed by the Coordinator. The Coordinator may impose any one or combination of the following penalties:

A. Warn an institution to desist from violating specific policies of the Board or rules of national associations.

B. Reduce an institution's number of scholarships either in total or in a particular sport for a period of one year or more.

C. Reduce an institution's out-of-state scholarships either in total or in a particular sport for a period of one year or more.

D. Require an institution to refund monies spent on scholarships for ineligible student-athletes.

E. Declare any student-athlete ineligible for one or all institutions for any specified period of time (which period may be indefinite or permanent).

F. Place an institution on probation.

G. Declare an institution ineligible for championships or post-season play in one or more sports for a specified period.

H. Prevent an institution from issuing new scholarships in one or more sports for a specified period.

#### §9.9 Appeals.

A. A ruling by the Coordinator may be appealed to the Faculty Commission.

B. Procedures for appealing.

1. A notice of appeal shall be submitted in writing to the Coordinator within five days of the ruling. The Coordinator shall not make public any penalties until the institution has appealed the ruling to its satisfaction or has exhausted all routes of appeal.

a. If the institution submits the appeal, it shall be signed by the athletic director.

b. If a student-athlete wishes to appeal, his or her appeal, along with the institution's recommendations, shall be submitted by the athletic director of the institution which the student-athlete attends or wishes to attend.

c. Only those appeals submitted in accordance with the above shall be considered valid.

2. Upon receipt of a valid appeal, the Coordinator shall:

a. Call a meeting of the Faculty Commission within fifteen days.

b. Notify all interested parties of the time and place of the meeting.

C. Meeting of the Faculty Commission.

1. Composition and organization.

a. The faculty Commission representative(s) of the institution(s) which submitted the appeal shall not serve on the Commission during the time this appeal or that of the student-athlete(s) is heard.

b. Five members of the Faculty Commission, who are eligible to serve on the Commission to hear the appeal, shall constitute a quorum.

c. The meeting shall be presided over by the Chairperson of the Faculty Commission, except in cases where the institution which the Chairperson represents is involved in the appeals case; in which case, the Vice Chairperson shall preside.

2. Hearing the appeal.

a. The Coordinator shall present the case and the basis for his or her ruling. This presentation shall include a written brief of the facts and supporting documents.

b. The institution(s) or individual(s) shall present the information pertinent to the appeal. This presentation shall

include a written brief of the facts and supporting documents.

c. These written briefs shall be provided to each eligible member of the Faculty Commission at least seven days prior to the date of the meeting.

d. The Coordinator, the appealing institution(s) or individual(s), and eligible members of the Commission may ask questions of any witness.

e. Copies of all documents related to the case shall be made a part of the minutes of the hearing.

f. If information pertinent to the case is not available at the time of hearing, the case shall be left open until such information is secured. If an institution refuses to provide information when requested to do so, or provides false information, the Coordinator's ruling shall prevail.

D. Further appeal.

1. An aggrieved party may appeal the decision of the Faculty Commission to the Board through the Athletic Committee. The chairperson of the Committee shall be notified of the party's decision to appeal within five days of the Commission's decision.

2. The review by the Athletic Committee shall be on the record compiled at the Faculty Commission hearing, which shall be forwarded through the Coordinator to the members of the Committee.

3. The Committee shall review the decision and make recommendations to the Board for its action.

#### §9.10 Lists and reports.

A. To the Coordinator:

1. The following lists shall be completed on forms furnished by the Coordinator (unless furnished by the member conference); shall be certified by the registrar at each institution as to credits, classification, hours earned, and entrance dates; and shall be signed by the institution's athletic director or coordinator.

a. An eligibility squad list shall be submitted the day prior to the beginning of competition in each sport.

b. A participation list shall be submitted within fifteen days of the completion of competition of each sport.

c. A transfer and junior college graduate list shall be submitted within six weeks of the date the student-athlete(s) entered the institution.

2. The Coordinator shall forward a completed copy of each of the lists to all institutions.

B. To the Board:

1. The following lists shall be completed on forms furnished by the Coordinator and shall be signed and certified by the institution's president and athletic director(s).

a. An annual report on financial aid to student-athletes shall be submitted at the close of each fiscal year.

b. An annual report on the number of coaches and their respective salaries shall be submitted at the close of each fiscal year.

c. An annual report on athletic income and expenditures shall be submitted at the close of each fiscal year.

2. The Coordinator shall furnish copies of these reports to all Board members and institution officials.

#### §9.11 Tickets and passes.

A. General policies.

1. Faculty and full-time employees of an institution shall have reduced prices on the purchase of season tickets only.

2. An institution shall offer a student spouse pass for ten dollars, which shall be valid for all sports.

3. Ticket prices for standing room space is left to the discretion of the institution.

4. An institution shall present a change in ticket plans to the Athletic Committee for its review and approval.

B. Football ticket policies.

1. Minimum prices for football tickets at an institution shall be as follows:

a. Box Seats—\$5.00.

b. Reserved Seats—\$3.50.

c. General Admission—\$3.00.

d. Student or Child—\$1.00.

2. An institution may charge \$2.50 for general admission seats in the end zone if the seats are bleachers.

C. Complimentary tickets and passes.

1. Complimentary tickets for home games may be issued as enumerated below upon an advanced request:

- a. Each player of the home team—up to four tickets.
- b. Each manager of the home team—up to two tickets.
- c. Each high school coach—up to two tickets.
- d. President of the home institution—up to twenty-four tickets.
- e. Athletic director(s) of the home institution—up to sixteen tickets.
- f. Each working member of the media—up to two tickets.
- g. Each member of the home coaching staff—up to six tickets.
- h. Each member of the Legislature—up to two tickets.
- i. Mayor of the city where institution is located—up to two tickets.
- j. Coordinator of Athletics—up to four tickets.
- k. The home member of the Faculty Commission—up to four tickets.
- l. Each working game official—up to two tickets.
- m. Each member of the home Athletic Council—up to two tickets.
- n. Visiting football team—up to one-hundred-forty tickets, mailed in advance; players and managers—two tickets each.
- o. Visiting basketball team—up to thirty tickets, mailed in advance.
- p. Minister pronouncing invocation—up to two tickets.
- q. Each vice president of the home institution—up to six tickets.
- r. State Superintendent of Education—up to four tickets.
- s. Each member of the Board of Regents—up to two tickets.
- t. Each member of the Board of Trustees—up to two tickets.
- u. Each member of the Board representing the district where the institution is located—up to an additional four tickets.
- v. Each former president of the home institution—up to four tickets.
- w. Each conference commissioner involved—up to four tickets.
- x. Each team physician—up to two tickets.
- y. Parish Superintendent of Education—up to two tickets.
- z. Marching Band Director for the home institution—up to two tickets.

2. Unless precluded by national association rules, an institution shall be allowed to grant three tickets to prospective student-athletes for attendance at an intercollegiate contest.

3. Arrangements for special occasions (e.g., bandnight) may be made to admit the particular individuals without issuing tickets.

4. Identification cards shall be available to members of the Faculty Commission and members of the institution's athletic staffs. A holder of one of these cards shall be eligible for two complimentary tickets to any intercollegiate athletic event under the jurisdiction of the Board.

5. Former student-athletes who have lettered shall be issued one complimentary ticket for a maximum period of five years following the completion of his or her eligibility.

§9.12 Intercollegiate athletic contracts.

A. Definition of a valid contract or agreement.

1. For an intercollegiate contract or agreement to be valid, it must be approved by the Board.

2. Once approved by the Board, it shall be forwarded to the Board of Regents for review and approval.

B. Distribution procedure.

1. The athletic director shall forward one copy of any proposed contract or agreement to the Coordinator of Athletics.

2. The athletic director shall forward two copies of any proposed contract or agreement to the Executive Director of the Board.

C. The Coordinator, and other Board staff, shall, upon receipt of any proposed contract(s) or agreement(s), review and present same to the Athletic Committee for recommendation and transmittal to the Board.

D. Required provisions of a contract or agreement.

1. It shall be all inclusive.

2. It shall contain the final terms of the proposal.

3. It shall be signed by the president of the contracting institution.

4. It shall have attached an explanation of terms and a statement of benefits to the institution.

E. Exceptions to Section 9.12A of this Part.

1. An institution may enter into binding contracts without prior approval of the Board if the following conditions are satisfied:

a. The contract is on a home and home basis.

b. The amount of game guarantees are of equal amount.

c. The contract contains a penalty clause that shall require full payment of the game guarantee in case of cancellation for any reasons, except for reasons beyond the control of the contracting parties as determined by the Athletic Committee.

2. An institution may enter into a contract provided the Coordinator and Athletic Committee review the information needed and authorize the signing thereof. This procedure may be used if the signing of the contract is of an urgent nature.

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

## RULES

### Board of Elementary and Secondary Education

#### Rule 3.01.51j

The Board revised Bulletin 741, *Handbook for School Administrators*, page 17 with the addition of paragraph 3 to read as follows: "In those instances where the State Board of Elementary and Secondary Education authorizes for a school system more stringent requirements than those presently contained in Bulletin 741, then the school system can deny a diploma from a particular school, but cannot deny that student a state diploma which certified that a student has met and completed the minimum requirements of the state."

The Board adopted this amendment to authorize local education agencies more stringent requirements for high school graduation than those stated in Bulletin 741.

\* \* \* \*

#### Rule 3.01.51k

The Board revised Bulletin 741, *Handbook for School Administrators*, page 2, paragraph 6 to read as follows: "Any other records as applicable to nonpublic schools that may be required by the State Board of Elementary and Secondary Education or the State Department of Education shall be submitted."

The Board also revised Bulletin 741, page 5, paragraph 5 to read as follows: "Any other reports as applicable to nonpublic schools that may be required by the State Board of Elementary and Secondary Education or the State Department of Education shall be submitted."

The Board adopted these revisions to require records and reports for nonpublic schools as are required for public schools.

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#### Rule 3.01.51L

The Board revised Bulletin 741, *Handbook for School Administrators*, Standards for Approval of Nonpublic Schools, page 2, paragraph 3 of Item B to read as follows: "However, upon retirement or replacement, they must be replaced by a degreed teacher eligible to teach under nonpublic school standards."

The Board adopted this revision to clarify teacher requirements for those teaching in nonpublic schools.

\* \* \* \*

**Rule 3.01.70v(21)**

The Board adopted policy to permit certified elementary teachers of reading to teach remedial reading at the high school level. This was originally published as an emergency rule in Volume 5, Number 6, June 20, 1978, issue of *Louisiana Register*.

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

**RULE**

**Department of Health and Human Resources  
Board of Embalmers and Funeral Directors**

**Rule 4. Funeral Establishments**

D. (2) Each funeral establishment licensed by this Board to conduct the business of funeral directing as defined in R.S. 37:831-861 must be owned by a person or persons licensed by this Board as follows:

A. Should the funeral establishment be a sole proprietorship, then the sole proprietor must be licensed by this Board;

B. Should the funeral establishment be a partnership as defined in the Louisiana Civil Code Articles 2801 et seq., then the partner or partners in charge of the conduct of said business and who have a meaningful and principal interest in the operation of the funeral establishment must be licensed by this Board. Any funeral establishment operating under a partnership agreement must provide this Board with a duly certified copy of the partnership agreement under which the parties intend to conduct the business. Any changes in such partnership agreement throughout its lifetime shall be reported to the Board by filing a duly certified copy of the complete agreement, as amended;

C. Should the funeral establishment be a corporation as defined in Louisiana R.S. 12:1 et seq., then the shareholder or shareholders of said corporation who are in charge of the conduct of said corporation, and who hold a majority interest in said corporation must be licensed by this Board. Any funeral establishment operating as a corporation must provide this Board with a duly certified copy of the Articles of Incorporation and Initial Report of said corporate entity. Any changes to said articles should be reported to the Board by filing a duly certified copy of the articles as amended.

This rule shall not affect those funeral establishments which were licensed by this Board prior to the passage of this rule.

Lloyd E. Eagan, Secretary  
Board of Embalmers and Funeral Directors

**RULES**

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

The Department of Health and Human Resources, Office of Family Security, has adopted 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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted 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 initially as an emergency rule effective July 1978.

The proposed policy reads as follows:

Effective for admissions on and after July 1, 1978, the Professional Activities Studies/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.

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted permanent policy regarding an increase in the maximum dispensing fee for prescriptions. This policy was adopted 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.

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following new rates of payment to Skilled Nursing Facilities, Intermediate Care Facilities I and Intermediate Care Facilities II. The rates were originally adopted as an emergency rule to be effective June 1, 1978. The new rates are as follows:

<b>New Rates</b>	<b>SNF</b>	<b>ICF I</b>	<b>ICF II</b>
Monthly	\$717.23	\$650.92	\$465.98
Daily	\$ 23.58	\$ 21.40	\$ 15.32

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

**RULES**

**Department of Health and Human Resources  
Office of Mental Retardation**

**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

**RULES**

**Department of Public Safety  
Office of Motor Vehicles**

**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

## RULES

### Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

6.8 Terms used in R.S. 37:700. By virtue of Act 73 of 1950 as amended by Acts 29 and 226 of 1968, Act 685 of 1970, and Acts 649 and 650 of 1974, State of Louisiana, the Board of Registration for Professional Engineers and Land Surveyors (Board), may receive and investigate complaints against Registered Professional Engineers and Land Surveyors (registrants) and make findings thereon (R.S. 37:700A). By a majority vote, the Board may reprove, or may suspend for a period not to exceed two years, or may revoke the Certificate of Registration for any registrant who (1) has been convicted of a felony, (2) has been found guilty by the Board of any fraud, deceit, gross negligence, misrepresentation, violation of contract or gross incompetency in his practice, or (3) has been found guilty of any fraud or deceit in obtaining his certificate or violation of any provision of the Act (R.S. 37:700B).

The Board hereby establishes the following definitions and interpretations of those terms and phrases within R.S. 37:700, which are not inconsistent with the Constitution and laws of the State of Louisiana, but are necessary for the Board to reasonably provide for the proper performance of its duties and the regulation of proceedings before it.

6.8.1 Fraud, deceit, and misrepresentation—intentional deception to secure gain, through attempts to deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, on any act which provides incorrect, false, or misleading information, upon which others might reasonably rely.

6.8.1.1 Examples of practice which the Board may consider to be applicable under the terms fraud, deceit, or misrepresentation include, but are not limited to:

6.8.1.1.1 The acceptance of compensation or benefits of any substantial nature, financial or otherwise, from more than one party for services on the same project or assignment or for services pertaining to the same project or assignment, unless the circumstances are fully disclosed to all interested parties. The phrases "benefits of any substantial nature" and "significant gratuity" are defined to mean any acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receiver, or otherwise compromise his ability to exercise his own judgment, without regard to such benefit or gratuity.

6.8.1.1.2 The solicitation or acceptance, directly or indirectly, of any financial or other valuable considerations, or

benefits of any substantial nature, from any supplier of materials or equipment for any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

6.8.1.1.3 The solicitation or acceptance of any significant gratuity, or benefits of any substantial nature, directly or indirectly, from contractors, their agents, servants or employees, or from any other party dealing with the registrant's client or employer in connection with any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

6.8.1.1.4 When in public service as a member, advisor or employee of a governmental body or department, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or department, the participation by the registrant in considerations or actions with respect to services provided by him or his organization in private practice to that governmental body or department.

6.8.1.1.5 The solicitation or acceptance of an engineering and/or surveying contract from a governmental body of which a principal, officer, or employee of the registrant's organization serves as a member.

6.8.1.1.6 The payment or offer of payment, either directly or indirectly of any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies. Political contributions or gifts not given with the intent to secure work, and which meet legal requirements, will not be considered as applicable.

6.8.1.1.7 Permitting the falsification or misrepresentation of the registrant's, or any associate's academic or professional qualifications; the misrepresentation or exaggeration of the registrant's degree of responsibility in or for the subject matter of prior assignments or the misrepresentation of pertinent fact concerning employers, employees, associates, joint ventures of the registrant's or his organization's past accomplishments with the intent and purpose of enhancing his qualifications and his work.

6.8.1.1.8 The permitting of the registrant's seal, stamp, or name to be affixed to any document which was not prepared by him or under his responsible supervision and control.

6.8.1.1.9 Permitting the falsification, misrepresentation or publication of technical reports, plans or documents which bear the registrant's name, seal, or stamp, when the issuance of such reports, plans or documents will mislead or misrepresent the truth.

6.8.2 Gross negligence shall mean the practice of engineering or land surveying by a registrant characterized by his lack of reasonable care, precaution, or attention to the rights, safety, or welfare of others, which could result in injury or damage to life or property.

6.8.2.1 Examples of practice which the Board may consider to be applicable under the phrase gross negligence include:

6.8.2.1.1 The preparation of an incomplete or inaccurate engineering or land surveying plan or document that is obviously below acceptable engineering standards, which is released for construction or other lawful purpose, and which could result in financial loss to a client or employer.

6.8.2.1.2 Failure of the registrant to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage to a client or employer.

6.8.3 Gross incompetency shall mean the practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he undertakes. The practice of engineering in an area other than



that in which the registrant has been issued a certificate will not be considered applicable provided the registrant is otherwise qualified by education or experience.

6.8.3.1 Examples of practice which the Board may consider to be applicable under the phrase gross incompetency include:

6.8.3.1.1 The undertaking of assignments other than those for which the registrant is qualified by education or experience in the specific technical fields involved.

6.8.3.1.2 The affixing of registrant's signature and/or seal to any engineering or land surveying plan or document dealing with subject matter in which the registrant lacks competence by virtue of education or experience.

\* \* \* \*

8.8 Any firm that has qualified with the Board in accordance with the above regulations shall be deemed to be a registrant as that term is used in R.S. 37:700 (B), and therefor shall be subject to those disciplinary provisions providing for reprove (privately or publicly), suspension or revocation of the right to practice engineering or land surveying in the State of Louisiana.

8.9 The Board has adopted regulations to govern corporations, partnerships, and individual proprietorships that offer land surveying services. These are similar to the regulations that govern engineering firms. Copies may be obtained from the Board office.

\* \* \* \*

15. Guidelines for Board Appointments. R.S. 37:683 (Act 73 of 1950, as amended, Section 3. "Board Appointments; Terms"), provides that the Board shall be comprised of nine registered professional engineers and one professional land surveyor. The Governor shall appoint registered professional engineer members to the Board from nominees recommended by the Louisiana Engineering Society and the registered professional land surveyor member from nominees recommended by the Louisiana Land Surveyors Association. The Louisiana Engineering Society and the Louisiana Land Surveyors Association have adopted guidelines for recommending nominees when vacancies occur.

R.S. 37:683 also provides that "at least two members of the Board shall be registered professional engineers who are active in the private practice of engineering, at least two of the members of the Board shall be registered professional engineers in government employment, at least two of the members of the Board shall be registered professional engineers employed in the field of industry, and at least two of the members shall be registered professional engineers employed in the field of education. Not less than one member of the Board shall be a registered professional engineer who is also a registered professional land surveyor, and who is engaged in the field of land surveying." Further, the professional land surveyor member shall be one "who is engaged exclusively in the field of surveying as the same may be construed in the broad generic sense."

In addition to the specific citations of law, it is desirable to maintain a Board balance of certain engineering disciplines (branches) in order for the Board to more effectively discharge its responsibilities.

The sitting Board is best qualified to determine its needs from the standpoint of desired disciplines and, more appropriately, to interpret the makeup of the Board from the standpoint of the division of engineering practice as provided in R.S. 37:683. The Board's legal counsel can also offer advice when the need arises.

Accordingly, the following guidelines and procedures will be observed in order that timely and prudent advice can be given to the Louisiana Engineering Society and the Louisiana Land Surveyors Association when voluntary or involuntary vacancies occur:

15.1 The Board of nine registered professional engineers and one registered professional land surveyor presently serving shall establish, upon acceptance of these guidelines, the divisions of engineering and surveying practice each represents. The nominating organizations will then be notified, by certified mail, return receipt requested.

At each annual meeting thereafter the Board will determine and publish in the minutes of the meeting, and include in the annual report issued to the Governor, the names of the sitting Board members and the respective division of engineering practice of each, in the case of engineers, and the identity of the registered professional land surveyor member. A copy of the list will be forwarded by certified mail, return receipt requested, to the Louisiana Engineering Society and the Louisiana Land Surveyors Association.

15.1.1 Registered professional engineering Board members shall continue to represent the division of engineering practice represented when appointed, unless formal advice has been received from the Louisiana Engineering Society on or before the date of the annual meeting that the division of engineering practice classification of a member has been changed.

15.1.1.1 If a Board member is not a member of the Louisiana Engineering Society, it shall be his duty to notify the Executive Secretary of any significant change in his regular employment; the Executive Secretary shall so advise the Louisiana Engineering Society for its action, if any, prior to the annual meeting.

15.1.1.2 Board members who retire from active practice shall continue to represent the division of engineering practice represented at the time of retirement.

15.1.2 The member serving as a registered professional land surveyor shall be that member who was appointed from a list of nominees provided by the Louisiana Land Surveyors Association.

15.2 The division of engineering practice classification of each Board member shall remain unchanged during each administrative year.

15.3 At each annual meeting an examination will be made of the anticipated vacancies scheduled to occur during the new administrative year because of expiration of terms of appointment, as published in the Roster, and the appropriate nominating organization shall be so notified, along with the official interpretation of the divisions of engineering practice represented, as well as a priority listing of the desired disciplines (branches) requested to be considered.

15.4 In the event of death, or resignation, of a Board member the Executive Secretary will immediately notify the appropriate nominating organization by telephone, with a recommendation that the official list published at the annual meeting be utilized toward determining its course of action. The verbal notification will be followed by a written communication, certified mail, return receipt requested, as soon as practical thereafter.

Daniel H. Vliet, Executive Secretary  
Board of Registration for Professional  
Engineers and Land Surveyors

## RULES

### Department of Wildlife and Fisheries

#### Falconry

1. Raptors for use in falconry may be captured or kept in captivity in Louisiana only under permit issued by the Department. "Raptor" as used in these regulations means a live migratory bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*), or of the family Falconidae, or the great horned owl (*Bubo virginianus*) of the family Strigidae. Before any falconry permit is issued the applicant shall be required to answer correctly at least eighty percent of the questions on a Federally approved examination provided and administered by the Department. The examination shall apply to all applicants for their first permit.

Applicants who show written proof of having successfully passed a Federally approved falconry examination in another state may be issued a Louisiana falconry permit.

2. Falconry permits shall be valid for a period of one year and shall be renewed on July 1 of each year. There shall be four classes of permits issued:

A. Apprentice Permit. An applicant for an apprentice permit shall be at least sixteen years old and shall be sponsored by a person holding a general or master falconry permit. A sponsor may not have more than three apprentices at any one time.

Apprentice permittees may not possess more than one raptor and may not obtain more than one raptor for replacement during any twelve-month period.

Apprentice permittees may take and possess only a passage American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), or red-shouldered hawk (*Buteo lineatus*). Such a bird may be taken from October 1 through February 26.

B. General Permit. An applicant for a general falconry permit shall be at least eighteen years old and shall have at least two years experience at the apprentice level or its equivalent.

General permittees may not possess more than two raptors and may not obtain more than two raptors for replacement during any twelve-month period.

Passage and eyas birds may be taken from October 1 through February 26 and eyasses only from May 1 through May 31 by general permittees.

C. Master Permit. An applicant for a master falconry permit shall have at least five years of experience in the practice of falconry at the general license level or its equivalent.

Master permittees may not possess more than three raptors and may not obtain more than two raptors for replacement during any twelve-month period.

Passage and eyas birds may be taken from October 1 through February 26 and eyasses only from May 1 through May 31 by master permittees.

D. Nonresident Permit. An applicant for a nonresident falconry permit shall possess a general or master falconry permit or license in his state of residence. A copy of this permit or license shall be submitted with the application.

Nonresident permittees may not import into or possess more than two raptors in Louisiana and may not obtain more than two raptors in this state for replacement during any twelve-month period.

Passage and eyas birds may be taken from October 1 through February 26 and eyasses only from May 1 through May 31 by nonresident permittees.

3. Permittees shall have in possession a falconry permit and a valid hunting license when engaged in the practice of falconry. In addition, a State game breeders license is required to keep any raptor in captivity. This license may be obtained from the Department at a cost of ten dollars annually.

4. Permittees shall abide by all seasons, bag limits, and other regulations of the Department when practicing falconry on game species. Protected birds and mammals taken incidentally by a raptor shall not be retained or possessed by a permittee.

5. Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred. If the period of care is to exceed thirty days, the Department shall be notified.

6. All raptors obtained shall be marked immediately upon acquisition by numbered nonreusable markers supplied by the United States Fish and Wildlife Service. These markers shall not be altered and shall be removed from birds which die, or are released into the wild, and surrendered immediately to the Department.

7. Permittees must submit a report to the Department by July 31 indicating the following information:

A. A listing of all raptors in his possession on June 30 by species, marker number, sex, age, and date and where or from whom acquired.

B. A listing of all raptors possessed or acquired since the previous annual report, but no longer possessed, by species, marker number, sex, age, date and where or from whom ac-

quired or given to, whether escaped, died, or released, and the date the event occurred.

C. A listing of all birds and mammals taken while engaged in the practice of falconry.

8. The Department may deny issuance or renewal or revoke any falconry permit if the applicant or permittee has been convicted of a violation of any Federal or State falconry regulation. A permittee whose permit has been denied or revoked shall immediately dispose of any raptors possessed under the authority of the falconry permit as directed by the Department.

9. All facilities and equipment shall be maintained at or above the standards established by these regulations.

A. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

B. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators, except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

C. The following items shall be in possession before a falconry permit can be issued:

(1) At least one pair of aliymeri or similar type jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when the raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown.

(2) At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

(3) At least one suitable water container, two to six inches deep and wider than the length of the raptor for each raptor.

(4) At least one weathering-area perch of acceptable design for each raptor.

(5) A reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than one-half ounce.

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### Seismic Exploration

1. The Louisiana Wildlife and Fisheries Commission will designate when, where and how such exploration work shall be conducted under the following rules and regulations. No seismic exploration work shall be started without the approval of the Secretary of the Department of Wildlife and Fisheries and all such work must be carried out in such manner as may be approved by the Secretary. The supervision of this work is under the Seafood Division. Applications for a permit may be made by letter giving name of the party chief and exploration company, and should be accompanied by a detailed map in duplicate showing the exact area in which the geophysical operations are to be conducted.

2. No seismic exploration work shall be conducted on any wildlife refuge, waterfowl refuge, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the agency in charge of such refuge, preserve, hatchery or reservation.

3. Each seismic exploration crew working in the State of Louisiana will always be accompanied by a seismic agent, unless exception has been granted by the Louisiana Wildlife and Fisheries Commission. When a crew employs more than one shooting component and the crews are at such a distance apart that it is

impossible for the seismic agent to travel from one to the other in time to observe the shots of such units, it may be required that an agent be assigned to each shooting component of this crew. The seismic agent may be present during the shooting operations of the party or parties to which he is assigned.

4. Daily reports on such exploration work shall be filed with the Seafood Division of the Department of Wildlife and Fisheries at the end of each working period, on forms provided by the Department. A separate report must be made for each day whether or not shooting is in progress. These reports must furnish complete information as indicated by the report form and must be signed by the party chief and by the seismic agent. The party chief will furnish only such information to the seismic agent as is required to fill out the daily reports. Should the Department of Wildlife and Fisheries wish to secure any other information, it will furnish the party chief with a written request.

5. Operators shall notify the Seafood Division of the Department of Wildlife and Fisheries of beginning, of interruption, and of cessation of work in any area, and shall keep the Department informed of name and address of the party chief, and location and movements of the crew or quarter boat.

6. Charges in excess of fifty pounds shall not be used except pursuant to express written authorization from the Chief of the Seafood Division of the Department of Wildlife and Fisheries. Requests for the use of such charges must be made in writing, giving the reasons why such charges are needed, the size of charges to be used, and the depth at which they are to be suspended or buried. Such requests should be addressed to the Seafood Division. Should multiple charges be used, the aggregate amount of explosives should not exceed fifty pounds without special permission from the Chief of the Seafood Division.

7. In the interpretation of these rules and regulations, the dividing line between North and South Louisiana will be latitude 31° North. The area lying South of this latitude is considered South Louisiana.

8. A. Minimum required depth of charges in South Louisiana and in all water areas shall be as follows for shots detonated in holes:

5 lbs. or less	20 feet
Up to 20 lbs.	40 feet
Up to 30 lbs.	50 feet
Up to 40 lbs.	60 feet
Up to 50 lbs.	70 feet

No part of the charge shall be above the minimum required depth. These minimum required depths shall not apply to trial charges and charges for determining condition of the weathering layer, or position and water speed; provided that such charges are not over five pounds, and not fired more than absolutely necessary.

B. Minimum required depths of charges in North Louisiana with the exception of water areas shall be as follows:

5 lbs. or less	15 feet
Up to 20 lbs.	20 feet
Up to 30 lbs.	25 feet
Up to 40 lbs.	30 feet
Up to 50 lbs.	35 feet

The placing of explosive charges on the bottoms of the waters of the Gulf of Mexico, Mississippi Sound, Breton Sound, Chandeleur Sound and Lake Borgne is prohibited. All charges not detonated in holes below the bottom must be suspended and detonated at a point not below the level midway between the surface of the water and the substratum underlying such water; or detonated above the surface of the water. Under no conditions should charges be detonated nearer than five feet to the water bottom or bed.

9. When more than one shot is fired in the same hole and there is any reasonable doubt in the mind of either the seismic agent or the field manager of the party as to the legal depth of the hole after the shot is fired, the hole will be measured for depth before

reloading to ascertain that it is the required depth in accordance with the charge and depth table.

10. All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes should be left in the water or unattended when the crew is not working.

11. All parties using pipe in water areas must have clearly stamped at each end of each joint the name or abbreviation of the name of the company using the pipe.

12. All two-by-twos used for survey lines must be clearly stamped with the name of the company using the stakes at approximately three-foot intervals. These stakes must be pulled upon the completion of the prospect.

13. All pipes, buoys, and other markers used in connection with seismic work shall be properly flagged in the daytime and lighted at night according to the navigation rules of the U. S. Engineers and the U. S. Coast Guard.

14. All holes drilled in geophysical operations in land areas must be filled, by the persons or agency drilling these holes, before leaving the location.

15. No explosives or other energy sources shall be discharged within two hundred fifty feet of any oyster reef or bed, including any State-owned natural reefs, without permission of the owner and/or lessee of the reef or bed, approved by the Louisiana Wildlife and Fisheries Commission.

16. All shotpoints in oyster areas must be approved by the Seafood Division before being fired.

17. No explosives shall be discharged within one thousand feet of a fishing boat without notice being given to such boat so that it may move from the area.

18. Persistent gas and water spouts caused by drilling or shooting operations of seismic crews in water areas will be stopped as soon as possible after they occur.

19. Boats, marsh buggies, or other types of marsh vehicles must be so used as to cause the minimum disturbance or damage to the lands, water bottoms, and wildlife and fisheries resources thereon.

20. No shooting will be allowed except in daylight hours so that the seismic agent may observe the results of each shot, except pursuant to express written authorization from the Chief of the Seafood Division. Such requests must be made in writing justifying this exception.

21. No shooting will be allowed in heavy fog due to danger to boats in close proximity.

22. Agents assigned to seismic crews are under the supervision of the Chief of the Seafood Division of the Department of Wildlife and Fisheries.

A. The supervisor, on request, will have access to all records, such as shot point location maps, shooters' logs and tracings, but only to the extent necessary to determine that all protective requirements have been complied with.

B. The interpretation of these rules and regulations by the supervisor will be accepted by the seismic operator and the seismic agent.

C. The party chief will instruct the members of his party as to these rules and regulations, and to the duty and authority of the Chief of the Seafood Division of the Department of Wildlife and Fisheries and the seismic agent.

D. The party chief will assist the seismic agent to fill out the required form by furnishing all necessary data.

23. When an agent is assigned to a crew, a fee of one thousand five hundred dollars per month will be charged geophysical operators working in the State of Louisiana. For any portion less than one month, a fee of seventy-five dollars per day will be charged. All payments will be made by the geophysical exploration companies directly to the Louisiana Department of Wildlife and Fisheries on or before the twentieth of each month; therefore, no payments will be made by the operators to the seismic agents.

24. The seismic agent has the right to stop any particular shooting operation, if, in his opinion, it will violate the above rules and

regulations, but does not have the authority to shut down the entire exploration work. If, in the opinion of the seismic agent, such violations continue, he will immediately contact the Department of Wildlife and Fisheries seismic supervisor, and the members of the exploration party will assist him to do this with all the facilities at their disposal.

25. The party chief will furnish the Department of Wildlife and Fisheries supervisor with whatever transportation needed to allow him to visit the working area, if requested.

26. The party chief is required to notify the Seafood Division of the Department of Wildlife and Fisheries if the seismic agent is not on the job, and will notify the seismic section supervisor if it should be necessary to relieve the agent at any time.

27. No seismic agent shall have the right to release any operator from the obligations imposed by these rules and regulations. Exceptions may be granted by the Louisiana Wildlife and Fisheries Commission only after written application setting forth reasons for this exception. The release, signed by the Secretary will designate the particular area and rule affected and the procedure to be followed in lieu of any established rule.

28. All operators conducting seismic operations shall use reasonable precaution in accordance with approved and accepted methods to prevent destruction of, or injury to, fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources and their habitat of the State of Louisiana.

29. Operators shall furnish to the Department of Wildlife and Fisheries a surety bond from a surety company authorized to do business in the State of Louisiana in the full sum of twenty-five thousand dollars when using more than one seismic crew in the field, or five thousand dollars when operating with only one crew. Bond forms may be obtained from the Seafood Division of the Department of Wildlife and Fisheries. The bond should be filled by the applicant.

30. Any violation of these or any other valid rules promulgated by the Louisiana Wildlife and Fisheries Commission for the regulation of seismic operations, or the refusal of any operator or its employees to comply fully with all orders and requirements which may be made by the Louisiana Wildlife and Fisheries Commission at the time the exploration is conducted, or any attempt to unduly influence any seismic agent to abstain from the enforcement of these regulations shall constitute peremptory cause for closing down all exploration work and may mean the barring of the party chief, party manager or field manager involved from future operations in this state.

31. These rules and regulations supersede all other rules and regulations issued prior to this date and are subject to change at the discretion of the Louisiana Wildlife and Fisheries Commission.

#### **Seismic Exploration Appendix A**

1. The seismic agent may be present during the shooting operations of the party to which he is assigned.

2. The seismic agent may be present on the boat from which shotholes are loaded and will check the hole depth. (By hole depth is meant the depth of hole from the surface of the ground, not the surface of the water, to the top of the last stick of dynamite placed in the hole.) This distance must never be less than twenty feet, in accordance with Section 8A of Rules Governing Seismic Exploration.

3. The seismic agent will test around the shothole and ascertain for himself that the shothole is drilled through no oyster bed or reef and that the shothole is at least two hundred fifty feet from any oyster bed or reef.

4. The seismic agent will keep a record of each shothole and fill out this record as required. This record is a daily report and must also be filled out for days when no work is done.

5. This record will be sent at the end of the working period to the Department of Wildlife and Fisheries, Seafood Division, 400 Royal Street, New Orleans, Louisiana 70130, and must be personally signed by the party chief or party manager and the seismic agent.

6. Seismic agents will assist the U. S. Engineers in seeing that all pipes are pulled, but the responsibility remains with the geophysical operators to remove the pipe.

7. After the shotpipe is pulled, the seismic agent will see that the discarded pipe is not thrown into the water but discarded properly.

8. The seismic agent will see that unused shotholes are lighted at night and marked by day according to navigation rules of the U. S. Corps of Engineers or U. S. Coast Guard. The same applies to the drill boat or any other boat which stays overnight in an open water area.

9. The seismic agent assigned to a seismic crew will not assume the duties of a game warden, but will report to the Department of Wildlife and Fisheries any violation of wildlife and fisheries laws or regulations as he sees them in the regular course of his duties.

10. The seismic agent will immediately notify the Department of Wildlife and Fisheries of any change of address of the seismic crew, change of his own address, change of location of the field office or quarterboat.

11. Agents should advise the party chief of crew to which they are assigned and the Department of Wildlife and Fisheries of their address after working hours and while away from home.

12. All correspondence and reports will be addressed to the Department of Wildlife and Fisheries, Seafood Division, 400 Royal Street, New Orleans, Louisiana 70130. Telephone (504) 568-5684.

#### **Seismic Exploration Appendix B**

The following permits are required to conduct geophysical operations in the State of Louisiana:

1. A permit from the Louisiana Wildlife and Fisheries Commission for all seismic exploration work in the State of Louisiana is required. The supervision of this work is under the Seafood Division of the Department of Wildlife and Fisheries, New Orleans, Louisiana.

2. A permit from the State Mineral Board is required to conduct any geophysical or geological exploration on State-owned lands or water bottoms. Application for permit should be made to the State Mineral Board, Baton Rouge, Louisiana.

3. A permit from the Department of Transportation is required for geophysical operations along the public highways of the State. (If public highways are not regularly maintained by the Department of Transportation, it shall be necessary to procure the consent of the police jury of the parish in which said public highway is located.) Permits are issued by the Department of Transportation, Baton Rouge, Louisiana.

4. A permit from the State Police is necessary for the transportation of explosives over the highways of Louisiana. Such permits are issued by the Department of Public Safety, Division of State Police, Baton Rouge, Louisiana. Inspection slips for such permits may be obtained from any State Police troop headquarters.

5. A permit from the United States Corps of Engineers is necessary when exploration work is to be conducted in navigable streams. Applications for such permits should be submitted to the District Engineer, Corps of Engineers, New Orleans District, Foot of Prytania Street, New Orleans, Louisiana; Vicksburg District, Vicksburg, Mississippi; or Galveston District, Galveston, Texas.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

#### **RULES**

#### **Department of Wildlife and Fisheries Stream Control Commission**

#### **Water Quality Criteria**

#### **Authorization for Criteria**

Pursuant to the authorization provided for in R.S. 56:1439, and in conformity with Public Law 89-234 (Federal Water Pollution Control Act of 1965) the Louisiana Stream Control Commission

initially adopted water quality criteria for the state's interstate streams, coastal waters, and streams discharging to coastal water in 1967. These criteria were later adopted to apply to the intrastate navigable tributary streams and water bodies tributary to the individual streams and water bodies listed in the original criteria.

In a letter to the Honorable Edwin Edwards, Governor of Louisiana, from Mr. Arthur W. Busch, Regional Administrator, United States Environmental Protection Agency, dated January 18, 1973, Mr. Busch stated in part: "We have determined that certain water use designations and associated water quality criteria in the present Louisiana Water Quality Standards must be revised to be fully consistent with the requirements of the Act.

"Attachments A and B have been prepared to provide specific details relative to policy guidelines and changes necessary to meet the intent of the Act.

"Please reconsider the present Louisiana Water Quality Standards and revise them to comply with the Act. The Act requires that appropriate revisions be adopted by April 18, 1973."

All changes in the Louisiana Water Quality Criteria contained in this revision were made in accordance with the above referenced letter, guidelines or required revisions, and in order to comply with provisions of Section 303(c) (1) and of the applicable parts of Public Law 92-500 (Federal Water Pollution Control Act Amendments of 1972).

The Louisiana Radiation Regulations which were established by the Louisiana Division of Radiation Control, approved by the Louisiana Board of Nuclear Energy, set forth specific standards for radioactivity in the waters and air of the state. These standards were set forth in Section C and Appendix A of the Louisiana Radiation Regulations.

The Louisiana Division of Radiation Control is authorized under R.S. 51:1055C. (7) to issue, modify, or revoke orders prohibiting or abating the discharge of radioactive material or waste to the ground, air, or waters of the state, in accordance with the provisions of the Louisiana Nuclear Energy Act (R.S. 51:1051 et seq.) and the Louisiana Radiation Regulations.

#### **Anti-degradation Statement**

It is the policy of the Louisiana Stream Control Commission that all interstate waters and intrastate waters, portions thereof, and coastal waters whose existing quality exceeds the approved water quality standards will be maintained at their existing high quality unless the state chooses after full satisfaction of the inter-governmental coordination and public participation provisions of the *State Continuing Planning Process* to allow lower water quality as a result of necessary and justifiable economic and/or social development, and further that such changes will not interfere with or become injurious to the existing instream water uses. The Louisiana Stream Control Commission will disapprove any waste discharge that will cause water quality degradation of interstate waters and intrastate waters, portions thereof, and the coastal waters of Louisiana below the standards adopted by the State of Louisiana and approved by the United States Environmental Protection Agency without complying with the Federal and State of Louisiana laws applicable to the attainment of water quality standards. Any industrial, public or private project or development that would constitute a new source of pollution or an increased source of pollution to any of the waters in Louisiana will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the area affected under the condition applicable to the project or development. Further, there shall be achieved the highest statutory and regulatory requirements for all existing point sources and feasible management or regulatory programs pursuant to Section 208 of Public Law 92-500 for nonpoint sources, both existing and proposed. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges, waters in the state scenic rivers system and waters of exceptional recreational or ecological significance. This policy and implementation method shall be consistent with Section 316 of PL 92-500 (Re: thermal discharges). Consistent with the provisions of the Federal Water

Pollution Control Act as amended (1972) (PL 92-500), the Louisiana Stream Control Commission will keep the United States Environmental Protection Agency informed of its activities and will furnish the United States Environmental Protection Agency informational reports, in such form as the Administrator of the United States Environmental Protection Agency may, from time to time reasonably require to carry out his function under the Federal Water Pollution Control Act Amendments of 1972. The Louisiana Stream Control Commission will consult and cooperate with the United States Environmental Protection Agency on matters that are proper consideration of the Federal Agency; the United States Environmental Protection Agency will reciprocate in matters that are a proper consideration of the Louisiana Stream Control Commission.

#### **Enforcement Criteria**

These criteria are official regulations of the Commission and any person, as defined in R.S. 56:1433, who violates these regulations shall be subject to the enforcement procedures of the Commission specified in R.S. 56:1441-1445.

Allegations of violation will be based on data obtained by the Division of Water Pollution Control, Louisiana Wildlife and Fisheries Commission, through its routine water quality monitoring program, stream surveys, investigation of complaints, or cooperative activities, and due allowances will be made for naturally occurring phenomena. Failure to meet any portion of these criteria shall not be the result of discharges of waste to the water body. The Louisiana Department of Health and Human Resources shall be responsible for determining compliance with the coliform portion of the criteria.

#### **Bases for Criteria**

The quality criteria for waters of Louisiana are based on their present and potential uses and the existing water quality indicated in data accumulated through monitoring programs of various agencies.

In accordance with Annex Number B of the United States Environmental Protection Agency's letter of January 18, 1973, addressed to the Honorable Edwin Edwards, Governor of Louisiana, a number of streams and water bodies which were not listed in previous standards are included in these revised criteria. In some cases, adequate water quality and flow data to establish standards were not available. Criteria for these streams and water bodies were established, based upon the best information available. Should the data indicate the need, the criteria will be revised and submitted to the Louisiana Stream Control Commission and the United States Environmental Protection Agency for approval.

The Division of Water Pollution Control maintains an extensive water quality monitoring network and also conducts frequent extensive stream surveys and special studies. Whenever data acquired from the above or other sources indicate the need, the Division will recommend revised standards to the Louisiana Stream Control Commission. Should the Commission concur with the need for revision, the revised standards will be submitted to the United States Environmental Protection Agency for approval.

#### **Errors**

Errors resulting from inadequate or erroneous data, human or clerical errors will be subject to correction by the Louisiana Stream Control Commission and the discovery of such errors does not render the remaining or unaffected standards invalid.

#### **Separability**

If any provisions of these criteria, or the application of any provision of these criteria to any person or circumstance, are held invalid, the application of such provision to other persons or circumstances, and the remainder of the criteria shall not be affected thereby.

#### **General**

With few exceptions, which in the main exist in estuarine waters affected by tidal influx or other waters adversely affected by natural phenomena, the streams of Louisiana contain waters of a quality suitable for any legitimate use without imposition of undue hardship on the user.

In a few cases attributable to man's past or present activities where the quality criteria are such that the water quality is not

suitable for all legitimate uses, it is anticipated that the state water quality management process will achieve water quality sufficient to achieve attainment of the 1983 goal of PL 92-500. Future developments (e. g. leaching from the soil of accumulated chlorides from oil field brines) will be such that adverse conditions will be lessened and the quality criteria may be periodically upgraded. Even in the case of naturally degraded waters there is the expectation that controls, such as isolation of limited watersheds with high salt content and structures to limit tidal intrusion, may permit future upgrading of quality criteria.

The criteria for Louisiana are designated in main to preserve and enhance existing water quality as it relates to suitability for various uses. In several instances, where existing technology permits, upgrading of water quality will be possible.

It is the position of Louisiana that the criteria contained herein are those that are reasonable on the basis of the present quality of our waters, present and future water uses and the best practicable waste water treatment under any conditions.

It is also our understanding that these criteria are not fixed for all time, but are subject to future revision. The nature of future revisions of these criteria will be strongly influenced by many factors. Among these are the following:

1. As a downstream or bordering state in all cases involving interstate streams, Louisiana's criteria will be affected by the quality of water received from its upstream and neighboring states.

2. As the most downstream state Louisiana's water quality will be affected by low and mean flows when interstate rivers become subject to flow regulation and diversion projects.

3. Changes in technology and natural conditions may permit upgrading or relaxation of numerical values provided such relaxation does not materially affect the suitability of the water for legitimate uses. Any change proposed under this part will be consistent with 40 CFR 130.17.

#### **Three Year Review Process**

The Louisiana Stream Control Commission shall from time to time—but at least once each three years—hold public hearings for the purposes of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the administrator of the United States Environmental Protection Agency (Sec. 303(c) (1)).

Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator of the United States Environmental Protection Agency. Such revised or new water quality standards shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of the State of Louisiana and the Federal Water Pollution Control Act Amendments of 1972. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation (consistent with stream uses classification policy on page 4 of the Guidelines for developing or revising water quality standards under the Federal Water Pollution Control Act Amendments of 1972).

#### **Sampling and Analytical Procedures**

Procedures for securing samples to be used in analyses for determination of compliance with the criteria shall be subject to the following restrictions:

1. Samples will be obtained at a depth or depths which adequately determine stream conditions.

2. Samples will be collected from the present established sampling stations to insure continuity in monitoring with that done in the past. In those cases where there are not sufficient established points it may be necessary to establish additional new ones. This statement does not preclude sampling at other points in the conducting of field investigations.

3. Collection and preservation of samples will be in accordance with accepted practices to assure representative samples of the water and minimized alterations prior to analyses.

Numerical values of the various parameters will be determined by analytical procedures prescribed by the regulatory agency. In general these procedures will follow the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation. Tests may also be in accordance with other acceptable methods which have proven to yield reliable data and meet with the approval of the Louisiana Stream Control Commission.

#### **General Criteria**

The following general criteria are applicable to the surface waters of the State of Louisiana and specifically apply with respect to substances attributed to waste discharges or the activities of man as opposed to natural phenomena.

Natural waters may, on occasion, have characteristics outside the limits established by these criteria; in which case these criteria do not apply. The criteria adopted herein related to the condition of water as affected by waste discharges or man's activities.

These general criteria do not supercede specific exceptions to any one or more of the following if the exception is specifically stated in a specific water quality standard. All waters of the state shall be capable of supporting desirable diversified aquatic life consisting of indigenous species of fish, shellfish and wildlife.

1. Aesthetics—The waters of the state shall be maintained in an aesthetically attractive condition and shall meet the generally accepted aesthetic qualifications.

All waters shall be free from such concentrations of substances attributable to wastewater or other discharges sufficient to (1) settle to form objectionable deposits; (2) float as debris, scum, oil, or other matter to form nuisances; (3) result in objectionable color, odor, taste, or turbidity; (4) injure or are toxic or produce adverse physiological response in humans, animals, fish, shellfish, wildlife, or plants; and, (5) produce undesirable or nuisance aquatic life.

2. Color—True color shall not be increased to the extent that it will interfere with present usage and projected future use of the streams and water bodies. Waters shall be virtually free from objectionable color; the source of supply should not exceed seventy-five color units on the platinum-cobalt scale for domestic water supplies; and increased color (in combination with turbidity) shall not reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonally established norm for aquatic life.

3. Floating, suspended and settleable solids—There shall be no substances present in concentration sufficient to produce distinctly visible turbidity, solids or scum, nor shall there be any formation of slimes, bottom deposits or sludge banks attributable to waste discharges from municipal, industrial, or other sources including agricultural practices.

Settleable and suspended solids shall not reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonally established norm for aquatic life.

4. Taste and odor—Taste and odor producing substances shall be limited to concentrations in the waters of the state that will not interfere with the production of potable water by reasonable water treatment methods, or impart unpalatable flavor to food fish, including shellfish, or result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the waters.

5. Toxic substances—Shall not be present in quantities that alone or in combination will be toxic to animal or plant life. In all cases the level shall not exceed the TLM 96 /10 (median tolerance limit). Bioassay techniques will be used in evaluating toxicity utilizing methods and species of test organisms suitable to the purpose at hand. In cases where the stream is used as a public water supply, the level of toxic substances shall not exceed the levels established by the United States Public Health Service drinking water standards latest edition.

6. Oils and greases—There shall be no free or floating oil or grease present in sufficient quantities to interfere with the designated uses, nor shall emulsified oils be present in sufficient quantities to interfere with the designated uses.

7. Foaming or frothing materials—None of a persistent nature.

8. Nutrients—The naturally occurring nitrogen-phosphorous ratio shall be maintained. On completion of detailed studies on the



naturally occurring levels of the various macro and micro nutrients the State will establish numerical limits on nutrients where possible.

9. Turbidity—There shall be no substantial increase in turbidity from ambient conditions due to waste discharges.

10. Other materials—Limits on other substances not specified in these revised water quality standards shall be in accordance with recommendations set by the Louisiana Stream Control Commission and/or the Louisiana Department of Health and Human Resources for municipal raw water sources.

#### **Water Use Classification**

Policy: It is the policy of the State of Louisiana that all state waters should be protected for recreational uses in and/or on the water and for the preservation and propagation of desirable species of aquatic biota such as indigenous species of fish, shellfish, and wildlife. Use and value of water for public water supplies, agricultural, industrial, and other purposes as well as navigation, shall also be considered in setting standards, but in no case, except as provided below, shall the criteria supporting these uses be permitted to interfere with recreational uses and the preservation of indigenous species of fish, shellfish, wildlife and desirable species of other aquatic biota.

Recreational uses will be specified as either "primary contact" or "secondary contact." Desirable species of fish, shellfish, wildlife, and other aquatic biota will be specified as "fresh warm water," or "marine waters." All future designations of stream uses and their associated criteria must, at a minimum, adhere to these classifications except as provided below.

Exceptions: Some waters, because of naturally occurring poor quality, man-made pollution or technological limitations may qualify for an excepted classification. This determination, however, will be made on a case-by-case basis following the analysis of each such area. In all cases where exceptions are proposed the concurrence of the Regional Administrator of the United States Environmental Protection Agency will first be obtained. In any case where the exception is based on technological limitations, the exception will be temporary, i.e., the exception will be reviewed at least every three years as required by Section 303 (c) of Public Law 92-500 to determine the possibility of upgrading.

In applying this policy, the terms "recreational uses" and "desirable species of aquatic biota" will be given common sense application. The existence of man-made pollution will be reviewed as a problem to be solved, not as an impediment against assigning this use classification. "Desirable species of aquatic biota" refers to a diverse and naturally occurring range of aquatic biota and not to species that exist in the area in question in disproportionate numbers as a result of man's waste discharges.

The most stringent criteria specified for each parameter shall be applicable where waters are classified for multiple uses.

#### **Class A: Water Contact Recreation and Other Uses (Primary Contact)**

A surface raw water source intended for uses where the human body may come in direct contact with the raw water to the point of complete body submergence. The raw water may be ingested accidentally and certain sensitive body organs such as eyes, ears, nose, etc., may be exposed to the water. Although the water may be ingested accidentally it is not intended to be used as a potable supply unless acceptable treatment is applied. Water may be used for swimming, water skiing, skin diving, other similar activities, or as a raw water source for public water supply, support and propagation of aquatic fish and wildlife, agricultural, industrial and navigational uses.

#### **Class B: Fish, Wildlife and Other Aquatic and Semi-Aquatic Life, Secondary Contact Recreation and Other Uses**

A surface raw water source, suitable for the growth and propagation of fish, other aquatic and semiaquatic life both marine and fresh water; waterfowl, fur bearers; and wildlife. This water may be used for warm water fish habitat, wildlife habitat, and other similar uses. This water is also suitable for secondary water contact recreation such as fishing, wading, boating, or activities where ingestion of the water is not probable or as a raw water source public water supply, agricultural, industrial and navigational uses.

Criteria for Class A and B are equal to or more stringent than those applicable for public water supply use as stated in the report of the National Technical Advisory Committee to the Secretary of the Interior on the *Water Quality Criteria*. However, when a water body is used as a public water supply it shall be identified as such in the standards for the stream and/or segment where the use occurs.

#### **Numerical Criteria**

These numerical criteria apply to the specific waters of Louisiana identified in the tables, their navigable tributaries, distributaries and ancillary streams, and waterbodies (unless such tributaries, distributaries and ancillary streams, or waterbodies are specifically identified and have numerical standards listed in this book) and specifically apply with respect to substances or conditions attributed to waste discharges or activities of man as opposed to natural phenomena.

pH—The pH range represents minimum and maximum conditions throughout the segment with reasonable gradients applying towards segment boundaries. In all cases the pH shall fall within the range of 6.0 to 9.0 unless otherwise specified in the tables. No discharge of wastes shall cause the pH of the water body to vary by more than one pH unit within the specified pH range for that segment where the discharge occurs. (This does not apply in the mixing zone.)

Chlorides, Sulfates, and Dissolved Solids—Values for these parameters apply to the approximate midpoint of the stream segment with reasonable gradients applying towards segment boundaries. Values listed in the standards in general represent the arithmetic mean of existing data plus one standard deviation.

Dissolved oxygen—The following dissolved oxygen (D.O.) values represent minimum values for the type of water specified. These values shall apply at all times except in naturally dystrophic waters or where natural conditions cause the dissolved oxygen to be depressed. For short periods of time, diurnal variations below the standard specified may occur. However, no waste discharge or activity of man shall lower the dissolved oxygen concentration to the point where the diurnal variation falls below the specified minimum.

Fresh water—For a diversified warm water biota including game fish, the daily D.O. concentration shall be above five milligrams per liter assuming normal seasonal and daily variations are above this concentration. However, they may range between five and four milligrams per liter for short periods of time during a twenty-four hour period, provided the water quality is favorable in all other respects.

Estuarine water—Dissolved oxygen concentrations in estuaries and tidal tributaries shall not be less than four milligrams per liter at any time or place except in naturally dystrophic waters, or where natural conditions cause D.O. to be depressed.

Coastal water—Dissolved oxygen concentration in surface coastal waters shall be greater than five milligrams per liter except when the upwellings and other natural phenomena may cause this value to be depressed.

#### **Temperature**

The temperature standards enumerated in the tables, in most cases, represent maximum values obtained from existing data. However, in a few cases a limited number of unusually high temperatures in the range of 35°-36°C have been deleted as it is felt that these values were recorded during conditions of unseasonably high temperatures and/or unusually low flows or water levels, and, therefore, do not represent normal maximum temperatures.

In order to protect a diversified warm water biota including game fish, the following temperature criteria shall apply (except when natural conditions cause the temperature to be raised above these limits).

The standard shall consist of two parts, a temperature differential and a maximum temperature. The temperature differential represents the maximum permissible rise above ambient conditions. There shall be no addition of artificial heat once the ambient temperature reaches the maximum temperature specified in the standards.

Fresh water temperature differential.

1. Maximum of 5°F (2.8°C) rise above ambient for streams and rivers.

2. Maximum of 3°F (1.7°C) rise above ambient for lakes and reservoirs.

Maximum temperature—90°F (32.2°C) except where otherwise listed in the tables or due to natural conditions. Estuarine and coastal waters temperature differential.

1. Maximum of 4°F (2.2°C) rise above ambient during the period October through May.

2. Maximum 1.5°F (0.83°C) during the period June through September.

Maximum temperature—95°F (35°C) except when natural conditions elevate temperature above this level.

These temperature criteria shall not apply to privately owned reservoirs, or reservoirs constructed solely for industrial cooling purposes.

### Bacterial Standards

The bacterial standard applicable to a particular stream segment depends upon the use classification of that individual stream segment. Limitations are placed on either fecal coliform content, most probable number (MPN) total coliform content, or a combination of both in order to achieve the stream sanitary quality required for the most restrictive stream water usage.

The tables in this document listing applicable criteria for each individual Louisiana stream segment designate one of the following four standards as applicable according to present and anticipated usage of the segment waters:

Standard 1. Primary contact recreation—Based on a minimum of not less than five samples taken over not more than a thirty-day period, the fecal coliform content shall not exceed a log mean of 200 /100 milliliters nor shall more than ten percent of the total samples during any thirty-day period exceed 400 /100 milliliters.

Standard 2. Secondary contact recreation—Based on a minimum of not less than five samples taken over not more than a thirty-day period, the fecal coliform content shall not exceed a log mean of 1,000 /100 milliliters nor shall more than ten percent of the total samples during any thirty-day period equal or exceed 2,000 /100 milliliters.

Standard 3. Public water supply—The monthly arithmetic average of total coliform MPN shall not exceed 10,000 /100 milliliters nor shall the monthly arithmetic average of fecal coliforms exceed 2,000 /100 milliliters.

Standard 4. Shellfish propagation—The monthly total coliform median MPN shall not exceed 70 per 100 milliliters and not more than ten percent of the samples ordinarily exceed a MPN of 230 /100 milliliters.

### Application of Standards

Flow conditions: Except where indicated below the water quality standards specified herein shall apply during all flow conditions.

Chemical parameters: The chemical parameters (except dissolved oxygen) represent maximum values for the segment specified

in the tables. These standards shall apply at all times except when natural conditions cause them to be exceeded.

Dissolved oxygen: The dissolved oxygen values represent minimum values for the type of water specified. These values shall apply at all times except in naturally dystrophic waters or where natural conditions cause the dissolved oxygen to be depressed; for short periods of time diurnal variations below the standard specified may occur. However, no waste discharge or activity of man shall lower the dissolved oxygen concentration to the point where diurnal variation falls below the specified minimum.

Temperature: The temperature standards represent maximum values and shall apply in all cases except when unusual natural conditions of extremely low flow and unseasonably high temperatures may cause the established temperature standard to be exceeded. There shall be no addition of artificial heat once the ambient temperature reaches the maximum specified in the standards.

General criteria and other parameters: The general criteria and other criteria not specifically discussed above shall apply at all times except when natural conditions may cause the standard to be exceeded.

Mixing zones: The total area and /or volume of a stream assigned to mixing zones will be limited to that which will: (1) not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem; (2) not diminish other beneficial uses disproportionately.

Zones of passage: In river streams, reservoirs, lakes, estuaries, and coastal waters, zones of passage are continuous water routes of the volume, area and quality necessary to allow passage of free-swimming and drifting organisms with no significant effects produced on their populations. These zones must be provided wherever mixing zones are allowed.

Because of varying local physical and chemical conditions and biological phenomena no single value can be given on the percentage of river (or stream) width necessary to allow passage of critical free-swimming and drifting organisms so that negligible or no effects are produced on their populations. As a guideline and except when otherwise specified by the Louisiana Stream Control Commission in a valid waste discharge permit the Mixing Zone will be limited to no more than 1 /4 of the cross sectional area and /or volume of flow of stream or estuary, leaving at least 3 /4 free as a zone of passage.

### Exceptions

The water quality standards will not apply to effluents. With the exception of the general criteria the water quality criteria will not apply to water in mixing zones as defined above or in a valid waste discharge permit from the Louisiana Stream Control Commission and /or a National Pollution Discharge Elimination System Permit.

## 1977 Numerical Water Quality Criteria for Louisiana Streams\*\*

Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
010010	Atchafalaya River—headwaters (Barbre Landing) to mile 118 (1.2 miles below mouth of Bayou Boeuf) (includes Grand Lake and Six Mile Lake) . . . . .	A	B	C	D	65	70	5.0	6.5 to 8.5	1	33	440
010020	West Atchafalaya Borrow Pit Canal (St. Landry and St. Martin Parishes) . . . . .	A	B	C		100	75	5.0	6.0 to 8.5	1	32	500
010030	Atchafalaya River—mile 118 to Atchafalaya Bay (tidal) . . . . .	A	B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
010040	Intracoastal Waterway (north-south)—Bayou Sorrell to Morgan City . . . . .		B	C		80	75	5.0	6.0 to 8.5	2	32	500
010050	Intracoastal Waterway (east-west)—Bayou Boeuf Locks to Wax Lake Outlet . . . . .		B	C		150	75	5.0	6.0 to 8.5	2	32	500
010060	Wax Lake Outlet (tidal) . . . . .		B	C		N/A	N/A	4.0	6.5 to 9.0	2	35*	N/A
010070	Atchafalaya Bay (tidal) . . . . .		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
020010	Bayou Verret (includes Bayou Chevereuil, Bayou Citamon and Grand Bayou, etc.) . . . . .	A	B	C		65	50	5.0	6.0 to 8.5	1	32	427
020020	Bayou Boeuf (includes Lake Boeuf and Bayou L'Ours) . . . . .	A	B	C		1000	500	5.0	6.0 to 8.5	1	32	2000
020030	Lake Des Allemands . . . . .	A	B	C		600	100	5.0	6.0 to 8.5	1	32	1320

Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
020040	Bayou Des Allemands—Lake Des Allemands to Lake Salvador (Scenic River)	A	B	C		600	100	5.0	6.0 to 8.5	1	32	1320
020050	Bayou Gauche	A	B	C		600	100	5.0	6.0 to 8.5	1	32	1320
020060	Lake Salvador (including Lake Cataouatche and Tributaries)		B	C		600	100	5.0	6.0 to 8.5	1	32	1320
020070	Bayou Rigolets—Lake Salvador to Little Lake and portions Baratania Waterway (shellfish) (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
020080	Little Lake (shellfish) (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
020090	Barataria Bay (including Caminada Creole, Hackberry Bay, Bay Batiste, and Bay Long) (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
020100	Intracoastal Waterway (east-west)—Larose to Mississippi River (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
030010	Calcasieu River—headwaters to Calcasieu River Salt water barrier (above Lake Charles)	A	B	C		62	35	5.0	6.0 to 8.5	1	32	225
030020	Mill Creek—headwaters (near Elizabeth) to Calcasieu River (Scenic River)		B	C		250	250	2.0	6.0 to 8.5	2	32	600
030030	Whiskey Chitto Creek—headwaters to Calcasieu River (Scenic River)	A	B	C		20	20	5.0	6.0 to 8.5	1	30	150
030040	Six Mile Creek—headwaters to Whiskey Chitto Creek (Scenic River)	A	B	C		20	20	5.0	6.0 to 8.5	1	30	150
030050	Ten Mile Creek—headwaters to Whiskey Chitto Creek (Scenic River)	A	B	C		20	20	5.0	6.0 to 8.5	1	30	150
030060	Bundicks Creek—headwaters to Whiskey Chitto Creek (including Bundicks Lake)	A	B	C		20	20	5.0	6.0 to 8.5	1	30	150
030070	Barnes Creek—headwaters to Calcasieu River	A	B	C		60	60	5.0	6.0 to 8.5	1	32	250
030080	English Bayou—headwaters to Calcasieu River	A	B	C		250	75	5.0	6.0 to 8.5	1	32	300
030090	Calcasieu River—salt water barrier to Moss Lake (tidal)	A	B	C		N/A	N/A	4.0	6.0 to 8.5	1	35*	N/A
030100	West Fork, Calcasieu River—headwaters to Calcasieu River	A	B	C		250	75	5.0	6.0 to 8.5	1	34	500
030110	Beckwith Creek—headwaters to West Fork Calcasieu River	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
030120	Hickory Creek—headwaters to West Fork Calcasieu River	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
030130	Houston River—headwaters to West Fork Calcasieu River	A	B	C		250	150	5.0	6.0 to 8.5	1	32	500
030140	Bayou D'Inde—headwaters to Calcasieu River (tidal)		B	C		N/A	N/A	2.0	6.5 to 9.0	2	35*	N/A
030150	Calcasieu River—Moss Lake to the Gulf of Mexico (tidal)	A	B	C		N/A	N/A	4.0	6.0 to 8.5	4	35*	N/A
030160	Intracoastal Waterway (east-west)—Sabine River to Calcasieu Lock (tidal)		B	C		N/A	N/A	4.0	6.0 to 8.5	2	35*	N/A
030170	Black Lake (tidal)		B	C		N/A	N/A	4.0	6.0 to 8.5	2	35*	N/A
040010	Comite River—Mississippi State line to Amite River (Scenic River)	A	B	C		25	10	5.0	6.0 to 8.5	1	32	150
040020	Amite River—Mississippi State Line to Lake Maurepas (includes Darlington Creek) (Scenic River)	A	B	C		25	10	5.0	6.0 to 8.5	1	32	150
040030	Bayou Manchac—headwaters to Amite River		B	C		25	10	5.0	6.0 to 8.5	2	32	150
040040	Blind River—headwaters to Lake Maurepas (Scenic River)		B	C		250	75	5.0	6.0 to 8.5	2	32	500
040050	Tickfaw River—Mississippi State Line to Lake Maurepas (Scenic River)	A	B	C		6	5	5.0	6.0 to 8.5	1	30	54
040060	Ponchatoula River—headwaters to Tickfaw River (includes Natalbany River)		B	C		30	20	5.0	6.0 to 8.5	2	30	150
040070	Lake Maurepas	A	B	C		1000	200	5.0	6.0 to 8.5	1	32	3000
040080	Pass Manchac—Lake Maurepas to Lake Pontchartrain	A	B	C		1000	1000	5.0	6.5 to 9.0	1	32	3000
040090	Tangipahoa River—Mississippi State Line to Lake Pontchartrain (Scenic River)	A	B	C		11	11	5.0	6.0 to 8.5	1	30	140
040100	Chappepella Creek—headwaters to Tangipahoa River (Scenic River)	A	B	C		20	20	5.0	6.0 to 8.5	1	30	140
040110	Tchefuncte River—headwaters to Lake Pontchartrain (Scenic River)	A	B	C		21	9	5.0	6.0 to 8.5	1	30	106
040120	Bogue Falaya—headwaters to Tchefuncte River	A	B	C		20	10	5.0	6.0 to 8.5	1	30	110
040130	Bayou Lacombe—headwaters to Lake Pontchartrain		B	C		30	30	5.0	6.0 to 8.5	1	32	150
040140	Bayou Bonfouca—Slidell to Lake Pontchartrain		B	C		250	100	5.0	6.0 to 8.5	1	32	500
040150	Lake Pontchartrain—west of Highway 11 Bridge (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
040160	Lake Pontchartrain—east of Highway 11 Bridge (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
040170	Industrial Canal—Mississippi River to Lake Pontchartrain (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
040180	Lake St. Catherine (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
040190	Rigolets and Chef Menteur Pass (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
040200	Intracoastal Waterway—Mississippi River to Mississippi State line (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
040210	Mississippi River Gulf Outlet—Intracoastal Canal to Breton Sound (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A

Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
040220	Lake Borgne (tidal)	A	B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040230	Bayou La Loutre—Hopedale to Chandelier Sound (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
040240	Eloi Bay (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040250	Lake Lafortuna (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040260	Morgan Harbor (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040270	Drum Bay (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040280	Chandelier Sound (tidal)	A	B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
040290	Bay Boudreau (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
050010	Bayou Nezpique—headwaters to Mermentau River	A	B	C		90	30	5.0	6.0 to 8.5	1	32	260
050020	Bayou Des Cannes—headwaters to Mermentau River (includes Chicot Lake)	A	B	C		90	30	5.0	6.0 to 8.5	1	32	260
050030	Bayou Mallet—headwaters to Bayou Des Cannes		B	C		90	30	5.0	6.0 to 8.5	2	32	260
050040	Bayou Plaquemine Brule—headwaters to Bayou Des Cannes		B	C		90	30	5.0	6.0 to 8.5	2	32	260
050050	Bayou Queue De Tortue—headwaters to Mermentau River		B	C		90	30	5.0	6.0 to 8.5	2	32	260
050060	Mermentau River—town of Mermentau to Grand Lake	A	B	C		90	30	5.0	6.0 to 8.5	1	32	260
050070	Lacassine Bayou—headwaters to Mermentau River	A	B	C		90	30	5.0	6.0 to 8.5	1	32	260
050080	Grand Lake, White Lake and contiguous water bodies	A	B	C		250	75	5.0	6.5 to 9.0	1	32	500
050090	Mermentau River—Grand Lake to Gulf of Mexico (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
050100	Little Pecan Bayou (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	2	35*	N/A
050110	Hog Bayou		B	C		250	75	5.0	6.5 to 9.0	4	32	500
050120	Vermilion River—Origin to Intracoastal Waterway	A	B	C		230	36	5.0	6.0 to 8.5	1	32	350
050130	Vermilion River—Intracoastal Waterway to Vermilion Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
050140	Bayou Tigre—Origin to Vermilion Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	2	35*	N/A
050150	Lake Peigneur (tidal)		B	C		N/A	N/A	4.0	6.0 to 8.5	1	35*	N/A
050155	Indian Creek and Indian Creek Reservoir	A	B	C	D	10	5	5.0	6.0 to 8.5	1	32	100
050160	Cocodrie Lake	A	B	C		10	5	5.0	6.0 to 8.5	1	32	100
050170	Spring Creek—headwaters to Cocodrie Lake (Scenic River)	A	B	C		10	5	5.0	6.0 to 8.5	1	30	100
050180	Bayou Cocodrie, Bayou Boeuf and Bayou Courtableau (headwaters of Bayou Teche) (Scenic River)	A	B	C		45	35	5.0	6.0 to 8.5	1	32	100
050190	Bayou Teche—headwaters to Keystone Locks and Dam	A	B	C	D	43	32	5.0	6.0 to 8.5	1	32	220
050200	Spanish Lake	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
050210	Bayou Teche—Keystone Locks and Dam to Charenton Canal	A	B	C	D	80	50	5.0	6.0 to 8.5	1	32	350
050213	Tete Bayou	A	B	C	D	80	50	5.0	6.0 to 8.5	1	32	350
050214	Loreauville Canal	A	B	C	D	80	50	5.0	6.0 to 8.5	1	32	350
050215	Lake Fausse Point (including Dauterive Lake)	A	B	C	D	80	50	5.0	6.0 to 8.5	1	32	350
050216	Charenton Canal—Lake Fausse Point to Bayou Teche	A	B	C	D	80	50	5.0	6.0 to 8.5	1	32	350
050220	Bayou Teche—Charenton Canal to Wax Lake	A	B	C	D	125	68	5.0	6.0 to 8.5	1	32	500
050225	Charenton Canal—Bayou Teche to Intracoastal Waterway	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
050226	Charenton Canal—Intracoastal Waterway to West Cote Blanche Bay (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
050230	Vermilion Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
050240	West Cote Blanche Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
050250	East Cote Blanche Bay Waterway (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
050260	Intracoastal Waterway (East-West)—Calcasieu Lock to Vermilion Lock		B	C		250	75	5.0	6.0 to 8.5	2	32	500
050270	Intracoastal Waterway (East-West)—Vermilion Lock to Wax Lake (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	2	35*	N/A
050280	Chatlin Lake Canal		B	C		75	75	5.0	6.5 to 8.5	2	32	500
050290	Bayou Dulac		B	C		75	75	5.0	6.5 to 8.5	2	32	500
050300	Lake Pearl		B	C		75	75	5.0	6.5 to 8.5	2	32	500
050310	Bayou Des Glaises	A	B	C		75	75	5.0	6.5 to 8.5	1	32	500
060010	Mississippi River: from Arkansas State line to Old River Control Structure		B	C		75	120	5.0	6.5 to 9.0	2	32	400
070020	Mississippi River: from Old River Control Structure to Huey P. Long Bridge above New Orleans		B	C	D	75	120	5.0	6.5 to 9.0	3	32	400
070030	Old River Lake: Morganza	A	B	C		100	75	5.0	6.0 to 8.5	1	32	500
070040	Bayou Sara: Mississippi State line to Mississippi River confluence		B	C		100	75	5.0	6.0 to 8.5	2	32	500
070050	Thompson Creek: Mississippi State Line to Mississippi River confluence	A	B	C		100	75	5.0	6.0 to 8.5	1	32	500
070060	Mississippi River: from Huey P. Long Bridge to head of passes		B	C	D	75	120	5.0	6.5 to 9.0	3	32	400
070070	Mississippi River: head of passes to mouth of passes (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070080	Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay and Bay Jacques (tidal)		B	C		N/A	N/A	5.0	6.5 to 8.5	4	35*	N/A
070090	Tiger Pass, Red Pass, Spanish Pass, Grand Pass, Tante Rhine Pass, and Southwest Pass (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A

Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
070100	South Pass, North Pass, and Main Pass	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070110	Baptiste Collette (tidal)	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070120	River Aux Chenes (tidal)	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070130	Bayou Terre Aux Boeufs (tidal)	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070140	Lake Lery (tidal)	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
070150	Black Bay, California Bay, Breton South (tidal)	B	C			N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
080010	Ouachita River—Arkansas State line to Columbia (mile 117)	A	B	C	D	160	35	5.0	6.0 to 8.5	1	33	350
080020	Bayou Bartholomew—Arkansas State line to Ouachita River (Scenic River)	A	B	C	D	53	33	5.0	6.0 to 8.5	1	32	420
080030	Bayou L'Outre—Arkansas State line to Ouachita River (Scenic River)	A	B	C		250	41	5.0	6.0 to 8.5	1	33	500
080040	Bayou D'Arbonne—headwaters to Ouachita River (including Lake Claiborne, D'Arbonne Lake and Middle Fork of Bayou D'Arbonne) (Scenic River)	A	B	C	D	250	50	5.0	6.0 to 8.5	1	32	500
080050	Cypress Creek—headwaters to Bayou D'Arbonne	B	C			63	9	5.0	6.0 to 8.5	2	32	156
080060	Corney Bayou—Arkansas State line to D'Arbonne Lake (including Corney Lake) (Scenic River)	A	B	C		160	25	5.0	6.0 to 8.5	1	32	300
080070	Little Corney Bayou—Arkansas State line to D'Arbonne Lake	A	B	C		100	25	5.0	6.0 to 8.5	1	32	160
080080	Bayou DeSiard (Oxbow Lake) and Lake Bartholomew	A	B	C	D	25	25	5.0	6.0 to 8.5	1	32	100
080090	Ouachita River—Columbia to Jonesville	B	C	D		160	50	5.0	6.0 to 8.5	2	33	400
080100	Boeuf River—Arkansas State line to Ouachita River	A	B	C		105	42	5.0	6.0 to 8.5	1	32	430
080110	Bayou Bonne Idee—headwaters to Boeuf River	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
080120	Big Creek—headwaters to Boeuf River (including Big Colewa Bayou)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
080130	Bayou Lafourche—near Oakridge to Boeuf River near Columbia	B	C			100	65	5.0	6.0 to 8.5	2	32	475
080140	Turkey Creek Lake—(to Boeuf River)	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
080150	Bayou Louis—headwaters to Ouachita (including Lake Louis)	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
080160	Tensas River—headwaters to Jonesville (including Tensas Bayou)	A	B	C		42	27	5.0	6.0 to 8.5	1	32	500
080170	Lake Providence (Oxbow Lake)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	150
080180	Lake St. Joseph (Oxbow Lake)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	150
080190	Lake Bruin (Oxbow Lake)	A	B	C	D	25	25	5.0	6.0 to 8.5	1	32	150
080200	Lake St. John (Oxbow Lake)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	150
080210	Bayou Macon—Arkansas State line to Tensas River	A	B	C	D	48	55	5.0	6.0 to 8.5	1	33	377
080220	Joe's Bayou—headwaters to Bayou Macon	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
080230	Little River—confluence of Bayou Castor and Dugdemona River to dam at Archie (including Catahoula Lake) (Scenic River)	A	B	C		47	34	5.0	6.0 to 8.5	1	33	256
080240	Dugdemona River—headwaters to Little River	B	C			525	62	5.0	6.0 to 8.5	2	32	645
080250	Bayou Castor—headwaters to Little River (including Chatham Lake)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
080260	Bayou Beaucoup—headwaters to Bayou Castor	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
080270	Flat Creek—headwaters to Bayou Castor	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
080280	Fish Creek—headwaters to Little River	A	B	C		10	5	5.0	6.0 to 8.5	1	32	75
080290	Trout Creek—headwaters to Little River (Scenic River)	A	B	C		200	75	5.0	6.0 to 8.5	1	32	500
080300	Big Creek—headwaters to Little River (Scenic River)	A	B	C	D	10	5	5.0	6.0 to 8.5	1	32	75
080310	Old River—Catahoula Lake to Little River	B	C			250	75	5.0	6.0 to 8.5	2	32	500
080320	Catahoula Lake Diversion Channel—Catahoula Lake to Black River	B	C			57	28	5.0	6.0 to 8.5	2	32	288
080330	Little River—Archie Dam to Ouachita River	B	C			93	9	5.0	6.0 to 8.5	2	32	265
080340	Black River—Jonesville to Corps of Engineers Control Structure (at mile 25, Serena)	B	C			93	20	5.0	6.0 to 8.5	2	32	265
080350	Black River—Corps of Engineers Control Structure to Red River	B	C			93	20	5.0	6.0 to 8.5	2	32	265
090010	Pearl River—Mississippi State line to I-10 (includes West Pearl and West Middle Pearl) (Scenic River)	A	B	C		15	50	5.0	6.0 to 8.5	1	32	140
090020	Pushepatapa Creek—headwaters to Pearl River (Scenic River)	A	B	C		15	30	5.0	6.0 to 8.5	1	30	110
090030	Crains Creek—headwaters to Pearl River	A	B	C		20	30	5.0	6.0 to 8.5	1	30	150
090040	Peters Creek—headwaters to Pearl River	A	B	C		20	30	5.0	6.0 to 8.5	1	30	150
090050	Bogue Lusa Creek—headwaters to Pearl River	A	B	C		30	45	5.0	6.0 to 8.5	1	32	300
090060	Bogue Chitto River—Mississippi State line to Pearl River (includes Big Silver, Lake Silver, Lake Lawrence, Bonner and Thigpen Creeks) (Scenic River)	A	B	C		15	12	5.0	6.0 to 8.5	1	30	105
090070	Pearl River—I-10 to Lake Borgne (includes West Pearl, West Middle Pearl, and Middle Pearl) (tidal)	A	B	C		N/A	N/A	5.0	6.5 to 9.0	1	35*	N/A
100010	Red River—Arkansas State line to Three Rivers	B	C	D		184	112	5.0	6.0 to 8.5	3	34	780

Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
100020	Twelve Mile Bayou—Origin to Red River		B	C	D	175	75	5.0	6.0 to 8.5	3	32	500
100030	Black Bayou—Texas State line to Twelve Mile Bayou (including Black Bayou Lake)	A	B	C		250	25	5.0	6.0 to 8.5	1	33	500
100040	Kelly Bayou—Arkansas State line to Black Bayou		B	C		86	36	5.0	6.0 to 8.5	2	33	663
100050	Caddo Lake—Texas State line to Twelve Mile Bayou	A	B	C	D	25	25	5.0	6.0 to 8.5	1	32	100
100060	James Bayou—Texas State line to Caddo Lake	A	B	C	D	120	35	5.0	6.0 to 8.5	1	34	322
100070	Cross Bayou—Texas State line to Twelve Mile Bayou (including Cross Lake)		B	C	D	75	25	5.0	6.0 to 8.5	1	32	150
100080	Quapaw Bayou—Texas State line to Cross Lake	A	B	C	D	250	75	5.0	6.0 to 8.5	1	32	500
100090	Loggy Bayou—Lake Bistineau Dam to Flat River		B	C		75	35	5.0	6.0 to 8.5	2	32	250
100095	Loggy Bayou—Flat River to Red River		B	C		250	75	5.0	6.0 to 8.5	2	32	800
100100	Bayou Dorcheat—Arkansas State line to Lake Bistineau (Scenic)	A	B	C		250	25	5.0	6.0 to 8.5	1	33	440
100110	Caney Creek—headwaters to Bayou Dorcheat (including Caney Lake)	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
100120	Flat River—headwaters to Loggy Bayou		B	C		250	75	5.0	6.0 to 8.5	2	32	800
100125	Black Bayou, Cypress Bayou and Black Cypress Reservoir	A	B	C	D	100	25	5.0	6.0 to 8.5	1	32	300
100130	Bayou Bodcau—Arkansas State line to Flat River (including Bodcau Reservoir and Red Chute Bayou)		B	C		250	75	5.0	6.0 to 8.5	2	32	800
100150	Bayou Pierre—Headwaters to Red River (including Boggy Bayou and Wallace Lake)		B	C		150	75	5.0	6.0 to 8.5	2	32	500
100160	Lake Edwards and Smithport Lake	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
100170	Saline River and Saline Bayou—headwaters to Red River (including Saline Lake) (Scenic River)	A	B	C		250	25	5.0	6.0 to 8.5	1	32	500
100180	Black Lake Bayou—headwaters to Saline River (including Black Lake and Clear Lake) (Scenic)	A	B	C		26	9	5.0	6.0 to 8.5	1	32	79
100190	Kepler Creek—headwaters to Black Lake Bayou (including Kepler Lake)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
100200	Bayou Nantaches—headwaters to Red River (including Lake Nantaches)	A	B	C		25	25	5.0	6.0 to 8.5	1	32	100
100210	Cane River—above Natchitoches to Red River (including Sibley Lake)	A	B	C	D	25	25	5.0	6.0 to 8.5	1	32	100
100220	Rigolette Bayou—headwaters to Red River (including Iatt Lake)		B	C		25	25	5.0	6.0 to 8.5	1	32	100
100230	Buhlow Lake (Pineville)	A	B	C		100	50	5.0	6.0 to 8.5	1	32	250
100240	Bayou Kisatchie—headwaters to Red River (Scenic)		B	C		25	25	5.0	6.0 to 8.5	2	32	100
100250	Cotile Reservoir	A	B	C		50	25	5.0	6.0 to 8.5	1	32	200
100260	Old Saline Bayou—from and including Saline Lake (Scenic River)		B	C		250	75	5.0	6.0 to 8.5	2	32	500
100270	Big Saline Bayou—Catahoula Lake to Saline Lake		B	C		250	75	5.0	6.0 to 8.5	2	32	500
100280	Saline Bayou—headwaters to Old Saline Bayou (including Larto Lake)		B	C		43	9	5.0	6.0 to 8.5	2	32	164
100290	Bayou Cocodrie (Scenic River)	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
100300	Cocodrie Lake	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
100310	Old River and Little River—near Marksville, Louisiana	A	B	C		250	75	5.0	6.0 to 8.5	1	32	500
110010	Sabine River—Toledo Bend Reservoir, Texas-Louisiana line to Toledo Bend Dam	A	B	C	D	120	60	5.0	6.0 to 8.5	1	34	500
110020	Sabine River—Toledo Bend Dam to Sabine River Authority of Texas Pump Station (approximately mile 30.5)	A	B	C	D	120	60	5.0	6.0 to 8.5	1	33	500
110030	Bayou Toro—headwaters to Sabine River	A	B	C		25	25	5.0	6.0 to 8.5	1	32	150
110040	Anacoco Creek—headwaters to Cypress Creek (includes Lake Vernon and Anacoco Lake)	A	B	C		15	7	5.0	6.0 to 8.5	1	32	90
110050	Anacoco Creek—Cypress Creek to Sabine River confluence	A	B	C		150	200	5.0	6.0 to 8.5	1	32	1000
110060	Sabine River—Sabine River Authority to Texas Pump Station (approximately mile 30.5 to Morgan's Bluff mile 22.4)	A	B	C	D	120	60	5.0	6.0 to 8.5	1	32	500
110070	Sabine River—Morgan's Bluff to Sabine Lake (tidal)	A	B	C		N/A	N/A	4.0	6.0 to 8.5	1	35*	N/A
110080	Sabine Lake (tidal)	A	B	C		N/A	N/A	4.0	6.0 to 8.5	4	35*	N/A
110081	Sabine Pass (tidal)	A	B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
110090	Black Bayou—Intracoastal Waterway to Sabine Lake (tidal)		B	C		N/A	N/A	4.0	6.0 to 8.5	2	35*	N/A
110100	Vinton Waterway—Vinton to Intracoastal Waterway (tidal)		B	C		N/A	N/A	4.0	6.0 to 8.5	2	35*	N/A
120010	Lake Verret	A	B	C		100	75	5.0	6.0 to 8.5	1	32	350
120020	Lake Palourde	A	B	C	D	100	75	5.0	6.0 to 8.5	1	32	300
120030	Bayou Boeuf—Lake Palourde to Morgan City	A	B	C	D	100	75	5.0	6.0 to 8.5	1	32	300
120040	Intracoastal Waterway (east-west)—Morgan City to Larose	A	B	C	D	250	75	5.0	6.0 to 8.5	1	32	500
120050	Bayou Black—Intracoastal Waterway to Houma	A	B	C	D	82	39	5.0	6.0 to 8.5	1	32	291
120060	Bayou Terrebonne—Thibodaux to Bourg	A	B	C		230	55	5.0	6.0 to 8.5	1	32	875
120070	Bayou Terrebonne—Bourg to Lake Barre (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120080	Houma Navigation Canal—Houma to Terrebonne Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120090	False River Lake	A	B	C		25	25	5.0	6.0 to 8.5	1	32	200
120100	Bayou Choctaw—headwaters to Intracoastal Waterway		B	C		250	75	5.0	6.0 to 8.5	2	32	500
120110	Bayou Grosse Tete—headwaters to Intracoastal Waterway		B	C		25	25	5.0	6.0 to 8.5	2	32	200
120120	Bayou Plaquemine—headwaters to Intracoastal Waterway		B	C		250	75	5.0	6.0 to 8.5	2	32	500



Agency ID	Segment Description	Water Uses				CL	SO4	DO	pH Range	Bac Std	Temp	TDS
		A	B	C	D							
120130	Upper Grand River and Lower Flat River—headwaters to Intracoastal Waterway		B	C		250	75	5.0	6.0 to 8.5	2	32	500
120140	Intracoastal Waterway (north-south)—Port Allen to Bayou Sorrel		B	C		250	75	5.0	6.0 to 8.5	2	32	500
120150	Lower Grand River and Bell River—Bayou Sorrel to Lake Palourde (includes Bayou Goula and Grand Bayou)		B	C		250	75	5.0	6.0 to 8.5	2	32	500
120160	Bayou Petit Caillou—Below Houma to Terrebonne Bay (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120170	Bayou Grand Caillou—below Houma to Caillou Lake (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120180	Bayou Chauvin and Lake Boudreaux (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	1	35*	N/A
120190	Bayou Du Large—Large—Houma to Bay Junop (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120200	Lake Hache, Lake Decade, Lost Lake and Four-League Bay (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120210	Bayou Penchant and Lake Penchant—Morgan City to Lake Decade (Scenic River) (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120220	Caillou Bay (open bay)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
120230	Lake Pelto (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
120240	Terrebonne Bay (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
120250	Lake Barre (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
120260	Timbalier Bay (tidal)		B	C		N/A	N/A	5.0	6.5 to 9.0	4	35*	N/A
120270	Bayou Blue—Catfish Lake to Lake Raccourci (tidal)		B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
120280	Bayou Lafourche—Donaldsonville to Larose	A	B	C	D	70	55	5.0	6.0 to 8.5	1	32	500
120290	Bayou Lafourche—Larose to Gulf of Mexico (tidal)	A	B	C		N/A	N/A	4.0	6.5 to 9.0	4	35*	N/A
999999	Gulf of Mexico and other open coastal waters not specifically identified in the tables	A	B	C		N/A	N/A	5.0	6.5 to 9.0	4	32	N/A

\*Estuarine waters; natural conditions may elevate temperature above this level.

### \*\*Explanation of Tables

#### Designated Water Uses

A = Primary Contact Recreation  
B = Secondary Contact Recreation

C = Propagation of Fish and Wildlife  
D = Domestic Raw Water Supply

#### Designated River Basins and Code Numbers

Atchafalaya River Basin	(01)	Mississippi River below Old River	(07)
Barataria Bay Basin	(02)	Ouachita River Basin	(08)
Calcasieu River Basin	(03)	Pearl River Basin	(09)
Lake Pontchartrain Basin	(04)	Red River Basin	(10)
Mermentau-Vermilion-Teche Basin	(05)	Sabine River Basin	(11)
Mississippi River above Old River	(06)	Terrebonne Basin	(12)

#### Agency ID Number

Each agency ID number is arranged as "BBNNNN" so that "BB" is the basin code number and "NNN" is the downstream sequence number of the stream, stream segment, or other water body. A space of "10" has been left between segments of the number for additional streams or segments. For example, Fish Creek, etc., is designated 060280. "06" indicates the Ouachita Basin and "280" is the sequence number.

Robert A. LaFleur, Executive Secretary  
Stream Control Commission

# Notices of Intent

## NOTICE OF INTENT

### Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to adopt the following changes to its Rule 2 based on Section 75 of the Revised Statutes of 1950, Title 37, Chapter 2. Comments on the proposed rule may be made in writing through September 4, 1978, to the Board of Certified Public Accountants, 1109 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130.

§75. Powers of the Board.

2. Rules of professional conduct.

L. (a) Advertising. A Certified Public Accountant (CPA) shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

- (1) Contains a misrepresentation of fact; or
- (2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- (3) Contains any testimonial, endorsement or laudatory statement, or other statement or implication that the CPA's professional services are of exceptional quality; or
- (4) Is intended or likely to create false or unjustified expectations of favorable results; or
- (5) Implies the ability to influence any court, tribune, regulatory agency or similar body or any official thereof; or
- (6) Makes comparison with other CPAs; or
- (7) Implies educational or professional attainments or licensing recognition not supported in fact; or
- (8) States or implies that the CPA has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case; or
- (9) Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
- (10) Contains other representations or implications that in reasonable probability will cause a reasonable person to misunderstand or be deceived.

(b) Solicitation. A CPA shall not by any direct personal communication solicit an engagement to perform professional services:

- (1) If the communication would violate Rule (a) if it were a public communication; or
- (2) By the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or
- (3) Where the engagement would be for a person or entity not already a client of the CPA, unless such person or entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.

Lydia F. Parek, Executive Director  
Board of Certified Public Accountants

## NOTICE OF INTENT

### Department of Commerce Real Estate Commission

Pursuant to R.S. 49:951, et seq., notice is hereby given that the Louisiana Real Estate Commission intends to consider at its September 13-14, 1978, meeting adoption of revised rules and regulations for the practice of real estate in the State of Louisiana in order to comply with new licensing laws adopted by the Legislature during the 1978 Regular Session.

Interested persons may present their views, in writing, to the Louisiana Real Estate Commission, Box 14785, Baton Rouge, Louisiana 70808, not later than September 11, 1978.

Stanley Passman, Executive Director  
Real Estate Commission

## NOTICE OF INTENT

### Department of Culture, Recreation and Tourism Office of the State Library

The Office of the State Library intends to adopt new rules pertaining to State aid grants to public libraries for the purpose of purchasing library materials.

Copies of the new rules are available at the Office of the State Library, 760 Riverside, Baton Rouge, Louisiana 70804. Interested persons may present their views, in writing, to the Office of the State Library, Box 131, Baton Rouge, Louisiana 70821, through September 5, 1978.

Thomas F. Jaques, State Librarian  
Office of the State Library

## NOTICE OF INTENT

### Department of Education Office of the Superintendent

Notice is hereby given that the State Superintendent of Education, J. Kelly Nix, in accordance with Act 16 of the 1977 Extraordinary Session, proposes to designate, by rule, the test which will be required of any person applying for initial certification as a teacher in Louisiana, and to determine the appropriate level or score at which the examination is satisfactorily completed.

Interested persons may submit written comments through September 3, 1978, to Superintendent J. Kelly Nix, Box 44064, Baton Rouge, Louisiana 70804.

J. Kelly Nix, Superintendent  
Department of Education

## 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 September 28, 1978, meeting the following policies:

1. Guidelines on bus routes for vocational-technical schools.
2. Amend *Policy and Procedure Manual* to include appeals procedures for teacher certification.
3. Amendments to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, pertaining to certification for vocational-technical personnel (post-secondary), to become applicable to anyone employed after September 1, 1980.

4. Adopt Bulletin 1134, *Standards and Guidelines for Library Media Programs in Louisiana Schools*, Revised 1978.

5. Amendment to Bulletin 741, *Handbook for School Administrators*, page 15, paragraph 3, to read as follows: "In schools having approved Junior Reserve Officer Training Corps (R.O.T.C.) training, credits may, at the option of the local school board, be substituted for the required credits in Health and Physical Education. Junior R.O.T.C. training courses must include thirty hours of health instruction."

6. Amendment to Bulletin 741, *Handbook for School Administrators*, page 14, relative to Health and Physical Education to read as follows: "Each required unit must include thirty hours of Health instruction. The first year of health and physical education shall include instruction in Cardiopulmonary Resuscitation (CPR)." This amendment to become effective with the beginning of school session 1980-81.

7. Comprehensive policy on contracts with private firms and consultants or other related services.

8. Amended *Annual Program Plan for Special Education for Fiscal Year 1979*.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., September 13, 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 September meeting.

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

## NOTICE OF INTENT

### Board of Regents

Notice is hereby given that the Louisiana Board of Regents intends to take action on the below listed policies at its next joint meeting with the Board of Elementary and Secondary Education:

1. Adopt policy concerning guidelines for programs for preparation of teachers and other professional school personnel. This will be a joint policy of the Board of Regents and the Board of Elementary and Secondary Education and will be considered by both Boards at their next joint meeting.

2. Adopt a statement of board policy on graduate courses offered in Louisiana by out-of-state institutions. This will be a joint policy of the Board of Regents and the Board of Elementary and Secondary Education and will be considered by both Boards at their next joint meeting.

Interested persons may submit written comments up to fifteen days following publication of this notice of intent to the following address: Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

William Arceneaux  
Commissioner of Higher Education

## NOTICE OF INTENT

### Office of the Governor Architects Selection Board

The Louisiana Architects Selection Board is presently developing Rules of Organization and Rules of Selection Procedure, based on those rules adopted by the previous Board (that Architects Selection Board which was established by Executive Order 76). Interested persons may attend a public meeting for the purpose of discussing and adopting these rules on Friday, September 22,

1978, at 2:00 p.m., in House Committee Room 2, Basement of the State Capitol Building Comments will be accepted at the meeting.

Lee R. Connell, Jr., Chairman  
Architects Selection Board

## NOTICE OF INTENT

### Office of the Governor Office of Contractual Review

The Office of the Governor, Office of Contractual Review, intends to adopt the following State Professional, Personal and Consulting Services Rules and Regulations. Interested persons may submit comments on the proposed rules, in writing through September 3, 1978, to the Office of Contractual Review, Office of the Governor, Box 44095, Baton Rouge, Louisiana 70804.

### State Professional, Personal and Consulting Services Proposed Procurement Rules and Regulations

#### LAC 1-4:1 Delegation of Authority

§1.1 The Director of the Office of Contractual Review may, in accordance with R.S. 39:1435 and 1437 B (1), delegate to other State agencies certain responsibilities in the review and approval process of professional, personal and consulting service contracts, to specifically include purchase of professional, personal and consulting services under one thousand dollars. Such delegations of authority shall be made upon written request by the head of the using agency and shall be provided for in a written memorandum of agreement between the Office of Contractual Review and each agency receiving such a delegation. All provisions of law and of these guidelines not delegated remain applicable.

#### LAC 1-4:2 Requests for Proposals

§2.1 Advertisements and written notices shall contain a general description of the consulting service desired and state the name and address of agency desiring to contract for consulting services; where and how the request for proposal (RFP) may be obtained and where proposals are to be sent; in the event of a proposer's conference, the date, time, and place it will be held; the date and time not later than which proposals must be received; and the date, time, and place that a proposal will be accepted.

§2.2 Questions to be received from potential contractors must be in writing, and all responding answers must also be in writing. All questions and answers must be provided to all potential contractors participating in the selection process. A proposer's conference may be provided in lieu of the above question-and-answer process. However, copies of the proceedings shall be made available to all those who are participating in the selection process.

§2.3 Supplemental and in addition to the requirements of R.S. 39:1450(B), a request for proposals (RFP) must:

§2.3.1 Specifically define the task and desired results of the project;

§2.3.2 Identify agency liaison personnel and what resources are available to the consultant, both in preliminary studies and the project itself;

§2.3.3 State approximately when the consultant can begin the study, plus an estimate of the time necessary to accomplish the work;

§2.3.4 Specify applicable procedures concerning billing, documentation requirements, progress reports, and final reports;

§2.3.5 Specify that a minimum of two copies of the proposal be submitted;

§2.3.6 Inform the potential contractors of the criteria and the selection methodology and weight (if weighting is used) which will be applied to each significant evaluation criteria to be used in evaluating the proposals' responsiveness to the RFP; and

§2.3.7 Require potential contractors to include the following information in their proposals:

A. A description of the consultant firm's qualifications, to include a specific list of personnel to be used on this project and their qualifications (at least list the number and the qualifications of each position). However, a resume will be required on each of the key personnel. Additionally, consultant must stipulate that these personnel will not be removed from the contract without prior approval of the using agency.

B. A list of the agencies, with names and contact persons, for whom similar work has been done (list of business firms may be substituted if no similar work has been done for governmental agencies).

C. The length of time needed for the project, broken down by phases, if phasing is necessary.

D. The proposed methodology for accomplishing the project with a precise statement of what the State will receive as an end product of the project (this is sometimes referred to as the technical section of the proposal).

E. An itemized cost statement showing various classes of man-hours at appropriate rates, delineated by phase, if phasing is used. Also included should be an itemized listing of all other expenses or fees that are expected to be paid by the State and a complete breakdown of consultant overhead rate.

§2.4 The final selection of a contractor shall be made by the using agency in accordance with the selection criteria established in the RFP. However, no contract can be awarded until final approval of the selection has been granted by the Director of the Office of Contractual Review. When a final selection has been made by the using agency, the contract file and the proposed contract along with a selection memorandum justifying the final selection shall be sent to the Office of Contractual Review for final concurrence.

§2.5 No contract shall be valid, nor shall the State be bound by the contract, until it has first been executed by the head of the using agency which is a party to the contract, and the contractor, and has been approved in writing by the Director of the Office of Contractual Review (R.S. 39:1449).

#### **LAC 1-4:3 Prequalification of Offerors**

§3.1 The Office of Contractual Review will prepare and maintain a prequalified list of offerors to be used in the request for proposal (RFP) procedure as provided for in R.S. 39:1453.

§3.2 Potential contractors who are interested in being placed on this list must submit a statement of qualifications to the Office of Contractual Review. This statement must describe the potential contractor's current qualifications by subject area to include key personnel currently employed or associated, accompanied by a resume on each. Additionally, a list should be provided describing previous work done by subject area, with whom (governmental agency or private business) and the names of contact persons for each client listed.

§3.3 Each statement of qualifications should have attached to it a financial statement or other representation of financial solvency.

§3.4 Finally, any other current information or material which would further describe a potential contractor's qualifications will be accepted.

#### **LAC 1-4:4 Determinations of Responsibility**

§4.1 In order to qualify as responsible, an offeror must meet the following standards as they relate to the particular procurement under consideration:

§4.1.1 Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance;

§4.1.2 Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements);

§4.1.3 Is able to comply with the proposed or required time of delivery or performance schedule;

§4.1.4 Has a satisfactory record of integrity, judgement, and performance (contractors which are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement);

§4.1.5 Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

§4.2 Acceptable evidence of ability to obtain financial resources, experience, organization, technical qualifications, skills, and facilities, generally shall be a firm commitment or arrangement for the rental, purchase, or other acquisition thereof.

§4.3 No contract for consulting services for \$75,000 or more shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible within the meaning of Sections 4.1-4.2.

§4.4 In any case where a contract for consulting services is for \$75,000 or more, the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of offeror or potential subcontractors should be filed with the statement.

§4.5 Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective contractor meets the standards in Sections 4.1-4.2. Information from the following sources should be utilized before making a determination of responsibility:

§4.5.1 Information from the prospective contractor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements;

§4.5.2 Other existing information within the agency, including financial data, the list of debarred and ineligible bidders (see LAC 1-4:5) and records concerning contractor performance;

§4.5.3 Publications, including credit ratings and trade and financial journals;

§4.5.4 Other sources, including banks, other financial companies, and State departments and agencies.

§4.6 To the extent that a prospective contractor cannot meet the standard in Section 4.1.2 except by means of proposed subcontracting, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the head of the using agency to satisfy that standard.

#### **LAC 1-4:5 Debarred, Suspended, and Ineligible Offerors**

(Reserved)

#### **LAC 1-4:6 Cost Principles**

(Reserved)

#### **LAC 1-4:7 Contract Contents**

§7.1 Each contract for professional, personal, and consulting services shall follow the provisions of R.S. 39:1445.1.

§7.2 Every contract shall contain a date upon which the contract is to begin and upon which the contract will terminate.

§7.3 Contracts funded fully or in part by Federal funds, in addition to meeting all the requirements of these guidelines and R.S. 39:1428-1473, shall meet all applicable Federal standards and shall contain all necessary clauses required by Federal statutes, rules or regulations. The burden of assuring compliance with Federal regulations shall rest with the using agency.

§7.4 All contracts for professional, personal, and consulting services shall contain a clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the using agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be

assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the Director of the Office of Contractual Review.

§7.5 When a contract is to include travel and/or other reimbursable expenses, it shall contain language to effect the following:

§7.5.1 Travel and other reimbursable expenses shall constitute part of the total maximum payable under the contract; or

§7.5.2 No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel and other reimbursable expenses; and

§7.5.3 Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (the State General Travel Regulations).

§7.6 Exceptions to Section 7.5.3 shall be granted on a limited basis when there is shown to be compelling cause and written justification is provided showing that such an exception would be in the best interest of the State.

#### **LAC 1-4:8 Submission of Contracts**

§8.1 The Office of Contractual Review will not accept for review and approval any contract for professional, personal or consulting services which is not accompanied by a fully completed and signed copy of Budget Form BA-22 PS.

#### **LAC1-4:9 Early Contract Termination**

§9.1 Whenever a contract is terminated prior to the termination date stated in the contract, the Office of Contractual Review shall be notified in writing by the using agency of such prior termination.

#### **LAC1-4:10 Amendments**

§10.1 All amendments to contracts for professional, personal and consulting services shall be submitted to the Office of Contractual Review for prior approval. All such amendments shall become effective only upon approval by the Director of the Office of Contractual Review.

#### **LAC 1-4:11 Revised Statutes**

§11.1 These guidelines shall be read and interpreted jointly with R.S. 39:1428-1473.

Paul R. Mayer, Jr., Director  
Office of Contractual Review

### **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 September 5, 1978, at 10:00 a.m. in the Conference Room on the First Floor of the State Library Building in Baton Rouge, Louisiana.

The purpose of this hearing is the adoption of:

1. Rules of practice and procedure, and forms for public service properties hearings before the Louisiana Tax Commission.

2. Rules, regulations, and forms for appeal to the local boards of review by dissatisfied taxpayers and assessors.

3. Rules, regulations, and forms for appeal from the local boards of review to the Louisiana Tax Commission by dissatisfied taxpayers and assessors.

4. The correction of language transcribed in error from the public hearing of April 6, 1978, with regards to the procedure for the assessment of leased equipment where the manufacturer is the lessor.

Interested persons may inspect a copy of above proposals 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 September 4, 1978.

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

C. Gordon Johnson, Chairman  
Tax Commission

### **NOTICE OF INTENT Department of Health and Human Resources Office of Family Security**

The Department of Health and Human Resources (DHHR), Office of Family Security, proposes to adopt a rule which will effect the automatic assignment to DHHR of any right to child support an applicant for or recipient of Aid to Families with Dependent Children (AFDC) may have, without the necessity of written assignment, in accordance with Act 84 of the 1978 Legislative Session.

In accordance with this law, policy in the AFDC Program will be revised to provide:

By accepting aid to families with dependent children assistance for or on behalf of a child or children, the applicant or recipient shall be deemed to have made an assignment to the Department of any and all right, title, and interest in any support obligation and arrearages owed to or for such child or children or caretaker up to the amount of public assistance money paid for or on behalf of such child or children or caretaker for such term of time as such public assistance monies are paid; provided, however, that the Department may thereafter continue to collect any outstanding debt created by such assignment which has not been paid by the responsible person. The applicant or recipient shall also be deemed, without the necessity of signing any document, to have appointed the Support Enforcement Services Program Administrator as his or her true and lawful attorney-in-fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received on behalf of such child or children or caretaker as reimbursement for the public assistance monies paid to such applicant or recipient.

Interested persons may submit written comments until 4:30 p.m., September 4, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804

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

### **NOTICE OF INTENT Department of Health and Human Resources Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the maximum level (cap rate) for long term care eligibility for an individual to be \$568.20 and for a couple occupying the same room in a long term care facility the double cap rate of \$1,036.40. This revision will allow the Medical Assistance Program to comply with Federal regulations (45 CFR 248.2 (d) and 248.4 (e)). This policy is promulgated elsewhere in this issue of the *Louisiana Register* as an emergency rule effective July 1, 1978.

Comments on the proposed policy change may be submitted in writing or orally until 1:00 p.m., September 4, 1978, to Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804. Phone (504) 342-3950.

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

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

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., on Wednesday, September 6, 1978, for the purpose of amending Statewide Order No. 29-N in the manner hereafter set forth.

At such hearing the Commissioner of Conservation shall consider evidence relative to the amendment of said Statewide Order No. 29-N so as to require that:

1. All surface storage facilities incidental to the use of disposal wells be contained hereafter in steel tanks, or equivalency, with floating tops, or other devices sufficient to halt offensive odors, rather than permitting the continued use of open pits for said purpose, except on special order of the Commissioner when an emergency arises, and then only for a limited duration.

2. A manifest system be established which will track the waste effluent from point of origin to point of disposal.

3. Adequate tests be run on casing and packer.

The proposed amendments to Statewide Order No. 29-N are available for inspection in the Office of Conservation in Baton Rouge, Houma, New Orleans, Lafayette, Lake Charles, Shreveport and Monroe, Louisiana.

The Commissioner will accept and consider all data, views, or arguments, orally or in writing, of any interested party. Oral comments received at the hearing must be relevant and should not cover any matter contained in any written comments. All comments in writing may be presented at the hearing or mailed prior to the date thereof to R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804, Re: Comments on Proposed Amendments to Statewide Order No. 29-N.

R. T. Sutton  
Commissioner of Conservation

## NOTICE OF INTENT

### Department of Public Safety Office of Fire Protection

Notice is hereby given that Raymond B. Oliver, State Fire Marshal, is considering adopting the following standards for building insulation. Interested persons may submit written comments to Mr. Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Duffosat Street, New Orleans, Louisiana 70115, through September 3, 1978.

The State Fire Marshal will only accept and permit the use of insulation which conforms to the following standards:

1. Fiberglass insulation must be rated as having a flame spread of less than twenty-five and a smoke generation of no more than four hundred fifty.

2. Cellulose insulation must meet the requirements of Federal specifications HH-I-515C. Each such piece of insulation must be labeled, certifying that it meets this standard. Cellulose insulation must be approved by a nationally recognized testing laboratory with follow-up service such as Underwriters Laboratories, Factory Mutual, etc. and must contain certification by affidavit of the manufacturer, duly notarized, that the product meets the Federal specification HH-I-515C. For manufacturers who are not yet members of a nationally recognized testing laboratory with follow-up service, during the interim period of approval for any particular product, application for that approval or for that membership along with an affidavit certifying that the product meets HH-I-515C will be acceptable.

3. Only foam plastic which have a flame spread rating of twenty-five or less and a smoke density no greater than four hundred fifty when tested in accordance with ASTM E-84 may be

used in any structure, watercraft, or movable constructed, repaired or remodeled in Louisiana, unless preempted by applicable Federal regulations, and only if they meet the following specific requirements:

A. Foamed plastics used in or as a component of walls, partitions, ceilings, roofs, floors, crawl spaces or similar areas shall be:

(1) Encapsulated by a minimum of one inch thickness of masonry or concrete when installed in such a wall, floor or floor system, or

(2) Protected from the interior of the building by a thermal barrier of an approved material which will limit the temperature rise of the unexposed surface to not more than two hundred fifty degrees Fahrenheit after fifteen minutes of fire exposure complying with ASTM E-119 standard time-temperature curve when installed within the stud space or cavity or on the surface of conforming walls of ceilings or other surfaces. One-half inch gypsum wallboard or other material meeting these requirements in acceptable. Exterior encapsulation shall be provided as required by the application guidelines for the foam plastic material, except a fifteen minute thermal barrier or other ignition barrier approved under the Specific Equivalency provision, shall be employed at the exterior when the clear distance between adjacent, adjoining or abutting buildings or structures is less than five feet measured at right angles to each other. Thermal barriers shall be installed in a manner that they will remain in place for a minimum of fifteen minutes under the same test conditions.

(3) As an element of walls classified as fire resistive construction provided fire tests are conducted in accordance with ASTM E-119 and the protection from the interior of the building is at least the equivalent to an acceptable thermal barrier.

B. Foamed plastics used in or as a component of attics or similar areas shall:

(1) Be protected against ignition by one and one-half inch thick mineral fiber insulation, one-fourth inch plywood, hardboard, gypsum wall board, no. 20 gauge steel sheet metal or other effective material.

(2) Be installed in such a manner that foam plastics shall not be exposed in attic or crawl space except in areas where entry is made only for service of utilities.

(3) Have three inches of clearance maintained around and about all recessed ceiling light fixture enclosures, wiring compartments or ballasts (the fixture shall not be covered with insulation).

C. Foamed plastics used as insulation in or on nonbearing exterior walls or within nonbearing curtain wall panels shall:

(1) Not exceed six thousand BTU/Sq. Ft. of projected area or four inches in thickness.

(2) Have panel assembly structurally fastened to the building frame to prevent or prohibit failure in bond, as a result of temperatures which may be experienced in a building fire, from wind loads or other conditions.

(3) Be protected from the interior of the building by an effective fifteen minute minimum thermal barrier, or be covered by a thickness not less than .032 inch aluminum or 22 gauge galvanized sheet metal in buildings protected throughout by an approved system of automatic sprinklers.

D. Foamed plastics used as a component of a roof covering shall be:

(1) Part of a roof assembly that is listed by U.L. or Factory Mutual and covered with a Class A,B, or C roof covering.

(2) Protected from the interior of the building by an effective fifteen minute thermal barrier.

(3) Not limited for smoke density.

E. Structural foamed plastics used as interior trim, such as picture molds, chair rails, baseboard, handrails, door and win-



dow trim shall meet the requirements of N.F.P.A. 101 Life Safety Code 1973 edition for interior finish.

F. Foamed plastics used in doors shall be:

(1) Firetested in accordance with ASTM E-152 and listed by U.L. or Factory Mutual.

(2) Installed in doors with a facing of metal having a minimum thickness of .032 and aluminum or 22 gauge sheet metal.

G. Foamed plastics used as siding backer board shall be:

(1) Maximum thickness of one-half inch.

(2) Two thousand BTU/Sq. Ft. or less material.

(3) Separated from the interior of the building by a minimum of two inches of mineral insulation or equivalent.

H. Foamed plastics used as insulation in cold storage rooms, food processing rooms, ice plants and similar rooms shall be:

(1) When tested in thickness of four inches, installed in thickness of no more than ten inches.

(2) Protected from the interior of the building by a thermal barrier of approved material which will limit the temperature rise of the unexposed surface to not more than two hundred fifty degrees Fahrenheit after fifteen minutes of fire exposure complying with ASTM E-119 standard time temperature curve. One-half inch portland cement plaster or other non-combustible material meeting these requirements is acceptable.

(3) Protected with approved automatic sprinklers, except that free standing walk-in coolers and/or freezer units with a ceiling height not exceeding ten feet and up to four hundred square feet of total floor area for any one room. Multiple four hundred square feet walk-in coolers and/or freezer units must be separated by minimum one hour fire-resistant construction.

I. Thermal barriers shall be installed in a manner that will assure they remain in place for fifteen minutes.

J. In accordance with the Specific Equivalency provision of the foam plastics insulation standards, urea formaldehyde foam plastic insulation in its cured and shredded form may be used in attics and other similar areas without the need of an ignition or thermal barrier.

4. Specific Equivalency. Plastic foam not meeting the above requirements may be specifically permitted on the basis of recognized and approved diversified tests such as, but not limited to, tunnel tests in accordance with ASTM E-84 and fire tests related to actual and end-use configuration such as recognized corner test (Typical recognized corner tests are the Factory Mutual Building Corner Fire Test procedure or the Underwriters Laboratory Test Procedure, Subject 1040.) and an acceptable ignition temperature test such as ASTM D1929. The specific equivalency may be based on the end-use quantity, location and similar considerations where such test would not otherwise be applicable or practical.

Raymond B. Oliver  
State Fire Marshal

## NOTICE OF INTENT

### Department of Public Safety Commission on Law Enforcement and Administration of Criminal Justice

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement and Administration of Criminal Justice intends to adopt a Fiscal Year 1979 Louisiana Law Enforcement Comprehensive Plan at its regular meeting on September 27, 1978, at 1:00 p.m., in the Caribbean Room of the Bellemont Motor Hotel in Baton Rouge, Louisiana.

The proposed plan will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after August 21, 1978, at the offices of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 615, 1885 Wooddale Boulevard, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this Notice of Intent at the following address: Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 615, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.

Wingate M. White, Executive Director  
Commission on Law Enforcement and  
Administration of Criminal Justice

## NOTICE OF INTENT

### Department of Urban and Community Affairs Office of the Secretary

The Department of Urban and Community Affairs intends to adopt the following rules to extend the categories of membership in the A-95 Regional Clearinghouse Program, to implement Act 724 of the 1978 Regular Session of the Louisiana Legislature, and to stipulate requirements for the distribution of funds to Community Action Agencies.

Interested persons may submit written comments through September 3, 1978, to the Department of Urban and Community Affairs, Office of the Secretary, Box 44455, Baton Rouge, Louisiana 70804.

### A-95 Regional Clearinghouse Review Boards

In accordance with Act 746 of the 1972 Legislature amending the Louisiana Revised Statutes of 1950 (R.S. 49:50), the Department of Urban and Community Affairs intends to broaden the A-95 Regional Clearinghouse membership's composition to include the following categories: Business, Community Action, Criminal Justice, Economic Development, Education, Environment, Health, Human Services, Labor, Municipal, Parish Government, Rural Development, State Legislature.

### Federal Grant Review Act

Pursuant to Act 724, Federal Grant Review Act, as enacted by the 1978 Louisiana Legislature, it is the intention of the Department of Urban and Community Affairs to require that all state agencies, boards, commissions, departments, institutions, colleges and universities, and political subdivisions including all local governmental units, report their plans for participation in any new or existing program supported by any Federal agency. The report, or the applicant's declaration of intent to apply, should be made to the Department thirty days in advance of submittal to the Federal agency and should include as many elements of the application plan as possible. Act 724 also mandates that the notice of award, or any interim grant action by the funding agency, be reported to the Urban and Community Affairs Department. Forms are available from this Department for the purpose of reporting.

The changes as noted above will be reflected in the A-95 State Clearinghouse (project notification and review system) Procedural Guide as originally published in 1974. Restatement of review board membership will make obsolete page 11-B-2 of the procedural guide. Act Number 724 repeals Executive Order 60 of 1974, as noted in Appendix B of the same manual.

### Community Action Agencies

Act 19 of the 1978 Legislature designated \$740,000.00, payable out of the State General Fund to Community Action Agencies, except in the parish of East Baton Rouge in which case to the Human Development and Resources Corporation; provided,

however, that the \$20,000 allocated to each of the following agencies cannot be drawn unless a like amount in each case is made available from Federal or local sources.

Allen Action Agency  
Assumption Community Action Agency  
Avoyelles Progress Action Committee  
Av-Cap  
Beauregard Community Action Association  
Bossier Community Action Program  
Human Development and Resources Corporation  
Caddo Parish Community Action Agency  
CENLA Community Action Committee  
Claiborne Community Action Association  
Delta Community Action Association  
East Carroll Community Action Agency  
Evangeline Community Action Agency  
Gulf Assistance Program of Southwest Louisiana  
Jefferson Community Action Agency  
Jefferson Davis Community Action  
Lafourche Agency of Community Services  
LaSalle Community Action Agency  
Lemoyne Community Action, Inc.  
Lincoln Total Community Action, Inc.  
Macon Economic Opportunity, Inc.  
Natchitoches Area Action Association, Inc.  
North Centrala, Inc.  
Ouachita Multi-purpose CAP  
Pointe Coupee Community Advancement  
Quad-area Community Action Agency  
St. Charles Community Action Program  
St. James Community Action, Inc.  
St. Landry Community Action Agency  
Smile Community Action Agency  
St. Mary Community Action Committee, Association  
Total Community Action, Inc.  
Union Community Action Association  
Vernon Community Projects, Inc.  
Webster Community Action Association  
Winn Parish Community Action  
Jackson Community Action Agency

The Department will distribute the grants upon receipt of a resolution from the local police jury designating the agency as the official Community Action Agency and certifying that the agency has in operation programs and funds in a like amount. The Community Action Agency will then be required to sign an agreement with the Department of Urban and Community Affairs for receipt of funds. In the case of Human Development Resource Corporation a statement of grant fund will be required from funding sources.

Harvey H. Britton, Sr., Secretary  
Department of Urban and Community Affairs

## Legislation

### Administrative Procedures Act R.S. 49:951-968

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*(Editor's Note: This version of the Administrative Procedures Act incorporates the changes made by Act 252 of the 1978 Regular Session. The amended sections are R.S. 49:951 through 954.1, and 966 through 968. Here are the significant changes:*

1. *Legislative committees may—with the Governor's acquiescence—block adoption of proposed rule changes. Section 968F(4).*

2. *Agencies no longer have to publish their Notices of Intent in the State-Times newspaper. Section 953A(1).*

3. *No rule, old or new, may be enforced if it has not been filed with the Department of the State Register. Section 954.*

4. *Agencies must mail notices of the adoption of emergency rules to all who request them. Section 953B.*

5. *When adopting an emergency rule, an agency must specify "the reasons for the finding of the emergency." Section 953B.*

6. *The "Federal conflict" provision, formerly Section 966C, has been deleted.*

7. *Rule changes made after November 1, 1978, may not be enforced unless the appropriate legislative committees were notified. Sections 954 and 968.*

8. *Agencies must include in their Notices of Intent "the name of the person within the agency who has the responsibility for responding to inquiries about the intended action." Section 953A(1).*

9. *There is a new definition of "rule" which, it is hoped, may eliminate some of the confusion over what is and what isn't. Section 951(6).*

*You are urged to read the 1978 Administrative Procedures Act yourself rather than rely solely upon the above enumeration of changes. The new version goes into effect on September 8, 1978. If you have questions about the Act, call the Department of the State Register at (504) 342-5015. For agencies on the State's Centrex-Linc telephone system, the State Register's Linc number is 421-5015.)*

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#### § 951. Definitions

As used in this Chapter:

(1) "Adjudication" means agency process for the formulation of a decision or order.

(2) "Agency" means each State board, commission, department, agency, officer, or other entity which makes rules, regulations, or policy, or formulates, or issues decisions or orders pursuant to, or as directed by, or in implementation of the Constitution or laws of the United States or the Constitution and statutes of Louisiana, except the Legislature or any branch, committee, or officer thereof and the courts.

(3) "Decision" or "order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency, in any matter other than rulemaking, required by constitution or statute to be determined on the record after notice and opportunity for an agency hearing, and including nonrevenue licensing, when the grant, denial, or renewal of a license is required by constitution or statute to be preceded by notice and opportunity for hearing.

(4) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(6) "Rule" means each agency statement, guide, or requirement for conduct or action, exclusive of those regulating only the internal management of the agency, which has general applicability and the effect of implementing or interpreting substantive law or policy, or which prescribes the procedure or practice requirements of the agency. "Rule" includes, but is not limited to, any provision for fees, fines, prices or penalties, the attainment or loss of preferential status, and the criteria or qualifications for licensure or certification by an agency. A rule may be of general applicability even though it may not apply to the entire state, provided its form is general and it is capable of being applied to every member of an identifiable class. The term includes the amendment or repeal of an existing rule but does not include declaratory rulings or orders.

(7) "Rulemaking" means the process employed by an agency for the formulation of a rule. The fact that a statement of policy or

an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection.

§ 952. Public information; adoption of rules; availability of rules and orders

In addition to other rulemaking requirements imposed by law, each agency shall:

(1) File with the Department of the State Register a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

(2) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

(3) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions.

(4) Make available for public inspection all final orders, decisions, and opinions.

§ 953. Procedure for adoption of rules

A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1) Give at least fifteen days notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the name of the person within the agency who has the responsibility for responding to inquiries about the intended action, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be published at least once in the Louisiana Register. Notice of the intent of an agency to adopt, amend or repeal any rule shall be mailed to all persons who have made timely request of the agency for such notice, which notice shall be mailed at the earliest possible date, and in no case later than the date when the proposed rule change is submitted to the Louisiana Register. For the purpose of timely notice as required by this paragraph, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the outside cover or the first page of said issue.

(2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred under the provisions of Section 968 of this Title. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption.

B. If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than fifteen days notice and within five days of adoption states in writing, to the Governor of the State of Louisiana, the Attorney General of Louisiana, and the Department of the State Register, its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. Notice of the emergency rule shall be mailed to all persons who have made timely request of the agency for notice of rule changes, which notice shall be mailed within five days of adoption of the emergency rule. Any emergency rule shall be published in full in the Louisiana Register with the reasons for the finding of the emergency submitted by the agency.

C. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking proceedings in accordance with this Chapter.

D. When a rule is adopted, amended, or repealed in compliance with Federal Regulations, the adopting agency's notice of intent and the actual text of the rule as published in the Louisiana Register, must be accompanied by a citation of the Federal Register issue in which the determining Federal regulation is published, such citation to be by volume, number, date, and page number.

§ 954. Filing; taking effect of rules

A. No rule adopted on or after January 1, 1975, is valid unless adopted in substantial compliance with this Chapter. Each rulemaking agency shall file a certified copy of its rules with the Department of the State Register. No rule, whether adopted before, on, or after January 1, 1975, shall be effective, nor may it be enforced, unless it has been properly filed with the Department of the State Register. No rule, adopted on or after November 1, 1978, shall be effective, nor may it be enforced, unless prior to its adoption a report relative to the proposed rule change is submitted to the appropriate standing committees of the Legislature or to the presiding officers of the respective houses as provided in R.S. 49:968. The inadvertent failure to mail notice to persons making request for mail notice, as provided in R.S. 49:953, shall not invalidate any rule adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the grounds of noncompliance with the procedures for adoption, as given in this Chapter, must be commenced within two years from the date upon which the rule becomes effective.

B. Each rule hereafter adopted shall be effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption, except that:

(1) If a later date is required by statute or specified in the rule, the later day is the effective date.

(2) Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective on the date of its adoption, or on a date specified by the agency to be not more than sixty days future from the date of its adoption, provided written notice is given within five days of the date of adoption to the Governor of Louisiana, the Attorney General of Louisiana and the Department of the State Register as provided in R.S. 49:953B. Such emergency rule shall not remain in effect beyond the publication date of the Louisiana Register published in the month following the month in which the emergency rule is adopted, unless such rule and the reasons for adoption thereof are published in said issue; provided, however, that any emergency rule so published shall not be effective for a period longer than one hundred twenty days, but the adoption of an identical rule under paragraphs (1) and (2) of Subsection A of R.S. 49:953 is not precluded. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

§ 954.1. Louisiana Administrative Code and Louisiana Register; publication; distribution; copies; index; interagency rules

A. The Department of the State Register shall compile, index, and publish a publication to be known as the Louisiana Administrative Code, containing all effective rules adopted by each agency subject to the provisions of this Chapter, and all boards, commissions, agencies and departments of the Executive Branch, notwithstanding any other provision of law to the contrary. The Louisiana Administrative Code shall also contain all executive orders issued by the Governor on or after May 9, 1972, which are in effect at the time the Louisiana Administrative Code is published. The Louisiana Administrative Code shall be supplemented or revised as often as necessary and at least once every two years.

B. The Department of the State Register shall publish at least once each month a bulletin to be known as the Louisiana Register

which shall set forth the text of all rules filed during the preceding month, such notices as shall have been submitted pursuant to this Chapter and all executive orders of the Governor issued during the preceding month. In addition, the Department of the State Register may include in the Louisiana Register digests or summaries of new or proposed rules; however, if any conflict should arise between the written digest of a rule and the rule, the rule shall take precedence over the written digest.

C. The Department of the State Register may omit from the Louisiana Register or Louisiana Administrative Code any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting agency, and if the Louisiana Register or Louisiana Administrative Code, as the case may be, contains a notice stating the general subject matter of the omitted rule and stating how a copy thereof may be obtained.

D. One copy, or multiple copies if practical, of the Louisiana Register and Louisiana Administrative Code shall be made available upon request to each agency of the State free of charge and to other persons at prices fixed by the Department of the State Register to recover all or a portion of the mailing and publication costs.

E. The Department of the State Register shall prescribe a uniform system of indexing, numbering, arrangement of text and citation of authority and history notes for the Louisiana Administrative Code.

F. The Department of the State Register may publish advertisements for bids and other legal notices in the Louisiana Register in addition to other publications thereof required by law.

G. The Department of the State Register is hereby authorized and empowered to promulgate and enforce interagency rules for the implementation and administration of this Section.

H. The Governor shall be the publisher of the Louisiana Administrative Code and Louisiana Register provided for through the Department of the State Register.

#### § 955. Adjudication; notice; hearing; records

A. In adjudication, all parties who do not waive their rights shall be afforded an opportunity for hearing after reasonable notice.

B. The notice shall include:

- (1) A statement of the time, place, and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (3) A reference to the particular sections of the statutes and rules involved.
- (4) A short and plain statement of the matters asserted.

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

C. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

D. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

E. The record in a case of adjudication shall include:

- (1) All pleadings, motions, intermediate rulings.
- (2) Evidence received or considered or a resume thereof if not transcribed.
- (3) A statement of matters officially noticed except matters so obvious that statement of them would serve no useful purpose.
- (4) Offers of proof, objections, and rulings thereon.
- (5) Proposed findings and exceptions.
- (6) Any decision, opinion, or report by the officer presiding at the hearing.

F. The agency shall make a full transcript of all proceedings before it when the statute governing it requires it, and, in the absence of such requirement, shall, at the request of any party or

person, have prepared and furnish him with a copy of the transcript or any part thereof upon payment of the cost thereof unless the governing statute or constitution provides that it shall be furnished without cost.

G. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

#### § 956. Rules of evidence; official notice; oaths and affirmations; subpoenas; depositions and discovery

In adjudication proceedings:

(1) Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. Agencies may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(2) All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

(3) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material notice, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(4) Any agency or its subordinate presiding officer conducting a proceeding subject to this Chapter shall have the power to administer oaths and affirmations, regulate the course of the hearings, set the time and place for continued hearings, fix the time for filing of briefs and other documents, and direct the parties to appear and confer to consider the simplification of the issues.

(5) Any agency or its subordinate presiding officer shall have power to sign and issue subpoenas in the name of the agency requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt. It shall be the duty of the judge to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and upon such hearing, the judge shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

(6) The agency or a subordinate presiding officer or any party to a proceeding before it may take the depositions of witnesses, within or without the state, in the same manner as provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in any proceeding affected by this Chapter. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the agency or presiding officer in accordance with the rules of evidence provided in this Chapter.

(7) An agency having power to conduct adjudication proceedings in accordance with this Chapter may adopt rules providing for discovery to the extent and in the manner appropriate to its proceedings.

(8) Records and documents, in the possession of any agency or of any officer or employee thereof including any written conclusions drawn therefrom, which are deemed confidential and privileged shall not be made available for adjudication proceedings of that agency and shall not be subject to subpoena by any person or other State or Federal agency.

Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents which are specifically exempt from disclosure by statute.

Any violation of this prohibition shall be a waiver of governmental immunity from suit or damage resulting from any such disclosure.

#### § 957. Examination of evidence by agency

When in an adjudication proceeding a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed order is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the disposition of each issue of fact on law necessary to the proposed order, prepared by the person who conducted the hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

#### § 958. Decisions and orders

A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

#### § 959. Rehearings

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

(1) The decision or order is clearly contrary to the law and the evidence;

(2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

(3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or

(4) There is other good ground for further consideration of the issues and the evidence in the public interest.

B. The petition of a party for rehearing, reconsideration, or review, and the order of the agency granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a subordinate deciding officer. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

#### § 960. Ex parte consultations and recusations

A. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a case of adjudication noticed and docketed for hearing shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party or his representative, or with any officer, employee, or agent engaged in the performance of investigative, prosecuting, or advocating functions, except upon notice and opportunity for all parties to participate.

B. A subordinate deciding officer or agency member shall withdraw from any adjudicative proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a subordinate deciding officer or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a subordinate deciding officer, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the Governor immediately shall appoint a member pro tem to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of R.S. 49:957 shall apply.

#### § 961. Licenses

A. When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this Chapter concerning adjudication shall apply.

B. When a licensee had made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

C. No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gives notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee is given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary

suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

#### § 962. Judicial review of declaratory orders and rulings

Each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. Declaratory orders and rulings shall have the same status as agency decisions or orders in adjudicated cases.

#### § 963. Judicial review of validity or applicability of rules

The validity or applicability of a rule may be determined in an action for declaratory judgment in the district court of the parish in which the agency is located. The court shall declare the rule invalid or inapplicable if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with required rulemaking procedures. The agency shall be made a party to the action. An action for a declaratory judgment under this Section may be brought only after the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question and only upon a showing that review of the validity and applicability of the rule in conjunction with review of a final agency decision in a contested adjudicated case would not provide an adequate remedy and would inflict irreparable injury.

#### § 964. Judicial review of adjudication

A. A person who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review under this Chapter whether or not he has applied to the agency for rehearing, without limiting, however, utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy and would inflict irreparable injury.

B. Proceedings for review may be instituted by filing a petition in the district court of the parish in which the agency is located within thirty days after mailing of notice of the final decision by the agency or, if a rehearing is requested, within thirty days after the decision thereon. Copies of the petition shall be served upon the agency and all parties of record.

C. The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

D. Within thirty days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

E. If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

F. The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

G. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been pre-

judiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (6) Manifestly erroneous in view of the reliable, probative, and substantial evidence on the whole record. In the application of the rule, where the agency has the opportunity to judge of the credibility of witnesses by firsthand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the agency's determination of credibility issues.

#### § 965. Appeals

An aggrieved party may obtain a review of any final judgment of the district court by appeal to the appropriate circuit court of appeal. The appeal shall be taken as in other civil cases.

#### § 966. Construction and effect

A. Nothing in this Chapter shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of this Chapter through the issuance of rules or otherwise.

B. If any provision of this Chapter or the application thereof is held invalid, the remainder of this Chapter or other applications of such provision shall not be affected. No subsequent legislation shall be held to supersede or modify the provisions of this Chapter except to the extent that such legislation shall do so expressly.

#### § 967. Exemptions from provisions of [this] Chapter

Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall not be applicable to the Board of Tax Appeals, the Department of Revenue and Taxation, and the Office of Employment Security, except that the provisions of R.S. 49:951(2), (4), (5), (6), and (7), 952, 953, 954, 954.1, and 968 shall be applicable to said department, office, and board. The provisions of R.S. 49:968F(4) shall not be applicable to any rule promulgated by the State Civil Service Commission or the Public Service Commission.

#### § 968. Review of agency rules

A. It is the declared purpose of this Section to provide a procedure whereby the Legislature may review the exercise of rulemaking authority, an extension of the legislative lawmaking function, which it has delegated to State agencies.

B. Prior to the adoption, amendment, or repeal of any rule, the agency shall submit a report relative to such proposed rule change to the appropriate standing committees of the Legislature or the presiding officers of the respective houses as provided here: The report shall be so submitted on the same day the notice of intended action is submitted to the Department of the State Register for publication in accordance with R.S. 49:953A(1).

(1) The Department of Commerce and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and Senate Committee on Commerce.

(2) The Department of Urban and Community Affairs and all of the agencies made a part of it shall submit the report to the House Committee on Municipal and Parochial Affairs and the Senate Committee on Municipal and Parochial Affairs.

(3) The Department of Corrections and all of the agencies made a part of it shall submit the report to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary, Section C.

(4) The Department of Culture, Recreation and Tourism and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.



(5) The Department of State and all of the agencies made a part of it shall submit the report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(6) The Department of Labor and all of the agencies made a part of it shall submit the report to the House Committee on Labor and Industrial Relations and the Senate Committee on Labor and Industrial Relations.

(7) The Department of Transportation and Development and all of the agencies made a part of it shall submit the report to the House Committee on Transportation, Highways, and Public Works and the Senate Committee on Transportation, Highways, and Public Works.

(8) The Department of Elections and Registration and all of the agencies made a part of it shall submit the report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(9) The Department of Justice and all of the agencies made a part of it shall submit the report to the House Committee on the Judiciary and the Senate Committee on the Judiciary, Section C.

(10) The Department of Civil Service and all of the agencies made a part of it shall submit the report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(11) The Department of Revenue and Taxation and all of the agencies made a part of it shall submit the report to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

(12) The Department of Natural Resources and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and the Senate Committee on Natural Resources.

(13) The Department of Public Safety and all of the agencies made a part of it shall submit the report to the House Committee on the Judiciary and the Senate Committee on the Judiciary, Section A.

(14) The Department of Wildlife and Fisheries and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and the Senate Committee on Natural Resources.

(15) The Department of Insurance and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(16) The Department of Treasury and all of the agencies made a part of it shall submit the report to the House Committee on Appropriations and the Senate Committee on Finance.

(17) The Department of Health and Human Resources and all of the agencies made a part of it shall submit the report to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

(18) The Department of Agriculture and all of the agencies made a part of it shall submit the report to the House Committee on Agriculture and the Senate Committee on Agriculture.

(19) The Department of Education and all of the agencies made a part of it shall submit the report to the House Committee on Education and the Senate Committee on Education.

(20) The Department of Public Service and all of the agencies made a part of it shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce.

(21) The Office of the Governor and the Office of the Lieutenant Governor and all of the agencies within or part of either and any other agency for which provision is not otherwise made in this Subsection, shall submit the report to the Speaker of the House of Representatives and the President of the Senate, except that executive orders duly issued by the Governor and attested to by the Secretary of State are exempt from the provisions of this Chapter. The Speaker of the House of Representatives and the President of the Senate shall promptly forward the report to the appropriate standing committee of their respective houses.

C. The report, as provided for in Subsection B, shall contain:

(1) A copy of the rule as it is proposed for adoption, amendment, or repeal.

(2) A statement of the proposed action, that is, whether the rule is proposed for adoption, amendment, or repeal, a brief summary of the content of the rule if proposed for adoption or repeal, and a brief summary of the change in the rule if proposed for amendment.

(3) The specific citation of the enabling legislation purporting to authorize the adoption, amending, or repeal of the rule.

(4) A statement of the circumstances which require adoption, amending, or repeal of the rule.

D. The standing committees to which each report is submitted may meet to review the rule which is proposed for adoption, amendment, or repeal. The committees may meet jointly or separately or by appointing joint or separate subcommittees to conduct a hearing for such review. The purpose of the hearing shall be to review the rule which is proposed for adoption, amendment, or repeal to:

(1) Determine whether the rule change is in conformity with the intent and scope of the enabling legislation purporting to authorize the adoption thereof.

(2) Determine whether the rule change is in conformity with and not contrary to all applicable provisions of law and of the Constitution.

(3) Determine the advisability or relative merit of the proposed rule change and whether the rule is acceptable or unacceptable to the committee.

E. Each such determination shall be made by the respective committee of each house individually and shall require the favorable vote of a majority of the membership of the committee. The committee vote on any determination may be taken either during a meeting or by mail ballot.

F. Each standing committee to which a report is submitted may submit a report of its determination made as provided in Subsection C to the agency which proposed the rule. This report shall contain:

(1) A copy of the proposed rule.

(2) A summary of the determinations of the committee made in accordance with this Section.

(3) A statement of the reasons why the standing committee has found the rule acceptable or unacceptable.

(4) If a committee having jurisdiction as provided in this Section determines that a proposed rule change is unacceptable, the committee shall provide a written report which contains the reasons therefor. Such report shall be delivered to the Governor. The Governor shall have five days in which to disapprove the action taken by the committee. If the action of the committee is not disapproved by the Governor within five calendar days, from the day the committee report is delivered to him, such proposed rule change shall not be adopted by the agency until such proposed rule has been changed or modified and has been found acceptable by the committee, or has been approved by the Legislature by concurrent resolution. If, however, the committee makes no determination with respect to a proposed rule change prior to the time when the agency may adopt such proposed rule change as provided in R.S. 49:953, or if the Governor disapproves the action by the committee as provided herein, the proposed rule change may be adopted.

G. The report by the standing committee, if submitted to the agency proposing the rule, shall be submitted to the agency in accordance with the provisions of R.S. 49:953 for the submission of oral presentation or argument and subsequently shall be published in the State Register. Publication of a report may be omitted from the Louisiana Register which would be unduly cumbersome, expensive, or otherwise inexpedient, if the Louisiana Register contains a notice stating the general subject matter of the omitted report and stating how a copy thereof may be obtained. The report may request a hearing in accordance with the provisions of R.S. 49:953A(2).

H. Each year, thirty days prior to the beginning of the Regular Session of the Legislature, each agency which has proposed the adoption, amendment, or repeal of any rule during the previous year, shall submit a report to the appropriate committees as provided for in Subsection B of this Section. This report shall contain:

(1) All of the information required by Subsection A with respect to all rules proposed for adoption, amendment, or repeal.

(2) A summary of all data, views, or arguments received by the agency concerning the rule change pursuant to R.S. 49:953 and this Section.

(3) A statement of the action taken by the agency with respect to adoption, amendment, or repeal of each such rule.

I. After submission of the report to the standing committee, a public hearing may be held by the committee for the purpose of reviewing the report with representatives of the proposing agency.

J. No later than the second legislative day of the Regular Session of the Legislature, any standing committee to which opinion rules have been submitted may submit a report to the Legislature. This report shall contain a summary of all committee action with respect to agency rules referred to the committee and of public hearings held by the committee pursuant to this Section. The report shall also contain any recommendations of the committee, for statutory changes in statutes concerning the agency, particularly in statutes authorizing the making and promulgation of rules by the agency.

# Potpourri

## Office of the Governor

### Office of Science, Technology and Environmental Policy

A public hearing on the State of Louisiana's Proposed Work Program for Federal Fiscal Year 1979 for development of a State solid waste management plan and for development of a State hazardous waste program under the Resource Conservation and Recovery Act (P.L. 94-580) will be held from 1:00 p.m. to 4:00 p.m., September 28, 1978, in the Conservation Hearing Room, State Land and Natural Resources Building, in Baton Rouge.

Copies of the Proposed Work Program will be available for inspection during normal working hours, 8:30 a.m. to 5:00 p.m. at 5790 Florida Boulevard, Suite 201, Baton Rouge, Louisiana.

Interested persons may submit written comments to the above address prior to and also within fifteen days after the hearing. Reasonable opportunity for oral comments will be provided at the September 28 hearing.

Lee W. Jennings, Executive Director  
Office of Science, Technology and  
Environmental Policy

## Department of Labor

Pursuant to Act No. 664 of the Regular Session of the 1974 Louisiana Legislature and Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which both the maximum unemployment compensation weekly benefit amount and the maximum workmen's compensation weekly benefit amounts will be based effective September 1, 1978, has been determined by the Louisiana Department of Labor to be \$210.88.

Joseph R. Gerace, Secretary  
Department of Labor

## 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 No. 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 29, 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
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At the August 29, 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

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