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Executive Orders

EXECUTIVE ORDER EWE 85-5

WHEREAS, Executive Order Number EWE 84-22 establishes the Louisiana State Occupational Information Coordinating Committee (SOICC) and specifies the membership of said committee pursuant to the requirements of Public Law 94-482, The Vocational Education Act of 1963; and

WHEREAS, Public Law 98-524, The Carl D. Perkins Vocational Education Act of 1984, amending Public Law 94-482, The Vocational Education Act of 1963, restructures the required membership of SOICC;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana do hereby order and direct as follows:

Section 1(A) of Executive Order Number EWE 84-22 is hereby amended to add as a member of SOICC the deputy secretary of the Department of Commerce.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-6

WHEREAS, the human tragedy and financial costs associated with vehicular injuries and fatalities are a serious state concern; and

WHEREAS, it is imperative that the human and economic loss occasioned by the injury or death of state employees be minimized; and

WHEREAS, seat and shoulder belt assemblies have been proven to be the single most effective measure for reducing traffic injuries and fatalities; and

WHEREAS, it is estimated by the National Highway Safety Administration that seat belt usage reduces the risk of death or serious injury from accidents by 50 percent;

NOW THEREFORE I, EDWIN EDWARDS, GOVERNOR OF THE STATE OF LOUISIANA, do hereby order and direct as follows:

SECTION 1: Each state employee who rides in a state vehicle or privately owned vehicle on official travel status shall utilize the complete occupant restraint systems provided in those vehicles.

SECTION 2: Each agency head shall take the actions necessary to ensure that his employees utilize occupant restraint systems while on official travel status.

SECTION 3: Each citizen is urged to join in this campaign to save lives by habitually fastening and using safety belts on every automobile trip.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana,

at the Capitol, in the City of Baton Rouge, on this 11th of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-7

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue described in this section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$5,700,000	La. Public Facilities Authority	Jefferson/Brentwood Limited Project

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana,

Louisiana, at the Capitol, in the City of Baton Rouge on this 12th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-8

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issues described in this section are hereby granted allocations from the ceiling in the amounts shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 750,000	La. Public Facilities Authority	Golden Rest Home
2,800,000	La. Public Facilities Authority	Baton Rouge Heritage House II Limited Partnership

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted allocations hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of

Louisiana, at the Capitol, in the City of Baton Rouge on this 12th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-9

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the Treasury appear likely to fall short of revenue estimates for the fiscal year 1984-85; and

WHEREAS, continued maintenance of the appropriated levels of expenditure is likely to result in a deficit;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Each department and each budget unit not within a department shall submit a revised budget to the commissioner of administration no later than February 26, 1985. The budget shall reflect a reduction of 2.5 percent. However, as authorized by R.S. 39:55 and by Section 10 of Act 15 of the 1984 Regular Session, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2: Budget cuts pursuant to this order shall become effective March 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 13th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-10

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue described in this section is

hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 305,000	Lake Providence Port Commission	Lake Providence Port Commission Warehouse and Office Building

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchaser thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 15th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-11

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Return Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issues described in this section is

hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 500,000	La. Public Facilities Authority	BOXCO, INC.
\$18,000,000	Greater Lafourche Port Comm.	Belle Pass Dry Docks, Inc.
\$ 1,500,000	La. Public Facilities Authority	Richland State Bank Project

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 27th day of February, 1985.

Edwin W. Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-12

WHEREAS, Article VII, Section 14 (C) of the Louisiana Constitution of 1974 authorizes the use of "Cooperative Endeavors" between the state and its political subdivisions or political corporations and the United States or its agencies, or with any public or private association, corporation, or individual, for a public purpose; and

WHEREAS, under R.S. 38:2193, the attorney general is vested with the authority to institute civil proceedings, if necessary, to invalidate contracts which violate the above referenced constitutional provisions, upon submission to him of pertinent facts thereof by the legislature or its members, the legislative auditor, or upon his own initiative; and

WHEREAS, it would be in the best interest of the state to have certain of these agreements reviewed prior to implementation in order to avoid the subsequent problem of invalidating such an agreement by litigation, thereby maintaining the integrity of such agreements; and

WHEREAS, the Division of Administration is charged with the responsibility of overseeing the state's acquisition of supplies and services under contractual agreements and therefore has the necessary personnel to determine if certain "Cooperative En-

deavor” agreements are in violation of the constitutional provisions, or the various procurement statutes which regulate the manner in which the state must acquire supplies and services; and

WHEREAS, the best interests of this state can be served by monitoring the use of this type of agreement from both a legal and budgetary standpoint, and by providing a centralized record of these agreements;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Each state entity within the executive branch shall submit to the Division of Administration, office of contractual review, for review and approval each cooperative endeavor agreement and/or contract authorized by a cooperative endeavor agreement which requires the expenditure of public funds, except for those such contracts and/or agreements which originate from the executive counsel to the governor.

SECTION 2: Each entity shall submit each such agreement and/or contract which has an effective date of May 1, 1985, or later, in the manner prescribed by the office of contractual review for the submittal of professional services contracts.

SECTION 3: A “BA-22” or other appropriate budgetary form shall be submitted with each contract evidencing the availability of funds.

SECTION 4: Each such contract must contain provisions which will condition its implementation on the availability of funds to fulfill the requirements of the contract, and on the approval of the Division of Administration.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 27th day of February 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-13

Executive Order EWE 84-2, issued on April 12, 1984, creating certain sections within the Division of Administration, is hereby amended to change the name of the Department of the State Register to the Office of the State Register. Further, effective January 1, 1985, the name of the entity referred to in said order as “Administrative Support” shall be changed to the Office of State Mail Operations.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 27th day of February, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-14

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the “Tax Reform Act”) restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the “bonds”), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the “state”) during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the “ceiling”); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$222,000	La. Agricultural Finance Authority	Central Bank Project No. 23 Monticello Gin and Elevator Co., Inc.
78,000	La. Agricultural Finance Authority	Central Bank Project No. 22 Pro-Boll Chemical and Fertilizer Co., Inc.
93,500	La. Agricultural Finance Authority	Central Bank Project No. 20, Thad H. Waters, Jr.
130,000	La. Agricultural Finance Authority	Central Bank Project No. 24, Crowville Grain and Elevator Co., Inc.
865,000	La. Public Facilities Authority	M.S.R. Investments

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s IDB Ceiling” submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 1st day of March, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

Apiary Law

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953 (B)) and the authority of the state entomologist under the provisions of R.S. 3:2304, notice is hereby given that the state entomologist for the Louisiana Department of Agriculture has confirmed the presence of the highly contagious Acarine Mite in the State of Louisiana and the mite's presence has created an emergency situation affecting the apiary industry.

Extensive sampling and testing have confirmed the mite's presence in only certain geographically restricted areas. Effective February 14, 1985, the state entomologist imposed a quarantine against any and all movement of restricted material within or out of the following areas in order to protect the apiary industry:

1. Iberia Parish: That portion of the parish lying west of the west shoreline of Lake Fausse Pointe excepting the island of Marsh Island.

2. Lafayette Parish: Those portions of T. 11 and 12 S., R. 5 E.; and the east one-third of T. 11 S., R. 4 E. lying in Lafayette Parish.

3. St. Martin Parish: That portion of the parish lying south of the north boundary of T. 11 S. and west of Highway 31.

4. Vermilion Parish: T. 13 S., R. 4 E.; those portions of T. 13, 12, and 11 S., R. 5 E. lying in the parish; the east one-third of T. 12 S., R. 4 E., and that portion of the east one-third of T. 11 S., R. 4 E. lying in the parish.

Restricted articles include colonies of bees, nuclei, comb or combless packages of bees, queens, used or second hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

Under the authority of R.S. 3:2304, the state entomologist, his agents, and employees shall inspect the above-mentioned restricted articles for the purpose of ascertaining if any bees are infected with Acarine Mites and may require the destruction of any bees or beekeeping fixtures or equipment that may be infected.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
Rule LAC 35:11101-11117 "Trifecta"

This Version Supercedes the Version as Published in the January 20, 1985 Issue of the Louisiana Register.

Chapter 111. Trifecta
§11101. Object

The trifecta (or other approved name) is a form of pari-mutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

§11103. Price of Tickets

Trifecta tickets shall be sold in not less than \$3 denominations and only from machines capable of issuing three numbers.

§11105. Approval by Commission

Races in which trifecta pools shall be conducted shall be approved by the commission and shall be clearly designated in the program.

§11107. Design of Tickets

The design of trifecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

§11109. Scratched Horse

If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

§11111. Failure to Select Winning Combination.

Rules concerning failure to select a winning combination, short finishes include:

A. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and the third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

B. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

§11113. Coupled Entries; Fields

Coupled entries and fields are prohibited in trifecta races.

§11115. Field Less Than Ten.

Where a field in a trifecta race in thoroughbred or quarter-horse racing is less than 10 at wagering time, such race may be run as an exotic wagering race or a trifecta race at the discretion of the stewards, but only if there is unanimous agreement of the stewards. A late scratch after wagering starts will not affect the trifecta.

§11117. Displaying Trifecta Rule

This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

Patrick C. McGinity
Secretary

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Adoption

Rule LAC 35:11501-11503 "Special and Limited Sweepstakes"

§11501. Special Sweepstakes

A. The special sweepstakes pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator board, nor to the rules governing the distribution of such other pools.

B. A valid special sweepstakes ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of special sweepstakes provisions.

C. A special sweepstakes may be given a distinctive name to be selected by the association conducting such races, such as

“Super 6” or “Super Sweepstakes,” subject to the approval of the commission. The special sweepstakes is deemed to be an extension of the daily double form of wagering.

D. The special sweepstakes pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a special sweepstakes ticket shall designate the winning horse in each of the six races comprising the special sweepstakes.

E. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the special sweepstakes shall race as a single wagering interest for the purpose of the special sweepstakes pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry or the field selection shall remain as the designated selection to win in that race for the super sweepstakes calculation and the pari-mutuel ticket shall not be withdrawn from the pool.

F. The special sweepstakes pari-mutuel pool shall be calculated as follows:

1. Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners of the six races comprising the special sweepstakes.

2. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the special sweepstakes.

G. In the event there is no pari-mutuel ticket held which entitles any ticket holder to a distribution pursuant to subsection F the special sweepstakes shall be cancelled and all tickets refunded.

H. In the event a pari-mutuel ticket designates as the selection to win in any one or more of the six races comprising the special sweepstakes a single wagering interest which is scratched or excused by the stewards or which is prevented from racing because of the failure of the stall doors of the starting gate to open or which is otherwise determined to be a non-starter in the race for which selected, the amount representing the purchase price of that pari-mutuel ticket shall be withdrawn from the gross distributable amount in the pool and the total net value of all such withdrawn tickets shall be distributed as a consolation award among the holders of withdrawn special sweepstakes pari-mutuel tickets which designate the total of winning and scratched selections, including at least one winning selection, to have qualified for at least the 25 percent pool as defined in Subsection F2. However, the amount representing the purchase price of a pari-mutuel ticket and such ticket which has entitled the holder thereof to a share of the distribution pursuant to Subsection F shall not be withdrawn.

I. Notwithstanding the provisions of paragraph H, a pari-mutuel ticket and the purchase amount of such ticket shall be refunded in the event that three or more of the designated selections to win on the said ticket are scratched, declared out, excused from the race, prevented from racing because of the failure of the stall doors of the starting gate to open or otherwise determined to be a non-starter in the races for which selected. Every special sweepstakes ticket so refunded is ineligible for and not entitled to any distribution from the special sweepstakes pool.

J. In the event of a dead heat for win between two or more horses in any special sweepstakes race, all such horses in the dead heat for win shall be considered as the winning horse in the race for the purpose of distributing the special sweepstakes pari-mutuel pool.

K. In the event one or more of the races comprising the

special sweepstakes is cancelled for any reason, the distribution of the net amount of the special sweepstakes pari-mutuel pool shall be among the holders of pari-mutuel tickets which correctly designate the most winners in all of the remaining races comprising the special sweepstakes on such day; except that in the event the stewards cancel or declare as no contest three or more of the six races comprising the special sweepstakes all pari-mutuel tickets on the special sweepstakes for that day shall be refunded and the special sweepstakes shall be cancelled for that day.

L. Any race wherein the privilege of declaring from the race extends to within one hour of posttime shall not be included in the six races comprising the special sweepstakes.

M. No person shall disclose the number of tickets sold in the special sweepstakes pool or the number or amount of tickets selecting winners of special sweepstakes races prior to the time the stewards have determined the last race comprising the special sweepstakes each day to be official.

N. No pari-mutuel ticket for the special sweepstakes pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the special sweepstakes, except for such refunds on special sweepstakes pari-mutuel tickets as required by this section.

§11503. Limited Sweepstakes

A. The limited sweepstakes pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

B. A limited sweepstakes pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the said ticket shall constitute an acceptance of the limited sweepstakes provisions.

C. A limited sweepstakes may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.

D. The limited sweepstakes pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a limited sweepstakes ticket shall designate the winning horse in each of the six races comprising the limited sweepstakes.

E. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the limited sweepstakes shall race as a single wagering interest for the purpose of the limited sweepstakes pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry or the field selection shall remain as the designated selection to win in that race for the limited sweepstakes calculation and the selection shall not be deemed a scratch.

F. The limited sweepstakes pari-mutuel pool shall be calculated as follows:

1. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the limited sweepstakes.

2. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the second most official winners, but less than six, in each of the six races comprising the limited sweepstakes.

3. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the limited sweepstakes, the 50 percent of the

pari-mutuel pool shall not be distributed as provided in Subsection F1 but shall be retained by the association as distributable amounts and shall be carried over and included in the limited sweepstakes pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed as provided in Subsection F1.

4. Should no distribution be made pursuant to Subsection F1 on the last day of the association's meeting, then that portion of the distributable pool and all monies accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the limited sweepstakes for that day or night.

G. In the event a limited sweepstakes ticket designates a selection in any one or more of the races comprising the limited sweepstakes and that selection is scratched, excused or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs.

H. In the event of a dead heat for win between two or more horses in any limited sweepstakes race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purposes of calculating the pool.

I. In the event one or more of the races comprising the limited sweepstakes of the day or night is cancelled for any reason, or in the event one or more of the races comprising the limited sweepstakes is declared as no contest by the stewards, all pari-mutuel tickets held on the limited sweepstakes for that day or night shall be refunded and the limited sweepstakes shall be cancelled in its entirety for that day or night and any retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to Subsection F3 shall be carried over to the next succeeding racing date of that meeting.

J. No pari-mutuel ticket for the limited sweepstakes pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the limited sweepstakes, except for such refunds on limited sweepstakes tickets as required by this regulation, and no person shall disclose the number of tickets sold in the limited sweepstakes pool or the number or amount of tickets selecting winners of limited sweepstakes races until such time as the stewards have determined the last race comprising the limited sweepstakes each day to be official.

Patrick C. McGinity
Secretary

DECLARATION OF EMERGENCY

Board of Secondary and Elementary Education

The State Board of Elementary and Secondary Education, at its meeting of February 28, 1985, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following item as an emergency rule:

The board grandfathered in as special school principal any person who is currently serving as a special school principal in Louisiana schools and who will have three or more years experience as a special school principal by the end of the 1984-85 school year.

This emergency adoption is necessary due to a shortage of certified special school principals. This rule affects 32 schools and without approval of this rule, these schools would be placed on probation for the 1984-85 school year.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Board of Secondary and Elementary Education

The State Board of Elementary and Secondary Education, at its meeting of February 28, 1985, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following item as an emergency rule:

The Board revised Board Policy #3.02.04.g to read: "Each board special school superintendent is designated as appointing authority for the board special schools."

This emergency adoption is necessary because under previous board policy #3.02.04.g, actions by special school superintendents in disciplining Civil Service employees of special schools were subject to BESE approval, thereby causing discipline actions to be overturned on appeal because of untimely delays in the discipline-approval-appeal scenario.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Education Committee for the Louisiana Educational Employees Professional Improvement Program

Notice is hereby given that the State Committee for the Louisiana Educational Employees Professional Improvement Program found during its meeting on Tuesday, February 26, 1985, that an emergency exists which may affect the welfare of students enrolled in the public schools of this state, in that the present rules of said committee do not prohibit the awarding of PIP points for courses that are of insufficient duration to assure proper training.

Therefore, the State Committee for the Louisiana Educational Employees Professional Improvement Program adopted the following rule on an emergency basis in order to assure that all participants receiving PIP points will have participated in courses of a duration sufficient to justify said points:

1. For one semester hour of credit, the class shall meet a minimum of 750 minutes and five instructional days of at least 150 minutes each.

2. For two semester hours of credit, the class shall meet a minimum of 1,500 minutes and 10 instructional days of at least 150 minutes each.

3. For three semester hours of credit, the class shall meet a minimum of 2,250 minutes and 15 instructional days of at least 150 minutes each.

No exceptions to this policy shall be made in the awarding of PIP points for any activity that commences after February 26, 1985.

Betty Hill
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Board of Veterinary Medicine

Under the provisions of R.S. 49:953B (1) of the Administrative Procedure Act, the Louisiana Board of Veterinary Medicine finds that an imminent peril to the public health, safety and welfare requires adoption of the following rule:

Part C of the rule entitled "Fees" currently reads:

"C. Annual Renewal of License Fee \$50"

is hereby deleted. In its place the following is substituted:

“C. Annual Renewal of License Fee \$75”

I certify that the above rule was adopted by the Board of Veterinary Medicine at its meeting on Thursday, February 28, 1985.

Ralph C. Cooper, D.V.M.
Secretary-Treasurer

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 exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to implement the following emergency rule in the Medical Assistance Program.

RULE

Effective February 20, 1985, the Office of Family Security will discontinue Title XIX funding for habilitation services. This change is necessary because of the Health Care Financing Administration's (HCFA) decision not to renew the state's waiver document. This waiver document was provided for under Section 1915 (c) of the Social Security Act.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

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 exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Title XIX Medical Assistance Program.

RULE

Effective for services beginning February 26, 1985, the Title XIX State Plan and Chapter XIX Medical Assistance Manual will continue to reflect the amendment made effective October 29, 1984, which shows that optometrists who perform eye care services that are within the scope of optometric practice will receive Medicaid reimbursement to the same extent, and according to the same standards, as physicians who perform these same eye care services.

An emergency rule effecting this change was originally adopted effective for services beginning October 29, 1984, and was published in the *Louisiana Register* on November 20, 1984, (Volume 10, Number 11, page 864). The first emergency rule was necessary to comply with the judgment of the U.S. Court of Appeals, 5th Circuit, in the case of Sandefur vs. Cherry, docket Number 82-3564, which was rendered on October 29, 1984.

The adoption of this emergency rule is necessary to comply with further orders of the court issued February 1, 1985, in the case of Sandefur vs. Cherry, docket Number 82-3564.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change remains in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

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 exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to implement the following emergency rule.

RULE

Effective February 25, 1985, the Title XIX State Plan, Attachment 4.19-D, page 28a will be amended to include the following paragraph under Subpart D. PHYSICIAN CERTIFICATION AND RECERTIFICATION:

Certification is the process by which a physician who has knowledge of the case attests to an individual's need for a specific type or level of institutional care. This certification must be provided by the physician on or not more than 30 days prior to an individual's admission to an institution. If an individual makes an application for assistance while in an institution, the certification must be signed at that time or, if the certification was made earlier, not more than 30 days prior to authorization of Medicaid payment. When the preceding time limitation for certification is exceeded, a new certification must be obtained.

This applies not only to initial certifications, but also includes a transfer from an acute care hospital to a long term care facility even if the patient had previously been a resident in the facility to which he or she is being transferred, when the transfer is from one level of care to another level within the same facility, or when the patient is transferred from one long term care facility to another facility.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

It is necessary to adopt this as an emergency rule to avoid federal sanctions.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to update the licensing regulations for adult day care centers, effective March 1, 1985.

This update is a part of the corrective action measures required to restore Title 19 Federal Financial Participation (FFP) funds to the program. The federal funding for this program expired January 7, 1985, when the Title 19 waiver was not renewed. To restore FFP funds retroactively to January 7, 1985, these corrective action measures are required by March 1, 1985.

Effective March 1, 1985, these regulations are implemented to comply with federal guidelines and Act 705 of the 1984 Legislative Session. These regulations are being done simultaneously with other corrective action measures required of the Office of Family Security.

STATE OF LOUISIANA LICENSING REQUIREMENTS FOR DAY CARE PROVIDERS ADULT DAY CARE

INTRODUCTION

0.1 Legal Base

The legal base for these regulations and of the licensing au-

thority of the Department of Health and Human Resources for all programs contained in this manual is in the following statute(s): Louisiana Revised Statutes 46:1971-1980.

0.2 Effective Date

These regulations are effective March 1, 1985, as stipulated in the *Louisiana Register* in accordance with the Administrative Procedure Act.

0.3 Purpose

The overall purpose of these regulations is the protection of the health, safety and well-being of individuals attending day programs.

0.4 Regulated Services

Day care centers, which may be referred to as "providers," "activity centers," "facilities," or other names in these regulations, provide care for individuals for a portion of the 24-hour day to unrelated clients. All centers or facilities are required to meet the core requirements as written in these regulations.

0.5 Adult Day Care Centers

In addition to core requirements, adult day care centers, (centers serving 10 or more functionally impaired adults), who are not related to the owner or operator of each center, for a portion of the 24-hour day, are required to meet the requirements in the adult day care module. Some core requirements may be excepted as are listed in the module.

0.6 Child Day Care Centers

0.7 (Reserved)

0.8 (Reserved)

0.9 (Reserved)

0.10 Application Procedure

The applicant must submit an application for license to the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. Prior to a license being issued, the following must be satisfied:

—The proposed location must be inspected and approved by the Office of State Fire Marshal and the Office of Preventive and Public Health Services and their reports submitted to Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

—Any licensure fees, as required in the appropriate module, must be submitted to the Division of Licensing and Certification. Applicant must be in compliance with all other state and local laws and regulations as required for the particular program or facility to be licensed.

0.11 Issuance of a License

An applicant will not be issued a license until all applicable requirements have been met and may not begin operation until a valid license has been issued.

0.12 Types of Licenses and Expiration Dates

New centers or centers which have substantially changed—either in the services offered or in the physical plant—may be issued a temporary license. Temporary licenses expire on the date specified on the license. Regular licenses expire on the date specified on the license, which is usually one year from the anniversary date of issuance. Provisional licenses are issued when the center or facility has deficiencies which are not a danger to the health and welfare of the clients. Provisional licenses are issued for a period not to exceed 90 days.

0.13 Reapplication

Reapplication is basically the same procedure as initial application. An application for licensure (and fee paid, if applicable) must be done on an annual basis.

0.14 Refusal, Revocation and Fair Hearing

A license may be revoked or refused if applicable licensing requirements, as determined by the Division of Licensing and Certification, have not been met. Licensing decisions are subject to appeal and fair hearing, in accordance with state law.

0.15 Terms of the License

The license will specify the service which the provider or center is authorized to provide, the maximum number of clients which may be served, the ages which may be served and the types of handicapping conditions, if any, which may be served. These terms must be continuously met by the provider or center, failure to do so is grounds for revocation of the license.

0.16 Licensing Inspections

Licensing inspections may be conducted at any time but must be at least on an annual basis. No advance notice is required for a licensing survey. Licensors must be given access to all areas of the facility and all relevant files. Licensors shall be allowed to see and speak with any staff or client as required to conduct their business. Licensors will explain the licensing process in an initial interview and will report orally on any deficiencies found during the inspection prior to leaving the facility or center.

0.17 New Construction, Renovations of Existing Facilities and Conversion of any Residential or Commercial Building For Use

No building may be utilized without first obtaining approval from the Division of Licensing and Certification, the Office of State Fire Marshal, and the Office of Preventive and Public Health Services. In addition, it shall be the responsibility of the provider to obtain any approvals from local authorities (such as zoning, building, fire, etc.) that may be required in that particular city or parish.

The site for any program shall not be located in an area that would present a hazard to those being served. Plans for any new construction, or renovation to any existing structure, must be drawn and submitted to the appropriate office or division in accordance with their policies and regulations. (State Fire Marshal, Office of Preventive and Public Health Services, Division of Licensing and Certification, local agencies, etc.)

Final approval must be obtained from Office of State Fire Marshal, Office of Preventive and Public Health Services and Division of Licensing and Certification before utilizing any newly constructed building or addition or of any renovated building. A license may be issued only after these final approvals have been obtained.

All providers or centers must be in conformity with the appropriate ANSI standards for the handicapped.

0.18 General Waiver

The Office of the Secretary of the Department of Health and Human Resources shall have the authority to waive any standard or rule which is deemed to be inapplicable to the type of service to be rendered.

INTRODUCTION ADULT DAY CARE PURPOSE

The Adult Day Care (ADC) Program provides direct care for a portion of the 24-hour day to individuals who are physically, mentally or functionally impaired. The target group is those individuals who need direct professional medical supervision or personal care supervision. The adult day care center shall provide services to maintain the client's state of emotional, physical and social health so that he/she does not deteriorate to a point where admission to an institution is necessary.

This program is intended to expand the array of services available to individuals who are frail and functionally impaired and to help bridge the gap between their independence and institutionalization, allowing them to remain in their own homes and communities.

Adult Day Care programs work toward the following goals:

- to promote the individual's maximum level of independence
- to maintain the individual's present level of functioning

- as long as possible, preventing or delaying further deterioration
- to restore and rehabilitate the individual to his/her highest possible level of functioning
- to provide support, and education for families and other caregivers
- to foster socialization and peer interaction
- to serve as an integral part of the community service network and the long-term care continuum

The long range goal for all adult day care clients shall be the prevention of 24-hour care.

Legal Base

The legal authority for these regulations is contained in Louisiana Revised Statutes 46:1971 through R.S. 46:1980.

Fees

There shall be an annual license fee of \$50 for adult day health care centers operating on a for profit basis. There shall be no license fee for non-profit centers.

Standards for Licenses

These standards were developed for adult day care centers as defined in L.R.S. 46:1972 and shall apply to all such centers. All public and private centers shall be licensed by the department pursuant to L.R.S. 46:1973. Separate licenses shall be required for centers maintained on separate premises even though operated under the same management. Separate licenses are not required for separate buildings on the same grounds.

Services to be Provided

The ultimate goal of all services provided is greater independence and community involvement to enable prevention of 24-hour residential care. All nursing, social, dietary, physical, occupational and recreational services shall be provided in accordance with acceptable professional practices and standards for each discipline.

Reporting Suspected or Alleged Abuse or Neglect

The center shall report all suspected or alleged incidents of abuse or neglect in accordance with the state law (Adult Protection Law) as well as make an internal investigation within 24 hours with a report to be sent to the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821 within seven days.

ADMINISTRATION AND ORGANIZATION

Capacity

41.1 A center shall have a capacity of at least 10 or more functionally impaired adults who are not related to the owner or operator of the center.

General Requirements

41.2 A provider or center shall have a written policy on client civil rights. This policy shall give assurances that:

41.2.1 a client's civil rights are not abridged or abrogated solely as a result of placement in the center's program;

41.2.2 a client is not denied admission, segregated into programs or otherwise subjected to discrimination on the basis of race, religion or ethnic background.

41.3 Centers shall allow representatives of DHHR, in the performance of their mandated duties, to inspect all aspects of a program's functioning which impact on clients and to interview any staff member or client.

41.4 As a minimum, each center shall provide the following services:

41.4.1 usage of reality orientation by all staff as well as daily orientation classes;

41.4.2 individualized training in the activities of daily living (toileting, grooming, etc.);

41.4.3 health and nutrition counseling;

41.4.4 an individualized exercise program;

41.4.5 a recreation program;

41.4.6 daily health education classes;

41.4.7 daily health services;

41.4.8 leisure skill development and education;

41.4.9 one nutritionally balanced hot meal and two snacks served each day;

41.4.10 intellectual and educational development opportunities (Bookmobile, talking library, etc.).

41.5 A center shall make any information, which the center is required to have under these requirements and any information reasonably related to assessment of compliance with these requirements available to DHHR. The client's rights shall not be considered abridged by this requirement.

Other Jurisdictional Approvals

41.6 The center shall show appropriate evidence of compliance with all relevant standards, regulations and requirements established by federal, state, local and municipal regulatory bodies including, but not limited to the following:

41.6.1 the Office of Preventive and Public Health Services;

41.6.2 the Office of State Fire Marshal;

41.6.3 the City Fire Marshal or Fire Prevention Bureau, if applicable;

41.6.4 the fiscal and/or program review agencies within DHHR, such as the Office of Family Security;

41.6.5 the applicable local governing authorities, such as building and zoning; and,

41.6.6 if federally funded, the applicable federal regulation for such funding.

Change in Program

41.7 The Division of Licensing and Certification shall be notified before changes are made in the programs or composition of the governing body in order to determine the effect upon the license.

Governing Body

41.8 A center shall have an identifiable governing body with responsibility for and authority over the policies and activities of the center.

41.8.1 A center shall have documents identifying all members of the governing body; their address; their terms of membership if applicable; officers of the governing body, if applicable; and terms of office of all officers, if applicable.

41.8.2 When the governing body of a center is composed of more than one person, the governing body shall hold formal meetings at least twice a year.

41.8.3 When the governing body is composed of more than one person, a center shall have written minutes of all formal meetings of the governing body and bylaws specifying frequency of meetings and quorum requirements.

41.9 A privately owned and operated center may be governed by a single person or owner. This person would assume all responsibilities of the governing body.

Responsibilities of a Governing body

41.10 The governing body of a center shall:

41.10.1 ensure the center's compliance and conformity with the center's charter;

41.10.2 ensure the center's continual compliance and conformity with all relevant federal, state, local and municipal laws and regulations;

41.10.3 ensure that the center is adequately funded and fiscally sound;

41.10.4 review and approve the center's annual budget;

41.10.5 ensure that the center is housed, maintained, staffed and equipped appropriately considering the nature of the program;

41.10.6 designate a person to act as chief administrator and

delegate sufficient authority to this person to manage the center;

41.10.7 formulate and annually review, in consultation with the chief administrator, written policies concerning the center's philosophy, goals, current services, personnel practices, and fiscal management;

41.10.8 annually evaluate the chief administrator's performance;

41.10.9 Have the authority to dismiss the chief administrator;

41.10.10 Meet with designated representatives of DHHR whenever required to do so;

41.10.11 Inform designated representatives of DHHR prior to initiating any substantial changes in the program, services or physical plant of the center.

Accessibility of Executive

41.11 The chief administrator or a person authorized to act on behalf of the chief administrator shall be accessible to center staff or designated representatives of DHHR at all times.

Documentation of Authority to Operate

41.12 A private center shall have documentation of its authority to operate under state law.

41.12.1 A privately owned center shall have documents identifying the names and addresses of owners.

41.12.2 A corporation, partnership or association shall identify the names and addresses of its members and officers and shall, where applicable, have a charter, partnership agreement, constitution, articles of association or bylaws.

Statement of Philosophy and Goals

41.13 A center shall have a written statement describing its philosophy and describing both long-term and short-term goals.

Program Description

41.14 A center shall have a written program plan describing the services and programs offered by the provider.

Accounting and Recordkeeping

41.15 A center shall establish a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

41.16 A center shall demonstrate fiscal accountability through regular recording of its finances.

41.17 A center shall not permit funds to be paid, or committed to be paid, to any person to which any of the members of the governing body, administrative personnel, or members of the immediate families or members of the governing body or administrative personnel have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the center. The center shall have a written disclosure of any financial transaction with the facility in which a member of the governing body, administrative personnel, or his/her immediate family is involved.

41.18 A center shall ensure that all entries in records are legible, signed by the person making the entry and accompanied by the date on which the entry was made.

Retention of Records

41.19 All records should be maintained in an accessible, standardized order and format and shall be retained and disposed of according to state laws.

41.20 A center shall have sufficient space, facilities and supplies for providing effective recordkeeping services.

41.21 All records concerning past or present medical conditions of clients are confidential except for specific exclusions contained in the Medical Records Act (L.R.S. 44.7). The expressed written consent of the client must be obtained prior to the disclosure of medical information regarding the client.

Confidentiality and Security of Files

41.22 A center shall have written procedures for the maintenance and security of records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released. Records shall be the property of the center and the center, as custodian, shall secure records against loss, tampering or unauthorized use.

41.23 A center shall maintain the confidentiality of all clients' case records. Employees of the center shall not disclose or knowingly permit the disclosure of any information concerning the client or his/her family, directly or indirectly, to any unauthorized person.

41.24 A center shall obtain the client's written, informed permission prior to releasing any information from which the client or his/her family might be identified, except for authorized state and federal agencies and another program with professional interest in the client.

Administrative File

41.25 A center shall have an administrative file including:

41.25.1 documents identifying the governing body;

41.25.2 list of members and officers of the governing body and their addresses and terms of membership, if applicable;

41.25.3 Bylaws of the governing body and minutes of formal meetings, if applicable;

41.25.4 documentation of the center's authority to operate under state law;

41.25.5 organizational chart of the center;

41.25.6 all leases, contracts and purchase-of-service agreements to which the center is a party;

41.25.7 insurance policies;

41.25.8 annual budgets and audit reports;

41.25.9 master list of all other programs and services used by the center.

Client's Case Record

41.26 A center shall have a written record for each client which shall include administrative and treatment data from the time of admission until the time the client leaves the center. A client's case record shall include:

41.26.1 the name, sex, race, religion and birthdate of the client;

41.26.2 other identification data including court status, legal status, who is authorized to give consents, etc.;

41.26.3 client's history including, where applicable, family data and prior medical history.

41.26.4 a copy of the client's individual service plan and any modification thereto and an appropriate summary to guide and assist direct service workers in implementing the client's program.

41.27 The findings made in periodic reviews of the plan, including a summary of the successes and failures of the client's program and recommendations for any modifications deemed necessary.

41.28 When restraint in any form other than passive physical restraint has been used, a signed order for each use of restraint issued by a qualified professional prior to such use.

41.29 Critical incident reports.

41.30 Reports of any client grievances and the conclusions or dispositions of these reports.

41.31 A summary of attendance and leaves from the center.

Medical and Dental Records

41.32 A center shall maintain complete health records of a client including a complete record of any medication; records of vision, physical or dental examinations; and a complete record of any treatment provided for specific illness or medical emergencies.

41.33 Upon discharge, the center shall provide a summary of the client's health record to the person or agency responsible for the future planning and care of the client.

41.34 A center shall make every effort to compile a complete past medical history on every client. This history shall, whenever possible, include:

41.34.1 allergies to medication;

41.34.2 history of serious illness, serious injury or major surgery;

41.34.3 current use of prescribed medication;

41.34.4 current use of alcohol or non-prescribed drugs;

41.34.5 medical history.

Personnel File

41.35 A center shall have a personnel file for each employee which shall contain:

41.35.1 the application for employment and/or resume;

41.35.2 reference letters from former employer(s) and personal references or phone notes on such references;

41.35.3 any required medical examinations;

41.35.4 evidence of applicable professional credentials/certifications according to state law;

41.35.5 annual performance evaluations;

41.35.6 personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the facility.

41.35.7 employee's starting and termination dates;

41.35.8 the staff member shall have reasonable access to his/her file and shall be allowed to add any written statement he/she wishes to make to the file at any time.

41.36 A center shall retain the personnel file of an employee for at least three years after the employee's termination of employment.

Fund Raising and Publicity

41.37 A center shall have a policy regarding participation of clients in activities related to fund raising and publicity.

41.37.1 Consent of the client and, where appropriate, the legally responsible person shall be obtained prior to participation in such activities.

41.38 A center shall have written policies and procedures regarding the photographing and audio or audio-visual recordings of clients.

41.38.1 The written consent of the client and, where appropriate, the legally responsible person shall be obtained before the client is photographed or recorded for research or program publicity purposes.

41.38.2 All photographs and recordings shall be used in a manner which respects the dignity and confidentiality of the client.

41.39 The responsibility of raising funds should not interfere with the director's administrative duties in conducting the program.

HUMAN RESOURCES/PERSONNEL

Staff Plan

42.1 A center shall have a written plan for recruitment, screening, orientation, ongoing training, development, supervision and performance evaluation of staff members.

Recruitment

42.2 A center shall employ qualified people of both sexes representative of the racial groups served by the center.

Screening

42.3 A center's screening procedures shall address the prospective employee's qualifications, ability, related experience, health, character, emotional stability and social skills as related to the appropriate job description.

42.4 Prior to employing any person and upon obtaining assigned release and names of the references from the potential

employee, a center shall obtain written references or phone notes on oral references from three persons.

Orientation

42.5 A center's orientation program shall provide training for new employees to acquaint them with the philosophy, organization, program, practices and goals of the facility and shall include instruction in safety and emergency procedures and in the specific responsibilities of the employee's job.

Training

42.6 A center shall ensure that each direct service worker participates in in-service training each year. Orientation training and activities related to routine supervision of the employee's tasks shall not be considered for the purposes of this requirement.

42.7 A center shall document that all employees receive training on an annual basis in emergency and safety procedures; the principles and practices of client care; the center's administrative procedures and programmatic goals; client rights; and procedures and legal requirements concerning the reporting of abuse and critical incidents.

42.7.1 Direct service workers shall, in addition, receive training in acceptable behavior management techniques, crisis management and passive physical restraint.

42.8 A center shall ensure the immediate accessibility of appropriate first aid supplies.

Evaluation

42.9 A center shall undertake an annual performance evaluation of all staff members.

42.9.1 For any person who interacts with clients, a center's performance evaluation procedures shall address the quality and nature of a staff member's relationship with clients.

Personnel Practices

42.10 A center shall have written personnel policies and written job descriptions for each staff position.

42.11 A center shall have a written employee grievance procedure.

Number and Qualifications of Staff

42.12 A center shall employ a sufficient number of qualified staff and delegate sufficient authority to such staff to ensure that the responsibilities and center undertakings are carried out and to adequately perform the following functions:

42.12.1 administrative functions;

42.12.2 fiscal functions;

42.12.3 clerical functions;

42.12.4 housekeeping, maintenance and food service functions;

42.12.5 direct client service functions;

42.12.6 supervisory functions;

42.12.7 recordkeeping and reporting functions;

42.12.8 social service functions;

42.12.9 ancillary service functions.

42.13 A center shall ensure that all staff members are properly certified and/or licensed as legally required.

42.14 A center shall ensure that an adequate number of qualified direct service staff are present with the clients as necessary to ensure the health, safety and well-being of clients. Staff coverage shall be maintained in consideration of the time of day, the size and nature of the center and the needs of the clients.

42.15 A center shall not knowingly hire, or continue to employ, any person whose health, educational achievement, emotional or psychological makeup impairs his/her ability to properly protect the health and safety of the clients or is such that it would endanger the physical or psychological well-being of the clients. This requirement is not to be interpreted to exclude continued employment in other than direct service capacities of persons undergoing temporary medical or emotional problems.

External Professional Services

42.16 A center shall obtain any required professional services not available from employees of the center and shall have documentation of access to such services either in the form of a written agreement with an appropriately qualified professional or written agreements with the state for required resources.

Volunteers/Student Interns

42.17 A center which utilizes volunteers or student interns on a regular basis, shall have a written plan for using such resources. This plan shall be given to all volunteers and interns. The plan shall indicate that all volunteers and interns shall:

42.17.1 be directly supervised by a paid staff member;

42.17.2 be oriented and trained in the philosophy of the facility and the needs of clients, and methods of meeting those needs;

42.17.3 be subject to character and reference checks similar to those performed for employment applicants upon obtaining a signed release and the names of the references from the potential volunteer/intern student;

42.17.4 be aware and/or be briefed on any special needs or problems of clients.

Staff Communications

42.18 A center shall establish procedures to assure adequate communication among staff to provide continuity of services to the client. This system of communication shall include:

42.18.1 a regular review of individual and aggregate problems of clients including actions taken to resolve these problems;

42.18.2 sharing of daily information noting unusual circumstances and other information requiring continued action by staff;

42.18.3 records maintained of all accidents, personal injuries and pertinent incidents related to implementation of client's individual service plans.

42.19 Any employee of a center working directly with clients in care shall have access to information from clients case records that is necessary for effective performance of the employee's assigned tasks.

42.20 A center shall establish procedures which facilitate participation and feedback by staff members in policy-making, planning and program development for clients.

Staff Coverage (Ratio)

42.21 The staff to client ratio shall be a minimum of one full-time staff member to every nine clients or fraction thereof.

42.22 Staffing requirements may be waived for centers which are currently licensed and operating on or before March 1, 1985. However, any such waiver shall not extend past June 1, 1985.

42.23 Staffing requirements shall not be waived for any center applying for licensure on or after March 1, 1985.

Staff Coverage (General and Professional)

42.24 The following staff positions are required; however, one person may occupy more than one position:

Director

42.24.1 The director shall have a bachelor's degree in the human services, such as social work, nursing, education or psychology. Two years of responsible supervisory experience may be substituted for each year of college.

Social Service Designee

42.24.2 The center shall designate at least one full-time staff person to serve as SSD. This individual shall have a bachelor's degree in human services. Two years of experience in the human service field may be substituted for each year of college.

Nurse

42.24.3 Centers with 30 or more clients shall employ a full-

time licensed practical nurse or registered nurse. Centers with 30 clients shall employ an LPN or RN at least half-time. This individual shall have a current state license.

Program Director

42.24.4 Each center shall designate at least one full-time staff member who is responsible for carrying out the center's individualized program for each client. The program director should have program planning skills, good organization abilities, counseling and occupational therapy experience.

Food Service Supervisor

42.24.5 The center shall designate one full-time staff member who shall be responsible for meal preparation and/or serving.

Volunteers

42.24.6 Volunteers shall be considered a supplement to the required staffing component. They shall be supervised and shall be provided program orientation and ongoing inservice training. Inservice training should be held at least quarterly.

Staff - General Requirements

42.25 There shall be, in the center at all times, a staff member who has knowledge of and can apply first aid and who is certified in CPR.

42.26 In the absence of the director, a staff member shall be designated to supervise the center.

42.27 Each center (when it is co-located with another facility) shall have its own separate identifiable staff.

DIRECT SERVICE MANAGEMENT

Admissions

42.28 A center shall have a written description of admission policies and criteria which shall describe the admission process and the types and conditions of clients admitted.

42.29 The information concerning individual clients applying for admission shall include:

42.29.1 the client's name, date of birth, home address and telephone number.

42.29.2 the name, address and telephone number of client's closest relative or friend.

42.29.3 a brief social data to include client's marital status, existence of supportive family members or friends, general health status, education, former occupation and leisure-time interest.

42.29.4 the name, address and telephone number of client's physician and/or medical facility; date of client's last physical exam.

42.29.5 a written statement, signed by a physician, summarizing the client's general health status shall be received prior to client's admission into the program. The statement shall be based on an examination made within 30 days prior to admission and should note special dietary needs, prescribed medication, allergies and any limitations on activity.

42.29.6 the degree to which the client is ambulant.

42.29.7 visual or hearing limitation or other physical impairments.

42.29.8 apparent mental state (degree of confusion or alertness)

42.29.9 ability to control bowel or bladder.

42.29.10 ability to feed self.

42.29.11 ability to dress self.

42.29.12 ability to self-administer his or her medication.

42.30 A center shall not refuse admission to any client on the grounds of race, sex or ethnic origin.

42.31 A center shall not admit more clients into care than the number specified on their license.

42.32 A center shall not admit any client into care whose presence would be seriously damaging to the ongoing functioning of the center or to clients already in care.

Discharge

42.33 There shall be a written discharge policy and procedure. This policy shall ensure that emergency discharges, initiated by the center, shall occur only when the health and safety of a client, or other clients, might be endangered by the client's further stay in the center.

42.33.1 There shall be a written report detailing the circumstances leading to each unplanned discharge. This shall include both discharges initiated by the center and when the client withdraws from the program on his/her own.

42.34 Prior to the planned discharge of a client, the center's staff shall formulate an aftercare plan specifying the supports and resources provided to the client.

42.35 Discharge planning, when the client is going to another agency (either day care or residential care), shall include the needs of the client, his medication history, social data, and any other data that will assist in his care at the new location.

42.35.1 Staff of the day care center shall meet with the representatives of the new program to confer on the individual needs and problems of the client, if at all possible.

INDIVIDUAL SERVICE PLANNING

Interdisciplinary Team-Composition

42.36 The interdisciplinary team (ID team) may be composed of either full-time staff members, consultants or a combination of both.

42.37 The ID team shall be composed of nurses, social workers, and direct care staff. In addition, dietitians, physical therapist, occupational therapist, recreational therapist, physicians and others may sit on the team to staff an individual client on an as needed basis.

Interdisciplinary Team - Responsibilities

42.38 It shall be the responsibility of the ID team to staff each client prior to or within 14 days of admission of a client to develop a plan of care, or service plan, for each client admitted.

42.39 Prior to the individual staffing of a client by the ID team, each member shall complete an assessment to be used at the team meeting. These assessments shall, at a minimum, include a medical evaluation and a social evaluation.

42.40 The client, and family members if appropriate, shall be involved in the ID team staffing.

42.41 The ID team shall re-evaluate each client at least annually.

Plan of Care or Service Plan

42.42 The plan of care or service plan shall be developed from the staffing by the ID team of each client.

42.43 The client's individual plan of care shall state the individual needs of the client, the approaches to be used to meet those needs and the strengths and weaknesses of the client.

42.44 The plan of care shall be time-limited, goal-oriented and establish priorities.

42.45 Unless it is clearly not feasible to do so, a center shall ensure that the plan of care and any subsequent revisions are explained to the client and, where appropriate, the legally responsible person or family member in language understandable to these persons.

42.46 A center shall ensure that all persons working with the client are appropriately informed of the plan of care.

42.47 The completed plan of care shall be signed by all the team members.

42.48 The plan shall identify the staff member that will be responsible for carrying out each item in the plan. (This may be done by stating the position rather than the name of the employee.)

Plan of Care Review

42.49 The plan of care shall be reviewed and updated at

least quarterly and whenever a change in problems, goals or approaches is indicated.

42.50 This review shall be done by the person indicated on the plan as the individual primarily responsible for carrying out the plan.

42.51 This review shall be accomplished by reviewing the individual reports of all persons responsible for meeting the needs of the client. These reports shall include any report from physicians, social workers, nurses, therapists, dietitians, family members, incident reports, etc.

Incident Reports

42.52 There shall be policies and procedures which cover the writing of and disposition of incident reports.

42.53 Incident reports shall cover, at a minimum, accidents and injuries, the involvement of any client in any occurrence which has the potential for affecting the welfare of any other client, any elopement or attempted elopement, and any suspected abuse whether occurring at the center or not.

42.54 Daily progress notes shall indicate that an incident report was written.

42.55 The completed individual incident report shall be filed in a central record system.

42.56 Incident reports shall include, at a minimum, the following information:

42.56.1 the name of the client or clients;

42.56.2 the date and time of the incident;

42.56.3 a detailed description of the incident;

42.56.4 the names of witnesses to the incident and their statements; and,

42.56.5 a description of the action taken by the center with regard to the incident.

42.57 Incident reports must be reviewed by the facility administrator within 24 hours.

42.58 A qualified professional shall review all incident reports, and recommend action as indicated, on a daily basis.

CLIENT CARE

Medical Services

42.59 Normally medical services shall be provided by the individual's own private physician.

42.60 A center shall have an agreement with a physician and/or hospital for emergency services.

42.61 A center shall have a listing of all available medical services for referral. When referrals are made, follow-ups shall be made to see that the client is receiving care.

42.62 The center shall have means to transport clients on medical emergencies either with their own vehicle or through arrangement with an ambulance service.

42.63 Cities or communities that have a city or community wide ambulance service, such as fire department or other emergency medical service, a statement of such service in the center files, and the method of contacting the service, will be acceptable.

Nursing Service

42.64 The nurse shall serve on the ID team and shall monitor the overall health needs of the clients.

42.65 The nurse shall oversee the method of medication administration. (Both self-administration and staff administration.)

42.66 The nurse shall approve the method of medication storage and record keeping.

42.67 The nurse shall give inservice to both staff and clients on health related matters.

Nutrition

42.68 There shall be a hot, well-balanced noon meal which provides $\frac{1}{3}$ R.D.A. (Recommended Dietary Allowances) of the National Research Council served daily.

42.69 There shall be a mid-morning snack served daily.
42.70 There shall be a mid-afternoon snack served daily.
42.71 Clients with special diets shall be accommodated.
42.72 Menus shall be varied and shall be planned well in advance by a registered dietitian. Any substitutions shall be of comparable nutritional value and documented.

42.73 All food and drink shall be of safe quality.
42.74 Drinking water shall be readily available and offered to clients.

42.75 Food preparation areas and utensils cleaning procedures shall comply with the state sanitary code.

42.76 A registered dietitian shall review all orders for special diets, prepare menus as needed, give inservice to staff and, as appropriate, clients. There shall be documentation of these functions.

Social Work Services

42.77 Social services, as a part of an interdisciplinary spectrum of services, shall be provided to the clients through the use of social work methods directed toward:

42.77.1 maximizing the social functioning of each client;
42.77.2 enhancing the coping capacity of the client and, as appropriate, his family;

42.77.3 asserting and safeguarding the human and civil rights of clients and fostering the human dignity and personal worth of each client.

42.78 During the client's stay at the center, social workers shall, as appropriate, provide liaison between the client, the center, the family and the community.

42.79 Social workers shall assist the client and family, as appropriate, in other community placements as needed.

Daily Programs

42.80 There shall be a planned daily program of both individual and group activities which is sufficiently varied and structured so as to directly involve the clients in a stimulating and meaningful use of time while at the center. Emphasis shall be given to building on client's former skills and developing new ones.

42.81 Clients shall be encouraged to take part in the planning and directing of activities. Programming shall allow for active and passive participation.

42.82 A daily exercise period shall be planned and carried out for those who are capable of participating.

42.83 Program activities shall include nutrition education and counseling.

42.84 When available, community resources shall be used to provide educational programs, lectures, concerts, and similarly stimulating activities to clients.

42.85 The use of arts and crafts activities shall make use of the rehabilitational as well as the recreational values of such pastimes; a supply of program materials adequate to accommodate all clients shall be on hand.

42.86 A daily rest period shall be incorporated into the program.

42.87 Outdoor activities, such as gardening, walking, shall be maintained where space, weather, and client's health permit.

42.88 A friendly, supportive, comfortable and safe atmosphere shall be maintained at all times, and all clients shall be treated equitably with respect, kindness, and patience.

42.89 Active or mechanical physical restraints shall be prohibited.

Reality Orientation

42.90 Where clients exhibit some disorientation and confusion, the adoption by the center of a reality orientation approach is required. Group sessions shall be held in which clients are helped by repetition to remember their names, where they are, what they had for breakfast and what activity they just participated in. Staff

shall reinforce this approach by reminding clients of the next activity, other clients' names, and other concrete pieces of information on an individual basis.

42.91 There shall be procedures established to protect any money or other personal items brought to the center by clients.

EMERGENCY AND SAFETY

Emergency and Safety Plan

43.1 A provider or center shall have a written overall plan of emergency and safety procedures.

43.1.1 The plan shall provide for the evacuation of clients to safe or sheltered areas.

43.1.2 The plan shall include provisions for training staff and, as appropriate, clients in preventing, reporting and responding to fires and other emergencies.

43.1.3 The plan shall provide means for an on-going safety program including continuous inspection of the center for possible hazards, continuous monitoring of safety equipment, and investigation of all accidents or emergencies.

43.1.4 The plan shall include provisions for training personnel in their emergency duties and in the use of any fire-fighting or other emergency equipment in their immediate work areas.

Drills

43.2 A center shall conduct emergency drills at least once every three months.

43.2.1 A center shall make every effort to ensure that staff and clients recognize the nature and importance of such drills.

Notification of Emergencies

43.3 A center shall immediately notify DHHR, and other appropriate agencies, of any fire, disaster or other emergency which may present a danger to clients or require their evacuation from the center.

43.4 There shall be a policy and procedure that insures the notification of family members or responsible parties whenever an emergency concerns an individual client.

43.5 Upon the death of a client, while in the center, the coroner and police authorities shall be notified in addition to family members and other medical personnel.

Access to Emergency Services

43.6 A center shall have access to telephone service whenever clients are in attendance.

43.6.1 Emergency telephone numbers shall be posted for easy access; including fire department, police, medical services, poison control and ambulance.

General Safety Practices

43.7 A center shall not maintain any firearms or chemical weapon where clients may have access to them.

43.8 A center shall ensure that all poisonous, toxic and flammable materials are safely stored in appropriate containers labelled as to contents. Such materials shall be maintained only as necessary and shall be used in such a manner as to ensure the safety of clients, staff and visitors.

43.9 A center shall ensure that an appropriately equipped first-aid kit is available in the center's buildings and in all vehicles used to transport clients.

43.10 The center shall have not less than two remote exits.

43.11 Doors in means of egress shall swing in the direction of exit travel.

43.12 Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

43.13 Unvented or open-flame heaters shall not be utilized in centers.

43.14 All exterior and interior doors used by participants must be at least 32 inches wide.

43.15 All hallways/corridors must be at least 36 inches wide.

43.16 At least one primary entrance shall be accessible to the handicapped.

PHYSICAL ENVIRONMENT

General Appearance and Conditions

43.17 The center shall present an attractive outside and inside appearance and be designed and furnished with consideration for the special needs and interests of the population to be served and the activities and services to be provided.

43.17.1 Illumination levels in all areas shall be adequate and careful attention shall be given to avoiding glare.

43.17.2 The design shall facilitate the client's movement throughout the center and involvement in activities and services.

43.17.3 Heating, cooling and ventilation system(s) shall permit comfortable conditions.

43.17.4 Sufficient furniture shall be available to facilitate usage by the entire client population present.

43.17.5 Furniture and equipment to be used by clients shall be selected for comfort and safety and be appropriate for use by persons with visual and mobility limitations, and other physical disabilities, as appropriate.

Space Requirements

43.18 The provider shall have sufficient space and equipment to accommodate the full range of program activities and services.

43.19 The facility shall provide at least 40 square feet of indoor space for each day care client. (The square footage excludes hallways, offices, restrooms, storage rooms, kitchens, etc.)

43.20 The facility shall be flexible and adaptable for large and small groups, and individual activities and services.

43.21 There shall be sufficient office space to permit staff to work effectively and without interruption.

43.22 There shall be adequate storage space for program and operating supplies.

43.23 There shall be sufficient parking area available for the safe daily delivery and pick-up of clients.

Furnishings

43.24 The facility must be furnished so as to meet the needs of the clients.

43.24.1 Lounge and Recreational Area: Adequate furniture shall be furnished and shall be appropriate for use by the elderly in terms of comfort and safety. Furniture that either seats too low or tips easily is to be avoided. Clean and comfortable cots or beds shall be available for lying down or napping of clients.

43.24.2 Dining Area: Furnishings must include tables and comfortable chairs sufficient in number to serve all clients. Meals may be served cafeteria fashion or directly at the table depending upon the method of food preparation or physical condition of the clients.

43.24.3 Kitchen: If the facility has a kitchen area, it must meet all health and sanitation requirements and must be of sufficient size to accommodate meal preparation for proposed number of clients.

43.24.4 Toilet Facilities: There shall be sufficient toilet and handwashing facilities to meet the needs of both males and females. The number of toilets and handwashing facilities shall be not less than one for each 12 clients.

43.24.5 There shall be at least two toilet facilities when males and females are served.

43.24.6 Toilets and handwashing facilities shall be equipped so as to be accessible for the handicapped.

43.24.7 There shall be a separate room or partitioned area for temporarily isolating a client in case of illness.

43.24.8 There shall be sufficient equipment and materials to support both independent and group activities.

43.24.9 All furnishings and equipment shall be kept clean and in good repair.

43.24.10 Floors and steps shall have a non-slippery surface and be dry when in use by the clients. Doorways and passageways shall be kept clear to allow free and unhindered passage.

Location of Center

43.25 Adult day care centers that are located in conjunction with another program that is also licensed by the department, must meet these specific requirements. The program or facility with which it is located must meet the requirement of its own license.

43.26 New centers may not be located within 1,500 feet of another adult day care center unless both centers are owned and managed by the same organization.

43.27 The location or site of an adult day care center shall be chosen so as to be conducive to the program and the clients served.

Centers Combined Within Nursing Homes

43.28 An adult day care center can only be located within a nursing home when the following conditions are met:

43.28.1 space required for licensure of the nursing home cannot be utilized as space for the adult day care center;

43.28.2 if space to be used for adult day care is bedroom space, the number of beds involved must be reduced from the license capacity of the nursing home.

43.28.3 there must be separate staff for both programs.

Centers Located Within Other Facilities Licensed by the Department

43.29 An adult day care center that is to be located within any facility or program that is now licensed by the department must meet the same requirements as for locating within nursing homes.

TRANSPORTATION

Transportation Furnished By Center

43.30 The center shall have liability insurance coverage and have proof of such coverage.

43.31 Must conform to all state laws pertaining to regulations, drivers, vehicles and insurance.

43.32 The driver shall meet personal and health qualifications of other staff.

43.33 The driver shall hold a chauffeur's license.

43.34 The number of occupants allowed in a car, bus, station wagon, van, or any other type of transportation shall not exceed the number for which the vehicle is designed.

43.35 Provisions shall be made to accommodate clients who use assistive devices for ambulation.

43.36 The vehicle shall be maintained in good repair.

43.37 When transportation is furnished by the center, there shall be at least one staff member in the vehicle that is trained in first-aid and CPR.

Transportation by Commercial Concern

43.38 If the center contracts with a commercial concern for transportation, they shall select one with good reputation and reliable drivers. All rules established for transportation furnished by center shall be observed.

Sandra L. Robinson, M.D., M.P.H.

Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, exercised the emergency provision of the Administrative Procedure Act, R. S. 49:953B to implement the following change in the Title XIX Medical Assistance Program.

RULE

Effective March 8, 1985, revised *Standards for Payment* will

be implemented in the Title XIX Adult Day Health Care Program. These standards will be published in the April 20, 1985, *Louisiana Register* as a Notice of Intent. These standards will be available to providers as soon as possible prior to that date. Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

It is necessary to adopt this as an Emergency Rule in order to restore Title XIX Federal Financial Participation (FFP) for the program. The program was previously funded through a waiver of Title XIX funds. This waiver expired January 7, 1985, and further FFP was denied until certain corrective action measures are in effect, one of which is the publication of intent to implement the *Standards for Payment* which will insure the safety and welfare of the program participants.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Management and Finance

The Department of Health and Human Resources, Office of Management and Finance, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to limit depreciation, interest on capital indebtedness and, if applicable, return on equity capital with respect to an asset of a facility which has undergone a change of ownership. The valuation of the asset will be the lesser of the allowable acquisition cost of the asset to the first owner of record on or after July 18, 1984, or the acquisition cost of such asset to the new owner. This rule applies to 24 hour residential care facilities, exclusive of nursing homes and hospitals, and is effective January 28, 1985.

This change allows the Department of Health and Human Resources to be in compliance with Section 2314 of the Deficit Reduction Act of 1984 which amended the federal requirements regarding reimbursement under Medicare and Medicaid for capital related costs.

This change was made retroactive to July 18, 1984, in the federal requirements, which necessitates immediate action on the part of the department in order to prevent uninformed facilities from making financial commitments for which they will not receive compensation.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Rules

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, Advisory Commission on Pesticides, in accordance with the authority granted under R.S. 3:3203 and pursuant to the notice of intent published on January 20, 1985, adopted the following amendments to correct typographical errors:

Rule 12.2, Paragraph F, should be amended to read:

In any application of the pesticides listed in Rule 12.2B in

any of the areas listed in Rules 12.2 C, 12.2 D, or 12.2 E, the wind speed at the time of application shall determine the distance which must separate the center of the swath from the nearest inhabited structure and/or susceptible crop, as follows:

	Minimum Distance	
0 - 3 mph	Aerial Equipment	Ground Equipment
	½ mile downwind	⅛ mile downwind
	½ mile crosswind	⅛ mile crosswind
3 - 6 mph	50 feet upwind	20 feet upwind
	1 mile downwind	¼ mile downwind
	½ mile crosswind	⅛ mile crosswind
6 - 10 mph	50 feet upwind	5 feet upwind
	2 miles downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
Above 10 mph	50 feet upwind	5 feet upwind
	Prohibited	Prohibited

Note: "Crosswind" means 90 degrees (+ or - 10 degrees) from the flight path or the direction of the application.

Rule 12.2, Paragraph I, should be amended to read:

I. Hand injections of pesticides are exempt from the requirements of Rule 12.2 C.

Bob Odom
Commissioner

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences Feed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, Louisiana Feed Commission, in accordance with the authority granted under R.S. 3:1892 (B) and pursuant to the notice of intent published on January 20, 1985, adopted the following rules and regulations at its board meeting on March 4, 1985:

Part XVII. Commercial Feeds

Chapter 107. Commercial Feeds

Subchapter A. Official Feed Rules and Regulations

§10701. Definitions and Terms

A. The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), except as the commission designates otherwise in specific cases.

B. The terms used in reference to commercial feeds shall be the official feed terms adopted by the AAFCO, except as the commission designates otherwise in specific cases.

C. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of R.S. 3:1892 (G): raw meat; and hay, straw, stover, silages, cobs, husks and hulls when unground and when not mixed or intermixed with other materials; provided that these commodities are not adulterated within the meaning of R.S. 3:1896 (1) through R.S. 3:1896 (5).

D. Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of R.S. 3:1892 (G). It has been determined that these products meet the following criteria:

1. There is an adopted AAFCO definition for the product.
2. The product is either generally recognized as safe (GRAS) or is not covered by a specific FDA regulation.
3. The product is either a natural occurring product of relatively uniform chemical composition or is manufactured to meet the AAFCO definition of the product.
4. The use of the product in the feed industry constitutes a minor portion of its total industrial use.

5. Small quantities of additives, which are intended to impart special desirable characteristics shall be permitted.

6. There is no need or problem of control of this product.

E. Exempted under LAC 7:10701 (D) is loose salt.

F. Definitions

Animal waste products are processed animal excreta which have been made safe to use as a feed ingredient. For those products the commission adopts the quality standards and definitions listed under Section 74 (Recycled Animal Waste Products) of the AAFCO official publication.

Brand name or *brand* means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a registrant and distinguishing it from that of others.

By-products means secondary products produced in addition to the principal product except ingredients which are a primary source of protein.

Commercial feed means all materials including vitamin and mineral mixes, except whole seeds unmixed or physically altered entire unmixed seeds, which are distributed for use as pet food or as feed for livestock or for mixing in pet food or in feed for livestock.

Commission means the Louisiana Feed Commission.

Commissioner means the commissioner of agriculture or his duly authorized representatives acting at his direction.

Crude fat means the percent ether extract (or other appropriate fat solvent extract) determined by the appropriate official method outlined in *AOAC Official Methods of Analysis (1984)* Sections 7.060-7.065.

Crude fiber means the portion of a feed or ration which is determined by using the appropriate official method as outlined in the *AOAC Official Methods of Analysis (1984)* Sections 7.066-7.071.

Crude protein means the percent nitrogen times 6.25 where the percent nitrogen is determined by the appropriate official method outlined in *AOAC Official Methods of Analysis (1984)* Sections 7.010-7.059.

Customer-formula feed means commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Distribute means to sell, offer for sale or expose for sale or trading.

Distributor means a person who distributes.

Guaranteed feeding units means the minimum crude protein, minimum crude fat, maximum crude fiber and minimum or maximum minerals expressed as percentages and indicated on the label as being contained in the commercial feed.

Ingredient or *ingredients* means any of the constituent materials making up a commercial feed.

Invert sugar is a mixture of glucose and fructose resulting from the hydrolysis of sucrose. The value of invert sugars are determined by official methods outlined in *AOAC Official Methods of Analysis (1984)*. The method varies with the type of material being analyzed.

Label means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

Labeling means all labels and other written, printed or graphic matter (1) upon a commercial feed or any of its containers or wrapper or (2) accompanying such commercial feed.

Livestock means horses, mules, cattle, sheep, goats, swine, domestic rabbits, poultry animals identified with aquaculture, game birds and such other animals of agricultural importance as the commissioner may designate.

Manufacture means to grind, mix, blend or further process a commercial feed for distribution.

Manufacturer means a person who manufactures a commercial feed or a customer-formula feed.

Medication means any drug, antibiotic or other substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than feed ingredients intended to affect the structure or any function of the animal body.

Minerals are naturally occurring, homogeneous, inorganic chemical elements having definite chemical and physical characteristics. These elements are essential for proper growth, development, milk production and maintenance of body tissue.

Official sample means a sample of feed taken by the commissioner or his agent in accordance with provisions of R.S. 3:1898(A), (B), (E), or (F).

Package means a parcel, bag or other container.

Percent or *percentages* means percentages by weights.

Person includes individual, partnership, corporation and association, or other legal entity.

Pet means any domesticated animal normally maintained in or near the household of the owner thereof.

Pet food means any commercial feed prepared and distributed for consumption by pets.

Premises means any place such as, but not exclusively, warehouses, factories, stores, trucks, railroad cars, boats, etc.

Products sold primarily for sugar content include beet molasses, citrus molasses, hemicellulose extract, starch molasses, cane molasses and beet molasses, dried product. Each of these ingredients are defined in the *Official Publication of the Association of American Feed Control Officials*.

Protein from non-protein nitrogen (NPN) means the percent nitrogen times 6.25 where the nitrogen is determined by the appropriate official method as outlined in the *AOAC Official Methods of Analysis (1984)* Sections 7.010-7.059. The nitrogen from NPN is derived from chemical compounds other than proteins.

Registrant means the person registering a feed with the commission.

Rule, rules, regulation, regulations or *rules and regulations* mean those of the commission adopted initially and from time to time to achieve the intent and purposes of R.S. 3:1891, et seq., or to facilitate its administration.

State Chemist means the director of the Agricultural Experiment Station at Louisiana State University and Agricultural and Mechanical College.

Sugars are any of the class of water-soluble crystalline carbohydrates including sucrose and lactose having a characteristically sweet taste.

Ton means a net weight of two thousand pounds avoirdupois.

Value of the protein deficiency means the value of the crude protein as set by the state chemist times the difference between the guaranteed protein analysis and the actual protein analysis of the feed sample.

Vitamins are organic compounds that function as parts of enzyme systems essential for the transmission of energy and the regulation of metabolisms of the body.

Whole seeds are seeds of a single type, completely intact, and which have not been mechanically or chemically altered or processed.

§10703. Label Format

A. Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

1. Net weight.

2. Product name and brand name if any.
3. If a drug is used:
 - a. The word *medicated* shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.
 - b. The purpose of medication (claim statement).
 - c. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with LAC 7:10707 (D).
 - d. The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by LAC 7:10711 and LAC 7:10713 appear elsewhere on the label.
4. The guaranteed analysis of the feed as required under the provisions of R.S. 3:1894 (A)(3) include the following items, unless exempted in (h) of this Subsection, and in the order listed:
 - a. Minimum percentage of crude protein.
 - b. Maximum or minimum percentage of equivalent protein from non-protein nitrogen as required in LAC 7:10707 (E).
 - c. Minimum percentage of crude fat.
 - d. Maximum percentage of crude fiber.
 - e. Minerals, to include, in the following order: (i) minimum and maximum percentages of calcium (Ca), (ii) minimum percentage of phosphorus (P), (iii) minimum and maximum percentages of salt (NaCl) and (iv) other minerals.
 - f. Vitamins in such terms as specified in LAC 7:10707 (C).
 - g. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.
 - h. Exemptions:
 - i. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent of calcium, phosphorus, sodium and chloride. Except that all bulk commercial feeds for dairy use sold in bulk shall be accompanied by a label stating the content of these minerals.
 - ii. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
 - iii. Guarantees for crude protein, crude fat and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements and molasses.
5. Feed ingredients, collective terms for the grouping of feed ingredients as provided under the provisions of R.S. 3:1894 (A)(6).
 - a. The name of each ingredient as defined in the *Official Publication of the Association of American Feed Control Officials*, common or usual name, or one approved by the commission.
 - b. Collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the *Official Publication of the Association of American Feed Control Officials* in lieu of the individual ingredients; provided that:
 - i. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.
 - ii. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.
6. Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and zip code.
7. The information required in R.S. 3:1894 (A)(1) through R.S. 3:1894 (A)(7) must appear in its entirety on one side of the

label or on one side of the container. The information required by R.S. 3:1894 (A)(8) and R.S. 3:1894 (A)(9) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by R.S. 3:1894 (A)(8) and R.S. 3:1894 (A)(9) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by R.S. 3:1894 shall be subordinated or obscured by other statements or designs.

B. Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket or other shipping document bearing the following information:

1. The name and address of the manufacturer.
2. The name and address of the purchaser.
3. The date of sale or delivery.
4. The customer-formula feed name and brand name if any.
5. The product name and net weight of each registered commercial feed and each other ingredient used in the mixture.
6. The direction for use and precautionary statements as required by LAC 7:10711 and LAC 7:10713.
7. If a drug containing product is used:
 - a. The purpose of the medication (claim statement).
 - b. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with LAC 7:10707 (D).

§10705. Brand and Product Names

A. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

B. Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

C. The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

D. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

E. When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

F. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the commission designates otherwise.

G. The word "vitamin," or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is la-

beled with the minimum content of each vitamin declared, as specified in LAC 7:10707 (C).

H. The term "mineralized" shall not be used in the name of a feed except for "trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

I. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

§10707. Expression of Guarantees

A. The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

B. Commercial feeds containing six and one-half percent or more calcium, phosphorus, sodium and chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P) and if salt is added, the minimum and maximum percentage of salt (NaCl). Except that all dairy rations sold in bulk shall be accompanied by a label stating the content of these minerals. Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following:

1. When the minimum is five percent or less, the maximum shall not exceed the minimum by more than one percentage point.

2. When the minimum is above five percent, the maximum shall not exceed the minimum by more than 20 percent and in no case shall the maximum exceed the minimum by more than five percentage points.

C. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that:

1. Vitamin A, other than precursors of Vitamin A, shall be stated in International or USP Units per pound.

2. Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound.

3. Vitamin D for other uses shall be stated in International or USP Units per pound.

4. Vitamin E shall be stated in International or USP Units per pound.

5. Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine Hydrochloride, Choline Chloride, Thiamine Hydrochloride and Mononitrate and d-Pantothenic Acid.

6. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram.

D. Guarantees for drugs shall be stated in terms of percent by weight, except:

1. Antibiotics present at less than 2,000 grams per ton (total, of commercial feed) shall be stated in grams per ton of commercial feed.

2. Antibiotics present at 2,000 or more grams per ton (total, of commercial feed) shall be stated in grams per pound of commercial feed.

3. Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantitative

guarantees are required regardless of the level or purpose of the antibiotic.

4. The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

E. Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

1. For ruminants

a. Complete feeds, supplements and concentrates containing added non-protein nitrogen and containing more than five percent protein from natural sources shall be guaranteed as follows: Crude Protein, minimum, _____ percent. (This includes, not more than _____ percent equivalent protein from non-protein nitrogen.)

b. Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows: Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____ percent.

c. Ingredient sources of non-protein nitrogen such as urea, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows: Nitrogen, minimum _____ percent. Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____ percent.

2. For non-ruminants

a. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows: Crude Protein, minimum, _____ percent. (This includes not more than _____ percent equivalent crude protein which is not nutritionally available to species of animal for which feed is intended.)

b. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25 percent equivalent crude protein from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label."

F. Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

§10709. Ingredients

A. The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the *Official Publication of American Feed Control Officials*, the common or usual name, or one approved by the commission.

B. The name of each ingredient must be shown in letters or type of the same size.

C. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

D. The term "dehydrated" may precede the name of any product that has been artificially dried.

E. A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

F. Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).

G. When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007 percent iodine, uniformly distributed.

§10711. Directors of Use and Precautionary Statements

A. Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives or non-nutritive additives) shall:

1. Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

2. Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

B. Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in LAC 7:10713.

C. Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

§10713. Non-Protein Nitrogen

A. Urea and other non-protein nitrogen products defined in the *Official Publication of the Association of American Feed Control Officials* are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size, and so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

B. Non-protein nitrogen defined in the *Official Publication of the Association of American Feed Control Officials*, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25 percent of the total daily ration.

C. On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

§10715. Drug and Feed Additives

A. Prior to approval of a registration application and/or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

B. Satisfactory evidence of safety and efficacy of a commercial feed may be:

1. When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use, or

2. When the commercial feed is itself a drug as defined in R.S. 3:1891 (3) and is generally recognized as safe and effective for the labeled use or is marketed subject to an application ap-

proved by the Food and Drug Administration under Title 21 U.S.C. 360(b).

§10717. Adulterants

A. For the purpose of R.S. 3:1896(1), the terms "poisonous or deleterious substances" include but are not limited to the following:

1. Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20 percent for breeding and dairy cattle; 0.30 percent for slaughter cattle; 0.30 percent for sheep; 0.35 percent for lambs; 0.45 percent for swine and 0.60 percent for poultry.

2. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004 percent for breeding and dairy cattle; 0.009 percent for slaughter cattle; 0.006 percent for sheep; 0.01 percent for lambs; 0.015 percent for swine and 0.03 percent for poultry.

3. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

4. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets, which have been extracted with trichlorethylene or other chlorinated solvents.

5. Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine).

B. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than four viable prohibited weed seeds per pound and not more than 200 viable restricted weed seeds per pound.

§10719. Good Manufacturing Practices

A. For the purposes of enforcement of R.S. 3:1896 (8), the commission adopts the following as current good manufacturing practices:

1. The regulations prescribing good manufacturing practices for medicated feeds as published in the Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.115.

2. The regulations prescribing good manufacturing practices for medicated premixes as published in the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

§10721. Fees

A. Each application for registration with the commission shall be accompanied by a registration fee of \$25.

B. Each registrant filing a label with the commission shall pay to the commissioner a labeling fee of \$5 per label for one to 50 products, \$4 per label for 51 to 200 products, \$3 per label for 201 or more products.

C. Registration shall expire on the last day of June of each year. An additional \$50 late fee will be charged for renewal registrations filed after the last day of June. A late fee will not be charged on initial registrations or registrations of new products filed after the last day of June.

D. Except as provided in Subsection E of this Section, each registrant who manufactures a commercial or customer-formula feed for distribution in this state shall pay the commissioner an inspection fee of 75 cents per ton on all commercial feed sold in the state. Payment of the inspection fee shall be made on the basis of tonnage reports submitted by the registrants of commercial feeds. If a registrant has no sales in a given quarter, he must still file a tonnage report and pay a minimum tonnage fee of \$10 for that quar-

ter. A registrant shall keep all records necessary to accurately indicate the tonnage and kind of commercial feed sold and shall permit the commissioner or his authorized representatives to examine these records and to verify the statement of tonnage. Tonnage reports shall be made on forms supplied by the commissioner and suitable for providing the necessary tonnage and statistical information. The tonnage reports and inspection fees shall be due and payable on the first day of October, the first day of January, the first day of April and the first day of July. If the report is not filed and payment made within 30 days after the date due, a penalty of 25 percent of the amount due shall be assessed against the registrant. If payment is not made within 30 days after the due date, the amount of fees due, plus the penalty, shall constitute a debt and become the basis of a judgement against the registrant. All information as to the amount of feed sold and business practices of the registrant obtained from tonnage reports or from inspection of records and books shall remain confidential and shall not be revealed by the commissioner or his employees to the public or to any other person.

E. The inspection fee shall be collected only once on each lot of ingredients. To achieve this end, the following provisions shall apply:

1. No fee shall be paid on a commercial feed if the fee has been paid by a previous manufacturer.

2. No fee shall be paid on customer-formula feeds if the inspection fee has been paid on the commercial feeds which are used as ingredients therein.

3. No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of registered commercial feeds. If the fee has already been paid, credit shall be given for that payment.

F. In the case of a commercial feed which is distributed in this state only in packages of 10 pounds or less, an annual fee of \$100 shall be paid in lieu of the inspection fee provided in Subsection C of this Section.

§10723. Protein Value

A. For the purpose of assessing penalties for protein deficiencies in feeds, as provided for in R.S. 3:1900 (A)(1), the value of crude protein will be updated each quarter.

B. The value of crude protein will be calculated as follows:

The quarterly average price of four protein supplements shall be used. These are 44 percent soybean meal, 41 percent cottonseed meal, 50 percent meat and bone meal and 60 percent corn gluten meal. This average price will be determined using Memphis market quotations as published in Feedstuffs (Miller Publishing Company). The first week of each month of the preceding quarter will be used for calculation purposes. If there is no quotation for the Memphis market on an ingredient, the Kansas City price or a local source market shall be used. If a quotation is not available the first week, the quotation in a subsequent week shall be used.

Subchapter B. Official Pet Food Rules and Regulations

§10725. Definitions and Terms

A. *Principal display panel* means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

B. *Ingredient statements* means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

C. *Immediate container* means the unit, can, box, tin, bag or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

D. The commission adopts all definitions of R.S. 3:1891 and those that appear in LAC 7:10701 (F) of the Official Feed Rules and Regulations.

§10727. Label Format and Labeling

A. The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

B. The declaration of the net content shall be made in conformity with the United States "Fair Packaging and Labeling Act" and the regulations promulgated thereunder.

C. The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:

Crude protein (Minimum Amount)

Crude fat (Minimum Amount)

Crude fiber (Maximum Amount)

Moisture (Maximum Amount)

Additional guarantees shall follow moisture.

D. The label of a pet food shall specify the name and address of the manufacturer, packer or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place.

E. If a person manufactures, packages or distributes a pet food in a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

F. A vignette, graphic or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

G. The use of the word "proven" in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

H. No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

I. Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

J. When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information must appear on such outside container or wrapper.

K. The words "dog food," "cat food" or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

L. The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

1. Contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences (To the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of animals for one or more stages of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing.); or

2. Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide

satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplementary feeding, will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

M. Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

1. In conjunction with a statement of a limited purpose for which the product is intended or suitable (as, for example, in the statement "a complete food for puppies"). Such representations and such required qualification therefor shall be juxtaposed on the same panel and in the same size, style and color print; and

2. Such qualified representations may appear on pet food labels only if:

a. The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences for such limited or qualified purpose; or

b. The pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

N. Except as specified by LAC 7:10729 (A), the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

O. The label of a dog or cat food [other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under LAC 7:10727 (K)] shall bear, on either the principal display panel or the information panel (as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively), in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:

1. A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy, gestation, lactation, growth, maintenance and complete for all life stages, as those categories are set forth in LAC 7:10727 (L) and LAC 7:10727 (M).

2. A nutrition or dietary claim for purposes other than those listed in LAC 7:10727 (L) and LAC 7:10727 (M) if the claim is scientifically substantiated.

3. The statement: "Use only as directed by your veterinarian," if it is a dietary animal food product intended for use by, or under the supervision or direction of, a veterinarian.

4. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of LAC 7:10727 (L) and LAC 7:10727 (M) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

§10729. Brand and Product Names

A. No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the

ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived.

Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.

B. The designation "100 percent" or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

C. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats. For example, "horse-meat" and "horse-meat by-products."

D. The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by LAC 7:10729 (A), LAC 7:10729 (E) or LAC 7:10729 (F); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

1. The ingredient or combination of ingredients is present in sufficient quantity to impact a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

2. It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

3. It is not otherwise false or misleading.

E. When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes 95 percent or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70 percent of the total product.

F. When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes at least 25 percent but less than 95 percent of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term such as "meatballs" or "fishcakes" so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10 percent of the total product.

G. Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with LAC 7:10729 (A), LAC 7:10729 (D), LAC 7:10729 (E) or LAC 7:10729 (F).

§10731. Expression of Guarantees

A. The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.

B. Pursuant to R.S. 3:1894 (A)(3), the label of a pet food which is formulated as and represented to be a mineral additive supplement, shall include in the guaranteed analysis the maximum and minimum percentages of calcium, the minimum percentage of phosphorus and the maximum and minimum percentages of salt. The minimum content of all other essential nutrient elements recognized by NRC from sources declared in the ingredient statement shall be expressed as the element and in units of measurement established by a recognized authority of animal nutrition, such as the National Research Council.

C. Pursuant to R.S. 3:1894 (A)(3), the label of pet food which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition such as the National Research Council.

D. The vitamin potency of pet food products distributed in containers smaller than one pound may be guaranteed in approved units per ounce.

E. If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral or nutrient content of the pet food with levels recommended by recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority on animal nutrition such as the National Research Council. The statement in a table of comparison of the vitamin, mineral or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

§10733. Ingredients

A. The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78 percent or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78 percent.

B. Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

C. The term "dehydrated" may precede the name of any ingredient in the ingredient list than has been artificially dried.

D. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

E. A reference to the quality, nature, form or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.

§10735. Drugs and Pet Food Additives

A. An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations and

tolerance, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.

B. Prior to approval of a registration application and/or approval of a label for pet food, which contains additives, (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

1. When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use; or

2. When the pet food itself is a drug as defined in R.S. 3:1891 (3) and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b).

C. The medicated labeling format recommended by Association of American Feed Control Officials shall be used to assure that adequate labeling is provided.

§10737. Fees

A. Fees for pet foods shall be the same as for other animal feeds as set forth in R.S. 3:1901 and LAC 7:10721 of the Official Feed Rules and Regulations.

§10739. Penalties

A. Penalties for pet food will be the same as penalties for other animal feeds as set forth in R.S. 3:1900 and LAC 7:10723 of the Official Feed Rules and Regulations.

Subchapter C: Official Rules and Regulations for Processed Animal Waste Products as Animal Feed Ingredients

§10741. Definitions and Quality Standards

A. The commission adopts the definitions of R.S. 3:1891 and those that appear in LAC 7:10701 (F) of the Official Feed Rules and Regulations.

B. The commission adopts the definitions and quality standards for recycled Animal Waste Products as printed in Section 74 of the *Official Publication of the Association of American Feed Control Officials*.

§10743. Registration Required

A. No person shall sell, offer or expose for sale or distribute, in this state, any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed unless he has registered with the commissioner, as specified in R.S. 3:1893.

B. Application for registration shall be made to the commissioner on forms provided by the commissioner and shall be accompanied by payment of the registration fees as set forth in LAC 7:10721 of the official feed rules and regulations adopted by the Louisiana Feed Commission.

C. Applications for registration shall be accompanied by the following:

1. A copy of the label or tag which the applicant proposes to use for the processed animal waste product.

2. A detailed description of the facilities, equipment and method of manufacture to be used in processing, manufacturing and testing of the processed animal waste product.

3. A sampling schedule, a full description of all tests made and the results, thereby purporting to show the processed animal waste product meets the standards of the Louisiana Department of Agriculture and the Office of the Louisiana State Livestock Sanitary Board and these rules and regulations for registration.

§10745. Registration Refused or Cancelled

A. General registration of a processed animal waste product shall be refused if:

1. Applicant or the processed animal waste product is determined to be in violation of any state or federal statute or state agency rule or regulation affecting or relating to the sale of commercial feeds.

2. The processed animal waste product contains any pathogenic organisms, drug residues, pesticide residues, harmful parasites or other toxic or deleterious substances above levels permitted by state regulations, Federal Food, Drug and Cosmetic Act, Section 406, 408, 109 and 706, or which could be harmful to animals, or which could result in residue in the tissue or by-products of animals above levels determined to be harmful.

3. The processed animal waste product does not meet the Quality Standards set forth in LAC 7:10743 of these regulations and in R.S. 3:1896.

4. The processed waste product is not labeled in compliance with law and agency rules and regulations, including LAC 7:10747 of these rules.

5. Applicant or registrant fails to perform the testing as specified in LAC 7:10749 of these rules, or to accurately maintain and display to the commissioner or his designee, upon demand, the records required.

B. Registration may be refused pursuant to and in compliance with any statutory provisions authorizing the commissioner to refuse registration.

C. Registration may be cancelled by the commissioner if the product or registrant is found to be in violation of any statutory provisions or provisions of these regulations.

§10747. Labeling Requirements

A. The label, tag or label invoice accompanying shipments of animal waste products shall contain all information as required by the Official Feed Rules and Regulations.

B. In addition, it shall include the following information, in the list of guarantees, in following order, in percentages:

1. maximum moisture, following fiber guarantee.

2. maximum ash, following moisture guarantees.

C. Special labeling or warnings required, as appropriate:

1. If the product contains drug residues, then the label shall contain the following statement in boldface type: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 15 DAYS OF SLAUGHTER AND DO NOT USE 15 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND LAYING HENS."

2. If the product contains high levels (25 ppm or greater) of copper, a maximum guarantee of copper and the following statement is required: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."

3. If the product derives one-third or more of the guaranteed total crude protein from non-protein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement: "CAUTION: USE ONLY AS DIRECTED."

§10749. Testing Required

A. The purpose of the sampling and testing requirements of this Section shall be to determine the presence of harmful materials or biological contaminants and to assure compliance with the quality standards in LAC 7:10743 of these regulations and R.S. 3:1896.

B. Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples and keep accurate records thereof, the processed animal waste product for which the registration is sought or received. The sample shall be of sufficient size so as to

provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis. For example, 10 one-pound samples taken randomly from the day's production run or other identifiable lot, should be packaged in sealed air-tight bags for prompt shipment to the analytical laboratory.

C. The registrant, manufacturer or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements:

1. Analyses specified by the commissioner to meet the requirements of the quality standards of LAC 7:10743 and R.S. 3:1896 and these regulations shall be conducted on three sequential production runs to establish that the feed ingredient is consistently within the limitations specified prior to registration and/or sale of the processed animal waste product. In addition to quality standards, testing on the same production runs or lots should include potential hazardous substances such as the following:

a. Drugs suspected or known to be used in the feed or as a therapeutic treatment of the animals.

b. Pesticides used on the animal, facilities and waste for pest control.

c. Pathogenic organisms at least to include Salmonella and E. Coli.

d. Heavy metals: arsenic, cadmium, copper, lead, mercury and selenium, at least.

e. Parasitic larva or ova.

f. Mycotoxins, such as aflatoxins.

2. Following the initial sequential testing, periodic analyses shall be conducted on production runs no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. Any processed animal waste product that does not meet quality standards for the product shall be further processed until standards are met, shall be diverted to non-feed uses, or destroyed.

3. Sequential testing shall again be required when the periodic analyses required by LAC 7:10749 (C)(2) of this Section or other information available to the manufacturer of the ingredient indicates that:

a. The ingredients are not within the limitations established in these regulations.

b. Changes are made in the manufacturing process.

c. New or expanded sources of the raw ingredients are used.

d. Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

§10751. Records Required

Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two years, accurate records of:

A. All sources of raw materials and date acquired, including information on drugs and pesticide usage.

B. All production output, including a code or other method to identify the date of production.

C. All sales and distribution, including the name and address of the purchaser or to whom distributed, date, quantity and production code.

D. Sampling and assay records of the testing required by LAC 7:10749 of this regulation.

§10753. Fees

A. Fees for processed animal waste products shall be the same as for other animal feeds as set forth in R.S. 3:1901 and LAC 7:10721 of the official feed rules and regulations.

§10755. Penalties

A. Penalties for processed animal waste products will be the same as penalties for other animal feeds as set forth in R.S. 3:1900 and LAC 7:10723 of the official feed rules and regulations.

Subchapter D. Probation of Registrants

§10757. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commissioner whenever 25 percent of the official samples taken from a single registrant during one year are found to be deficient, provided that a minimum of six samples and at least two percent of the total tonnage sold the previous year is sampled.

B. A registrant who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total product offered for sale until the probation is terminated by the commissioner.

C. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commissioner took action to place the registrant on probationary status. Notification shall not be required for any registrant already on probation at the effective date of these regulations.

D. During the first year of probationary status, the probation shall be terminated by the commissioner when chemical analysis of samples representing 20 percent of the registrant's total sales during the previous year reflects an overall deficiency rate of less than 20 percent.

E. If a registrant continues to introduce products of which the official samples' deficiency exceeds 20 percent into the stream of commerce for one year, the registrant shall be summoned before the Feed Commission immediately after the end of the year of probationary status to determine whether registration shall be cancelled or renewal of registration shall be denied for cause.

F. The registrant shall be notified, in writing, by the commissioner when probationary status is terminated.

§10759. Cancellation of Registration and/or Denial of Application for Renewal of Registration

A. Subject to an adjudicatory hearing, the commission may cancel the registration of any registrant who fails to reduce the overall deficiency of his product to less than 20 percent by the end of the year of probation.

B. Upon proper hearing, the commission may cancel the registration and/or deny the registrant's application for renewal of registration whenever any registrant fails to comply with the requirements of R.S. 3:1891 et seq. and/or these regulations promulgated under the authority therein, unless the registrant can show just cause.

C. No registration will be cancelled nor application for renewal of registration denied until the registrant has been afforded the right to an adjudicatory hearing.

§10761. Appeals From Action of the Feed Commission Department of Agriculture Appeals Concerning Method of Taking Samples

A. If the registrant, or his agent, objects to the manner in which an agricultural inspector takes a sample, the registrant or his agent shall make his objections known immediately to the inspector.

B. If the registrant, or his agent, and the agricultural inspector who is taking the sample cannot resolve their differences, the registrant shall immediately telephone his complaint to the director of the Agricultural Chemistry Division. The registrant or his agent shall confirm the telephone complaint in writing to the same official.

C. If the difference concerning the manner of taking the sample cannot thus be resolved, the registrant may place his complaint on the agenda at the next meeting of the Feed Commission.

Routine procedures for submission and analysis of the sample shall be followed pending the resolution of the differences at such hearing.

§10763. Appeals Concerning Results of Chemical Analysis

A. Whenever a registrant, or his agent, disagrees with a finding of deficiency or a calculation of a penalty resulting from a finding of deficiency, he shall register his complaint, in writing, with the director of the Agricultural Chemistry Division within 10 days of the date of the report of chemical analysis.

B. Whenever questions concerning the accuracy of the analysis made by the director of the Agricultural Chemistry Division cannot be amicably resolved, the registrant may place his complaint on the agenda at the next meeting of the Feed Commission for a final determination.

C. Whenever a disagreement on a feed deficiency arises, the sample may be analyzed by an independent laboratory agreeable to the commissioner.

§10765. Appeals Concerning Probationary Status

A. Any registrant who is placed on probationary status may appeal his probation at any time by submitting to the Feed Commission a written statement on the basis of his appeal and a written request for a hearing on the matter.

B. A request for a hearing on appeal from probationary status shall not be delayed but shall be placed on the agenda for the next meeting of the Feed Commission following receipt of the request for a hearing.

§10767. Public Hearing on Cancellation of Registration/Denial of Application for Renewal of Registration

A. The commission shall not cancel a registrant nor deny a renewal of registration without an adjudicatory hearing.

B. Whenever the commission determines that just cause may exist to cancel or deny renewal or registration, the commission shall give written notice to the registrant of intent to conduct adjudicatory hearing on the matter. The notice shall be given at least 15 days prior to the date on which the hearing shall be held and shall contain all of the facts required under R.S. 49:950 et seq. The notice shall be sent by certified mail, return receipt requested, to the registrant at the last address provided by the registrant.

C. An adjudicatory hearing on the cancellation of a registration and/or denial of renewal of registration shall be conducted in accordance with the requirements of R.S. 49:950 et seq., specifically the rules of evidence set forth in R.S. 49:956. The registrant shall have the right to counsel of his own choosing at any such public hearing.

D. If a controversy still exists at the conclusion of any such adjudicatory hearing called for cancellation of registration and/or denial of renewal of registration, the registrant may apply to a court of competent jurisdiction, provided that all such matters shall be lodged in the parish in which the violation occurred.

E. Whenever any provisions of these regulations and/or the statutes governing the registration of feeds cannot be resolved through the appeal process set forth herein, the commissioner of agriculture shall proceed with any judicial remedy available under the provisions of R.S. 3:1891 et seq. The commissioner of agriculture shall be required to notify the registrant or unregistered person or firm against whom such charges are filed of his action.

§10769. Confidentiality of Records

Information concerning the amount of feed sold and the business practices of registrants which is obtained from tonnage reports shall be kept confidential and shall not be revealed to the public or to other registrants by the Feed Commission, the commissioner of agriculture, nor any employee of the Department of Agriculture.

Subchapter E. Repeal of Previously Adopted Rules and Regulations

§10771. Repeal of Previously Adopted Rules and Regulations

This repeals any other feed regulations which may have been adopted pursuant to R.S. 3:1891 et seq.

Bob Odom
Commissioner

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture adopted the repeal of the following rules and regulations which have been filed with the Department of the State Register or promulgated by the Department of Agriculture and published in the *Louisiana Register*, pursuant to the notice of intent published on January 20, 1985:

Office of Agricultural and Environmental Sciences:
Advisory Commission on Pesticides—

Mixing and Application of Pesticides (Adopted in September, 1977 and amended in November, 1977)

Recertification of Pesticide Applicators for the Enforcement of the Louisiana Pesticide Control Act (July, 1979)

Certification and Recertification of Pesticide Sales Supervisors (November, 1981)

Aerial Application of Pesticides to Rights-of-Way to Control Woody Vegetation (December 1, 1981)

Bob Odom
Commissioner

RULE

**Department of Agriculture
Office of Agro-Consumer Services
Agricultural Commodities Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, Agricultural Commodities Commission, in accordance with the authority granted under R.S. 3:3405 and pursuant to the Notice of Intent published on January 20, 1985, adopted the following amendments to correct typographical and grammatical errors:

Rule 4.1, Paragraph W, should be amended to read:

Grain dealer applicants only: Average amount paid to producers during applicant's most recent fiscal year.

Rule 6.7 should be amended to read:

Licenses issued by the commission shall be consecutively numbered and the number shall include a fiscal year designation.

Rule 7.6 should be amended to read:

All catwalks must be equipped with railings, must be structurally sound, and must be kept free of all grain or other matter which might endanger human life.

Rule 17.3, Paragraph B, should be amended to read:

B. Agents of the commission shall note the issuance of all partial releases, by number of each such partial release, on the original receipt.

Rule 24.1 should be amended to read:

Each licensee shall post the original of his license issued by the commission in a conspicuous location at his principal place of business. A copy of the license shall be posted at all other locations covered by the license.

Rule 24.4 should be amended to read:

Grain dealers who are not licensed by the commission or under the U.S. Warehouse Act must post a sign reading as follows: "This facility is not licensed to store agricultural commodities for producers. Title must pass from the producer upon delivery."

Note for Information Purposes Only, Paragraph 1, should be amended to read:

1. R.S. 14:123, referenced in R.S. 3:3408 A (9), provides that persons found guilty of perjury may be: (a) imprisoned at hard labor for not more than 10 years when convicted of a felony, or (b) in all other cases, fined not more than \$1,000 or imprisoned for five years, or both fined and imprisoned.

Bob Odom
Commissioner

RULE

Department of Agriculture

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture adopted the repeal of the following rules and regulations which have been filed with the Department of the State Register or promulgated by the Department of Agriculture and published in the *Louisiana Register* pursuant to the Notice of Intent published on January 20, 1985:

Office of Marketing:

Farm Youth Loan Program—

Authorization and Administration of Farm Youth Loans and Loan Guarantees (August, 1981)

State Market Commission—

Procedures for Developing and Executing Market Commission Loans and/or Guarantees (Adopted in December, 1978 and amended in February, 1980)

Regulations Governing the Certification of Official State Grades of Poultry, Poultry Products and Shell Eggs (December, 1981)

Office of Agro-Consumer Services:

Agricultural Commodities Commission—

State Warehouse Commission (August, 1972)

Milk Testing and Bonding Program—

Orderly Milk Marketing Regulation (March 1, 1966)

State Order No. 3 (Order Regulating the Handling of Milk in the New Orleans Milk Marketing Area) (Adopted on August 16, 1966 and amended on May 1, 1968; August 20, 1973; December 1, 1973; and August 1, 1974)

State Order No. 2 (Order Regulating the Handling of Milk in the Greater Louisiana Milk Marketing Area) (Adopted on July 9, 1968 and amended on August 20, 1973; December 1, 1973; and August 1, 1974)

Code of Minimum Wholesale Prices for Frozen Deserts in All Commission Sales Areas (March 1, 1973)

Code of Minimum Prices for Fluid Milk Products—Commission Sales Area No. 1 (December 1, 1973)

Code of Minimum Prices for Fluid Milk Products—Commission Sales Area No. 2 (December 1, 1973)

Code of Minimum Prices for Fluid Milk Products—Commission Sales Area No. 3 (December 1, 1973)

Code of Minimum Prices for Fluid Milk Products—Commission Sales Area No. 4 (December 1, 1973)

Code of Minimum Prices for Fluid Milk Products—Commission Sales Area No. 5 (December 1, 1973)

Dairy Stabilization Board:

Dairy Stabilization Regulations (September 23, 1974)
Louisiana Dairy Stabilization Board—Partial Regulations (October 24, 1974)
Production Stabilization Plan for Production Marketing (December 16, 1974)
Distribution Stabilization Plan (Adopted in May, 1975 and amended in January, 1977)
Code of Minimum Prices for Fluid Milk Production (July, 1975)
Production Stabilization Plan for Production Marketing (December, 1975)
Production Stabilization Plan (Adopted in April, 1976 and amended in May, 1976 and October, 1976)
Dairy Stabilization Board rules and regulations 1977 Edition (Adopted in 1977 and amended in November, 1977)
Dairy Stabilization Board rules and regulations 1978 Edition (1978)
Dairy Stabilization Board general provisions (Adopted in November, 1978 and amended in September, 1979)
Dairy Stabilization Board rules and regulations 1979 Edition (1979).

Bob Odom
Commissioner

RULE

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, Livestock Sanitary Board, in accordance with the authority granted under R.S. 3:2093 and pursuant to the Notice of Intent published on January 20, 1985, adopted the following rules and regulations for the Livestock Sanitary Board at its board meeting on March 4, 1985:

Title 7 Agriculture and Animals Part XXI. Diseases of Animals

Chapter 117. Louisiana State Livestock Sanitary Board Subchapter A. General Provisions §11701. Definitions

Accredited herd means a herd which has passed at least two consecutive annual tuberculin tests and no other evidence of bovine tuberculosis has been disclosed.

Accredited veterinarian means a veterinarian approved by the United States Department of Agriculture (USDA) to perform the function involved in connection with the inspection and certification of animals.

Annual test means tests conducted at intervals of not less than 10 months nor more than 14 months.

Approved slaughter establishment means a recognized slaughter establishment that has made application and received approval from the state and federal governments to handle brucellosis reactors.

Approved treatment means a treatment with any permitted pesticide listed by USDA or otherwise permitted by the deputy administrator, Veterinary Services, or his designee in specific cases for the treatment of screwworms.

Areas of recurring infestation means the areas designated as such by USDA, Animal and Plant Health Inspection Service (APHIS), where screwworms usually exist throughout the year or

where screwworms usually exist each year from April 15 through November 30.

Auction operator means a person responsible for the operation of a livestock auction market.

Auction veterinarian means an accredited veterinarian employed by an auction market and authorized to carry out the provisions of the livestock auction market regulations.

Authorized Buyer means (1) an employee of a USDA approved slaughtering establishment who buys horses that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; or (2) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses.

Board means the Louisiana Livestock Sanitary Board.

Breeding purpose means all cattle, purebred or grade, that are sold for stocker, feeding, grazing, dairy and/or reproductive purposes.

Breeding-type cattle means all cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, feeder-grazer and purebred animals.

Brucellosis means a disease of livestock capable of being transmitted to man and caused by brucella organisms, commonly called *Bang's Disease* in cattle and *Undulant Fever* in man.

Brucellosis exposed herd means a herd of cattle that has intermingled with brucellosis infected cattle or otherwise been exposed to brucellosis infected animals which includes: (1) cattle separated only by a single fence; (2) cattle herds where there is direct drainage from brucellosis quarantined premises; or (3) cattle herds in common range with brucellosis infected herds are considered exposed. Boundaries of common range are divided by natural or man-made effective barriers that prevent the intermingling of cattle or exposure. All herds, other than dairies, negative to the BRT and certified brucellosis free herds tested within the past 12 months, owned by an individual, partnership, corporation or association, that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Brucellosis infected herd means:

1. A herd will be considered infected if an official brucellosis blood test of the herd reveals one or more reactors. The herd will be tested at 30-day intervals and continue to be classified as infected and under quarantine until it has passed one complete negative test not less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition a second negative herd test no less than 90 days from date of first negative herd test.

2. A herd to which one brucellosis reactor in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until the entire herd of origin has been officially blood tested not less than 30 days from the date reactor was detected.

3. A herd to which two or more brucellosis reactors in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until it has passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, a second

negative herd test no less than 90 days from the date of first negative herd test.

4. A dairy herd that has had a positive milk ring test. The herd shall be considered infected and handled as such until the entire herd has been officially blood tested. The status of the herd will then be determined by the results of the herd blood test.

Brucellosis non-qualified herd means any herd that originates from a non-modified brucellosis area and does not meet the brucellosis requirements to be classified as a qualified herd as established in LAC 7:11739.

Brucellosis qualified herd means a herd that originates from a non-modified certified brucellosis area that has been tested and found negative to brucellosis within the last 12 months.

Brucellosis quarantined herd means a brucellosis infected herd that has not successfully completed the testing requirements for negative status; or an exposed herd that has been placed under quarantine to be tested until such time as it has been declared brucellosis negative.

Buyer means any individual, partnership, corporation or association which handles EIA positive and/or "S" branded horses.

Certificate of approval means a certificate issued to a commercial poultry producer by the Livestock Sanitary Board approving a specific method of disposing of dead poultry to be used by the commercial poultry producer.

Commercial poultry producer means any person, firm or corporation engaged in the production of broilers, pullets, turkeys, game birds, commercial eggs or hatching eggs for wholesale or retail purposes.

Controlled zone means the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma and South Carolina.

Delinquent herd means any infected herd not tested within a period of 120 days is considered delinquent and in the event not tested within 180 days or legal action instituted may be considered delinquent and cause for the parish to lose its modified certified status.

Destroyed means condemned under state or federal authority and destroyed by slaughter or by death.

Direct to slaughter means the shipment of cattle from the premises of origin directly to a slaughter establishment without diversion to assembly points, such as auctions, public stockyards and feedlots.

Equipment means equipment capable of delivering required temperature as a unit designed by Floyd Rush Corporation patent or comparable equipment.

Executive secretary and/or state veterinarian means an appointee representing the board to serve in said capacity.

Federal inspector means an inspector or veterinary medical officer of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Garbage means all animal and vegetable waste resulting from the handling, preparation and cooking of food; unconsumed food in all public and private establishments and residences; and the offal and carcasses of dead animals and poultry.

Herd depopulation means the removal of all cattle in the herd direct to slaughter prior to any restocking of the premises with cattle.

Hog cholera means the contagious, infectious, and communicable disease of swine.

Infectious or contagious disease means any disease capable of being transmitted from one animal to another, either directly or indirectly.

Livestock means cattle, sheep, swine, goats, horses, mules, burros, asses or other livestock of all ages.

Livestock auction market means a livestock auction in which

sales are held at regular intervals. This does not apply to breeders' association sales, livestock show sales and livestock owners' sales, which are governed by other regulations.

Livestock auction market permit means an official document issued by the board annually authorizing a person to operate a livestock auction.

Modified accredited area means a state or portion thereof which is actively participating in the eradication of tuberculosis and maintains its status.

Modified certified brucellosis area means any area that meets the requirements for modified status as established in LAC 7:11739.

Mortgage means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

Moved means shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water or air.

Negative herd means:

1. A herd not under quarantine in which, on the initial test, no reactors were revealed.

2. A commercial dairy herd that has passed four consecutive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart.

3. Infected herds that have passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, passed a second negative herd test no less than 90 days from date of the first negative herd test.

4. A herd that has had at least 15 percent of the cattle over 24 months of age tested under the market cattle testing program over a three-year period with no reactors detected.

5. A herd to which one brucellosis reactor in a consignment tested in market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced, and the herd of origin has been blood tested not less than 30 days from the date the reactor was detected and found negative.

6. An exposed herd which on initial test reveals no reactors and where there has been no direct contact (including cross-fence contact) with the infected herd within 120 days. If contact has occurred within 120 days of the negative test (including cross-fence contact) such herd must pass a second negative test no less than 90 days from the date of the first negative test.

No gross lesion (NGL) animal means an animal in which a lesion(s) of tuberculosis is not found during slaughter inspection. (An animal with skin lesions only will be considered in the same category as an NGL.)

Non-modified certified brucellosis area means an area that does not meet qualifications to be modified.

Official calf vaccinates means female cattle that have been vaccinated with brucella abortus vaccine at the proper age, by an accredited veterinarian, and properly reported to the state or federal office.

Official health certificate means a legible record of an animal's health recorded on an official form. These certificates are valid for 30 days only.

Official tuberculin test means a tuberculin test which has been applied by a veterinarian employed in a full-time capacity by the state, USDA (Animal and Plant Health Inspection Service), or by an accredited veterinarian. All tuberculin tests are official tests. A report of all tuberculin tests, including a record of all responses, shall be submitted in accordance with the requirements of the cooperating state and federal authorities. These officials reserve the

right to supervise any tests conducted by an accredited veterinarian.

Passed herd means a herd in which no animals were classified as reactors or suspects on the herd test.

Permit means a license issued annually by the Louisiana Livestock Sanitary Board.

Person means any natural person and/or persons, partnership, corporation, unincorporated association and/or any legal entity whatsoever.

Quarantined feedlot means a confined area under the direct supervision and control of the state livestock official who shall establish procedures for accounting of all animals entering or leaving such quarantined feedlot. The quarantined feedlot shall be maintained for finish feeding of animals in dry lot with no provision for pasturing and grazing. All animals leaving such feedlot must move only to slaughter in accordance with established procedures for handling quarantined animals.

Quarantined herd means a herd that has been quarantined because of brucellosis infected herd.

Quarantine holding area means an area where EIA positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

Recognized slaughter establishment means a slaughter establishment maintaining state or federal meat inspection.

Rendering plant means any establishment equipped to render by heat, steam or dry method any animal or fowl dead from any cause. This shall also include rendering offal from slaughtering establishments or butcher shops.

Screwworms means the communicable disease (myiasis) of livestock caused by the presence of the screwworms (cochliomyia hominivorax).

State inspector means an inspector regularly employed by the Louisiana Livestock Sanitary Board and authorized to perform the function involved in connection with the inspections and certification of animals.

State veterinarian means the executive secretary of the Livestock Sanitary Board.

State-federal quarantined feedlot means a feedlot that has obtained a permit from the Livestock Sanitary Board to operate as outlined in LAC 7:11753.

Sterilized and dehydrated foods means waste food which has been subjected to sufficient dry heat, 325° F. minimum, for the purpose of extraction of fluids, 12 percent moisture or below permissible, and for the destruction of any organism from such matter.

Surveillance means all measures used to detect the presence of tuberculosis in the cattle population.

Valid 30-day negative brucellosis test certificate means a certificate on which the official test has been recorded. This may be an official health certificate completed by an accredited veterinarian; the official brucellosis test charts from the state-federal laboratory; an individual brucellosis test certificate issued at the auction market; or a special certificate issued by the state-federal laboratory at the request of the owner.

Veterinary medical officer and/or supervisory veterinary medical officer (also referred to as *area veterinarian*) means a veterinarian employed by the Livestock Sanitary Board or the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Veterinary services means the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Waste food processor means any person, partnership, firm, corporation, institution or entity processing waste for livestock feed. This includes all state and private institutions and commercial establishments manufacturing waste foods into livestock feed.

§11703. General Health Requirements Governing Admission of Livestock and Poultry

All livestock brought into the state shall be accompanied by an official health certificate stating that the animals are healthy, free from signs of infectious or contagious diseases and signs of internal and/or external parasites, and meet the specific requirements stated in this regulation. Health certificates are valid for 30 days only.

A. Livestock consigned to an approved slaughter establishment or an approved livestock auction market on an accompanying waybill, a copy of which must be sent to the office of the state veterinarian in Louisiana; and

B. All livestock and poultry entering Louisiana must also meet the following requirements for entry:

1. No livestock or poultry affected with, or carrying the contagion of, screwworms shall be moved into Louisiana for any purpose.

2. Livestock may be moved into Louisiana from areas of recurring screwworm infestation (Texas, parts of California, New Mexico and Arizona) from April 15 through November 30 each year, providing:

a. The animals are sprayed or dipped at point of origin with a permitted pesticide determined by the board, and accompanied by a certificate from a state or federal inspector or veterinarian, or by an accredited veterinarian certifying that the livestock or poultry in the lot were inspected by him and found free of screwworms within the preceding 24 hours.

b. When animals with open wounds are removed from a lot, the remaining animals in the lot may move into Louisiana for any purpose if accompanied by required certificate and they meet requirements of LAC 7:11703 (B) (1).

c. Livestock having minor wounds, injuries, or conditions which in the judgment of the inspectors can be adequately treated and other animals in the lot may move into Louisiana provided such wounds have been treated in the prescribed manner with a permitted pesticide as specified in LAC 7:11703 (B)(3)(b).

3. Permitted pesticides and approved procedures:

a. The treatment of animals being shipped into Louisiana shall be done with a permitted pesticide and at locations where livestock can be properly treated under supervision of a state or federal inspector or veterinarian, or an accredited veterinarian.

b. The approved proprietary brands of pesticide at present permitted by USDA for treatment as required by this regulation are as follows:

i. For use as a wound treatment on horses only: Franklin Smear 62; Franklin Kiltect-100; Franklin-Kiltect-100 bomb; and Martin's U.S. Formula 62.

ii. For use as a wound treatment on various livestock: Texas Phenothiazine Co. TPC Livestock Smear; and Martin's Korlan Smear Insecticide.

iii. For use as a spray and/or dip on various livestock: Chemagro Co-ral (coumaphos) Animal Insecticide 25 percent wettable powder used as a 0.20 - 0.25 percent spray or dip or wound treatment; Chemagro Co-ral (coumaphos) Emulsifiable Livestock Insecticide used as a 0.20 - 0.25 percent spray or wound treatment; and Dow Korlan 24E (24 percent Ronnel) Insecticide used as a 0.45 - 0.5 percent spray or wound treatment.

c. Exception to above requirements: The requirements for treatment with a permitted pesticide shall not apply to equine which are primarily for exhibition purposes and the appearance of which clearly indicates daily grooming; however, wound treatment and certification requirements of this regulation shall apply to such equines.

4. Cleaning and Disinfecting

a. If a shipment is found to be affected with screwworms, the transporting vehicle will be required to be cleaned and disin-

ected by removal and burning of all litter and wetting down of removed manure with a permitted pesticide. The vehicle shall be thoroughly cleaned and washed before application of a permitted pesticide. The cleaning and disinfecting shall be the responsibility of the transporting agency.

c. Authority to refuse entry into Louisiana

Animals failing to meet the requirements of this regulation will be prohibited from entering, or being transported through the State of Louisiana pursuant to the provisions of Louisiana R.S. 3:2095 and other related provisions governing disease eradication.

§11705. Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks

A. All interstate movements of livestock consigned to Louisiana fairs, livestock shows, breeders' association sales, rodeos and racetracks must meet federal interstate requirements and the requirements of LAC 7:11705.

B. All livestock to be admitted to fair grounds, livestock show grounds, breeders' association sale grounds, rodeos or racetracks must be accompanied by an official health certificate, issued by an accredited veterinarian, asserting that the animals are showing no evidence of infectious, contagious or parasitic disease and are apparently healthy and have met all the specific requirements of this regulation. However, horses not congregated overnight are exempt from being accompanied by a health certificate, but must meet the requirements as stipulated in equine requirements (LAC 7:11763).

C. Upon inspection, all livestock revealing symptoms of infectious, contagious or parasitic diseases, including external parasites such as mange mites, lice, etc., shall (at the discretion of the board's representative) be either separated and held in isolation or removed from the fair ground, livestock show grounds, breeders' association sale grounds, rodeos or racetracks and returned to the owner's premises under quarantine.

§11707. Livestock Auction Market Requirements

A. No person shall operate a livestock auction without first obtaining a livestock auction market permit from the board. Any person operating a livestock auction market without a valid livestock auction permit will be in violation of this regulation and subject to prosecution.

B. Conditions for Issuing a Livestock Auction Market Permit

1. In order to obtain a livestock auction market permit, the livestock auction market must post a proper bond with the board as required by R.S. 3:565, or be properly bonded under the U.S. Packers and Stockyards Act.

2. The livestock auction market must provide the following:

a. Adequate and sanitary housing for use of state-federal personnel to conduct tests, including the rivanol test for brucellosis. This will include running water, adequate lighting, sanitary plumbing facilities, heating and cooling when necessary and refrigeration for biologics if the quantity to be kept on hand will warrant it. Otherwise, state or federal personnel will furnish his own portable refrigeration.

b. Separate pens for holding brucellosis reactors.

c. Adequate facilities and personnel to separate and restrain livestock to enable the auction veterinarian and/or representatives of the Livestock Sanitary Board to carry out the requirements of this regulation.

3. The auction operator agrees to operate the sale in conformity with the requirements of this regulation.

4. The day of the week approved by the board for the

conduct of the sale must be established prior to the issuance of the charter.

a. In the application for charter, the applicant shall specify the day(s) of the week on which he desires to conduct sales.

b. No requested sales day shall be approved for any applicant if any established, chartered auction market(s) located within a 50 mile radius of the applicant has received prior board approval for the conduct of a sale on the same day of the week, provided that the board may approve an applicant's request for approval of a sale on the same day of the week as a sale conducted by an established, chartered market within a 50 mile radius if the operator(s) of the established market(s) submits a statement, in writing, to the effect that he has no objections to the board's approval of the same sales day.

c. Whenever any established, previously chartered auction market desires to change the day of the week approved by the board for the conduct of his sale, the operator shall submit a request for a change of approved sales days at least 15 days prior to the desired change, which request shall include, but not be limited to, the following information:

i. day of the week previously approved for the sale;

ii. day of the week for which approval is sought; and

iii. statement identifying reasons for the requested change, specific benefits which are expected to accrue to producers and buyers and proposed allocation of board personnel to handle the change of sales day. If the established market desires to change the approved sales day to the same day previously approved for another established auction market within a 50 mile radius, the operator shall submit the same statement as required by LAC 7:11707 (B)(4)(b).

d. In any case where two or more chartered markets located within a 50 mile radius desire to conduct sales on the same day of the week, and the statement required under LAC 7:11707 (B)(4)(b) is not filed by all such chartered operators, the board shall establish the day of the week on which each operator shall conduct his sale.

C. Duration of Livestock Auction Market Permit

A livestock auction market permit shall be renewable on January 1 of each year, provided proper and adjusted bonds are kept in full force and effect and the livestock auction market is being operated in full compliance with the provisions of LAC 7:11709, as determined by the board.

D. Cancellation of Livestock Auction Market Permit

A livestock auction market permit may be cancelled upon notice from the board if the operation does not meet the requirements of LAC 7:11709.

E. Duties of an Auction Veterinarian and/or State-Federal Personnel

The duties of an auction veterinarian and/or state-federal personnel will be:

1. To represent the board in the enforcement of LAC 7:11709.

2. To observe all livestock being offered for sale and to detect any showing or visible symptoms of disease so that these animals may be observed by a veterinarian and could be rejected and returned to the owner's premises.

3. To draw blood samples on all cattle for testing by state-federal personnel for brucellosis as provided for in this regulation.

4. To vaccinate all livestock as provided for in this regulation.

5. To examine certificates covering livestock to be sold or exchanged through the livestock auctions when such certificates are required.

6. To make such reports as may be required by the state veterinarian to the board.

7. It will be the responsibility of the auction market to employ an accredited veterinarian to issue health certificates as required.

8. The auction veterinarian and/or state-federal personnel may determine the age of cattle tested for brucellosis and sold through livestock auctions and auction market personnel will indicate by paint mark on the hip, as follows:

- a. 1 through 5
 - b. F (Full Mouth) or FM
 - c. S (Smooth Mouth)
 - d. O (Broken Mouth)
- F. Sanitary Requirements

1. After the occurrence of an infectious or contagious disease in a livestock auction market, it must be cleaned and disinfected in an approved manner with a disinfectant before livestock will be permitted to enter the establishment for any purpose.

2. Representatives of the board shall have full authority to require auction operators to make specific changes to improve sanitation.

3. Floors of all swine pens and runs must be of concrete and properly drained and must be thoroughly cleaned and disinfected with an approved disinfectant after each sale.

G. General Livestock Health Requirements

1. All livestock auction markets shall be prohibited from selling or offering for sale any animal that manifests symptoms of illness unless such animal is to be sold for immediate slaughter. These diseased and exposed animals, except brucellosis reactors which are specifically governed by LAC 7:11709 (G)(2), shall be immediately isolated, and identified and returned, under quarantine, directly to the premises of the original owner at the owner's expense; consigned directly to a recognized slaughter establishment maintaining meat inspection; or consigned directly to a rendering plant.

2. All brucellosis reactor cattle shall be branded with the letter "B" on the left jaw and all brucellosis exposed cattle shall be identified with a three inch hot brand on the left jaw with the letter "S" and all reactor and exposed cattle shall be separated from other cattle, placed in separate quarantine pens or stalls identified by quarantine sign, and shall be sold to an approved slaughter establishment for immediate slaughter only. Exposed cattle may be sold to state-federal approved quarantined feedlots.

3. The Livestock Sanitary Board, U.S. Department of Agriculture, auction operator and auction veterinarian are not responsible for losses or injury incurred by livestock while carrying out the requirements of this regulation at livestock auction markets.

4. Livestock purchased for immediate slaughter only, and thereby exempted from one or more health requirements of this regulation cannot be diverted for any other purpose. Any person who violates this provision is subject to prosecution.

5. Auction operators will be in violation of the board's regulations if livestock that is to be sold for immediate slaughter is sold to anyone other than authorized buyers.

§11709. Livestock Dealer General Requirements

A. Louisiana livestock dealers may become approved provided the following requirements are met:

1. The facilities are adequate and maintained in a satisfactory condition.

2. The dealer agrees to clean and disinfect the facilities at least once each month with an approved disinfectant.

3. Records of all sales and purchases must be maintained for at least 12 months and made available to representatives of the board upon request. Livestock dealers who are not approved will be governed by LAC 7:11731 for cattle.

B. The dealer shall furnish the purchaser with an official

health certificate on all animals sold. This certificate must show that the animals are healthy, free from symptoms of infectious, contagious and communicable disease, and have met the specific requirements stated in this regulation.

C. All livestock moving into the State of Louisiana must meet federal interstate requirements; the requirements of LAC 7:11703 governing the admission of livestock into the state; and the requirements of the state of destination.

D. Failure of an approved livestock dealer to meet the requirements of this and other regulations of the board will result in the revoking of his approval and he will be subject to prosecution as provided in R.S. 3:2096.

§11711. Disposal of Garbage

A. All public and private establishments from which garbage is produced shall be required to furnish the board with information as to the manner by which garbage is disposed of, and must furnish names and addresses of those persons, firms and corporations collecting and/or disposing of the garbage.

B. All garbage disposal operations must be operated in a sanitary manner and in a way that will not place animal or human health in jeopardy, nor shall it create a public nuisance. Such operations must be in full compliance with other regulations of the board and State Department of Health requirements.

§11713. Rendering Plant

A. Permit

1. No person shall operate a rendering plant without first obtaining a permit to operate from the board.

2. Upon receipt of application for permit, the board shall make a thorough inspection of the rendering plant, its equipment and general sanitation. If found satisfactory, the board shall issue to the applicant a permit to operate.

3. The permit shall be issued to the person responsible for the operation of the rendering plant and shall not be transferable.

4. The management shall furnish, upon request, to the board an up-to-date list of establishments from which dead animals or animal by-products are regularly collected.

B. Vehicles and Containers

1. Vehicles and containers used in the transportation of dead animals or offal used in a rendering plant shall meet the following requirements:

a. The body of the vehicle used to transport carcasses must be constructed of, or lined with, metal in such a way it is water-tight, and no leakage or drainage may escape from the vehicle.

b. The body of the vehicle shall have sides constructed of, or lined with, metal and shall not be less than 24 inches high to prevent the escape of any material.

2. Any vehicle used for hauling dead animals or offal shall be provided with a tarpaulin or other tight covering to shut off from view all such dead animals or offal, and said conveyance shall not stop by the way unless detained by unavoidable circumstances.

3. All vehicles and containers shall be thoroughly cleaned and disinfected after each trip with a disinfectant approved by the board or by live steam.

C. General Sanitation

General sanitation in the operation of a rendering plant shall meet the following requirements.

1. Incoming dead animals, offal and all other rendering material shall be processed immediately.

2. The finished products shall be handled and stored in such a manner as to avoid contamination.

3. Disposal of waste materials shall be done in a satisfactory manner.

§11715. Requiring the Reporting of Contagious Diseases

In order to improve the protection of the livestock industry from the effects of contagious diseases of livestock, all veterinari-

ans licensed in the State of Louisiana are required to report to the state veterinarian, by telephone or wire within 24 hours after diagnosis or tentative diagnosis, the occurrence or suspected occurrence of the following contagious diseases: hog cholera, erysipelas, anthrax, vesicular condition, scabies, equine encephalomyelitis, red water disease or any other disease condition which may seriously threaten the welfare of the livestock and poultry industry.

Reports should include:

1. the name and address of the owner;
2. the location of the premises;
3. the morbidity and mortality rate at the time of reporting;
4. the number of susceptible animals in the immediate area;

and

5. the approximate number of livestock or poultry exposed.

Reports of disease outbreaks shall not be released to the press until after they have been reported to the state veterinarian.

Livestock owners who suspect the occurrence of contagious disease should immediately contact the local practicing veterinarian or the area veterinarian, district veterinarian or county agent who, in turn, will be responsible for reporting to the state veterinarian.

An investigation of the reported contagious disease will be made by representatives of the board, preferably with the veterinarian who reported the disease. If necessary to protect the livestock industry, a quarantine will be imposed on involved and exposed herds and the quarantine will remain in effect until the threat to the livestock industry has been removed.

§11717. Intrastate Manufacture, Sale or Distribution of Animal Vaccines

A. No person, firm, association or corporation shall manufacture, sell or distribute any animal vaccine within the State of Louisiana unless such person, firm, association or corporation can prove to the board that he is currently the holder of a valid federal license to manufacture, sell or distribute such animal vaccine, except as provided hereinafter.

B. The board shall authorize the intrastate manufacture, sale or distribution of animal vaccines on an individual basis to meet emergency situations within the State of Louisiana under special permit of the state veterinarian, provided that no special permit for the intrastate manufacture, sale or distribution of animal vaccines shall be issued by the state veterinarian except under the authorization of the board.

C. The board reserves the right to prohibit the intrastate manufacture, sale or distribution of animal vaccines which, in the judgment of the board, would be detrimental to any phase of the livestock and/or animal health industries of the state.

D. The board shall distribute, through the state veterinarian, on an annual basis, no later than December 31 of each year, a complete list of all vaccines which are prohibited for use within Louisiana, and such list shall be available to any interested person who makes request therefor.

§11719. Tuberculin Tests

A. Report of Tuberculin Tests

A report of all tuberculin tests, including the individual identification of each animal by ear tag number or tattoo, age, sex and breed, and a record of the size of the responses, shall be submitted in accordance with the requirements of the cooperating state and federal officials.

B. Tuberculin Test Interpretation

1. Reactor "R": Animals showing a circumscribed swelling 5 mm in diameter (3/16 of an inch) (P_1) or a diffuse swelling twice as thick as the normal caudal fold (X_2) or greater response to tuberculin on routine test should be classified as reactors unless in

the professional judgment of the testing veterinarian a suspect classification is justified.

2. Suspect "S": Animals showing a response to tuberculin not classified as reactor with the exception noted below.

3. Negative "N": Animals showing no response to tuberculin.

§11721. Cooperation with USDA, APHIS, Veterinary Services

Upon determination by the state veterinarian of the existence of any infectious and contagious diseases, he is authorized to cooperate with the United States Department of Agriculture, APHIS, Veterinary Services, in the eradication of such diseases.

§11723. Waste Food Processing Unit

A. Permit

1. No person shall operate a waste food processing unit unless first obtaining a permit from the board.

2. Upon receipt of an application for a permit, a representative of the board shall make a thorough inspection of the premises and equipment and if found satisfactory, the board shall issue a permit to the applicant at its discretion.

3. The permit shall be issued to the person responsible for the operation and this permit shall not be transferable.

4. The waste food processor shall furnish the board, upon request, an up-to-date listing of establishments from which waste food is collected and individuals or establishments to which processed feed is sold or otherwise disposed.

B. Vehicles and Containers

1. Vehicles and containers used in the transportation of waste food to the processing unit shall meet the following requirements:

a. The body of the vehicle used to transport waste food must be constructed of or lined with metal or other equally good impervious material in such a way that it is leak-proof so that the waste matter will not escape from the vehicle.

b. Any container used to haul waste shall be in good condition, leak-proof with a tight lid during transit and storage.

c. All vehicles and containers shall be thoroughly cleaned and disinfected after each trip by live steam or with approved disinfectant approved by the board.

C. General Sanitation

General sanitation in the operation of a processing unit shall meet the following requirements:

1. Incoming waste material shall be processed immediately.

2. The finished product shall be handled and stored in such a manner as to avoid contamination from other sources or from the unfinished product.

3. Feeding and processing will not be allowed on the same premises unless a sufficient distance is maintained between the processing area and feeding area to prohibit the introduction of any unprocessed waste material into the feeding area. This will be determined by a representative of the board.

4. Disposal of inedible materials shall be done in a satisfactory manner in order to maintain good sanitation and animal husbandry practices.

§11725. Conditions for Issuing a Quarantined Feedlot Permit

A. The operation must not constitute a health hazard to livestock on surrounding premises, or create a public nuisance.

B. The operator must agree to abide by the provisions of this regulation and all other regulations of the board and United States Department of Agriculture governing such operations and movements.

§11727. Source and Amount of Indemnification

Indemnities may be paid by either the state or federal gov-

ement. When indemnities are paid by the State of Louisiana, the amount of the payments shall be set by motion of the board and information concerning the level of indemnification shall be made available to all producers of livestock and dairymen.

Subchapter B. Cattle

§11729. Admission of Cattle into Louisiana

All cattle entering the state must meet the general requirements of LAC 7:11703 and the following specific requirements:

A. Tuberculosis Requirements

All cattle must show a negative test for tuberculosis within 30 days prior to entry. The date and results of the test and the individual identification of each animal must be recorded on the health certificate. The following are exempt from this requirement:

1. Cattle that originate from a tuberculosis free accredited herd; however, they must be individually identified and the accredited herd number furnished on the health certificate.

2. Cattle that originate from a negative herd, not under quarantine, in an accredited area and moving directly to a Louisiana farm; however, they must be individually identified on an official health certificate and the certificate must show that the animals are from an accredited area.

3. Cattle consigned to a recognized slaughter establishment or to an approved livestock auction market to be sold directly for immediate slaughter only.

B. Brucellosis

1. No cattle from brucellosis quarantined herds may move into Louisiana except those cattle moving to an approved livestock auction market or to an approved slaughter establishment and accompanied by the required federal Form VS 1-27.

2. All intact male and female cattle over 12 months of age moving into the State of Louisiana from Class B and Class C states must have a permit for entry prior to coming into Louisiana. These test eligible cattle must be quarantined and retested 45 to 120 days after movement into Louisiana. The following are exempt from this requirement:

a. Individually identified, officially calf vaccinated females under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not preparturient (springers) or postparturient, and the herd of origin is not known to be infected with brucellosis.

b. Individually identified cattle originating from a certified brucellosis-free herd or certified brucellosis-free area, and moving directly to a Louisiana farm. The certified herd number must be recorded on the health certificate.

c. Cattle accompanied by a waybill to a recognized slaughter establishment for immediate slaughter only or to an approved livestock auction market for sale for immediate slaughter, for sale to quarantined feedlots, or for sale to a Louisiana farm where they would be quarantined and retested within 45 to 120 days.

d. Steers and spayed heifers.

3. Bulls under 12 months of age are eligible to move into Louisiana without brucellosis restrictions, provided the herd of origin is not known to be infected with brucellosis.

4. Exposed cattle moving into the state will be "S" branded and identified and will be accompanied by Form VS 1-27.

5. As of January 1, 1982, all female calves and cows born after January 1, 1982, that are four months of age or older, must be officially calf-hood vaccinated for brucellosis to be eligible to be brought into Louisiana for breeding purposes.

C. Cattle for Exhibition or Consigned to Breeders' Association Sales

In addition to the general requirements of LAC 7:11703, tuberculosis requirements and brucellosis requirements, all breeding type cattle for sale or exhibition should be vaccinated against

leptospirosis not less than 15 days or more than six months prior to date of show, fair or sale.

§11731. Admittance of Louisiana Cattle to Fairs, Livestock Shows, Breeders' Association Sales and Rodeos Held in Louisiana

All cattle consigned to fairgrounds, livestock show grounds, sale grounds and rodeos must meet the general requirements of LAC 7:11705 and the following specific requirements (Note: The word "cattle" as used in this regulation refers to cattle for exhibition and/or sale and the nurse cows that may accompany them.):

A. Brucellosis

1. No cattle from brucellosis quarantined herds or from non-qualified herds in non-modified areas are allowed to be exhibited in the State of Louisiana or consigned to breeders' association sales in Louisiana.

2. All cattle over 12 months of age, originating in and moving directly from a modified certified area, must be negative to the brucellosis card test within 30 days prior to admission to the fair, show or breeders' association sale grounds. The date and results of the test and individual identification of each animal must be recorded on the official health certificate. Exceptions to this requirement are:

a. Individually identified officially calf vaccinated female cattle under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not parturient or postparturient. The vaccination tattoo must be recorded on the official health certificate.

b. Steers and spayed heifers.

3. Individually identified cattle originating in and moving directly from a certified herd or certified area. The certified herd number must be recorded on the health certificate.

4. Cattle over six months of age originating in non-modified certified areas must originate from a brucellosis qualified herd and must be negative to the brucellosis card test within 30 days prior to arrival at the livestock show grounds or breeders' association sale grounds. Exceptions to this requirement are:

a. Individually identified official calf vaccinated female cattle under 20 months of age for dairy breeds, and under 24 months of age for beef breeds which are not parturient or postparturient, that originate in and move directly from a brucellosis qualified herd. The vaccination tattoo must be recorded on the health certificate.

b. Individually identified cattle originating in and moving directly from a certified herd. The certified herd number must be recorded on the health certificate.

c. Steers and spayed heifers.

B. Tuberculosis

All cattle will be required to show a negative test for tuberculosis within 60 days prior to arrival at the fairgrounds or livestock show grounds, or within 30 days prior to arrival at breeders' association sale grounds. The date and results of the test must be recorded on the official health certificate. Exceptions to this requirement are:

1. Cattle accompanied by an official health certificate showing they originate from a tuberculosis free accredited herd. The accredited herd number and individual identification of each animal over six months of age must appear on the health certificate.

2. Cattle accompanied by an official health certificate showing they originate from a modified tuberculosis free area. Each animal over six months of age must be individually identified on the health certificate.

C. Leptospirosis

All breeding type cattle should be vaccinated against leptospirosis not less than 15 days nor more than six months prior to date of the show, fair or sale.

§11733. Livestock Auction Market Requirements

All cattle which are sold or offered for sale in livestock auction market must meet the general requirements of LAC 7:11707 and the following specific requirements:

A. Brucellosis

1. Cattle from quarantined herds or from non-qualified herds from parishes that are not modified-certified are not eligible for sale in the State of Louisiana except as provided in LAC 7:11751 which governs brucellosis non-modified certified parishes.

2. All cattle that are offered for sale through Louisiana livestock auction markets must be identified by a white official backtag; those animals two years of age and older shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish and make immediately available to Livestock Sanitary Board's official representative a copy of each check-in slip showing the name and address of each consignor and the official backtag numbers applied to the consignor's livestock.

3. All cattle 18 months of age and over that are offered for sale must be further identified by an official metal tag and must be tested for brucellosis. Exceptions to LAC 7:11733 (A)(3) are:

a. Steers and spayed heifers.

b. Cattle consigned from dry feedlots that are "S" branded and permitted prior to shipment to the auction barn.

c. Official calfhood vaccinates less than 24 months of age that are not pre-parturient or post-parturient.

4. All heifer calves of vaccination age going back to the farm must be vaccinated. Dairy type calves from two to six months (60 to 179 days) of age and beef type calves from two to 10 months (60 to 299 days) of age are eligible to be vaccinated with brucella abortus vaccine.

5. Cattle negative to the card test shall be additionally identified by a blue oval brucellosis negative backtag placed adjacent to the official white backtag. The buyer will be furnished a 30-day negative brucellosis test certificate which will be issued by state-federal personnel.

6. Cattle that show a positive reactor to the brucellosis test shall be branded and tagged in accordance with the regulations of the board. Such cattle must then be sold in accordance with LAC 7:11707 (G).

7. The sale of all male and female cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, and including animals under these ages which are not parturient or post-parturient that are not tested shall be identified by branding with heat the letter "S" (at least 2 x 2 inches) on the left jaw or high on the tailhead so as to be visible from ground level and will be restricted to:

a. recognized slaughter establishments for direct movement to these establishments;

b. representatives of specifically approved out-of-state slaughter establishments;

c. permitted state-federal quarantined feedlots; and

d. cattle that are purchased by the auction operator to support prices as required by U.S. Department of Agriculture, Packers and Stockyards Division, shall maintain original white official backtags until sold. Exceptions to this regulation are steers and spayed heifers.

8. Cattle originating from brucellosis quarantined herds shall be identified by eartag and branded with a three inch hot "S" brand on the left jaw and accompanied by a properly executed Form VS 1-27. The branding and the issuance of Form VS 1-27 will be completed on the farm of origin prior to movement. The Form VS 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to have

the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of the cattle to the livestock auction market and the branding be accomplished at this point.

a. Cattle from non-qualified herds from brucellosis quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

b. Cattle from non-qualified herds from non-certified areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to an approved quarantined feedlot. Exceptions to LAC 7:11733 (A)(8)(b) are:

i. Steers and spayed heifers over six months of age.

ii. Calves six months of age and under from negative cows may move under permit within 10 days after a negative brucellosis test of the dam.

iii. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than 30 days immediately preceding movement.

9. When brucellosis reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways:

a. The exposed cattle shall be identified by a three inch hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a state-federal approved quarantined feedlot and shall be accompanied by Form VS 1-27.

b. The exposed cattle may be identified by yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the ear tag and auction tag identification numbers of the animals moving to Louisiana farms. Exceptions to LAC 7:11733 (A)(9)(b) are:

i. Steers and spayed heifers over six months of age.

ii. Calves six months of age and under from negative cows may move under permit within 10 days after a negative brucellosis test of the dam.

iii. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than 30 days immediately preceding movement.

§11735. Governing the Sale of Cattle in Louisiana by Livestock Dealers

All cattle which are sold or offered for sale by livestock dealers must meet the general requirements of LAC 7:11709 and the following specific requirements:

A. Brucellosis

1. No cattle may be sold or purchased from brucellosis quarantined herds except as provided for in LAC 7:11751.

2. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, must be negative to the brucellosis card test within 30 days prior to sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate. Exceptions to LAC 7:11735 (A)(2) are:

a. Steers and spayed heifers.

b. Individually identified official calf vaccinated female cattle under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not parturient or post-parturient, that originate in and move directly from a herd known not to be infected. The vaccination tattoo must be recorded on the health certificate.

c. Individually identified cattle originating in and moving

directly from a certified herd. The certified herd number must be recorded on the health certificate.

3. All heifer calves of vaccination age going back to the farm must be vaccinated. Dairy type calves from two to six months (60 to 179 days) of age and beef type calves from two to 10 months (60 to 299 days) of age are eligible to be vaccinated with brucella abortus vaccine.

4. Cattle over six months of age originating in non-modified certified areas must originate from qualified herd (known not to be infected), and must pass a negative card test for brucellosis not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

5. All untested cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, purchased from herds not known to be infected with brucellosis, must be tested within 24 hours of purchase by an accredited veterinarian. Failure to test within 24 hours of assembly will result in all cattle assembled to be considered exposed if brucellosis reactors are found in any of the cattle. In instances where brucellosis reactors are found and the animals have not been assembled for more than 24 hours, only the cattle originating from the same herd must be identified as exposed cattle by a three inch hot brand on the left jaw with the letter "S". The reactor and exposed cattle shall be separated from all other cattle and placed in quarantine pens identified as such by conspicuously placed signs.

a. The movement of such cattle shall be restricted to:

i. Reactor cattle must be sold directly to approved slaughter establishments or to an approved livestock auction market for sale to such slaughtering establishments.

ii. Exposed cattle may be moved to an approved slaughter establishment or to state-federal approved quarantined feedlot, or to an approved livestock auction market for sale for slaughter or movement to an approved state-federal quarantined feedlot.

iii. Calves six months of age and under from negative cows may move under permit within 10 days after a negative brucellosis test of the dam.

iv. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than 30 days immediately preceding movement.

B. Tuberculosis

All breeding type cattle shall be required to show a negative test for tuberculosis within 30 days prior to date of sale. The date and results of the test and individual identification of each animal shall be recorded on the official health certificate. Exemptions to this regulation are:

1. Breeding type cattle that originate from a tuberculosis free accredited herd but each animal over six months of age must be individually identified on the health certificate and the accredited herd number shown.

2. Breeding type cattle that originate from a modified tuberculosis free area but each animal over six months of age must be individually identified on the health certificate and the accredited area shown.

C. Mastitis

Breeding type cattle sold for dairy purposes must be examined and found free of mastitis and a statement to this effect must be recorded on the health certificate by an accredited veterinarian.

§11737. Governing the Sale and Purchase, Within Louisiana, of All Livestock Not Governed by Other Regulations (Brucellosis Requirements)

A. It is a violation of this regulation to sell breeding type

cattle, not governed by other regulations of the Livestock Sanitary Board, in Louisiana for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. No cattle may be sold from brucellosis quarantined herds except as provided for in LAC 7:11751.

B. It is a violation of this regulation to purchase cattle in Louisiana, not governed by other regulations of the Livestock Sanitary Board, for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. All heifer calves of vaccination age going back to the farm must be vaccinated. Dairy type calves from two to six months (60 to 179 days) of age and beef type calves from two to 10 months (60 to 299 days) of age are eligible to be vaccinated with brucella abortus vaccine.

C. Exceptions to the brucellosis testing requirements of this regulation are:

1. Cattle originating directly from a certified brucellosis free herd, if accompanied by a signed statement from the consignor, giving his name, address, certified herd number and individual identification of each animal.

2. Steers and spayed heifers.

§11739. Movement of Qualified Herds Into Modified Brucellosis Areas

A. Cattle from a qualified herd may move into a modified certified area provided they pass a negative test for brucellosis not less than 30 days from date of herd qualification and that the animals move within 30 days of test. Exceptions to the testing requirements are:

1. Official calf vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not parturient or post-parturient.

2. Steers and spayed heifers.

B. Cattle from non-qualified herds shall move:

1. Direct to slaughter.

2. To a livestock auction where such animals will be identified with a three inch hot brand on the right jaw with the letter "S", separated from other cattle, placed in separate quarantine pens or stalls identified by quarantine sign and shall be sold to an approved slaughter establishment for immediate slaughter only, or to an approved state-federal quarantined feedlot.

3. Direct to an approved state federal quarantined feedlot.

Exceptions to LAC 7:11739 (B) are steers and spayed heifers over six months of age.

§11741. Governing Area Brucellosis Certification and Recertification

A. Modified Brucellosis Area Certification and Recertification

1. An area may be certified as a modified brucellosis area for a period of three years when all cattle herds have been blood tested for brucellosis within the past 18 months and the number of reactors does not exceed one percent and the herd infection rate does not exceed five percent. The following herds are exempt from herd blood test:

a. A commercial dairy herd that has passed four consecutive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.

b. In initial certification a herd may be considered negative if 15 percent (10 percent per year during the 18 month testing period) of the cattle (other than dairy herds covered by milk ring test) over 24 months of age have been tested and found negative to

brucellosis in the market testing program over the last three years. In recertification, a herd may be considered negative if 15 percent (five percent per year) of the cattle (other than dairy herds covered by milk ring test) over 24 months of age have been tested and found negative to brucellosis in the market testing program over the last three years.

2. In order to qualify an area for initial modified certification and recertification, at least 80 percent of the reactors detected in the market cattle testing program must be successfully traced to the herds of origin and herds blood tested for brucellosis.

3. Infected herds must be quarantined and blood tested until the herd has passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and, in addition, passed a second negative herd test no less than 90 days from date of the first negative herd test.

4. Infected herds will be tested at intervals of 30 days. These herds are considered delinquent after 180 days if they have not been tested, which could result in the parish losing its modified-certified status.

5. At the expiration of a three year period, an area may be recertified for another three year period, if the area continues to meet the qualifications as stipulated in LAC 7:11741 (A)(1) through LAC 7:11741 (A)(3).

B. Brucellosis Free Certification and Recertification

An area may be certified brucellosis free and certified at three year intervals, provided it meets the requirements of LAC 7:11741(A); however, not more than one percent of the herds can be infected, and not more than 0.2 percent of the cattle infected; and, further, at least 90 percent of the reactors detected in the market cattle testing program must be successfully traced to the herds of origin and herds blood tested for brucellosis.

C. Procedures for Reinstatement of Modified-Certified Status

1. Upon loss of modified-certified status in any parish of the state, all cattle must be blood-tested for brucellosis to achieve reinstatement of "modified-certified" status. Areas losing certification may be recertified as "modified-certified" upon compliance with the requirements set forth in LAC 7:11741 (A) hereof.

2. In addition to the testing requirements, cattle producers may hold a referendum after the parish's loss of "modified-certified" status.

a. The referendum shall be conducted by the Livestock Sanitary Board in conjunction with the cattle producers organizations in the area. The referendum will be held within 90 days after the issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

b. At the referendum, the question of total mandatory vaccination for brucellosis of all adult cattle in the area, along with the brucellosis testing requirement of the cattle, shall be submitted to a vote of all producers of cattle in the area.

c. If a majority of the eligible cattle producers vote in favor of mandatory brucellosis vaccination of all adult cattle in the area, all producers of cattle in the area will be required to vaccinate all adult cattle for brucellosis.

d. The following herds may be exempt from adult vaccination requirements at the owner's request should the referendum be held and the cattle producers vote in favor of it:

- i. certified brucellosis-free herds;
- ii. herds that test negative for brucellosis and all cows in the herd are official calfhood vaccinates;
- iii. herds of registered cattle;
- iv. dairy herds that are negative to the milk ring test.

§11743. Governing the Sale and Use of Brucella Abortus Antigen

A. The sale and use of brucella abortus antigen manufactured for the purpose of detecting brucellosis in animals shall be restricted to Louisiana accredited veterinarians and laboratory technicians authorized by the Livestock Sanitary Board.

B. All manufacturers, biological houses and their distributors shall be required to submit to the Livestock Sanitary Board a copy of the invoices for all sales of brucella abortus antigen into or within the State of Louisiana.

C. All cattle tested for brucellosis shall be individually identified by official ear tag, individual tattoo and/or brand number (identification such as chain numbers is not acceptable).

D. Veterinarians conducting brucellosis card agglutination tests, either on a private basis or under the state-federal brucellosis eradication program, must submit all blood samples and all used cards to the state-federal brucellosis testing laboratory for confirmation. The samples shall be accompanied by the proper state-federal forms.

§11745. Governing Identification and Movement of Cattle Reacting to the Brucellosis Test

A. All cattle showing a positive reaction to the brucellosis test shall be immediately branded on the left jaw with a hot "B" brand no less than three inches in height. In addition, a reactor tag shall be placed in the left ear. (Reactors should be slaughtered as soon as possible; however, slaughter may be delayed for 45 days after the date of test provided the animals have been identified and branded and separated from the remainder of the herd. A 45-day delay in slaughter of brucellosis reactors nullifies owner's eligibility for federal indemnity which requires slaughter within 15 days of test.)

B. All brucellosis reactors moving from the quarantined premises must be accompanied by Form VS 1-27. These movements shall be limited to slaughter establishments specifically approved to handle brucellosis reactors or to approved livestock auction markets to be offered for sale specifically approved slaughter establishments only.

§11747. Governing the Sale and Use of Brucella Abortus Vaccine

A. The sale and use of brucella abortus vaccine shall be restricted to Louisiana accredited veterinarians and to Livestock Sanitary Board approved non-veterinary personnel who administer the vaccine under the supervision of state-federal veterinarians.

B. Biological supply houses and their distributors are hereby required to send to the Livestock Sanitary Board a copy of the invoices on all shipments of brucella abortus vaccine into and within the State of Louisiana.

C. Veterinarians, drug stores, biological houses and all other wholesale and retail distributors of brucella abortus vaccine who sell brucella abortus vaccine to persons other than Louisiana accredited veterinarians shall be prosecuted as prescribed by state law.

D. Brucella abortus vaccine will be administered in accordance with the method approved by the United States Department of Agriculture.

E. Calfhood Vaccinations of Heifers

1. All heifer calves in Louisiana must be calfhood vaccinated between four and 12 months of age with the reduced dose Brucella Strain 19 vaccine. All heifer calves must be permanently identified as vaccinates by tattoo and individually by ear tag in right ear applied at the time of vaccination. The vaccination of heifer calves for brucellosis will make them eligible to be sold or moved from property owned or leased by the owner of the cattle.

2. Calfhood vaccination of heifers may be done on the farm

or at a livestock auction market. However, it must be done prior to the auction market sale. Any female cattle that are born that are not calfhood vaccinates must be "S" branded and sold for slaughter. Any calves or cows brought into Louisiana must meet the same calfhood vaccination requirements that apply to calves and cows raised in Louisiana. Health certificates will be issued on calves and cows that meet the official vaccination requirements (calfhood or adult).

F. Adult Vaccination of Cattle for Brucellosis

1. Adult vaccination of female cattle 12 months old or older for brucellosis may be performed on an individual herd plan by state or federal veterinarians provided the owner signs the official agreement to comply with the following provisions:

a. Test of entire herd and removal of brucellosis reactors with brucellosis vaccination completed within 10 days following herd test and removal of brucellosis reactors.

b. All animals vaccinated as adults will be identified with an official AV tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year as well as the official metal ear tag (or individual animal registration tattoo or individual animal registration brand) and plastic bangle tag, which are to be correlated on test records with the official ear tag.

c. Animals so vaccinated will be quarantined and tested on the schedule established in the herd plan. The quarantine will be released when the herd has a negative test at least 120 days after the last reactor is removed from the herd. In addition, dairy herds shall be negative to the last milk ring test prior to release from quarantine. Exceptions to this regulation are:

i. Steers and spayed heifers over six months of age.

ii. Calves six months of age and under from negative cows may move under permit within 10 days after a negative brucellosis test of the dam.

iii. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined premises under permit provided they have been weaned for not less than 30 days immediately preceding movement.

2. Guidelines to conduct a referendum which would make brucellosis testing and brucellosis vaccination of all adult cows mandatory on a parish-wide basis:

a. The referendum shall be conducted by the Livestock Sanitary Board in conjunction with the cattle producers' organizations. The referendum will be held within 90 days after issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

b. At the referendum, the question of total mandatory vaccination of all adult cattle in the area along with the brucellosis testing requirements of the cattle shall be submitted to a vote of all producers of cattle in the area.

c. If a majority of the eligible cattle producers vote in favor of mandatory vaccination of all adult cattle in the area, all producers of cattle in the area shall be required to test and vaccinate all adult cattle.

d. The following herds could be exempt from the adult vaccination requirements at the owner's request, should the referendum be held and the cattle producers vote in favor of it:

i. certified brucellosis free herds;

ii. herds that test negative for brucellosis and all the cows in the herd are official calfhood vaccinates;

iii. herds of registered cattle; and

iv. dairy herds identified as having negative ring test.

§11749. Establishing the Official Tests for Brucellosis in Cattle

A. Screening Test

1. Milk Ring Test (BRT)

This test is conducted by the state-federal laboratory on a

composite sample of milk collected at dairy farms. A follow-up individual serological test shall be conducted on all cattle represented in a composite sample which reacts to the test.

a. A commercial dairy herd that has passed four consecutive, negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.

b. A commercial dairy herd showing a positive milk ring test will be considered brucellosis infected and will be quarantined and blood tested. The brucellosis status of the herd will then be determined by the results of the blood test which shall be conducted within 30 days of official notification.

2. Card Test

This test will be used by approved personnel to classify cattle negative on surveillance samples collected at slaughter or at livestock auction markets on routine samples collected on farms and on tests of suspicious and infected herds. Positive samples from brucellosis vaccinated animals will be given supplemental testing when possible to aid in classification of cattle as reactors.

B. Supplemental Tests

1. Standard Plate Agglutination Test

This test may classify cattle as negative, suspect or reactors.

2. Rivanol Test

This test may classify cattle as negative or reactor.

3. Complement Fixation Test

This test may classify cattle as negative, suspect or reactor.

C. Animal or Herd Status

Status of an animal or herd will be determined by a trained epidemiologist, when possible. This decision will be based on the interpretation of all tests, the history of the herd status of surrounding herds, vaccination history and all other pertinent information.

§11751. Governing the Movement of Cattle from Brucellosis Quarantined Herds

A. All eligible animals from brucellosis quarantined herds will be "S" branded and identified prior to movement from the quarantined premises. An agent of the Louisiana Livestock Sanitary Board will brand and identify animals prior to movement. In cases where it is impractical to have the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of cattle to the livestock auction market and the branding be accomplished at this point.

B. All movement from brucellosis quarantined herds must be accompanied by a Form VS 1-27 listing the individual identification of each animal to be moved. This form must be delivered to an authorized representative at destination. These permits will be issued by an agent of the Louisiana Livestock Sanitary Board.

C. All intrastate and interstate movements from brucellosis quarantined herds are restricted to an approved slaughtering establishment for immediate slaughter, directly to an approved quarantined feedlot, or to an approved livestock auction market for sale to an approved slaughtering establishment or quarantined feedlot. (Brucellosis reactors must be sold for slaughter only, either directly to an approved slaughtering establishment or through an approved livestock auction market for sale to such establishment.) Exceptions to LAC 7:11751 (C) are:

1. Steers and spayed heifers over six months of age.

2. Calves six months of age and under from negative cows may move under permit within 10 days after a negative brucellosis test of the dam.

3. Calves under six months of age that are nursed by brucellosis reactor or exposed cows may move from the quarantined

premises under permit provided they have been weaned for not less than 30 days immediately preceding movement.

§11753. Governing Quarantined Cattle Feedlots

A. Permit Required

No person may operate a quarantined cattle feedlot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a cattle feedlot without a valid permit will be in violation of this regulation and subject to prosecution.

B. Conditions for Issuing a Quarantined Feedlot Permit

1. The operation must not constitute a health hazard to livestock on surrounding premises, or create a public nuisance.

2. The operator must agree to abide by the provisions of this regulation and all other regulations of the Livestock Sanitary Board and United States Department of Agriculture governing such operations and movements.

C. Requirements for Operation of Quarantined Feedlots

1. All cattle must be maintained separately and apart from all other cattle.

2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to state-federal personnel upon receipt.

3. Necessary facilities and personnel shall be provided to enable state-federal personnel to identify brucellosis untested cattle by three inch hot brand on the right jaw with the letter "S", to remove official backtags to identify farm of origin, to collect blood samples, and to determine the identification of animals that are being permitted out (Form VS 1-27) for slaughter. Further, to provide the necessary facilities and personnel to identify all brucellosis reactors by branding and reactor ear tags, and to maintain these reactors under quarantine until moved on Form VS 1-27 directly to slaughter or to a livestock auction market for sale to a recognized slaughter establishment. Reactors must be moved to slaughter within 15 days of tagging and branding.

4. All cattle movements from a quarantined feedlot must be on a Form VS 1-27 or similar document issued by state-federal personnel and shall be consigned directly to a slaughtering establishment operating under approved state or federal meat inspection.

5. All tuberculosis exposed animals shall be fed and maintained as a group and shall not be allowed to mix with other animals in the feedlot.

6. Feeder calves under 12 months of age from tuberculosis quarantined herds will be required to be negative to a tuberculin test within 60 days prior to shipment to the feedlot.

7. Animals will be permitted to Louisiana livestock auction markets for sale for slaughter providing no tuberculosis exposed animals are received or fed on feedlot premises.

D. Cancellation of Quarantined Feedlot Permit

A quarantined feedlot permit may be cancelled upon written notice that the operation does not meet the requirements of this regulation, or has violated one or more provisions of this regulation.

§11755. Governing the Establishment and Maintenance of Tuberculosis-Free Accredited Herds and Modified Accredited Areas

A. Quarantine Procedures and Disposition of Movement From Quarantined Herds

1. All herds in which reactor animals are disclosed shall be quarantined. All animals in a mycobacterium bovis herd shall be tested.

2. Reactors must remain on the premises where disclosed until a state or federal permit has been obtained. Movement for immediate slaughter must be direct to a slaughter establishment where approved state or federal inspection is maintained within 15

days of classification. Upon delivery to the slaughtering establishment, reactors shall be slaughtered as soon as practicable.

3. No animals classified as a reactor shall be retained.

4. Suspects to the tuberculin test shall be quarantined to the herd where found or shipped under permit to slaughter in accordance with the state and federal laws and regulations. Suspects to the caudal fold tuberculin test shall be quarantined to the premises where found until:

a. retested by the comparative-cervical tuberculin test within 10 days of the caudal fold injection;

b. retested by the comparative-cervical tuberculin test after 60 days; or

c. shipped under permit direct to slaughter in accordance with state and federal laws and regulations.

5. Exposed animals must remain on the premises where disclosed unless a state or federal permit has been obtained. Movement for immediate slaughter must be direct to a slaughtering establishment where approved state or federal inspection is maintained.

6. Sale of feeder calves from quarantined herds will be restricted. Feeder calves under 12 months of age that have passed a tuberculin test within 60 days of movement may be permitted to move intrastate to a quarantined feedlot.

7. Herds in which mycobacterium bovis infection has been disclosed shall remain under quarantine and must pass two tuberculin tests at intervals of at least 60 days and one additional test after six months. Minimum quarantine period shall be 10 months from slaughter of lesion reactors. A case will be considered "mycobacterium bovis infection" when a pathologic (granulomatous) lesion in cattle suspected of being tuberculosis is found and confirmed in an accredited laboratory.

8. Herds in which NGL reactor(s) only occur and no evidence of mycobacterium bovis infection has been disclosed may be released from quarantine after a 60 day retest on the entire herd.

9. In herds where mycobacterium bovis infection has been confirmed but the herd not depopulated, five annual tests on the entire herd followed by two tests at three year intervals shall be applied following the release of quarantine.

10. In herds with history lesions suspicious of bovine tuberculosis (not confirmed), two complete annual herd tests shall be applied after release of quarantine; the first test to be applied approximately one year after release of quarantine.

11. In a newly assembled herd on a premises where a tuberculous herd has been depopulated, two annual herd tests shall be applied to all cattle; the first test to be applied approximately six months after assembly of the new herd. These tests shall be followed by two complete herd tests at three year intervals.

B. Accredited Herd Plan

1. Testing of herds for accreditation or re-accreditation shall include all cattle over 24 months of age and any animals other than natural additions under 24 months of age. All natural additions shall be individually identified and recorded on the test report as members of the herd at the time of the annual test.

2. Herd additions must originate directly from one of the following:

a. accredited herd;

b. herd in an accredited free state;

c. herd in a modified accredited area that has passed a herd test of all animals over 24 months of age within 12 months and the individual animals for addition were negative to the tuberculin test conducted within 60 days;

d. herd in a modified accredited area not meeting requirements of a, b, or c of this Subsection, individual animals for addition must pass a negative test within 60 days prior to entering the premises of the accredited herd and must be kept in isolation from

all members of the accredited herd until negative to a test conducted after 60 days of date of entry.

Animals added under b, c, or d shall not receive accredited herd status for sale purposes until they have been members of the herd at least 60 days and are included in a herd retest.

3. To qualify for accredited herd status, the herd must pass at least two consecutive annual tuberculin tests with no evidence of bovine tuberculosis disclosed. All animals must be bonafide members of the herd. Qualified herds may be issued a certificate by the local state and federal officials. The accreditation period will be 12 months (365 days) from the anniversary date and not 12 months from the date of the reaccreditation test. To qualify for reaccreditation, the herd must pass an annual test within a period of 10 to 14 months of the anniversary date.

§11757. Governing the Identification of Cattle with Official Backtags and the Collection of Blood Samples from Officially Backtagged Cattle at Slaughter Establishments Under State or Federal Meat Inspection

A. Official Backtagging of Cattle

All cattle over 24 months of age that are not officially backtagged when received by a slaughter establishment under state or federal meat inspection shall be identified by official backtag, properly placed. The name and address of the consignor, and the name and address of the owner of the herd of origin, if different from that of the consignor, shall be recorded, along with the official backtag numbers, on forms provided for this purpose. A copy shall be retained by the slaughter establishment for their records; the original is to be furnished the meat inspector to accompany blood samples to the laboratory.

The slaughter establishment shall be responsible for the identification of the animals and for maintaining required records.

Exemptions from this regulation are:

1. steers and spayed females;
2. brucellosis branded animals; or
3. brucellosis exposed ("S" branded) animals.

B. Records

All records pertaining to the identification of the cattle, name and address of consignor and the name and address of the owner of the herd of origin, if different from that of the consignor, shall be maintained and made available to representatives of the Livestock Sanitary Board upon request.

C. Blood Sample Collection

A blood sample shall be collected from each head of backtagged cattle over 24 months of age, except steers, spayed females and branded brucellosis reactors. State and federal meat inspection personnel shall be responsible for the collection of the blood samples; the identification of the samples; and the packaging and mailing of the blood samples, corresponding backtags and forms to the state-federal livestock diagnostic laboratory in Baton Rouge, Louisiana.

§11759. Payment of Indemnities

In addition to the general requirements stipulated in LAC 7:11727, the following are specific requirements for the payment of indemnities:

A. Eligibility for Payment

Producers of registered and grade cattle found to be infected with brucellosis and dairymen whose herds are found to be infected with brucellosis shall be eligible for an indemnity payment for each infected animal slaughtered regardless of the point of concentration where the brucellosis is first identified.

B. Source and Amount of Indemnification

Indemnities may be paid by either the state or federal government. When indemnities are paid by the State of Louisiana, the amount of the payments shall be set by motion of the Livestock

Sanitary Board and information concerning the level of indemnification shall be made available to all producers of livestock and dairymen.

C. Cattle Owners Not Eligible for Indemnification

No indemnity shall be paid to livestock owners who do not own the cattle 120 days prior to the testing. The owner must prove ownership of the cows tested.

Subchapter C. Horses, Mules and Asses

§11761. General Health Requirements Governing Admission of Horses, Mules and Asses

All horses, mules and asses imported into the state must meet the general requirements of LAC 7:11703 and the following specific requirements:

Horses moving into the State of Louisiana for any purpose other than immediate slaughter or research must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

§11763. Admission of Horses, Mules and Asses to Fairs, Livestock Shows, Breeders Association Sales, Rodeos and Racetracks

All horses, mules and asses consigned to fairgrounds, livestock show grounds, sale grounds, rodeos and racetracks must meet the general requirements of LAC 7:11705 and the following specific requirements:

A. It is recommended that all owners have their animals vaccinated against equine encephalomyelitis with bivalent (eastern and western type) vaccine within 12 months prior to entry. It is also recommended that owners have their animals vaccinated against venezuelan equine encephalomyelitis (VEE) before entry.

B. Representatives of the Livestock Sanitary Board will inspect horses at the shows periodically, and any animals showing evidence of a contagious or infectious disease shall be isolated and/or removed from the show.

C. Horses moving into the State of Louisiana to fairs, livestock shows, breeders' association sales, rodeos and racetracks must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

D. Horses moving within the state to fairs, livestock shows, breeders' association sales, rodeos and racetracks or other concentration points must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the official record.

Horses reacting to the coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand or tattoo "72 A". Positive horses will be rebled upon request, by state employed veterinarians and samples submitted to the laboratory for reconfirmation.

§11765. Governing the Operation of Livestock Auction Markets

A. All out-of-state horses offered for sale at a Louisiana livestock auction market must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

B. All Louisiana horses offered for sale at Louisiana livestock auction markets must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted by an

approved laboratory within 12 months of date of sale. Exceptions to this regulation are:

1. Horses consigned and/or sold for immediate slaughter shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the livestock auction market and shall be accompanied by Form VS 1-27 to an approved slaughtering establishment.

2. Untested horses arriving at livestock auction markets may be sold for purposes other than slaughter if a blood sample is drawn for equine infectious anemia testing at buyer's expense before the animal leaves the auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. If a private practitioner is not available to conduct the test, the state employed veterinarian who is writing health certificates at the auction market may conduct the test and shall charge a fee of \$10.00. This fee will be used to assist with funding state laboratories. Horses may then move from the livestock auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel until results of coggins test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.

§11767. Governing the Livestock in Louisiana by Livestock Dealers

All horses, mules and asses which are sold or offered for sale by livestock dealers must meet the general requirements of LAC 7:11709 and the following specific requirements:

A. All out-of-state horses offered for sale for movement in Louisiana by livestock dealers must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

B. All Louisiana horses offered for sale for movement in Louisiana must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted at an approved laboratory within 12 months of date of sale and the name of the laboratory and the case number must appear on the official record.

§11769. Governing Equine Infectious Anemia

A. Equine Required to be Tested

1. Equine moving into the State of Louisiana for any purpose other than immediate slaughter must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate, as required in LAC 7:11763.

2. Horses moving into the State of Louisiana to fairs, livestock shows, horse shows, breeders association sales, rodeos and racetracks must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

Horses moving within the state to fairs, livestock shows, horse shows, breeders association sales, rodeos, racetracks or other concentration points must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the official record.

Horses reacting to the coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand or tattoo "72 A". Positive horses will be rebled upon re-

quest by state employed veterinarians and samples submitted to the laboratory for reconfirmation.

3. All out-of-state horses offered for sale at Louisiana livestock auction markets must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

All Louisiana horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for equine infectious anemia (coggins test) conducted by an approved laboratory within 12 months of date of sale.

Exceptions to this Subsection are:

a. Horses consigned for immediate slaughter and reconsigned from auction market on Form VS 1-27 to an approved slaughtering establishment. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market.

b. Untested horses arriving at livestock auction markets may be sold for purposes other than slaughter if a blood sample is drawn for equine infectious anemia testing at buyer's expense before the animal leaves the livestock auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. If a private practitioner is not available to conduct the test, the state employed veterinarian who is writing health certificates at the auction market may conduct the test and shall charge a fee of \$10. This fee will be used to cover expenses for performing tests. Horses may then move from the livestock auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel until results of coggins test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.

B. Collection and Submission of Blood Samples

1. All blood samples for equine infectious anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.

2. Blood samples will be accompanied by Form VS 10-11 "Equine Infectious Anemia Laboratory Test Report" with completed information as to owner's name and address and identification of animal(s).

3. Only serum samples in sterile tubes will be accepted for testing.

C. Testing of Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the coggins test for equine infectious anemia in Louisiana.

2. Such laboratories must also receive approval by the Livestock Sanitary Board.

3. Approved laboratories must submit a copy of Form VS 10-11 at the end of each week to the Livestock Sanitary Board office. (Green copy on negative samples and white copy on positive samples.)

4. A fee of \$3 shall be charged to the accredited veterinarian for conducting the coggins test at state laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

D. Identification and Quarantining of Animal(s) Positive to the Coggins Test

1. Animal(s) positive to the coggins test will be quarantined to the owner's premises until sold for immediate slaughter and must move from premises on Form VS 1-27 issued by state-federal personnel.

2. Confirmation test of positive animal(s) will be con-

ducted by state employed veterinarians upon request of the owner prior to identification.

3. All animal(s) positive to the coggins test will be properly identified by state personnel.

E. Requirements for Permit for Operation of Quarantine Holding Area

1. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Livestock Sanitary Board.

2. The facility to be operated as a quarantine holding area must have an area where equine infectious anemia positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the rules and regulations of the Livestock Sanitary Board and to permit inspection of the premises at any reasonable time by the board.

5. No other horses except horses consigned for slaughter may be kept in a quarantine holding area.

6. No horses can be kept in the quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

Subchapter D. Poultry

§11771. Health Requirements Governing Admission of Poultry

All poultry entering the state must meet the general requirements of LAC 7:11703 and the following specific requirements:

A. Poultry for breeding purposes or eggs for hatching shall not be imported into Louisiana unless they originate in negative tested flocks under the supervision of the National Poultry Improvement Plan, or in flocks that have passed a negative blood test for pullorum disease under the supervision of the proper state Livestock Sanitary Board official within 30 days prior to entry.

B. Poultry consigned to be a recognized slaughter establishment may enter the state on a waybill, which must include the name and address of the consignee, number of birds and the name and address of the slaughter establishment. If, in the opinion of an authorized agent of the Livestock Sanitary Board, poultry consigned to a recognized slaughter establishment is of questionable health, the entire shipment will be immediately quarantined and consigned to a poultry establishment maintaining federal inspection for wholesomeness, or be returned to the state of origin.

C. The state veterinarian may prohibit the entry of birds, eggs or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease in that state which in his opinion, may seriously threaten the health of Louisiana poultry.

D. Psitticine birds and mynah birds may be imported into Louisiana under permit issued by the state veterinarian. All birds imported into Louisiana will be quarantined at destination for 90 days.

E. No permits will be issued for importation into Louisiana of psitticine birds or mynah birds that have been vaccinated for newcastle disease.

F. Birds determined to be infected with or exposed to exotic newcastle disease shall be destroyed (without compensation to owner).

G. Prior to January 1, 1985, the interstate movement of exhibition poultry to Louisiana livestock and/or poultry shows is prohibited. After January 1, 1985, all poultry brought into Louisiana shall be accompanied by a Form VS 9-2 indicating the flock

of origin is under the National Poultry Improvement Plan and is free of salmonella pullorum (pullorum) and salmonella gallinarum (typhoid). If the flock of origin is not under the National Poultry Improvement Plan, the birds must be accompanied by a test report from an approved laboratory indicating the birds were tested negative for salmonella pullorum/typhoid within 30 days prior to entry into Louisiana.

§11773. Governing the Slaughter of Poultry of Questionable Health

Poultry consigned from within the State of Louisiana to a recognized slaughter establishment is, in the opinion of an authorized agent of the Livestock Sanitary Board, of questionable health then the poultry will be quarantined and the entire shipment re-consigned to a slaughter establishment maintaining federal inspection for wholesomeness, or returned to the place of origin.

§11775. Governing the Sanitary Disposal of Dead Poultry

All commercial poultry producers are required to obtain a certificate of approval. Failure to obtain a certificate shall be considered a violation of this regulation. Certificates of approval are continuous, but subject to review and cancellation should the poultry producer fail to dispose of dead poultry in accordance with this regulation.

B. Approved Methods

Dead poultry must be removed from the presence of the live poultry without delay. The carcasses, parts of carcasses and offal must be held in covered containers until disposal is made by one of the approved methods. In no instance, however, will the storage of dead poultry be allowed to create sanitary problems. Commercial poultry producers shall be required to dispose of dead poultry by one of the following methods:

1. Disposal pits shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

2. Incinerators

Incinerators shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

3. Rendering Plants

Dead poultry, parts of carcasses and poultry offal may be transported in covered containers to approved rendering plants. Poultry carcasses may be held on the premises of commercial poultry producers as long as the storage does not create a sanitary problem. All such methods of storage and transportation of dead poultry to approved rendering plants must be approved by an authorized representative of the Livestock Sanitary Board.

Subchapter E. Swine

§11777. Health Requirements Governing Admission of Swine

A. General Swine Requirements

1. All swine imported into Louisiana must meet the general requirements of LAC 7:11703 and the specific requirements of this Section.

2. No swine originating from an out-of-state livestock auction market, feeder pig sale or concentration point are eligible to move to a Louisiana livestock auction market, feeder pig sale or concentration point.

3. All swine consigned to Louisiana for feeding or breeding purposes or for exhibition must be permanently identified to the herd of origin by ear tag or tattoo (unless prohibited by federal

regulation). Ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals.

4. Feeding and/or breeding swine moving into Louisiana from an out-of-state specifically approved livestock auction market, feeder pig sale or concentration point, shall move only to a Louisiana farm, provided that feeder swine may move to a quarantined feedlot. The permit number of the quarantined feedlot must be listed on the health certificate.

5. All eligible swine moving into Louisiana for slaughter purposes must be consigned to a specifically approved slaughter establishment maintaining state or federal meat inspection or livestock auction market specifically approved to handle slaughter hogs from out-of-state.

B. Brucellosis

In addition to the general requirements of LAC 7:11705 and the swine requirements of this Section, all swine for breeding purposes must show an official, negative test for brucellosis in the 1:25 dilution or a negative swine brucellosis card test within 30 days prior to date of shipment. Each animal must be individually identified to herd of origin by ear tag or tattoo unless prohibited by federal regulations (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals), and this identification must be recorded on the health certificate. An exception to this Section are swine from a validated brucellosis free herd. The validated herd number and individual identification of each animal must appear on the health certificate.

C. Swine for Exhibition or Consigned to Breeder's Association Sales

In addition to complying with the general requirements of LAC 7:11777 (A) and the brucellosis requirements all breeding swine should be vaccinated against leptospirosis not less than 15 days or more than six months prior to the date of the fair, show or breeders' association sales.

D. Pseudorabies Requirements

1. Swine moving into Louisiana for breeding or exhibition must originate from herds not known to be infected with pseudorabies, which are negative to the SN (serum neutralization) test for pseudorabies within 30 days of movement.

2. Originate from qualified pseudorabies herd. The qualified herd number must be recorded on the health certificate.

3. Feeder swine moving from a farm outside of Louisiana to a feeder pig sale, livestock auction market or other concentration point in Louisiana, must be accompanied by a health certificate and must originate from herds not known to be infected with pseudorabies. Exceptions to LAC 7:11777 (D)(3) are feeder swine going to an approved quarantined feedlot.

§11779. Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales and Rodeos

A. All swine consigned to fairs, livestock shows and/or breeders' association sales must meet state and federal interstate requirements if they move in interstate commerce. Louisiana swine must meet the general requirements of LAC 7:11705 and the specific requirements outlined in this Section.

B. All swine consigned for exhibition or sale must be permanently identified as to the herd of origin by ear tag or tattoo (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals) and this identification must be shown on the health certificate which accompanies the animal.

C. Hog Cholera

1. The health certificate accompanying swine to fairs, shows or breeders' association sales must show that the swine have not been vaccinated with modified live virus or exposed to modified live virus, and have not been exposed to sick swine within 30 days prior to the date of the fair, show or sale.

2. All feeding or breeding type swine must be identified to the herd of origin by ear tag or tattoo. Ear notch identification will be accepted on registered purebred animals in lieu of ear tag or tattoo.

3. The use of anti-hog cholera serum or antibody concentrate is no longer required or authorized except for feeder or breeder swine destined for states that require it. Swine moving out of the state will be governed by federal interstate regulations and regulations of the state of destination.

4. Swine purchased at breeders' association sales or after exhibition for feeding or breeding purposes shall be quarantined on the premise of the purchaser or owner for 30 days.

D. Swine Brucellosis

All breeding swine shall be required to show a negative test for brucellosis in the 1:25 dilution or a negative swine brucellosis card test within 60 days prior to arrival at the fairgrounds or livestock show grounds, and within 30 days prior to arrival at breeders' association sale grounds. Each animal must be individually identified as to herd of origin by ear tag or tattoo (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals) and the individual identification and results of the test must be recorded on the official health certificate.

E. Swine Leptospirosis

All breeding swine should be vaccinated against leptospirosis not less than 15 days and not more than six months prior to date of show, fair or breeders' association sale.

F. Pseudorabies Requirements

No pseudorabies requirements on swine moving from Louisiana farms to other locations in Louisiana.

§11781. Governing the Operation of Livestock Auction Markets

All swine which are sold or offered for sale in livestock auction market must meet the general requirements of LAC 7:11707 and the following specific requirements:

A. Hog Cholera Requirements

1. With the exception of swine to be sold for immediate slaughter, all swine, before being offered for sale, shall be identified to the herd of origin by ear tag or tattoo and this information recorded on check-in slips. In order to help defray the expense to the livestock auction operator for handling swine for identification, the consignor will be charged 25 cents for each head of feeder and breeder swine consigned for the sale. Ear notch identification will be accepted in lieu of tag or tattoo on registered purebred animals. Slaughter swine may be identified by paint mark at the discretion of the Livestock Sanitary Board Representative.

2. Due to the nature of the livestock auction market business, swine consigned to auction markets must be considered exposed to disease. Therefore, all swine sold for feeding or breeding purposes shall be held under quarantine on the purchaser's premises for 30 days.

3. The interstate movement, as well as those within the State of Louisiana livestock auction markets is prohibited except for swine to be shipped directly to states that require it. The dosage of hog cholera serum or antibody concentrate to be administered under these conditions is as follows:

Weight of swine (pounds)	Minimum dose of Serum (cubic centimeters)	Minimum dose of Antibody concentrate (cubic centimeters)
Under 20	20	10
20 - 40	30	15
40 - 90	35	18
90 - 120	45	23
120 - 150	55	28
150 - 180	65	33
Over 180	75	38

Note: Except for swine under 30 pounds in weight, the dosage of serum should not exceed 1 cc per pound body weight or ½ cc per pound body weight if antibody concentrate is used.

4. Swine purchased by a livestock auction market to support prices as is required by the Packers and Stockyards Act, shall be handled as follows:

a. Sold directly to a recognized slaughter establishment for immediate slaughter, before the next scheduled sale and in ample time to allow for cleaning and disinfecting of all swine pens.

b. Sold directly for feeding or breeding purposes and moved to a Louisiana farm under 30-day quarantine before the next scheduled sale, and in ample time to allow for cleaning and disinfecting all swine pens as required in LAC 7:11707 (F)(3) of this regulation. Breeder and feeder swine are prohibited from moving to another livestock auction market, feeder pig sale or concentration point as stated in LAC 7:11781 (A)(3).

5. Records of swine sales shall be made available upon request, to a representative of the Livestock Sanitary Board.

6. All hog cholera requirements except LAC 7:11781 (A)(5) shall be null and void unless hog cholera is diagnosed in the United States at which time they could be reinstated immediately by the state veterinarian without prior approval of the board.

B. Pseudorabies Requirements

All breeder and feeder swine moving to Louisiana auction markets from farms outside Louisiana must meet the pseudorabies requirements of LAC 7:11707.

C. Brucellosis Requirements

Sows and boars sold for slaughter shall be identified to the herd of origin by USDA approved swine identification tags.

D. Identification Requirements

All swine offered for sale at a livestock auction market, feeder pig sale or other concentration point shall be marked between the shoulder with a paint mark at least 2 × 2 inches in size. This mark shall not be marked over or intentionally altered in any fashion. Each auction market will have an assigned color of paint furnished to it by the Livestock Sanitary Board.

§11783. Governing the Sale of Livestock in Louisiana by Livestock Dealers

The sale of swine by dealers is prohibited except through state and federally approved livestock auction market agencies. No swine shall be moved from a concentration point, auction market or feeder pig sale.

§11785. Governing the Sale and Purchase Within Louisiana of All Livestock Not Governed by Other Regulations of the Livestock Sanitary Board

All swine sold for feeding or breeding purposes must be permanently identified to the herd of origin by ear tag or tattoo (ear notch identification will be accepted in lieu of tag or tattoo in the case of registered, purebred animals) and the swine shall be held in quarantine on the purchaser's premises for 30 days. The identification must be recorded on a bill of sale to be furnished the purchaser by the seller. Exceptions to this regulation are: feeder and breeder swine sold through state and/or federally approved livestock auction markets or feeder pig sales.

§11787. Prohibiting the Feeding of Garbage to Swine

It is unlawful for any person, firm, corporation, partnership or agent or employee thereof, to feed or allow to be fed garbage to swine.

§11789. Governing Swine Destroyed Because of Hog Cholera

A. Appraisal of Swine

Swine affected with or exposed to hog cholera, which are to be destroyed and indemnities paid thereof under LAC 7:11727 shall be appraised at their actual value for meat, feeding or breeding purposes at the place, and time of appraisal, except that in cases

of grade animals only females shall be eligible for appraisal based on breeding value, and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a representative of the Livestock Sanitary Board and a representative of the Animal and Plant Health Inspection Service, Veterinary Services, jointly or singly. The record of appraisal shall be signed by the appraiser, or appraisers, and by the owner certifying his acceptance of the appraisal. Swine may be appraised in groups providing they are the same type, and providing that where appraisal is by the head each animal in the group is the same value per head, or where appraisal is by the pound each animal in the group is the same value per pound. Swine presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades; however, that in the absence of such proof of purebreeding the state veterinarian may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

B. Care and Feeding of Swine Under Quarantine; Disposal After Slaughter

Expenses for the care and feeding of swine held for destruction and the expense of destruction, burial or incineration, etc. and/or transportation and other expenses incidental to their slaughter will not be paid by the Livestock Sanitary Board or the Animal and Plant Health Inspection Service, Veterinary Services unless the payment is specifically authorized or approved by the state veterinarian or the director of the Animal and Plant Health Inspection Service, Veterinary Services.

C. Mortgage Against Swine

Any indemnity claim for swine destroyed pursuant to the requirements contained in this regulation shall be presented on forms furnished by the Livestock Sanitary Board of the Animal and Plant Health Inspection Service, Veterinary Services on which the owner of the swine shall certify that the swine covered thereby are, or are not, subject to any mortgage as defined in this regulation. If the owner states there is a mortgage, forms furnished by the Animal and Plant Health Inspection Service, Veterinary Services of the U.S. Department of Agriculture shall be signed by the owner and by each person holding a mortgage on the swine, consenting to the payment of any indemnity allowed to the person specified thereon.

D. Destruction of Swine

1. Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this regulation shall be destroyed promptly after appraisals and disposed of through a method of salvage approved by the state veterinarian, or by burial or burning.

2. The destruction of swine and the burial, burning or other disposal of carcasses pursuant to the requirements of this regulation shall be supervised by a Livestock Sanitary Board or Animal Health Division employee, who shall prepare and transmit to the state veterinarian a report identifying the swine and showing the disposition thereof.

E. Payments to Owners for Swine Destroyed

Owners of swine destroyed in accordance with this regulation may be paid an indemnity not to exceed one-fourth the difference between the appraised value and salvage, but not to exceed one-half the federal indemnity.

F. Claims Not Allowed

1. The Livestock Sanitary Board will not pay claims arising out of the destruction of swine unless they have been previously appraised in compliance with this regulation.

2. The Livestock Sanitary Board will not pay claims if the claimant has failed to comply with any of the board's regulations, or quarantine regulations, pertaining to hog cholera and the cleaning and disinfection of his premises or conveyances as deemed

necessary by the Livestock Sanitary Board to destroy hog cholera virus.

3. The Livestock Sanitary Board will not pay claims if there is substantial evidence that the owner or his agent has in any way been responsible for any attempt to unlawfully or improperly obtain indemnity funds for such swine.

4. The Livestock Sanitary Board will not pay claims if there is substantial evidence that the owner or his agent failed to report suspected cases of hog cholera, or a significant outbreak of sickness, or death losses.

§11791. Governing Quarantined Swine Feedlots

A. Permit Required

No person may operate a quarantined swine feedlot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a feedlot without a valid permit will be in violation of this regulation and subject to prosecution.

B. Requirements for Operation of Quarantined Feedlots

1. All swine must be maintained at a safe distance and apart from all other neighboring swine of other producers.

2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to state-federal personnel upon request.

3. All swine movements from a quarantined feedlot must be directly to a slaughtering establishment operating under approved state or federal meat inspection.

C. Cancellation of Quarantined Feedlot Permit

1. A quarantined swine feedlot permit may be cancelled upon written notice that the operation does not meet the requirements of this regulation, or the operator of such quarantined swine feedlot has violated the provisions of this regulation in any respect.

2. The board shall give written notice of the cancellation of a quarantined swine feedlot permit to the operator thereof.

3. Any operator of a quarantined swine feedlot whose permit is so cancelled may appeal the cancellation thereof by written notice to the board within 10 days of receipt of the notice of cancellation. Any operator of a quarantined swine feedlot who appeals cancellation of his permit shall be entitled to a full hearing before the board, and the decision of the board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

Subchapter F. Sheep

§11793. Health Requirements Governing Admission of Livestock

All sheep entering the state must meet the general requirements of LAC 7:11703. In addition, all sheep entering Louisiana from a state in which scabies is known to exist must be dipped within 15 days prior to shipment in a dip preparation approved for this purpose by the United States Department of Agriculture. The date and name of the dip must be recorded on the health certificate covering this movement.

§11795. Governing the Admission of Livestock to Fairs, Livestock Shows, Breeders' Association Sales and Rodeos

All sheep consigned to fairgrounds, livestock showgrounds, sale grounds and rodeos must meet the general requirements of LAC 7:11705. In addition, all sheep to be admitted to fairgrounds, livestock show grounds, sale grounds or rodeos must be accompanied by an official health certificate, issued by an accredited veterinarian, stating the animals are healthy and free from infectious, contagious or parasitic disease.

Subchapter G. Goats

§11797. Health Requirements Governing Admission of Livestock

All goats imported into the state must meet the general re-

quirements of LAC 7:11705. In addition, dairy goats must meet the brucellosis and tuberculosis requirements stipulated for cattle.

§11799. Governing the Operation of Livestock Auction Markets

All goat of dairy or milking type to be used for milking purposes shall be tested for brucellosis.

Subchapter H. Dogs and Cats

§11801. Health Requirements Governing Admission

All dogs imported into Louisiana for any purpose must meet the general requirements of LAC 7:11703 and must be accompanied by an official health certificate, issued by an accredited veterinarian, showing they have been immunized against rabies within 24 months prior to date of importation with canine chick embryo rabies vaccine, or within 12 months prior to entry with nerve-tissue rabies vaccine. Exceptions to this Section are dogs which are under two months of age are exempt from the rabies vaccination requirement.

Subchapter I. Wild Animals

§11803. Health Requirements Governing Admission

Wild or semi-wild animals, under domestication or in custody, may be imported into the State of Louisiana provided that these animals meet the general requirements of LAC 7:11703 and a report of the number of animals to be imported are made to state veterinarian of Louisiana within 10 days of the date of shipment and immediate opportunity for examination is afforded a representative of the Livestock Sanitary Board to determine the health status of such animals.

Subchapter J. Repeal Rules and Regulations

§11805. Repeal Rules and Regulations Previously Adopted by the Livestock Sanitary Board

All rules and regulations which were previously adopted by the Livestock Sanitary Board are hereby repealed in their entirety.

Bob Odom
Commissioner

RULE

Department of Agriculture Office of Animal Health Services Federal/State Meat and Poultry Inspection Program

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, in accordance with the authority granted under R.S. 40:2282 and pursuant to the Notice of Intent published on January 20, 1985, adopted the following amendments to the Louisiana Co-operative Federal/State Meat and Poultry Program Rules and Regulations:

Rule 3.3 should be amended to read:

All applicants shall pay an annual registration fee of \$25.00 by April 1 of each fiscal year to cover the costs of processing of registrations and issuance of certificates of registration.

A new rule should be added and should read as follows:

17.0 Overtime and Holiday Inspections Service

17.1 Official establishments shall be provided inspection service, without charge, up to a 40 hours workweek Sunday through Saturday.

17.2 Official establishments shall pay the Department of Agriculture \$15.50 per hour per Department employee to reimburse the Department for the cost of the inspection service furnished for more than 40 hours in any workweek Sunday through Saturday.

17.3 Overtime holidays for state employees shall be New Year's Day, January 1; Independence Day, July 4; Labor Day, the first Monday in September; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25.

17.4 Each recipient of overtime or holiday inspection ser-

vice shall be billed at the rate established in Rule 17.2, in increments of quarter hours. For billing purposes, 15 or more minutes shall be considered a full half hour. Billings will be for each half hour service rendered by each department employee.

17.5 Establishments requesting and receiving the services of a department employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of two hours overtime or holiday inspection service at the established rate.

17.6 Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

Bob Odom
Commissioner

RULE

Department of Agriculture Market Commission Fruits and Vegetables Division

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture, State Market Commission, in accordance with the authority granted under R.S. 3:405 and pursuant to the notice of intent published on January 20, 1985, adopted the following rules and regulations for the Fruits and Vegetables Division at its board meeting on March 5, 1985:

Chapter 17. State Market Commission—Fruits and Vegetables

§1701. General Authority of State Market Commission

The State Market Commission (hereinafter referred to as "commission") shall be responsible for enforcing the provisions of these regulations.

§1703. Establishment of Official State Grades for Fresh Fruits, Vegetables, Nuts, and Other Special Products

A. Standards established in "United States Standards for Fresh Fruits, Vegetables, Nuts and Other Special Products" which were promulgated by the U.S. Department of Agriculture in accordance with 7 U.S.C. 1622 and 1624 shall apply to all Louisiana state grades for fresh fruits, vegetables, nuts, and other special products.

B. All inspections which shall be performed shall be in accordance with "Market Inspection Instruction," "Combined Market and Shipping Point Inspection Instructions," and "Shipping Point Inspection Instructions" which were promulgated by the U.S. Department of Agriculture in accordance with 7 U.S.C. 1622 and 1624.

§1705. Requirements for Certification of Fresh Fruits, Vegetables, Nuts, and Other Special Products

A. The examination, acceptance, and certification of fresh fruits, vegetables, nuts, and other special products shall be in accordance with U.S. Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Division grading and inspection requirements.

B. Each container shall be legibly labeled, stamped, or written on the side or end showing the name and address of the grower or the name and address of the packing house or company or contract number, showing the U.S. grade, inspection stamp or tag, and name of produce in container. In the instance of sacks, a

tag shall be securely attached to the outside, giving the above information.

C. Required Certificates

1. For inspection of fruits and vegetables entering state institutions, federal Form FVQ 459 and state Form A1 1583 will be required.

2. For shipping point inspections of fruits and vegetables, federal Form FVQ 184 will be required.

3. For terminal market inspections of fruits and vegetables by collaborators, Form FVQ 303 will be required.

§1707. Time Limitation for Issuance of Certificate

A State of Louisiana condition examination and origin certificate must be issued not more than 72 hours prior to the scheduled delivery of the product to the purchasing agency.

§1709. Waiver of Specification Requirements

A. Waivers and amendments to specification requirements may be made only with concurrence of purchaser and contractor.

B. A written statement of the precise nature of the changes in the specifications must be provided to the Louisiana Department of Agriculture representative prior to any examination of the product.

C. Failure to include information concerning the Louisiana agricultural products preference of the vendor on the purchase order shall constitute a waiver of the vendor's right for a certificate of origin.

§1711. Final Delivery Product

A. Final acceptance of the product will be the responsibility of the purchaser (consignee).

B. Products may be rejected for the following reasons:

1. no certificate affixed;

2. sealing tape on container broken; or

3. obvious deviations from specification requirements without appropriate written notice of changes in specification requirements.

C. Purchaser (consignee) may accept product with minor deviations from specification requirements without written statement of agreed upon changes, but shall do so at purchaser's risk.

§1713. Contractor's Obligation

A. Contractors furnishing products under these regulations must furnish such assistance as may be necessary to expedite the grading, examination, and acceptance of products.

B. Contractors desiring certification services must notify the Department of Agriculture at least 24 hours in advance of need. Vendors who fail to give at least 24 hours advance notice of need will be subject to a penalty of \$50.

§1715. Citrus Regulations

In addition to regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of citrus product in Louisiana.

A. Such citrus shall be required to meet the minimum maturity test of soluble solids in relation to percentage of anhydrous citric acid:

1. Satsumas, mandarins, and all early maturing varieties of the group commonly known as "Louisiana Sweets" must meet a maturity test of 10 percent soluble solids to one percent anhydrous citric acid.

2. Grapefruit, tangerines, and valencia varieties of citrus must meet a maturity test of six percent soluble solids to one percent anhydrous citric acid.

B. Citrus shall be marketed only in recognized standard citrus containers which are sound, clean, free of all previous markings, weather stains and discolorations. Such containers may be

treated with a chlorine compound that will remove markings and weather stains.

C. All citrus produced in Louisiana (except kumquats) shall be washed and sized for marketing purposes.

D. The requirements stipulated in LAC 7:1715 (C) shall not apply to kumquats; mandarins and tangerines used in the decoration of packages; however, other citrus contained in the package shall meet the above requirements.

§1717. Sweet Potato Regulations

In addition to regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of sweet potatoes in Louisiana:

A. The U.S. Standards for U.S. Number 1 and 2 Grades of Sweet Potatoes as stipulated by the U.S. Department of Agriculture, shall be adopted as official state grades except that not more than 10 percent tolerance will be allowed for each grade.

B. The grade "Louisiana Commercial" is hereby established, the standards of which are not less than those of U.S. Number 2, except that not more than 10 percent tolerance for grade defects will be allowed.

C. The grade "Louisiana Jumbo" is hereby established, the standards of which are the same as U.S. Number 2, except that not more than 10 percent tolerance will be allowed and the minimum weight shall not be less than 16 ounces. There are no maximum weight requirements.

D. It shall be unlawful for any person, firm, or corporation to sell, offer for sale, ship, or move any sweet potatoes into the channels of fresh trade except U.S. Number 1, U. S. Number 2, "Louisiana Commercial," and "Louisiana Jumbo" grades.

E. The movement of sweet potatoes into channels of fresh trade is prohibited unless in conformance with this regulation and is accompanied by proper grade certificate.

§1719. Cabbage Solidity Regulation

In addition to the regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of cabbage in Louisiana:

A. Cabbage placed on the market that are soft or immature and fail to meet the requirement of U.S. Number 1 standards as to solidity is undesirable and has a tendency to demoralize the market.

B. All lots of cabbage offered for sale for shipment or movement shall meet the standard requirements of U.S. Number 1 Grade as to solidity.

§1721. Shallot Regulation

In addition to the regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of bunched shallots in Louisiana:

A. The weight of the bunches shall not be less than four pounds per dozen bunches with a tolerance of one bunch per dozen weighing less than one-third pound.

B. It shall be unlawful for any person, firm or corporation to offer for sale or shipment bunched shallots unless in conformance with this regulation.

§1723. Regulation for Stemmed Berries for Processing Purposes

In addition to the regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the inspection and certification of strawberries of processing plants.

A. Strawberries shall be submitted for inspection in quart or pint containers that are well filled.

B. In the case of flats and hand carriers, the strawberries shall not overflow from the individual well-filled cup containers.

C. It shall be the responsibility of the seller or the seller's representative to segregate each individual lot, and make each lot accessible for inspection. Strawberries inspected at points of assembly shall be accompanied by a certificate of inspection. Strawberries passing inspection at processing plants shall be considered as being accompanied by a certificate of inspection.

D. Strawberries shall be well colored and firm with the stem removed without bruising, free from decay and mold or evidence of decay having been removed from the strawberry. Unless otherwise specified, the minimum diameter shall be one-half inch. A tolerance of 10 percent for soft, undercolored, badly misshapen, stems, leaking and undersized berries, including two percent decay shall be allowed.

E. Strawberries for processing purposes shall not be held at assembly points for a processing plant more than three hours after having passed inspection and certificate issued.

§1725. Sweet Pepper Maturity Regulation

In addition to the regulations stipulated in LAC 7:1703, the following regulation is prescribed governing the marketing and/or sale of sweet peppers in Louisiana:

A. Sweet peppers placed on the market that are not mature and firm causes a demoralization of the market in that immature peppers will not insure a proper completion of the ripening process.

B. All lots of sweet peppers offered for sale or shipment must meet the standard requirements of the U.S. Number 1 Grade as to maturity and firmness. Immature means that the seeds are not fully developed and that the pepper has not reached the stage of maturity which will insure a proper completion of ripening process. Firm means that the pepper is not soft, shriveled, limp, or pliable.

§1727. Mislabeling of Fresh Fruits and Vegetables Prohibited

A. No person or firm shall mislabel any fresh fruit or vegetable, or place or have any false or misleading statement or designation of quality, grade, trade-marks, trade-name, area of production of place of origin on any wrapper or container, or on the label or lining of any container of any fresh fruit or vegetable, or on any placard used in connection with or having reference to any fresh fruit or vegetable or container, bulk lot, bulk load, load, arrangement, or display of fresh fruits or vegetables.

B. Unless there is deception as to contents, quality, or area of production, nothing in this Section shall be construed to require the obliteration of old markings or labels on used containers which are not closed, where such marking or labels are clearly inapplicable to the contents, or of old markings or labels on unlidded containers in which the product is not packed.

§1729. Transportation of Fresh Fruits and Vegetables

It shall be unlawful for any common carrier, whether railroad, boat, truck, or any other vehicle to transport, carry, or deliver fresh fruits and vegetables unless accompanied by a proper grade certificate(s), except when being trucked by a farmer of his own product or being assembled for delivery to an assembly or packing shed where a duly authorized inspector is stationed.

§1731. Shipment of Product Into Louisiana

All fruits and vegetables which are shipped into Louisiana and will be offered for sale in the state will be required to meet the provisions of these regulations with regard to grade, inspection, and marking requirements.

§1733. Penalty for Violations; Injunctive Relief; Costs

A. Whenever the commission has any reason to believe that a violation of these regulations has occurred, an adjudicatory

hearing will be held to make a determination with respect to the suspected violation.

B. The commission shall give written notice to the person suspected of the violation, such notice to comply with the requirements of the Administrative Procedure Act, at least five days prior to the date set for such adjudicatory hearing.

C. As chairman of the State Market Commission, the commissioner shall designate a hearing officer to preside at all adjudicatory proceedings.

D. At any such adjudicatory hearing, the person suspected of a violation of these regulations shall be accorded all of the rights set forth in the Administrative Procedure Act.

E. Whenever the commission makes a determination from the proceedings of the adjudicatory hearing that any violation of these regulations has occurred, the commission may impose a monetary fine.

F. The commission may impose a penalty of not less than \$25 nor more than \$500, or have the person suspected of a violation imprisoned for not less than 10 days nor more than six months, or both for each violation of these rules and regulations which is proven in any adjudicatory hearing.

G. Each separate day on which a violation occurs shall be considered a separate violation.

H. Any person may appeal any action taken by the commissioner to impose a monetary penalty by (1) applying for a rehearing under the procedures provided in the Administrative Procedure Act, or (2) applying for judicial review of the commissioner's determination, under either the Administrative Procedure Act or other applicable laws.

I. In addition to the penalties authorized in this Section, the commission may apply for injunctive relief restraining violations of these regulations. The person condemned in any such proceeding shall be liable for the costs of court and for any additional costs incurred by the commission in gathering the necessary evidence, including reasonable attorney fees and expert witness fees.

Bob Odom
Commissioner

RULE

Department of Culture, Recreation and Tourism Board of Library Examiners

The State Board of Library Examiners, pursuant to the authority to adopt rules found in R.S. 25:222-223 and in accordance to the "Notice of Intent" published in the *Louisiana Register* on January 20, 1985, has adopted the following regulations:

I. Types of Certification

A. The State Board of Library Examiners issues two types of certificates:

1. Executive
2. Temporary

II. Candidate Requirements

A. Requirements to be met by candidates for executive certificates are:

1. A baccalaureate degree
2. Professional education, culminating in a degree (either a second Bachelor's degree, as a B.S. in L.S., or a Master's degree with at least one academic year of Library Science) representing a minimum of five years of study beyond secondary school level. This degree must have been granted by a library school accredited by the American Library Association.
3. Three year's executive experience in a public library of

recognized standing, after receiving the Library Science degree.

B. Candidates for temporary certificates must have all of the above qualifications except the years of executive experience. Such certificates are issued by the Board only as emergency measures. It is expected that individuals holding temporary certificates will qualify for executive certificates within three years.

C. Candidates must attain a grade of at least 75 in the examination to be granted a certificate.

III. Examination

A. The examination covers the following aspects of public library service:

1. Library Organization and Administration
2. Library Budgets and Financial Operation
3. Standards for Library Service
4. Louisiana Law
5. Current Status of Library Development in Louisiana

B. The examination is given both orally and written. The oral examination includes an interview with the candidate, and may be given on the same day as the written examination. In addition, the written statements from references supplied by the candidates are used in evaluating the candidates.

C. Application blanks for permission to take the examination may be obtained from the State Board of Library Examiners, Louisiana State Library, Box 131, Baton Rouge, LA 70821.

D. At the time of application for examination, all applicants for certificates as librarians shall pay a fee of \$5 to defray expenses of the board, as required by Revised Statutes of 1950, Title 25, Section 222.

E. The examination is given annually on the last Friday in September, unless circumstances necessitate a change of date. Announcement of examinations is made at least two months before each examination is given, and all applications for that examination must be on file in the Louisiana State Library not later than a month before the date of the examination. In an emergency, with special permission of the board, a candidate may be permitted to take the examination, if his application is received after the announced date.

F. The board reserves the right to cancel any announced examination if fewer than three candidates signify their desire to appear.

G. Any certificate may be revoked for cause.

H. Any executive certificate is issued for five years, and is renewable if the holder of same is serving in a satisfactory administrative capacity in a city, parish or state library position.

I. A temporary certificate may be changed to an executive certificate without the necessity of another examination if the holder completes the prescribed amount of executive experience in a public library of recognized standing.

Glenna Lusk
Chairperson

RULE

Department of Culture, Recreation and Tourism Office of State Parks

The Office of State Parks, Department of Culture, Recreation and Tourism, adopted the following fees March 15, 1985. The fees shall be applicable to all fully operational State Parks and State Commemorative Areas within the State Parks System.

FIGURE I

LOUISIANA OFFICE OF STATE PARKS
 USER FEE RATES
 Effective date March 15, 1985

FACILITY/ACTIVITY	PROPOSED FEE
1. Audubon SCA	\$2.00 per adult, \$1.00 per child between the ages of six and twelve
2. Longfellow-Evangeline SCA	\$2.00 per vehicle up to four people, 50¢ for each additional person (does not include museum visit) or \$2.00 per adult, \$1.00 per child between the ages of six and twelve which will include day use fee and museum fee
3. All Other Museums SCA	\$2.00/Adult; \$1.00/Child
4. Camp Moore SCA	\$2.00/Adult; \$1.00/Child
5. Old Arsenal	\$2.00/Adult; \$1.00/Child
6. All Day Use Areas	\$2.00/Vehicle, over 4 people 50¢ each
7. Overnight Camping	\$7.00/Site Improved; \$5.00/Site Unimproved
8. Overnight Cabins	\$40.00/Night (Class A); \$35.00/Night (Class B) \$50.00/Night (Deluxe)
9. Lodges (2 Only)	\$75.00/Night
10. Group Camps	See Below
11. Boat Rentals	\$5.00/Boat/Day
12. Buses*	\$20.00/Day/Bus
*Audubon & Longfellow SCA	\$40.00/Day/Bus

GROUP CAMP FEES

FACILITY/LOCATION	OVERNIGHT PROPOSED MINIMUM RATE	DAY USE PROPOSED RATE
Chemin-A-Haut SP	\$75.00/Night	\$50.00/Day
Chicot SP #1	\$250.00/Night	\$150.00/Day
Chicot SP #2	\$75.00/Night	\$50.00/Day
Fontainebleau SP #1	\$225.00/Night	\$150.00/Day
Fontainebleau SP #2	\$50.00/Night	\$50.00/Day
Fontainebleau SP #3	\$100.00/Night	\$50.00/Day
Lake Bistineau SP #1	\$250.00/Night	\$150.00/Day
Lake Bistineau SP #2	\$75.00/Night	\$50.00/Day
Longfellow-Evangeline SCA	\$100.00/Night	\$50.00/Day

Statutory Exemption for Senior Citizens, School Children and Disabled Veterans (R.S. 56:1692-1694) remains unchanged.

These fees supersede the fee schedule published in the December 20, 1982, *Louisiana Register*, which became effective January 1, 1983. In those cases where no fee is indicated, the existing fee remains in effect.

Noelle LeBlanc
 Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to the Notice of Intent published on December 20, 1984, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

4.00.04.h and 7.02.06

The board directed that talented be redefined as follows in the appropriate Bulletins (1508 and 1706): "Talented is possession of measurable abilities that give clear evidence of unique talent in visual or performing arts or both."

James V. Soileau
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to the Notice of Intent published on November 20, 1984, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

9.00.50.b

Amend Bulletin 1191, *School Transportation Handbook* to delete the upper age limit for hiring regular school bus drivers.

James V. Soileau
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to the Notice of Intent published on December 20, 1984, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

4.00.04.i and 7.02.07

The board changed the classification of exceptional children from "mentally retarded" to "mentally handicapped" in Bulletins 1508 and 1706.

James V. Soileau
Executive Director

RULE

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

State Grant-in-Aid Program Procedures

1. All State Grant-In-Aid juvenile projects must be reviewed first by the Juvenile Justice and Delinquency Prevention (JJDP) Advisory Board prior to review by the Louisiana Commission on Law Enforcement (LCLE).

2. Applications received at the Louisiana Commission on

Law Enforcement on or before the fifteenth of the month shall be presented to the commission at the meeting in the following month.

3. Funding for equipment grants will be made on the basis of a signed purchase order or dated invoice submitted by the grantee.

4. Payment from the region for training shall be on a reimbursement basis subject to state travel regulations. All other subgrants shall be made on a quarterly draw-down basis.

5. All funds unawarded by the February commission meeting shall be reviewed by the Louisiana Commission on Law Enforcement for redistribution.

6. Local councils may permit local block training funds to be used to reimburse meals and travel expenses incurred while attending basic training.

7. Any subgrant to a single agency in excess of \$3,000 made from regional block training funds, excluding basic training, must be approved by the Louisiana Commission on Law Enforcement.

8. Appeals Procedure

When an application for funding is rejected by the commission, or when an approved subgrant is discontinued, the applicant or subgrantees may appeal the decision of the commission by filing a notice of appeal with the Louisiana Commission on Law Enforcement at the recognized business address (1885 Wooddale Boulevard, Room 610, Baton Rouge, LA 70806). The notice of appeal must be by certified mail and must be filed no later than 15 business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the LCLE, the executive director will notify the commission that an appeal hearing will be held on the date of the next regularly scheduled commission meeting. The priorities committee will hear the appeal and make recommendations to the commission. The executive director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled commission meeting, the priorities committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the committee chairman may limit the number or time allotted to the witnesses where necessary. The secretary to the commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The committee may also request other evidence relating to the application or project.

At the conclusion of the hearing, the committee shall present its findings and make recommendations to the commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within 15 days of the date of denial, file with the Office of the Governor and the Louisiana Commission on Law Enforcement, a notice of appeal to the governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the governor, the Louisiana Commission on Law Enforcement shall have 15 days to provide the applicant or subgrantee and the governor with the minutes of the appeal hearing and a copy of the vote of the commission. The recorded tapes shall also be made available to the governor at his request.

The results of the appeal to the governor shall be communicated to the Louisiana Commission on Law Enforcement within 20 days.

Nothing herein shall preclude the resubmission of an application through the use of regular Louisiana Commission on Law Enforcement procedures.

Guidelines

1. All grants must be approved by the Louisiana Commission on Law Enforcement (LCLE).
2. No traffic-related grants will be eligible, with the exception of driving while intoxicated (DWI) and substance abuse related projects.
3. Local criminal justice agencies are the only eligible grantees (including private non-profit agencies involved in juvenile delinquency prevention or other specific crime problems). State agencies are ineligible for participation.
4. Personnel costs are limited to full-time personnel. Supplementing of personnel is prohibited.
5. Indirect costs are ineligible expenditures.
6. No state grant-in-aid funds may be used for project evaluation or for the expenses of Regional Planning Units (RPU's) or Criminal Justice Coordinating Councils (CJCC's).
7. There is a general restriction prohibiting the funding of the following items:
 - a. All mobile vehicles (automobiles, vans, airplanes, boats, etc.), gasoline, tires, automobile repair and maintenance, insurance, uniforms, leather and accessories, maintenance of aforementioned equipment and uniforms, firearms and ammunition. (Wadcutter ammunition for training purposes will be considered on a case-by-case basis.)
 - b. No automobile accessories will be allowed except radio equipment.
 - c. All office equipment and furniture: desks, typewriters, file cabinets, chairs, tables, credenzas, lamps, etc.
 - d. Solely recreation programs and recreational equipment are ineligible for funding in the juvenile area.
8. Renovation will be limited to a maximum of \$25,000 in grant funds. Renovation will be allowable only on agency-owned or long-term lease (minimum five years) facilities. Funds may not be used to purchase real property.
9. Private, non-profit agencies, with the exception of RPU's, will be required to have a current surety bond equal to the amount of the grant.
10. Consultants and contracts will be limited to research/development and training programs. Consultants may not be used to perform services ordinarily accomplished by existing personnel. Consultant contracts and agreements must receive approval from LCLE, prior to release of funds.
11. Consultant services which are available as no-cost technical assistance will not be eligible for funding.
12. Use of confidential funds are subject to rules and regulations established by the Louisiana Commission on Law Enforcement.
13. State reimbursement for basic training tuition shall not exceed \$400 per person certified by Peace Officer Standards and Training (POST). (Requires successful completion.) Reimbursement shall be limited to tuition cost only. (No travel, lodging and meals.)
14. No university (or any certified academy) receiving direct state appropriations for law enforcement training shall be eligible for training funds under this program, with the exception of jailer training.
15. No agency on official notice by the Louisiana POST Council of non-compliance with state basic training mandates shall be eligible for participation in the State Grant-In-Aid (GIA) Program, except basic training reimbursement.
16. To be eligible for participation in the State GIA Program, local criminal justice agencies will be required to comply with requests for information mandated by the Louisiana Commission on Law Enforcement.

17. All travel expenses will be based on state travel regulations.
18. Grant funds shall not be used for lobbying activities.
19. Politically oriented material (brochures, leaflets, films, etc.) are prohibited for payment from grant funds.
20. Child abuse and/or child neglect projects or components thereof are ineligible for funding except for criminal justice agencies.
21. Need for computer purchase must be documented and receive prior approval of the LCLE.
22. A "requirement analysis" documenting the need for computer software and/or hardware, must accompany the application and receive prior approval.

Michael A. Ranatza
Executive Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, and pursuant to the Notice of Intent published on January 20, 1985, notice is hereby given that the Governor's Office of Elderly Affairs has completed the review and update of the intrastate funding formula for programs administered under Title III of the Older Americans Act of 1965, as amended. A new formula has been developed based upon the comments received during the review process. The effective date of the new formula is July 1, 1985.

Descriptive Statement

The intrastate funding formula for the distribution of Older Americans Act Title III funds in Louisiana is based on the assumption that a base allocation should be established, by parish, for the administration of aging programs in each planning and service area. The following factors must be considered in the distribution of funds remaining after base allocations are made: population aged 60 and over; population aged 60 and over below the Bureau of the Census poverty threshold; population aged 75 and over; and land area in square miles. Each of these factors is derived by dividing the planning and service area total by the state total.

Population aged 60 and over, and land area in square miles are assigned weights of one each. Population aged 60 and over below the Bureau of the Census poverty threshold is assigned a weight of nine-tenths. Population aged 75 and over is assigned a weight of one-tenth. The sum of these four factors is three.

Those elderly in greatest economic need are defined as persons aged 60 and older whose incomes are at or below the poverty threshold established by the Bureau of the Census. Those elderly in greatest social need are defined as persons aged 60 and over who have needs based on noneconomic factors such as social isolation caused by living in remote areas, or who are especially vulnerable due to the heightened possibility of frailty among elderly aged 75 and older. Other social needs are those which restrict an elderly individual's ability to perform normal daily tasks, or which restrict his or her ability to live independently; they can be caused by racial or ethnic status, or language barriers. The intrastate funding formula accounts for these individuals by not allocating funds solely on the basis of population. The land area in square miles factor is included to compensate area agencies serving predominately rural areas for the special problems encountered by sparse populations who may be spread over large geographical areas. The four funding factors combine to meet the special needs of socially and economically needy elderly, urban elderly and rural elderly.

The base funding allocation of \$12,000 per parish is established on the assumption that this amount represents a minimum allocation for the administration of Older Americans Act programs in each planning and service area. There is an increasing need to provide a continuum of care for the very old (aged 75 and older) as this segment of the population gets larger each year. Funding limitations dictate that this group be given special emphasis.

Numerical Statement of the
Intrastate Funding Formula:

- A. Base allocation per PSA: \$12,000 per parish
- B. Formula allocation per PSA:

	WEIGHT
1. <u>PSA 60 + Population</u>	
State 60 + Population	= 1.0
2. <u>PSA 60 + Population Below Poverty Threshold</u>	
State 60 + Population Below Poverty Threshold	= 0.9
3. <u>PSA Land Mass in Square Miles</u>	
State Land Mass in Square Miles	= 1.0
4. <u>PSA 75 + Population</u>	
State 75 + Population	= 0.1
SUM	= 3.0

$$\text{PSA Formula} = \frac{[(1) \times 1] + [(2) \times 0.9] + [(3) \times 1] + [(4) \times 0.1]}{3}$$

Data Source for Funding Allocation: The most recent Bureau of the Census datum.

Title III Funding Allocation proposed for State FY 1986 per PSA based on this new formula:

Planning and Service Area	Title III Dollar Amount
Allen	\$ 112,377
Assumption	73,605
Beauregard	147,887
Bienville	122,319
Bossier	157,401
Caddo	500,527
Calcasieu	294,898
Caldwell	79,053
Cameron	125,900
Claiborne	122,314
De Soto	144,760
East Baton Rouge	411,494
East Carroll	74,541
Franklin	130,415
Jackson	103,886
Jefferson	449,171
Jefferson Davis	116,998
Lafourche	190,489
Lincoln	109,207
Madison	103,444
Morehouse	155,966
Natchitoches	197,412
Orleans	1,020,594
Ouachita	282,096
Plaquemines	117,492
Red River	68,100
Richland	122,058
Sabine	141,162
St. Bernard	105,073
St. Charles	67,391
St. James	60,813
St. John	59,216
St. Landry	254,605
St. Tammany	194,618
Tensas	84,408
Terrebonne	205,945

Union	133,933
Webster	158,689
West Carroll	78,793
Capital	1,066,145
EEPD	1,069,328
Kisatchie	1,233,574

Sandra C. Adams
Director

RULE

**Department of Health and Human Resources
Office of Preventive and Public Health Services**

In accordance with the laws of the State of Louisiana, R.S. 40:4, and the provisions of Chapter 13 of the State Sanitary Code, the state health officer has determined that the following amendments to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Home - Acceptable Units" are adopted.

1) Amend the title of this list to read "Individual Mechanical Wastewater Treatment Plants - Acceptable Units."

2) Amend the listing to include an additional unit, specified as follows:

Manufacturer	Plant Designation	Rated Capacity
MO - Dad - 1	Mo - Dad - 1	500gpd

Box 822

Denham Springs, LA 70726

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter 13 of the State Sanitary Code.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of the Secretary
Division of Licensing and Certification**

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, has adopted, effective March 20, 1985, the following rule on the collection of data required for licensure for health care facilities and for purposes of health planning.

The authority of the Division of Licensing and Certification, in accordance with L.R.S. 40:2100 et seq., is hereby clarified to include the collection of data on a quarterly basis which pertains to categories of beds and services, utilization of beds, and utilization of beds by category, and other data which may assist the department in health planning, as directed by the Statewide Health Coordinating Council.

The Division of Licensing and Certification may also collect data on beds that are licensed but presently inactive, and which can be reactivated within 24 hours.

In no case should authority extended by this rule permit the collection of patient identifiable data.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Natural Resources
Office of Conservation**

The Office of Conservation has amended Regulation No.

9, governing natural gas pipeline safety concerning new incident and annual reporting requirements as follows:

Part I
Reports

Sec. 191.1 Scope

(a) This Part prescribes requirements for the reporting of incidents and annual pipeline summary data by operators of gas pipeline facilities located in Louisiana.

(b) This Part does not apply to—

(1) Offshore gathering of gas upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; or

(2) Onshore gathering of gas outside of the following areas:

(i) An area within the limits of any incorporated or unincorporated city, town, or village.

(ii) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

Sec. 191.3 Definitions

As used in this Part and the RSPA Forms referenced in this Part—*Incident* means any of the following events:

(1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

(i) A death, or personal injury necessitating in-patient hospitalization; or

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$5,000 or more.

(2) An event that results in an emergency shutdown of an LNG facility.

(3) An event that is significant, in the judgement of the operator, even though it did not meet the criteria of Paragraphs (1) or (2).

LNG facility means a liquefied natural gas facility as defined in Sec. 193.2007 of Part 193 of this Chapter;

Master Meter System means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents;

Offshore means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters;

Pipeline or Pipeline System means all parts of those physical facilities through which gas moves in transportation, including, but not limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

Sec. 191.5 Telephonic Notice of Certain Incidents

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with Paragraph (b) of this Section of each incident as defined in Sec. 191.3. However, no notice to area code (800) 424-8802 is required if the estimated property damage, including cost of gas lost, of the operator or others, or both, is less than \$50,000.

(b) Each notice required by Paragraph (a) of this Section shall be made by telephone to area code (800) 424-8802 and area code (504) 342-5585 and shall include the following information:

(1) Names of operator and person making report and their telephone numbers.

(2) The location of the incident.

(3) The time of the incident.

(4) The number of fatalities and personal injuries, if any.

(5) All other significant facts that are known by the operator that are revelant to the cause of the incident or extent of the damages.

Sec. 191.7 Addresses for Written Reports

One copy of each written report, required by this Part, for intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804. One copy of each written report required by this Part, must be submitted to the Chief, Information Systems Division, Transportation Programs Bureau, D.O.T., Washington, D.C. 20590. However, no report to the Information Systems Division, is required if the estimated property damage, including cost of gas lost, of the operator or others, or both, is less than \$50,000.

Sec. 191.9 Distribution System: Incident Report

(a) Except as provided in Paragraph (c) of this Section, each operator of a distribution pipeline system shall submit Department of Transportation Form RSPA F 7100.1 as soon as practicable but not more than 30 days after detection of an incident required to be reported under Sec. 191.5.

(b) When additional relevant information is obtained after the report is submitted under Paragraph (a) of this Section, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(c) The incident report required by this Section need not be submitted with respect to master meter systems of LNG facilities.

Sec. 191.11 Distribution System: Annual Report

(a) Except as provided in Paragraph (b) of this Section, each operator of a distribution pipeline system shall submit an annual report for that system on Department of Transportation Form RSPA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

(b) The annual report required by this Section need not be submitted with respect to:

(1) Petroleum gas systems which serve fewer than 100 customers from a single source;

(2) Master meter systems; or

(3) LNG facilities.

Sec. 191.13 Distribution Systems Reporting Transmission Pipelines; Transmission or Gathering Systems Reporting Distribution Pipelines

Each operator, primarily engaged in gas distribution, who also operates gas transmission or gathering pipelines shall submit separate reports for these pipelines as required by Secs. 191.15 and 191.17. Each operator, primarily engaged in gas transmission or gathering, who also operates gas distribution pipelines shall submit separate reports for these pipelines as required by Secs. 191.9 and 191.11.

Sec. 191.15 Transmission and Gathering Systems: Incident Report

(a) Except as provided in Paragraph (c) of this Section, each operator of a transmission or a gathering pipeline system shall submit Department of Transportation Form RSPA F 7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under Sec. 191.5.

(b) Where additional related information is obtained after a report is submitted under Paragraph (a) of this Section, the op-

erator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.

(c) The incident report required by Paragraph (a) of this Section need not be submitted with respect to LNG facilities.

Sec. 191.17 Transmission and Gathering Systems: Annual Report

(a) Except as provided in Paragraph (b) of this Section, each operator of a transmission or a gathering pipeline system shall submit an annual report for that system on Department of Transportation Form RSPA 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

(b) The annual report required by Paragraph (a) of this Section need not be submitted with respect to LNG facilities.

Sec. 191.19 Report Forms

Copies of the prescribed report forms are available without charge upon request from the address given in Sec. 191.7. Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the secretary.

Sec. 191.21 OMB Control Number Assigned to Information Collection

This Section displays the control number assigned by the Office of Management and Budget (OMB) to the gas pipeline information collection requirements of the Materials Transportation Bureau pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. It is the intent of this Section to comply with the requirements of Section 3507(f) of the Paperwork Reduction Act which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement. OMB Control Number 2137-0522 (approved through March 31, 1986).

Section of 49 CFR Part 191

Where Identified	Form No.
191.5	Telephonic.
191.9	RSPA 7100.1
191.11	RSPA 7100.1-1
191.15	RSPA 7100.2
191.17	RSPA 7100.2-1.

(49 U.S.C. 1681(b) and 1808(b); 49 CFR 1.53, and Appendix A of Part 1)

Herbert W. Thompson
Commissioner

RULE

**Department of Public Safety and Corrections
Office of State Police**

Breath and Blood Alcohol Analysis
Methods and Techniques

I. ANALYSIS OF BREATH

001. APPROVAL OF INSTRUMENTS TO CONDUCT BREATH ALCOHOL ANALYSIS

Section 1. After the Louisiana Department of Public Safety and Corrections has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing, it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, and an instrument certification form shall be maintained for each individual instrument in the Applied Technology Unit. At least once every four months thereafter, each individual instrument shall be inspected, checked and recertified by technicians of the Applied Technology Unit and

a recertification form shall also be maintained in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of the applicable court in the respective parish in which each device is used for breath testing, and this copy shall be prima facie evidence as to the proper working order of the instrument and the standard of quality of the ampuls. The inspecting maintenance technician's permit number shall also be affixed to this certificate. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic content of the breath may request the Applied Technology Unit to approve such apparatus, device or equipment. The Applied Technology Unit will consider such a request upon submission of such information, instruction for use, exemplars and other pertinent data as the Applied Technology Unit may request. Before any breath alcohol testing device will be approved, it must have undergone inspection and testing by the Applied Technology Unit. This period of testing and evaluation is for the purpose of assuring that an instrument is free of any design error, malfunctions or operating problems.

Section 2. Instruments Approved. The following is a list of the instruments approved by the Louisiana Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit, for analysis of breath specimens for the determination of the alcoholic contents therein.

Section 2.1 Photo-Electric Intoximeter (P.E.I.) model 400 single cylinder instrument manufactured and distributed by Intoximeters Inc. of St. Louis, Missouri.

Section 2.2 Intoxilyzer model 4011AS-A manufactured by CMI Inc. of Mintum, Colorado and distributed by Federal Signal Corporation of Chicago, Illinois.

Section 2.3 Intoxilyzer model 5000, manufactured by CMI Inc. of Mintum, Colorado and distributed by Federal Signal Corporation of Chicago, Illinois.

Section 2.4 BAC Verifier, Manufactured and distributed by Verax Systems Inc. of Fairport, New York.

002. OPERATOR QUALIFICATION

Qualifications for the certification of individuals to conduct breath analysis are as follows:

Section 1. Employee of a Louisiana or federal law enforcement agency.

Section 2. Resident of the State of Louisiana at the time of application, and at least 18 years of age.

Section 3. Graduation from a state accredited high school or satisfactory passing of the General Education Development (G.E.D.) Test or equivalent educational background.

Section 4. Successful completion of a 40 hour operator's training course conducted by the Applied Technology Unit or any other course approved by the Applied Technology Unit. Course material to be covered will be taken from the Chemical Test for Intoxication Training Manual and/or the Training Manual for the Intoxilyzer model 4011AS-A, the Intoxilyzer model 5000 or the BAC Verifier. However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specified course in the operation of either the Intoxilyzer model 4011AS-A, the Intoxilyzer model 5000 or the BAC Verifier.

Section 5. To successfully complete the 40 hour training course and be certified to conduct breath analysis, the individual must:

Section 5.1 Obtain a 75 percent score on the written examination covering course material.

Section 5.2 Obtain a 75 percent score on the actual operation of the instrument and practical examination (running of an unknown alcohol solution). Both the written and the practical examination will be made up by instructors of the Applied Technology Unit. The examination results shall be recorded on the

“chemical test for intoxication progress record” and a copy shall be maintained by the Applied Technology Unit.

003. INSTRUCTOR QUALIFICATION

Qualifications for certification of individuals as instructors shall be as follows:

Section 1. Certified as an operator on all of the approved instruments.

Section 2. Attendance of an additional 40 hour course approved by the Applied Technology Unit.

Section 3. Involved in a chemical testing program approved by the Applied Technology Unit.

004. QUALIFICATION OF INDIVIDUALS FOR INSTRUMENT MAINTENANCE AND INSPECTION

Qualification of individuals to perform maintenance and inspection on approved instruments will be as follows:

Section 1. Employee of the Office of State Police, Applied Technology Unit in the capacity of breath analysis technician or forensic scientist. In order to be employed in the capacity of breath analysis technician or forensic scientist, the employee must have met all of the requirements as stated by the Department of Civil Service pertaining to the classification of breath analysis technician or forensic scientist.

Section 2. Graduation from a state accredited high school or satisfactory passing of the General Education Development (G.E.D.) Test or equivalent educational background.

Section 3. Successful completion of a 40 hour operator's training course.

Section 4. Successful completion of a course on maintenance conducted by the manufacturers of the respective instruments used in breath alcohol testing whereby the individual has received a satisfactory certificate stating such.

Section 5. Complete six months “on-the-job training” whereby the individual shall undergo instruction on the following, but, not limited to:

Section 5.1 Calibration of instruments.

Section 5.2 Checking calibration of the instruments.

Section 5.3 Trouble shooting of the instruments.

Section 5.4 Performance of preventive and regular maintenance.

Section 5.5 Preparation and use of any wet bath simulator and solutions used in the calibration and calibration check.

Section 5.6 Use of gaseous alcohol simulator standards used in calibration and calibration check.

Section 5.7 Inspection of instruments received from the respective manufacturer to insure proper assembly, calibration and the overall proper functioning of the instrument.

Section 6. After the individual has completed on-the-job training and qualified on the above specifications, then and only then may he be certified to perform maintenance and inspection on the various approved breath alcohol testing instruments. The individual will then be certified by the Louisiana Department of Public Safety and Corrections and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

Section 7. The maintenance and/or repair work shall be performed by breath analysis technicians or forensic scientists of the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety and Corrections to perform such. The instrument recertification form that is filed every four months with the respective clerks of court shall also have the inspecting technicians permit number affixed to this certificate. This permit number shall be proof as to the certification of the inspection technician by the Louisiana Department of Public Safety and Corrections.

Section 8. The procedure used by maintenance techni-

cians in the inspections of instruments at least once every four months for the checking of calibration shall be as follows:

Section 8.1 A wet bath breath alcohol simulator will be used.

Section 8.2 Use of this simulator and preparation of the contents shall be performed according to instructions as per the manufacturer of the simulator's operating manual.

Section 8.3 Solutions used in the simulator may also be produced by using a certified stock solution.

Section 8.4 Once the simulator is made, the known alcohol value shall be determined by use of a gas chromatograph and this will be the “known alcohol value.” Calibration checks of the various instruments shall be within plus or minus .010g percent of this established “known alcohol value.”

Section 8.5 After inspections are made by the technicians and all items are performed according to the maintenance section as listed under each type instrument, the inspecting technician will then “certify” that the instrument was in proper working order.

Section 8.6 Records, or a copy covering maintenance etc., on instruments will be kept by the Applied Technology Unit.

Section 9. Personnel of the Applied Technology Unit shall have the authority to instruct individuals as breath/alcohol testing field supervisors. These individuals will be able to conduct minor service, repair, transport instruments to the various locations, run known alcohol solutions, testify in court, monitor the chemical testing program on a local level, and confer with the Applied Technology Unit on any related matters pertaining to chemical testing. These individuals will have attended an additional training course whereby they have undergone instructions to perform their outlined duties. These individuals' permits shall state their authority to conduct such duties.

005. PERMITS

Upon determining the qualification of individuals to perform such analysis and duties, and after submitting an application for certification, the Louisiana Department of Public Safety and Corrections shall issue permits which shall be effective for the following periods with respect to classifications.

Section 1. Operators certification.

Section 1.1 Operators shall be certified for a period of two years following successful completion of the 40 hour “operators training course.” These permits may be renewed after a refresher course given by the Applied Technology Unit, or any other agency approved by the Applied Technology Unit.

Section 1.2 In addition to being certified on any instrument currently approved by the Applied Technology Unit, an operator may also attend a specified course for certification on any new instrument that may be approved by the Applied Technology Unit. These permits shall also be in effect for a period of two years.

Section 2. Breath alcohol testing field supervisors.

Section 2.1 Breath alcohol testing field supervisors shall be certified for a period of two years.

Section 3. Instructors.

Section 3.1 Instructors shall be certified for a period of five years. However, once he is no longer involved in a chemical testing program, his certification shall terminate and then only be re-certified after he has once again become involved in a chemical testing program and demonstrated his knowledge of instructions to the Applied Technology Unit supervisor.

Section 4. Maintenance technician.

Section 4.1 Once a maintenance technician working for the Applied Technology Unit is initially certified, his permit shall remain effective for the duration of his employment.

006. RECORDING ANALYSIS AND RECERTIFICATION DATE

Section 1. After each breath analysis, the results shall be

recorded in the Breath Alcohol Testing Log Book, a copy of which is to be sent to the Applied Technology Unit at the end of each month and a copy to be retained at the testing agency.

Section 2. Each time any of the approved instruments are inspected and certified, the date of certification shall be placed on the instrument and the operator will record said date on the operational "check list."

007. PROCEDURES FOR ANALYSIS USING THE P.E.I. MODEL 400 SINGLE CYLINDER

Section 1. General observation of the subject for a period of not less than 20 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

Section 2. The operator conducting the breath analysis shall conduct such analysis in accordance with the "P.E.I. operational check list" which contains, but, not limited to the following:

Section 2.1 Completing the information section concerning such things as name of the subject, time, witness, arresting and testing agency, instrument number and location, and the applied technology certification tag number.

Section 2.2 Calibration check whereby the calibration of the instrument is checked by using a set of "standard ampuls" which accompanies each instrument. A standard ampul of a known value is used whereby the reading shall be within the given range to show that the calibrating section of the instrument is operating properly.

Section 2.3 Preparation of the instrument whereby the temperature is checked and the ampul to be used in such analysis is checked to show that it is within a certain tolerance plus or minus .010g percent. This is to insure that a good ampul will be used in the analysis.

Section 2.4 Systems blank by which the instrument is shown to be free from alcohol contamination. Limitations here shall be from plus .010g percent to minus .020g percent whereby corrections from here will be made to produce the final reading.

Section 2.5 Sample collection whereby the sample is taken and the 20 minutes observation period is checked off.

Section 2.6 Alcohol determination section whereby the instrument is flushed, scale zero checked and final reading is taken. The ampul will be discarded after analysis, since preservation of the ampul will yield erroneous results after the ampul is opened, used in the analysis and exposed to continuous light. This ampul also contains acid, which is very corrosive and may cause injury or damage if not properly disposed of.

Section 2.7 Breath specimens collected for analysis should be substantially in equilibrium with pulmonary arterial blood with respect to alcohol. That is, it should be essentially alveolar in composition.

Section 2.8 The quantity of breath analyzed for its alcoholic content shall be established only by direct volumetric measurement, or by collection and analysis of a fixed breath volume at a constant known temperature.

Section 3. All ampuls used in breath alcohol analysis shall be received in numbered lots and stored under the supervision of the supervisor of Applied Technology Unit, who is also a forensic scientist. The Applied Technology Unit shall require any manufacturers of ampuls to certify each lot of ampuls made, as to their standard of quality in reference to the chemical contents and tolerance. The Applied Technology Unit shall maintain the certificate on file from the manufacturer. The Applied Technology Unit shall then have the authority to spot check the ampuls with respect to their performance. The instrument recertification form that is filed every four months with the clerk of the respective court may also state that the ampul lot numbers used at each agency were spot checked for performance.

Section 4. Procedures for spot checking of the ampuls for performance.

Section 4.1 A known wet bath breath alcohol simulator shall be used in the analysis.

Section 4.2 The procedure for preparation of this simulator shall be as outlined in Paragraph 004, Section 8.1 through 8.5.

Section 4.3 The volume of the ampul solution will be checked by the use of the gauging well on P.E.I.

Section 4.4 At least one ampul from each lot of ampuls located at an agency shall be analyzed by use of the known wet bath breath alcohol simulator. By obtaining results that are within the tolerance range of plus or minus .010g percent, the ampuls are shown to contain the proper quantity of chemicals.

008. MAINTENANCE INSPECTION FOR THE P.E.I.

The maintenance inspection shall be performed on a routine basis at least once every four months by technicians of the Applied Technology Unit. Items to be checked shall include, but, not limited to the following:

Section 1. Each lot of ampuls shall be spot checked for performance.

Section 2. Clean instrument.

Section 3. Running of a known alcohol value whereby results shall be within plus or minus .010g percent of the known alcohol value.

Section 4. In the event any repair work is needed, it will be recorded in detail.

Section 5. Calibration check using standard ampuls.

009. PROCEDURE FOR ANALYSIS USING THE INTOXILYZER MODEL 4011AS-A

Section 1. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

Section 2. The operator conducting breath analysis shall conduct such analysis in accordance with the "Intoxilyzer model 4011AS-A check list" which contains, but, not limited to the following:

Section 2.1 Completing the information section concerning such things as name of subject, time, arresting and testing agency, instrument number and location and date of instrument certification.

Section 2.2 Air Blank - an air blank run to show that the instrument was free of alcohol contamination.

Section 2.3 Test standard - test standard run to show that the instrument is in calibration. Results shall be within plus or minus .010g percent of the known standard range. With respect to the term "standard" as listed above, this shall be performed by using a gaseous alcohol standard. This step in the operation of the Intoxilyzer model 4011AS-A refers to the calibration check of the instrument. The results shall be within plus or minus .010g percent of the standard range. This standard range shall be established by technicians of the Applied Technology Unit. This value is established after a series of analysis of this gaseous alcohol standard. The known standard range shall be affixed to the standard and the operator shall record both, the standard range and the obtained results on the Intoxilyzer model 4011AS-A operational "check list" in the appropriate place.

Section 2.4 Air Blank - an air blank run to show that the instrument is free of alcohol contamination.

Section 2.5 Auto-zero - whereby the instrument is automatically zeroed.

Section 2.6 Test subject - new and clean mouth piece attached to the breath inlet hose. Subject instructed to blow through mouth piece sufficiently to activate breath lamp and continue blowing until instrument accepts proper breath sample.

Section 2.7 Air blank - an air blank run to show that the instrument is free of alcohol contamination.

Section 2.8 End of test - light number seven on, test record card removed, and attached to check list.

010. MAINTENANCE INSPECTION FOR THE INTOXILYZER MODEL 4011AS-A

The maintenance inspection shall be performed on a routine basis at least once every four months by technicians of the Applied Technology Unit. Items to be inspected shall include, but, not limited to the following:

Section 1. Clean instrument.

Section 2. Running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value.

Section 3. Insure seals on the instrument are still intact.

Section 4. Check printer.

Section 5. Check breath inlet and pump hose.

Section 6. Clean filter and lens.

Section 7. Insure IR light is still working.

Section 8. In the event repair work is needed, it shall be recorded in detail.

011. PROCEDURE FOR ANALYSIS USING THE INTOXILYZER MODEL 5000

Section 1. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

Section 2. The operator conducting breath analysis shall conduct such analysis in accordance with the "Intoxilyzer model 5000 operational check list" which contains, but, not limited to the following:

Section 2.1 Completing the information section concerning such things as name and drivers license number of subject, date, instrument number and certification date.

Section 2.2 Press start button, insert test record card and check display panel for instructions.

Section 2.3 New and clean mouth piece attached to breath inlet hose.

Section 2.4 Subject instructed to blow through mouth piece sufficiently until instrument accepts proper breath sample.

Section 2.5 Remove test record card and attach to check list.

012. MAINTENANCE INSPECTION FOR THE INTOXILYZER MODEL 5000

Maintenance inspection shall be performed on a routine basis at least once every four months by technicians of the Applied Technology Unit. Items to be inspected shall include, but, not limited to the following:

Section 1. Clean instrument.

Section 2. Running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value.

Section 3. Insure that instrument is locked.

Section 4. Check printer to see if it is printing out properly.

Section 5. Check breath inlet hose.

Section 6. In the event repair work is needed, it shall be recorded in detail.

013. PROCEDURE FOR ANALYSIS USING THE BAC VERIFIER

Section 1. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited or taken anything by mouth.

Section 2. The operator conducting breath analysis shall conduct such analysis in accordance with the "BAC verifier op-

erational check list" which contains, but, not limited to the following:

Section 2.1 Completing the information section concerning such things as name and drivers license number of the subject, date, instrument number and date of certification.

Section 2.2 Press start button to start test and check display panel for instructions.

Section 2.3 New and clean mouth piece attached to breath inlet hose.

Section 2.4 Subject instructed to blow through mouth piece sufficiently until instrument accepts proper breath sample.

Section 2.5 Remove printout, attach to check list and run printout for subject.

014. MAINTENANCE INSPECTION ON THE BAC VERIFIER

Maintenance inspection shall be performed on a routine basis at least once every four months by technicians of the Applied Technology Unit. Items to be inspected shall include, but, not limited to the following:

Section 1. Clean instrument.

Section 2. Running of a known alcohol value, thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value.

Section 3. Insure that instrument is locked.

Section 4. Check printer to see if it is printing out properly.

Section 5. Check breath inlet hose.

Section 6. In the event repair work is needed, it shall be recorded in detail.

II. ANALYSIS OF BLOOD

001. PERMITS

All persons seeking to be authorized to conduct blood analysis shall:

Section 1. Make application to the Department of Public Safety and Corrections Crime Lab for permit or renewal of permit.

Section 2. Have a Bachelor of Science in chemistry, physics, biology, zoology, medical technology, or a related field.

Section 3. Conduct proficiency testing set up by the State Police Crime Laboratory.

Section 4. Permits shall be effective when issued for a period of five years from the date inscribed thereon.

002. CERTIFIED TECHNIQUES OF ANALYSIS

Section 1. The methods approved for blood alcohol analysis of blood are:

Section 1.1 Gas Chromatography - Headspace sampling with internal standard.

Section 1.2 Gas Chromatography - Direct injection with internal standard.

Section 2. Procedures shall include the following controls in conjunction with each batch of samples analyzed:

Section 2.1 A system blank analysis.

Section 2.2 Analysis of a suitable reference or control blood sample of known alcohol content within the range of 0.000 to 0.30g percent, the result of which analysis must coincide with the known blood alcohol value of the reference specimen within 0.010g percent if validity is to be assigned to the results for the batch analyzed.

Section 3. Replicate analyses shall be performed in order to minimize the possibility of undetected errors.

Section 4. Results shall be expressed in terms of percent W/V (g percent) that is, grams of alcohol per 100 milliliters of blood, rounded downward to the second decimal place; for example, 0.237g percent found shall be reported as 0.23g percent.

Section 5. Analytical procedures for determining alcohol in blood shall meet the following performance requirements:

Section 5.1 The accuracy and sensitivity of the procedure shall be such as consistently to attain results within 0.01g percent

of the known value over the range of 0.00 to 0.30g percent in analyses of appropriate reference materials of known ethyl alcohol concentration.

Section 5.2 The precision of the procedure shall be such as consistently to attain a reproducibility not greater than 0.005g percent in replicate analyses.

Section 5.3 The blank values yielded by the procedure in analyses of alcohol-free blood specimens consistently shall be not greater than 0.01g percent.

Section 5.4 The specificity of the procedure shall be adequate and appropriate for the analysis of biological specimens for the determination of the blood alcohol concentration in traffic law enforcement and highway crash investigations.

Section 5.5 Procedures for the analysis of biological specimens from living subjects shall respond only to ethyl alcohol and the other lower aliphatic alcohols and should not be susceptible to significant unrecognized interference by other substances.

Section 5.6 Procedures for the analysis of postmortem biological specimens shall respond only to ethyl alcohol and shall not be susceptible to significant unrecognized interference by other substances.

Section 6. Blood drawn for the purpose of determining the alcoholic content therein shall have been taken with the contents of the "B-D Blood Alcohol Kit" Number 4990 or 4991 for post-mortem determination (manufactured by Becton-Dickinson Division of Becton, Dickinson and Company, Rutherford, New Jersey), or similar blood collection kit approved by the Louisiana Department of Public Safety and Corrections. "B-D Blood Alcohol Kits" or similar blood collection kits as approved will be made available to all law enforcement agencies, by Louisiana State Police.

Section 7. Because of various problems in the interpretation of the results of analysis of urine for alcohol which cannot be readily overcome in law enforcement practice, urine analysis to determine equivalent alcohol concentration in blood is discouraged. Chemical tests of blood or breath are preferred.

Wiley D. McCormick
Deputy Secretary

Notices of Intent

NOTICE OF INTENT

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the Board of Certified Public Accountants intends to revise and amend, effective no sooner than May 31, 1985, the following rules:

1. LAC 11-9:1.2.2 (R.S. 37:71) Amends to remove conflict between Rules 1.2.2 and 2.2.2 - delete "or lack thereof."
2. LAC 11-9:2.3 (R.S. 37:72) Revise paragraph for clarity.
3. LAC 11-9:5.4.2B (R.S. 37:75) Amends paragraph to remove ambiguity by deleting "and are not otherwise available to the client."

4. LAC 11-9:6.5.4 (R.S. 37:75) Amends this section to provide for evaluation for a fee by qualified reviewer of books and articles claimed for continuing education credit.

5. LAC 11-9:9.2.2 (R.S. 37:78) Amends section to clarify the Board's position on credits received by examination only.

6. LAC 11-9:11.5 (R.S. 37:79) Amends to remove ambiguity - adds "in addition to those courses required by Rule 9.2.2."

7. LAC 11-9:12.7 (R.S. 37:80) Amends to add Rule 12.7 to provide a fee for returned checks. Renumber present 12.7 to 12.8.

8. LAC 11-9:13 (R.S. 37:80) Amends to increase fees for examination, certification and licensing.

9. LAC 11-9:15.1.2 (R.S. 37:82) Amends to conform fees in rules to fees in statutes.

10. LAC 11-9:15.1.3 (R.S. 37:82) Revise to clarify requirement of active foreign certificate as a basis for reciprocity in Louisiana.

Present Rule	Renumbered
15.1.3	15.1.4
15.1.4	15.1.5
15.1.5	15.1.6
15.1.6	15.1.7

REVISED RULES

Rule 1.2 - The term accounts' report shall mean a report:

1.2.2 - Referring to an audit, examination, or review.

Rule 2.3 - Practice in Louisiana.

Practice in Louisiana means performing or offering to perform those services set forth in LRS 37:72A in Louisiana or for a Louisiana based client - regardless of the location of the performance of the engagement.

Rule 5.4.2 - Records.

5.4.2D - A copy of the licensee's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records.

Rule 6.5.4 - Published articles, books, etc.

A. Credit for published articles and books will be awarded in an amount determined by a Board representative provided the writing contributes to the professional competence of the licensee. The Board and author shall mutually approve this representative.

B. CPAs requesting this service will be charged a fee: the fee to be negotiated and agreed upon prior to the engagement.

C. The maximum credit for preparation of articles and books cannot exceed twenty-five percent of the three-year requirement under these rules.

D. Credit, if any, will be allowed only after the article or book is published.

Rule 9.2 - Educational Requirements.

9.2.2 - C. The board does not recognize credit received for courses passed by examination without class attendance as satisfying the requirements for the courses enumerated in Rule 9.2.2B. The word "examination" as used herein means advance placement examinations, CLEP, ACT or other similar examinations. The board will accept credit by examination toward the degree requirement for any course not required by Rule 9.2.2B.

D. If the degree does not carry with it such concentration as prescribed above, the candidate shall have taken and completed the courses enumerated above. Such courses shall be taken and completed in a university, college, night or extension school of recognized standing and approved by the board. The provisions paragraph C of Rule 9.2.2 are applicable to this paragraph.

E. In the event that the degree does not carry with it the above concentration in accounting, the Board may, on good cause shown by the applicant, substitute other courses that in the board's judgment meet the above requirements. Cause for substitution shall be submitted by applicant in affidavit form sworn to by the appli-

cant and a representative of the university, college or other educational institution where the course was taken. The affidavit shall contain a course description and a comparison of the course content to that of the course for which substitution is requested.

F. If an applicant for the CPA examination has been in public practice on the professional staff of a CPA firm for four of the ten years immediately prior to the date of submitting the application, he will not be required to have met the requirements of Rule 9.2.2B above if:

1. he has successfully completed at least one course in each of the areas listed in Rule 9.2.2B, and
2. if his courses were taken at the undergraduate level he has successfully completed a total of 30 semester hours, or 40 quarter hours, in accounting and commercial law, and
3. each such course was taken and completed in a university, college, night or extension school of recognized standing and approved by the Board.

Rule 11.5 - Advanced Degree Experience Equivalency.

A Master's degree, or a more advanced degree, with a concentration in accounting shall be considered equivalent to one year of experience obtained on the staff of a certified public accountant or firm of certified public accountants. As used herein, concentration in accounting shall mean at least 15 credit hours in accounting courses (auditing, theory, practice, managerial, tax) in addition to those courses required by Rule 9.2.2B, the contents of which are at a level higher than the contents of the advanced accounting, basic cost accounting, basic income tax accounting, and basic auditing provided for in Rule 9.2.2B, with at least three of the required 15 credit hours in accounting theory and practice and at least three credit hours in auditing.

Rule 12.7 - A fee not to exceed \$25 will be assessed against each person who pays any obligation to the Board with an NSF check. Failure to pay the assessed fee within the notified period of time, shall cause the application to be returned.

Present Rule 12.7 renumbered 12.8.

Rule 13 - Fees and Service Charges for CPA Examination, Certification, Licensing (R.S. 37:80).

13.1 - Fees shall be assessed as follows:

CPA examination:

First time applicants	\$100
Reexamination all subjects	\$ 85
Parts not previously passed:	
One part	\$ 45
Two parts	\$ 55
Three parts	\$ 65
Service Charge for refund of examination fee under Rule 12.5	\$ 20
Original certification	\$ 50
Original license	\$ 50*
Replacement certificate	\$ 50**

* Candidate having passed the examination and meeting all other requirements for licensure must submit a complete application on forms prescribed by the Board and accompanied by all required supporting documentation within thirty (30) days after the official release date of examination grades to avoid payment of additional fees. Applications that are incomplete or late are subject to the original license fee.

** A replacement certificate shall be issued at the holder's request upon payment of fee and compliance with the following requirements:

A. In the event of certificate which has been lost, the loss must be advertised in an appropriate newspaper for at least five times in thirty days and the request for replacement must be accompanied by sworn statement that the certificate is lost and that the loss has been advertised in accordance with this rule.

B. In the event of a certificate which has been mutilated, the mutilated certificate must be returned to the board and if it is mutilated beyond the point of being able to be identified, the request must also be accom-

panied by a sworn statement that the returned document is, in fact, the certificate.

C. If the request for replacement is to have a change in the name in which the certificate is issued, the original certificate must be returned to the board and the request must be accompanied by appropriate documentation of the name change.

Rule 15.1.2 - Application for annual renewal of certified public accountant certificates and licenses shall be made on forms furnished by the board and shall be accompanied by renewal fees fixed by the board. The fee for annual renewal of a certificate shall not exceed \$50 and the fee for annual renewal of both certificate and license shall not exceed \$100 in total. Reproduction of renewal forms shall not be accepted.

Rule 15.1.3 - Holders of expiring certificates issued under R.S. 37:78 (A)(3)(b) must submit satisfactory documentation that their original certificate issued by another state is in good standing and is an active certificate as described by the original state's laws and rules. An inactive or retired certificate is unacceptable.

Present Rule	Renumbered
15.1.3	15.1.4
15.1.4	15.1.5
15.1.5	15.1.6
15.1.6	15.1.7

Interested parties may submit written comments on the proposed rules through March 30, 1985 to Mrs. Mildred McGaha, executive director, The State Board of CPAs, Suite 1515, 2 Canal Street, New Orleans, LA 70130.

Harold W. Willem, Jr., CPA
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 11-9

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional cost to the Board as a result of the proposed rule changes. The proposed fee increases are to offset higher costs resulting from increased charges by the American Institute of C.P.A.'s and other costs for administering the C.P.A. examination and issuing C.P.A. certificates and licenses. These costs are estimated as follows:

FY 1985-86	FY 1986-87	FY 1987-88
\$61,110	\$64,365	\$67,800

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The fee increase will not affect Board revenues until FY 1985-86. Based on the typical number of candidates for the C.P.A. examination, total additional revenues from the fee changes are:

FY 1985-86	FY 1986-87	FY 1987-88
\$63,290	\$66,600	\$70,055

The other rule changes have no impact on fees collected by the Board.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The fees will increase for persons taking the C.P.A. examination beginning November 1985 and thereafter.

The additional costs will be: \$25 for an initial examination; \$20 for reexamination; and \$25 each for original C.P.A. certificate or C.P.A. license issued.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The proposed fee increases are not expected to affect the number of CPA candidates or the number of CPA certificates and licenses issued annually. Consequently, it is believed that the proposed action will not have an impact on competition and employment in the public and private sector.

Mildred McGaha
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Motor Vehicle Commission

In accordance with the provisions of L.R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Motor Vehicle Commission will conduct a public hearing on April 2, 1985, at 1 o'clock p.m., in its offices, Suite 620, 234 Loyola Avenue, New Orleans, Louisiana, at which time the Commission will consider the adoption of changes in, and additions to, the existing rules and regulations.

The purpose of the hearing is to consider the following proposed amendments and additions to the Louisiana Motor Vehicle Commission Rules and Regulations:

AMENDMENT OF SECTION 20, RULE 5, B(1)

5. Lease Advertising: Lease advertising regulation is required because it represents an alternative to buying on credit. The following disclosures are required in lease advertising:

B. That the transaction advertised is a lease.

(1) The disclosure that the transaction is a lease must be equal to the featured size and prominence as the method of payment and the downpayment (or lack thereof) disclosure.

ADOPTION OF SECTION 26.

A. Qualifications and Eligibility

The commission, in determining the qualifications and eligibility of an applicant for a motor vehicle lessor and a lessor used car facility, will base its determinations upon the following factors:

1. The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign in front of the establishment which denotes that vehicles are offered for lease or sale at the location to which the sign is affixed. Applicant must have a useable telephone at the place of business, the number of which should be listed on the application for license and in a local directory accessible to the public. The commission must be notified of any change in the telephone number.

2. All applicants are required to furnish and keep in force the minimum required liability insurance coverage on all vehicles offered for sale, rental, lease, or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

3. Before any motor vehicle lessor or lessor used car facility license is issued to an applicant under the provisions of the Louisiana Motor Vehicle Commission Act, L.R.S. 32:1251 et seq. a good and sufficient surety bond, executed by the applicant as principal and by a surety company qualified to do business in Louisiana as surety in the sum of \$10,000, shall be delivered to the commission. Such bond shall be in a form to be approved by the commission and shall be conditioned that the applicant shall comply with the conditions of any written contract made by such applicant in connection with the lease, rental, sale or exchange of any motor vehicle and shall not violate any of the provisions of the

Louisiana Motor Vehicle Commission Act, L.R.S. 32:1251 et seq. or any other law of Louisiana in the conduct of the business for which he is licensed. Such bond shall be made payable to the secretary of the Department of Public Safety or to his successor in office, for the use, benefit, and indemnity of any persons who shall suffer any loss as a result of any violation of the conditions hereinabove contained. Such bond shall be delivered to the commission at the beginning of each license period; however, the aggregate liability of the surety in any one year shall in no event exceed the sum of such bond. The bond required by this Section shall be maintained throughout the period of licensure. Should the bond be cancelled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

4. The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

B. Definitions

1. "Established Place of Business" shall mean a permanently enclosed building or structure either owned in fee, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, easily accessible to the public at which a regular business of leasing or rental of motor vehicles or selling used motor vehicles will be carried on in good faith; and, at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business; and, shall not mean residences, tents, temporary stands, lots, or any temporary quarters.

Comments and inquiries will be accepted by S.D. Dodd through April 1, 1985, or may be presented in person at the public hearing. All interested persons will be provided an opportunity to submit data, arguments, and views orally or in writing, at the hearing. Should you desire to avail yourself of this opportunity, kindly advise S. D. Dodd by April 1, 1985.

Richard H. Barker, III
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Commission Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

It is estimated that there will be neither implementation costs nor savings to the agency. (Section 20 Rule 5, B (1), and Section 26).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Section 20, Rule 5, B (1) - No effect on state or agency revenues.

Section 26 - It is estimated that some otherwise unqualified licensees would not obtain a license in the future. This is anticipated to have a negligible impact on state or agency revenues.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Section 20, Rule 5, B (1) - No costs to affected groups. Consuming public will be able to determine whether vehicles advertised are advertised for purchase or lease and also be shielded from false and/or misleading advertising.

Section 26 - The costs to the affected groups is anticipated to be in the form of bond premiums; no other expenses connected with legitimate businesses. It should be

noted that both new and used car dealers have been statutorily required to provide a surety bond.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It is estimated that the new and amended regulations will have an effect of creating an atmosphere of fair competition, a place and method for which the public can seek redress and will have no direct affect on those employed in a legitimate business such as those licensed by the Louisiana Motor Vehicle Commission.

S. D. Dodd
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:505 (formerly LAC 11-6:48.3) relative to the responsibility of the accreditation of Louisiana bred horses intending to race in Louisiana.

§505. Responsibility of Accreditation

A. Each owner of a horse bred in Louisiana that intends to have his/her horse registered as an accredited Louisiana bred is responsible for having the seal of the Louisiana Thoroughbred Breeders' Association or Louisiana Quarter Horse Breeders' Association affixed to the foal registration certificate prior to placement in the possession of any racing association in the State of Louisiana. If it is determined by the Louisiana Thoroughbred Breeders' Association or Louisiana Quarter Horse Breeders' Association that a horse is not an accredited Louisiana bred, then it shall be clearly indicated as such on the foal registration certificate by the words written "not accredited."

B. If anyone accepts a foal registration certificate on behalf of any racing association that does not carry the abovementioned determination, or any person that presents a foal registration certificate to a racing association that does not carry the abovementioned determination, shall be disciplined by the commission.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 4, 1985 to 320 North Carrollton Avenue, Second Floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:505**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

This rule will benefit the breeding industry by assuring

the accreditation status of every horse bred in Louisiana that intends to race at a Louisiana racetrack. The horsemen will benefit by eliminating ineligible horses from Louisiana bred breeder's awards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6353 (formerly LAC 11-6:25.28) relative to the entry of horses which have been previously excused from racing due to disability.

§6353. Entry after Excused

A. 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.

B. The state veterinarian shall maintain a veterinarian's list of those horses determined to be unfit to compete in a race due to physical distress, unsoundness or infirmity. When a horse is placed on the veterinarian's list, the trainer of such horse shall be notified within 72 hours. A horse placed on the veterinarian's list shall be removed from the list only after having demonstrated to the satisfaction of the state veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race. A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample may be taken from the horse and the provisions of this rule may apply to such official workout in the same manner as to a scheduled race, except that the results of such blood and/or urine test shall not be used for any purpose other than to determine the fitness of the horse to race.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 4, 1985 to 320 North Carrollton Avenue, Second Floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:6353**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The benefits are to the owners and trainers by assuring that their horses are in raceably sound condition.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition nor employment.

Albert M. Smith
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:11101-11117 (formerly LAC 11-6:58 et seq.) relative to trifecta races and trifecta wagering.

Chapter 111. Trifecta
§11101. Object

The trifecta (or other approved name) is a form of pari-mutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

§11103. Price of Tickets

Trifecta tickets shall be sold in not less than \$3 denominations and only from machines capable of issuing three numbers.

§11105. Approval by Commission

Races in which trifecta pools shall be conducted shall be approved by the commission and shall be clearly designated in the program.

§11107. Design of Tickets

The design of trifecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

§11109. Scratched Horse

If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

§11111. Failure to Select Winning Combination

Rules concerning failure to select a winning combination, short finishes include:

A. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and the third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

B. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

§11113. Coupled Entries; Fields

Coupled entries and fields are prohibited in trifecta races.

§11115. Field Less Than 10

Where a field in a trifecta race in thoroughbred or quarter-horse racing is less than 10 at wagering time, such race may be run as an exotic wagering race or a trifecta race at the discretion of the stewards, but only if there is unanimous agreement of the stewards. A late scratch after wagering starts will not affect the trifecta.

§11117. Displaying Trifecta Rule

This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 4, 1985 to 320 North Carrollton Avenue, Second Floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:11101-11117

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Revenue collections will increase but at an unmeasurable rate. There is no way to determine the number of trifecta wagers much less the amount of each wager, since there has been no trifecta wagering in the state in over a decade.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The benefits are to the racetrack patrons by providing them an additional type of wagering, whereby increasing their potential winnings. Also benefiting are the associations and the state, since a potential increase in handle will also result in a larger take-out for each.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:11301-11319 (formerly LAC 11-6:59 et seq.) relative to quinella races and quinella wagering.

Chapter 113. Quinella
§11301. Separate Pool

The quinella is not a "parlay" and has no connection with or relation to the win, place or show betting and will be calculated on an entirely separate pool.

§11303. Selecting Horses

When purchasing a quinella ticket, two horses are selected which must finish 1 - 2 or 2 - 1. For example, if numbers 3 and 6 are selected they must come in 3, first and 6, second or 6, first and 3, second.

§11305. No Ticket Sold with Winning Combination

If no ticket is sold on the winning combination of a quinella pool the new pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

§11307. Dead Heat for First or Second Place

In the event that a race on which there is quinella wagering shall result in a dead heat for first place, the combination shall be the winner of the quinella pool. In the event of a dead heat between the two horses for second place, the quinella pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

§11309. Dead Heat for Second Place

In the event of a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combinations.

§11311. Full Refund of Pool

If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

§11313. Pari-Mutuel Department Emergencies

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 that decision.

§11315. Excused Horse

If a horse in a race on which there is quinella wagering is excused by the stewards or locked in the gate, all moneys wagered on combinations which include this horse shall be deducted from the quinella pool and refunded to the purchasers of tickets on the horse.

§11317. If Last Race Cancelled or "No Race"

If, for any reason, the last race (the only race on which quinella wagering is permitted) is cancelled and declared "no race," a full and complete refund shall be made of the quinella.

§11319. Displaying Quinella Rule

This rule shall be prominently displayed throughout the betting area of each track conducting the quinella and printed copies of this rule shall be distributed by the track to patrons upon request.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 4, 1985 to 320 North Carrollton Avenue, Second Floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:11301-11319**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenue collections will increase but at an unmeasurable rate. There is no way to determine the number of quinella wagers much less the amount of each wager, since there has been no quinella wagering in the state in over a decade.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The benefits are to the racetrack patrons by providing

them an additional type of wagering, whereby increasing their potential winnings. Also benefiting are the associations and the state, since a potential increase in handle will also result in a larger take-out for each.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:11501-11503 "Special and Limited Sweepstakes" relative to multi-race wagering.

This rule can be found in its entirety as an Emergency Rule in this issue of the *Louisiana Register*.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m., and interested parties may contact either Tom Trenchard or Alan LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 4, 1985 to 320 North Carrollton Avenue, Second Floor, Suite 2-B, New Orleans, LA 70119.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:11501-11503**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no implementation cost to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenue collections will increase but at an unmeasurable rate. There is no way to determine the number of multi-race wagers much less the amount of each wager, since multi-race wagering has never been done in Louisiana before.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The benefits are to the racetrack patrons by providing them an additional type of wagering, whereby increasing their potential winnings. Also benefiting are the associations and the state, since a potential increase in handle will also result in a larger take-out for each.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Minimum Age for Kindergarten

In accordance with the Louisiana Revised Statutes 49:950

et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the rewording of Standards 1.055.17 and 2.055.17 of Bulletin 741 to read: "The minimum age for kindergarten shall be five years by December 31."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., May 8, 1985, at the following address: State Board of Elementary and Secondary Education, 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Bulletin 741-Minimum Age for Kindergarten

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No implementation costs to state or local governmental units is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No impact on state or local revenues would result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No costs and/or economic benefits is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No estimated effects on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Plans for Professional Development
for Educational Assessment Teachers

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education extended the Plans for Professional Development for Educational Assessment Teachers to the beginning of the 1990-91 school year to allow time for completion of interim plans for certification.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., May 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Professional Development for Educational Assessment Teachers

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not cause any

additional costs or savings to be incurred by state or local governmental units.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this regulation will not cause affected persons or non-governmental groups to incur additional economic costs or benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of this regulation will not affect competition or employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Special School Principal

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education grandfathered in as special school principal any person who is currently serving as a special school principal in Louisiana schools and who will have three or more years experience as a special school principal by the end of the 1984-85 school year. (Also an Emergency Rule in this issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., May 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Special School Principal

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this rule will not cause any additional costs or savings to be incurred by state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this rule will not affect revenue collections because these principals would be eligible for tuition waivers.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this rule will save these principals the cost of transportation and materials necessary to attend this course.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Implementation of this rule will not affect competition or employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Special School Superintendent

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedures Act, notice is hereby given that the Board of Elementary and Secondary Education revised Board Policy #3.02.04.g to read:

“Each Board special school superintendent is designated as appointing authority for the Board special schools.” (Also an Emergency rule in this issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., May 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Special School Superintendent**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There are no estimated costs and/or economic benefits to directly affected persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

James V. Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Proprietary School Commission**

The Louisiana Proprietary School Commission has scheduled a public hearing to consider the adoption and amendment of the rules and regulations of proprietary schools and their solicitors

concerning the procedures for enrolling students and advertising as follows:

PROPOSED RULE

Commission Regulations Relating to Agents

1. An owner may engage in the enrollment of students on the school premises without securing an agent's permit. Other school personnel shall obtain an agent's permit to solicit student enrollments on and off the school premises.

2. The agent will also scrupulously avoid accepting employment or any other type of indemnification with an employment or sales agency other than the placement service provided by the school represented.

No agent or school shall utilize the services of an employment, a sales, or a model agency to solicit students.

Proprietary schools and an employment agency, a sales agency, or a model agency owned by the same individual, or corporation shall conduct their business affairs separately.

A proprietary school shall not advertise under the heading of any agency or vice versa.

Inquiries and comments should be addressed, in writing to Andrew H. Gasperez, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through April 2, 1985.

The public hearing will be held at 10 a.m., April 3, 1985, in the Conference Room on the second floor of the State Education Building, 626 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend.

Andrew H. Gasperez
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Student Enrollment; Advertising**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation cost or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be an increase in self-generated revenues of \$5,000 for the remainder of FY 1984-85 and \$10,000 for ensuing years due to the increases in registration of solicitors.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be an increased cost to owners of proprietary schools of \$5,000 for FY 1984-85 and \$10,000 in ensuing years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Proprietary School Commission**

The Louisiana Proprietary School Commission has scheduled a public hearing to consider the adoption and amendment of the rules and regulations of proprietary schools and their solicitors

concerning a minimum cancellation and tuition refund policy as follows:

PROPOSED RULE

LOUISIANA PROPRIETARY SCHOOL COMMISSION MINIMUM CANCELLATION AND REFUND POLICY

REFUND POLICY: The institution must have a definite, equitable and established refund policy which must be published in the catalog and uniformly administered to all students. The following applies as a minimum policy for all students in all institutions.

(a) **NOTICE:** Refunds must be made regardless of whether the student provides written notification. The date of withdrawal for refund purposes is the last date of recorded attendance.

(b) **CANCELLATION PRIOR TO COMMENCEMENT OF CLASSES BY THE STUDENT:** If tuition is collected in advance and if the student does not begin classes, not more than \$150 shall be retained by the institution. Appropriate refunds for the student who does not begin classes shall be made within 30 days of the start of the quarter, term, or semester.

(c) **WITHDRAWAL AFTER COMMENCEMENT OF CLASSES BY THE STUDENT:**

(1) For institutions that obligate the student financially for tuition only for a period of time less than 300 clock hours, the following refund will be acceptable:

After completing less than 15 percent of the course, the institution shall refund at least 80 percent of the tuition, less \$150, thereafter,

After completing less than one-fourth of the course, the institution shall refund at least 70 percent of tuition, less \$150, thereafter,

After completing one-fourth but less than one-half of the course, the institution shall refund at least 45 percent of tuition, less \$150, thereafter,

After completing one-half or more of the course, the institution may retain 100 percent of tuition.

(2) For institutions which obligate the student financially for tuition for a period of time longer than a standard quarter or semester and up to one calendar year, in cases of withdrawal after commencement of classes by the student, the following refund policy for the stated tuition during the period of financial obligation will be acceptable.

During the first week of classes, the institution shall refund at least 90 percent of tuition, less \$150, thereafter,

During the next three weeks of classes, the institution shall refund at least 75 percent of tuition, less \$150, thereafter,

During the first 25 percent of the course, the institution shall refund at least 55 percent of the tuition, less \$150, thereafter,

During the second 25 percent of the course, the institution shall refund at least 30 percent of tuition, less \$150, thereafter,

Thereafter, the institutional policy may commit the student to the entire obligation.

(3) For institutions with programs longer than 12 months and which financially obligate the student for any period of time beyond 12 months, in addition to the refund practice as stated in (c) (2) above, the institution shall refund 100 percent of any tuition collected for the obligation to pay beyond the 12 months and shall release the student of the obligation to pay beyond the 12 months if the student withdraws during the prior 12 month period.

Units of credit earned are not the criterion in implementing this policy; rather, it is the amount of time attended. Any unused portion of the book fee will be refunded.

(4) Any correspondence regarding cancellation and settlement between the student and the institution, banks, collection agencies, lawyers or any third persons representing the institution

must clearly acknowledge the existence of the cancellation and refund policy.

(5) If promissory notes or contracts for tuition are sold or discounted to third parties, the institution must comply with the cancellation and refund policy outlined in this Section. Holders in due course are to be notified of the policies of the institution.

(6) Business practices used by the institution must reflect sound ethical procedures.

(7) For courses consisting of a combination of home study lessons and residence training, not more than \$150 will be retained by the school for those students who fail to enter residence training, unless the school submits affirmative evidence acceptable to the Proprietary School Commission disclosing the home study lessons are of such quality and content to reasonably assure that the students will achieve the stated objective without the residence training portion of the course.

Inquiries and comments should be addressed, in writing to Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through April 2, 1985.

The public hearing will be held at 10 a.m., April 3, 1985, in the Conference Room on the second floor of the State Education Building, 626 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend.

Andrew H. Gasperecz
Executive Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Refund Policy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation cost or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections to state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be a cost to proprietary school owners of approximately \$2,000 annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and particularly Sections 1061 D(1) and 1084 B(1), and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary gives notice that rule-making procedures have been initiated to amend the Louisiana Air Quality Regulations.

The proposed amendments will add Subpart H to Part IV

of the Louisiana Air Quality Regulations and will amend Section 76.18 of Subpart A. Subpart H will set standards for equipment leaks (Fugitive Emissions) for equipment in volatile hazardous air pollutant (VHAP) service and defines benzene as a VHAP. The revision of Section 76.18 will require the reporting of any hazardous air pollutant discharged into the atmosphere.

The proposed addition to Subpart H will make the Louisiana Air Quality Regulations conform with federal regulation 40 CFR 61, Subpart J and Subpart V and will allow the state to assume regulatory authority from the EPA. The proposed revision to Section 76.18 will insure that the Department of Environmental Quality is made aware of any discharge of a hazardous air pollutant to the atmosphere and can assess the danger to human health or the environment from any such discharge.

A public hearing will be held to afford all interested persons the opportunity to present written or oral comments. The schedule for the public hearing is as follows: March 20, 1985; 7:30 p.m.; Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth St., Baton Rouge, La. 70802.

The agency contact responsible for responding to inquiries or requests for copies of the proposed amendments is Mr. W. H. Davis, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-1206. Copies of the proposed amendments are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Road., Metairie, La.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, La.

Department of Environmental Quality, 804 31st Street, Monroe, La.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, La.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, La.

Department of Environmental Quality, 100 Eppler Road, Lafayette, La.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Subpart H: Louisiana Emission Standard
for Equipment Leaks**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of this rule change will have no additional costs or savings to state or local governmental units. Existing staff has been reassigned to the task of program implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collection of state or local governmental units because regulations are already established for the purpose of collecting permit fees and fines.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Implementation of this rule will have no additional estimated costs or economic benefits to directly affected persons or nongovernmental groups being that they have already adopted these standards which are currently under EPA authority.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no impact on competition or employment if these rules are adopted.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revision of Section 76.18:
Reporting of Hazardous Air Pollutant**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of this rule change will have no additional costs or savings to state or local governmental units. Existing staff has been reassigned to the task of program implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collection of state or local governmental units because regulations are already established for the purpose of collecting permit fees and fines.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Implementation of this rule will have no additional estimated costs or economic benefits to directly affected persons or nongovernmental groups being that they have already adopted these standards which are currently under EPA authority.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no impact on competition or employment if these rules are adopted.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed revisions to the Louisiana Rules and Regulations for the Fee System of the Air Quality Control Program. The Department will afford all interested persons the opportunity to submit comments on the proposed revisions, orally or in writing at a public hearing scheduled on April 3, 1985 at 10 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. All written comments should be submitted no later than April 15, 1985 to Gus Von Bodungen, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-9047.

The proposed revisions to the Fee System for the Air Quality Control Program increases the unit quantity to allow a 13 percent increase in all categories across the board. This increase in self-generated funds will offset the reductions in the general funds. The proposed amendments are to become effective on July 1, 1985.

The agency contact responsible for responding to inquiries

or requests for copies of the proposed Air Quality Division revisions is Gus Von Bodungen, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-9047. All documents relating to the actions of this notice are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, La.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, La.

Department of Environmental Quality, 804 31st Street, Monroe, La.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Room 11, Shreveport, La.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, La.

Department of Environmental Quality, 100 Eppler Road, Lafayette, La.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Air Quality Division Fee System**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no additional implementation costs or savings to state or local agencies because all expenses associated with implementation of these proposed regulations will be incurred via the existing budget and staff. The proposed rule change is necessary because the Air Quality Division has undergone budget cuts whereby the General Fund has been reduced and this proposed fee increase will offset the reduction.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Air Quality Division anticipates generating an additional \$163,000 from the proposed fee increase. The increase affected by the proposed rule change is in self-generated funds. The proposed fee increase of \$163,000 comes from an across the board fee increase of 13% on all categories relating to the Air Quality Division Fee Schedule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The estimated cost to the regulated industry will be \$163,000. The proposed fee increase will benefit the regulated industries because the state will be able to retain its authority in administering federal programs presently delegated to the state. This is desirable as it allows industry more direct access to the State than would be with the EPA. The economic benefit to the industries may be derived since the industries will be able to maintain direct dealing with the Louisiana Air Quality Division as compared to the U.S. EPA, Region 6 in Dallas, Texas.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy
Air Quality Division**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et. seq., in particular Sections 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the secretary, Department of Environmental Quality has initiated rulemaking on the proposed New Source Performance Standards. The department will afford all interested persons the opportunity to submit comments on the proposed regulations, orally or in writing at a public hearing scheduled on March 20, 1985 at 7:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. All written comments should be submitted no later than March 20, 1985, to Gus Von Bodungen, Air Quality Division, Box 94096, Baton Rouge, LA 70804-4096, or phone 504/342-9047.

The proposed regulations consist of the following:

Establishment of Sections 40.0, 41.0, 44.0, 45.0, 46.0, 47.0, 48.0, 73.0 and 75.0, (New Source Performance Standards).

Establishment of Test Methods 8, 11, 13A, 13B, 14, 15, 18, 21, 22, 7C and 7D.

The proposed regulations limit the amount of air pollution that specific types of new and modified sources can emit. These standards are set to allow industrial growth while maintaining present air quality. These limits will be applied uniformly to all new stationary sources of the types covered by these proposed regulations.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Gus Von Bodungen, Box 94096, Baton Rouge, LA 70804-4096, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 2945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

State Office Building 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Road., Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: NSPS Regulation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no additional implementation costs or savings to state or local agencies because all expenses associated with implementation of these proposed regulations will be incurred via the existing budget and staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collec-

tions being that an overall compliance fee has already been implemented.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs to affected groups because the industry has already implemented these regulations under federal requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment because these regulations have been in place many years on the federal level.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et. seq., in particular Sections 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the secretary, Department of Environmental Quality has initiated rulemaking on the proposed New Source Performance Standards. The department will afford all interested persons the opportunity to submit comments on the proposed regulations, orally or in writing at a public hearing scheduled on March 20, 1985, at 7:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than March 20, 1985, to Gus Von Bodungen, Air Quality Division, Box 94096, Baton Rouge, LA 70804-4096, or phone 504/342-9047.

The proposed regulations consist of the following:
Revision of Section 17.12 (Emission Inventories).

Revision of Sections 22.3.2 and 22.3.3 (Storage of VOC-Crude and Condensate).

Revision of Section 22.4 (Storage of VOC-Small Tanks).

Revision to numbering system of Part VI-Fee Schedule.

Revision to numbering system of Section 4.0-Definitions.

The proposed regulations limit the amount of air pollution that specific types of new and modified sources can emit. These standards are set to allow industrial growth while maintaining present air quality. These limits will be applied uniformly to all new stationary sources of the types covered by these proposed regulations.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Gus Von Bodungen, Box 94096, Baton Rouge, LA 70804-4096, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 2945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: VOC Regulations; Numbering of Regulations; Emission Inventories

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no additional implementation costs or savings to state and local agencies because all expenses associated with implementation of these proposed regulations will be incurred via the existing budget and staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of state or local governmental units. The revisions are minor and fees will not be impacted.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs to affected groups from these revisions. They are technical in nature. The revision to Section 17.12 will require that data be submitted in machine readable format but reduces frequency of submittal of emission inventory.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment because these revisions are minor in nature.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy Nuclear Energy Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular, Sections 1065 B, 1104 B and 1105.1 C, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Radiation Regulations.

The proposed amendments would amend Part "Y" of the Louisiana Radiation Regulations to allow payment of fees in installments, upon application to and approval of the Secretary, over a period not to exceed six months when the amount due is in excess of \$50,000; and to increase the amount of all fees specified in Part "Y" by an average of 9.5 percent.

The primary purposes of the proposed amendments are to accommodate payments of large amounts which may involve two fiscal years of the payee and to increase self-generated revenues by an amount equal to deficits encountered by cuts in General Fund appropriations prior to the beginning of fiscal year 1986 in order that necessary activities of the Division need not be curtailed. The proposed amendments are to become effective on July 1, 1985, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m. on April 3, 1985,

in the Mineral Board Hearing Room on the First Floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than the close of business on April 15, 1985, to William H. Spell, administrator, Nuclear Energy Division, Box 14690, Baton Rouge, LA 70898-4690. The Agency contact responsible for responding to inquiries concerning the proposed amendments is Mr. Spell. He may be contacted at the address above, or by telephone at (504) 925-4518. A copy of the proposed amendments, including revised fee schedule, may be obtained from the Louisiana Nuclear Energy Division at 4845 Jamestown Avenue, Baton Rouge, LA or by writing the division at the address provided above.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Nuclear Energy Fee Schedule**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is anticipated that this rule change would add no cost to the Nuclear Energy Division's collection of fees, since the collection program is already in place. The purpose is to increase self-generated revenues by an amount equal to deficits encountered by cuts in the State General Fund appropriations in order that necessary activities need not be curtailed. Generally, the major impact to state governmental units as a result of implementation of this rule/schedule will be placed on institutions of higher learning and the state's charity hospitals, due to increases in fees for X-ray machines and licenses for nuclear medicine and research utilizing radioactive materials. Also, any local governmental unit that has a license or registration will have to pay the new fee as indicated in the proposed revision to Part Y (i.e., Nuclear Energy Program Fee Schedule).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

If this rule/fee schedule change is adopted, it is estimated that revenue collections to the state will increase by approximately \$63,000 on an annualized basis; however, adoption of this proposal will have no effect on collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

If the proposed fee schedule is adopted, the annual cost to directly affected persons or non-governmental groups will range from \$30 (for certain X-ray machines) to \$275,000 (for Commercial Waste disposal involving burial) for the initial application fee and/or annual maintenance fee, as indicated in Part Y/Nuclear Energy Program Fee Schedule. The combined estimated costs to directly affected persons or non-governmental groups will be approximately \$63,000 annually. The economic benefits will be derived by the Nuclear Energy Division to help offset the cost of administering programs mandated by state law(s).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no anticipated effect on competition and employment. Any out-of-state company desiring to work in Lou-

isiana with radioactive material must do so under reciprocal recognition of its out-of-state license. The fee for reciprocal recognition is the same as the annual fee for a Louisiana license. Therefore, there should be no unfair competition from out-of-state companies that may have smaller license fees in their home states.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR Chapter 25 entitled "Fee Schedules" would increase annual maintenance fees for treaters, storers, or disposers of hazardous waste in Louisiana as well as increase the annual monitoring and maintenance fees for generators of hazardous waste in Louisiana.

The proposed amendments are to become effective on July 1, 1985, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m. on Wednesday, April 3, 1985, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than Monday, April 15, 1985, to Mr. Glenn Miller, administrator, Hazardous Waste Division, Department of Environmental Quality, Box 94307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, 6th Floor, 625 North Fourth Street, Baton Rouge, Louisiana.

State Office Building, 1525 Fairfield Avenue, Shreveport, Louisiana.

Department of Environmental Quality, 1155 Ryan Street, 2nd Floor, Lake Charles, Louisiana.

Department of Environmental Quality, 804 31st Street, Monroe, Louisiana.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, Louisiana.

Department of Environmental Quality, 100 Epplen Road, Lafayette, Louisiana.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Hazardous Waste Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional personnel cost for the Department of Environmental Quality to administer the addition of this amendment, being that additional staff can absorb the workload. The state or local governments would not be affected by an increase in these fees.

This change to Chapter 25 of the Louisiana Hazardous Waste regulations is necessary to the present regulations to bring the revenue generated by the program more in line with the actual cost of the program. This increase will allow the Hazardous Waste Division to compensate for a projected budget decrease.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The 22 percent increase on generator fees would yield an estimated \$104,310 per year and the treater, storer, and/or disposer annual maintenance fee would yield \$943,560 or an estimated yearly revenue of \$1,047,870 to the department. These figures represent a revenue increase of \$188,960.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

These regulatory amendments require that all new generators of hazardous waste pay a one-time registration fee of \$6.10 and an annual maintenance fee of \$183. Any non-governmental group affected by these costs should have a minimum personnel cost associated with reporting and recordkeeping. Also, increases each segment of the treaters, storer, and/or disposers annual maintenance fees listed in Chapter 25 by 22 percent (22%). Treatment, storage and disposal facilities could pay minimum of \$5,000 or maximum of \$48,800 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition or employment between firms and/or non-governmental agencies; since they will all be covered by the same rules. Annual maintenance fees and cost are very nominal and reasonable.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1061 D (1) and 1124 B (1), (2) and (3) and in accordance with the provisions in the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality initiated rulemaking procedures on proposed amendments to the Solid Waste rules and regulations (SWRR).

The secretary will afford all interested persons the opportunity to submit comments on the proposed amendments orally or in writing at a public meeting to be conducted on Wednesday, April 3, 1985, at 10:00 a.m. in the Mineral Board Hearing Room, State Lands and Natural Resources Building, 625 North Fourth Street, First Floor, Baton Rouge, LA.

The proposed amendments to Section 6.4.5. of the SWRR will increase the processor/disposer permit application fee and the annual permit maintenance fee for operators of solid waste disposal facilities by sixty percent (60%). Revisions to the format of Section 6.4.5. and Section 7.3.2.A.2 of the SWRR is proposed to achieve clarity. Also, a late payment penalty provision is included in Section 6.4.5.B.5, to provide consistency with the department's other environmental programs fee systems. The proposed amendments are to become effective on July 1, 1985, or as soon thereafter as practical upon publication in the *Louisiana Register*.

The proposed amendments to the SWRR follow this Notice of Intent.

All interested persons are invited to submit written comments to the agency on the proposed amendments. Comments received by the agency prior to the close of the working day on April 15, 1985, will be considered by the Department before a final decision is rendered by the secretary to adopt the proposed regulations. All written comments should be submitted to: Ms. Joan Lee, Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Management Division, Box 94307, Baton Rouge, LA 70804.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Ms. Lee who may be contacted at the address above, or telephone (504) 342-1216.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Solid Waste Rules and Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional implementation costs or savings to the State as a result of these rule changes.

Due to recent state budget cuts, supplementary funding is necessary to allow full implementation of the Solid Waste Program. The proposed sixty percent (60%) increase in the solid waste fee system will offset the reduction in the state appropriations for this Program.

As a result of these rule changes, local governmental units submitting initial permit applications will be assessed an additional \$300 for the review of the permit application. Also, the increase in the annual permit maintenance fee for local government could be as much as \$6,000 and will be at least \$150. The combined estimated cost to local governmental units will be \$27,600.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

During FY 85/86 and the fiscal years thereafter, the Solid Waste Division anticipates an additional \$138,000 in revenues generated as a result of the sixty percent (60%) increase in the Solid Waste Fee System.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

As a result of these rule changes, non-governmental groups submitting initial permit applications will be assessed an additional \$300 for the review of the application. Also, the annual permit maintenance fee for local government could be as much as \$6,000 and will be at least \$150. The combined estimated cost to non-governmental groups will be \$110,400.

Benefits to the regulated community will result from clear and concise regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment as a result of these rule changes.

Patricia Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, L.R.S. 30:1051 et seq., and particularly Section 1061 D (1) and 1065 B and D, and in accordance with the provisions of the Administrative Procedure Act, L.R.S. 49:950 et seq, the secretary gives notice that rule-making procedures have been initiated to promulgate the Louisiana Water Pollution Control Fee System Regulations which supersedes the rules and regulations for the Fee System of the Environmental Programs governed by the Environmental Control Commission and administered by the corresponding division of the Office of Environmental Affairs, Sections 3.3 and 3.7 and Tables 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.8.9, and 3.9.

The proposed regulations will revise the existing water pollution control fee system. The changes will include revisions to the annual fee rating worksheet, revisions to the complexity designations (formerly called Toxicity Group), and increase in the minimum annual fee from \$50 per year to \$100 per year, and an increase in the rate factor from \$50 per rating point to \$80 per rating point.

The reasons for the proposed revision are to correct inequities in the existing fee system related primarily to smaller facilities and to increase self-generated revenue to offset budget reductions. The proposed regulations are to become effective on July 1, 1985.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a.m. on Wednesday, April 3, 1985, in the Mineral Board Hearing Room on the First Floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Any additional written comments must be submitted no later than April 15, 1985, to Barbara Romanowsky, Department of Environmental Quality, Office of Water Resources, Box 44066, Baton Rouge, LA 70804-4066.

The agency contact responsible for responding to inquiries concerning the proposed regulation is Ms. Romanowsky. Copies of the proposed regulation may be obtained by contacting her at the above address or by telephone at (504) 342-6363 and are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday.

State Land and Natural Resources Building, Ninth Floor, Room 900, 625 North Fourth Street, Baton Rouge, Louisiana.

Capitol Area Regional Office, 11720 Airline Highway, Baton Rouge, Louisiana.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, Louisiana.

Department of Environmental Quality, 100 Eppler Road, Lafayette, Louisiana.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, Louisiana.

State Office Building, 1525 Fairfield Avenue, Shreveport, Louisiana.

Department of Environmental Quality, 804 31st Street, Monroe, Louisiana.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Louisiana Water Pollution Control Fee System Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional implementation costs or savings to state or local agencies as a result of the proposed regulation. The reasons for the proposed revisions are to correct inequities in the existing fee system related primarily to smaller facilities and to increase self-generated revenue to offset annualization of prior year's cost and state general fund budget reductions. The regulation is not intended to bring additional state or local governmental agencies into the water pollution control fee system. Therefore, existing staffing of the Office of Water Resources and other state and local governmental agencies will be able to implement the proposed regulation. The fees from some state and local governmental agencies operating facilities which require wastewater discharge permits will increase (See Item II.).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The costs or savings to other state and local governmental agencies operating small facilities which require wastewater discharge permits will be variable. For some small facilities the fee will increase from \$50 per year to \$100 per year, but for others the fee will decrease from \$750 or \$500 per year to \$400 per year (This decrease results from the revisions to the complexity designation and fee rating worksheets). The costs to other state and local governmental agencies operating larger facilities which require wastewater discharge permits will increase. The fee for a typical larger facility will increase from \$4,250 per year to \$6,560 per year.

The Office of Water Resources anticipates an additional \$670,000 per year in self-generated revenues to be assessed by the water pollution control fee system as a result of the proposed regulation. Presently this office collects approximately 1.4 million dollars in self-generated revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The costs and/or economic benefits to the smaller non-governmental facilities will be variable. For some small facilities the cost will increase from \$50 per year to \$100 per year. For other small facilities the fee will decrease from \$750 or \$500 per year to \$400 per year. The costs to larger non-governmental facilities will increase. The fee for a typical large facility will increase from \$7,750 per year to \$12,4090 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The effect on competition and employment will be negligible. The effect on competition between facilities operating within the state will be improved due to the elimination of some inequities in the system. The effect on competition between facilities within the state and out-of-state will be negligible since the fee system is already in existence and the fees

are an insignificant portion of the operating budget of the regulated facilities.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

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 following rule in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective May 20, 1985, the rule which amended Title XIX (Medicaid) State Plan Attachment 3.1-A, Item 12 (a)(6) effective for services beginning September 1, 1983, published as a final rule August 20, 1983, Vol. 9, No. 8, pages 552-561, in the *Louisiana Register*, is amended to delete the rule from the Title XIX State Plan Attachment 3.1 A, Item 12(a)(6) and add the rule to the Chapter XIX, Medical Assistance Manual, Medications as follows:

**CHAPTER XIX - MEDICAL ASSISTANCE MANUAL -
MEDICATIONS**

Louisiana Maximum Allowable Cost (LMAC) Regulations

A state program, Louisiana Maximum Allowable Costs, (LMAC) has been established for certain drugs reimbursable under Title XIX. The LMAC shall be applicable unless a lower federal MAC for the respective products is established.

The LMAC Program methodology used in the Pharmacy Program to determine allowable costs is as follows:

(1) The wholesale cost of a specific strength/unit of a drug by a single manufacturer, labeler, etc. is the average wholesale cost of that drug as listed in the most current edition of American Druggist Blue Book/or its revisions, hereinafter referred to as the Blue Book.

(2) The LMAC list is the DHHR MAP listing of drugs, as generic name, by strength/unit and dosage which are reimbursable with a LMAC.

(3) Estimated Acquisition Cost (EAC) is the agency's best estimate of what providers are generally paying for a drug. The basis for determining the EAC will be the current American Druggist Blue Book and its revisions. The agency has determined that the EAC for multi-source drugs with an LMAC shall be the LMAC or the Blue Book wholesale cost whichever is less.

(4) The LMAC, determined and calculated for a multiple source drug (as defined in 42 CFR 447.332), is the median wholesale cost of a drug for a specific strength/unit. The median wholesale cost is determined by listing the wholesale costs for a drug for a specific strength/unit for each readily available manufacturer, labeler, etc., and taking the median of those wholesale costs (one-half of the manufacturers, etc., will be above the median cost and one-half of the manufacturers will be below the median cost).

All LMAC costs will be computed as described above. The LMAC costs may be adjusted by the agency based on changes in the availability and EAC of the drugs. Any LMAC cost revisions will be based on The American Druggist Blue Book Data Center information. Such LMAC cost revisions will be sent to pharmacist and physicians providers on a timely, monthly basis. A complete LMAC cost list will be distributed annually.

The list was determined by a study of the availability of drugs in the Louisiana Medical Assistance Program (MAP) for the purpose of determining reasonable estimated acquisition costs of drugs to allow for the effective and efficient administration of the MAP.

The LMAC limits shall be applicable for the specified drugs unless the prescriber has certified, in his own handwriting, that a specified brand is medically necessary for the recipient.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limit, nor may OFS use a cost which exceeds the established maximums except as specified below.

This program shall track the U.S. Department of Health and Human Services regulations regarding exceptions to their MAC limitations. The specific guidelines regarding procedures for such exceptions provide that:

- (a) the certification must be in the physician's handwriting;
- (b) the certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;
- (c) a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
- (d) a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
- (e) a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Louisiana Maximum Allowable Costs (LMAC's) for reimbursement under Title XIX are as follows on those multiple-source drugs specified:

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	30.000 MG	
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	60.000 MG	
Acetaminophen Combination		Solution
Acetaminophen	120.000 MG	
Codeine Phosphate	12.000 MG	
Acetazolamide	125.000 MG	Tablet
Acetazolamide	250.000 MG	Tablet
Allopurinol	100.000 MG	Tablet
Allopurinol	300.000 MG	Tablet
Aminophylline	105.000 MG/5ML	Solution
Aminosaliclylate Sodium	500.000 MG	Tablet
Amitriptyline HCL	10.000 MG	Tablet
Amitriptyline HCL	25.000 MG	Tablet

Amitriptyline HCL	50.000 MG	Tablet
Amitriptyline HCL	75.000 MG	Tablet
Amitriptyline HCL	100.000 MG	Tablet
Amitriptyline HCL	150.000 MG	Tablet
Amoxicillin Trihydrate	125.000 MG/5ML	Suspension
Amoxicillin Trihydrate	250.000 MG	Capsule
Amoxicillin Trihydrate	250.000 MG/5ML	Suspension
Amoxicillin Trihydrate	500.000 MG	Capsule
Ampicillin Sodium	1.000 G	Injection
Ampicillin Sodium	2.000 G	Injection
Ampicillin Sodium	250.000 MG	Injection
Ampicillin Sodium	500.000 MG	Injection
Ampicillin Trihydrate	125.000 MG/5ML	Suspension
Ampicillin Trihydrate	250.000 MG	Capsule
Ampicillin Trihydrate	250.000 MG/5ML	Suspension
Ampicillin Trihydrate	500.000 MG	Capsule
Belladonna Combination Belladonna Alkaloids Phenobarbital	15-20 MG	Tablet
Belladonna Combination Belladonna Alkaloids Phenobarbital	15-20 MG	Tablet
Butalbital Combination Butalbital Aspirin Caffeine		Capsule
Butalbital Combination Butalbital Aspirin Caffeine		Tablet
Calcium Chloride	100.000 MG/1ML	Injection
Calcium Lactate	300.000 MG	Tablet
Calcium Lactate	600.000 MG	Tablet
Carisoprodol	350.000 MG	Tablet
Cefazolin Sodium	1.000 G	Injection
Cefazolin Sodium	250.000 MG	Injection
Cefazolin Sodium	500.000 MG	Injection
Cephradine	250.000 MG	Capsule
Cephradine	250.000 MG/5ML	Suspension
Cephradine	500.000 MG	Capsule
Chloral Hydrate	250.000 MG	Capsule
Chloral Hydrate	500.000 MG	Capsule
Chloral Hydrate	500.000 MG/5ML	Solution
Chlorothiazide	250.000 MG	Tablet
Chlorothiazide	500.000 MG	Tablet
Chlorpheniramine Maleate	10.000 MG/1ML	Injection
Chlorpromazine HCL	10.000 MG	Tablet
Chlorpromazine HCL	25.000 MG	Tablet
Chlorpromazine HCL	25.000 MG/1ML	Injection
Chlorpromazine HCL	30.000 MG/1ML	Solution
Chlorpromazine HCL	50.000 MG	Tablet
Chlorpromazine HCL	100.000 MG	Tablet
Chlorpromazine HCL	100.000 MG/1ML	Solution
Chlorpromazine HCL	200.000 MG	Tablet
Chlorthalidone	25.000 MG	Tablet
Chlorthalidone	50.000 MG/1ML	Tablet
Chlorthalidone	100.000 MG	Tablet

Clotrimazole	1.000 %	Cream, Vaginal
Clotrimazole	1.000 %	Cream, Topical
Clotrimazole	1.000 %	Solution
Clotrimazole	100.000 MG	Suppository
Cloxacillin	500.000 MG	Capsule
Cloxacillin Sodium	125.000 MG/5ML	Solution
Cloxacillin Sodium	250.000 MG	Capsule
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Acetaminophen	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	30.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	60.000 MG	
Aspirin	300.000 MG	
Colchicine	500.000 MCG	Tablet
Colchicine	600.000 MCG	Tablet
Copper Chloride	400.000 MCG/ 1ML	Injection
Copper Sulfate	2.000 MG/1ML	Injection
Corticotropin	25.000 U	Injection
Cortisone Acetate	5.000 MG	Tablet
Cortisone Acetate	10.000 MG	Tablet
Cortisone Acetate	25.000 MG	Tablet
Cortisone Acetate	25.000 MG/1ML	Injection
Cortisone Acetate	50.000 MG/1ML	Injection
Cyanocobalamin	1.000 MG/1ML	Injection
Cyanocobalamin	100.000 MCG/ 1ML	Injection
Cyproheptadine HCL	2.000 MG/5ML	Solution
Cyproheptadine HCL	4.000 MG	Tablet
Dexamethasone	.500 MG/5ML	Solution
Dexamethasone	1.500 MG	Tablet
Dexamethasone	4.000 MG	Tablet
Dexamethasone	250.000 MCG	Tablet
Dexamethasone	500.000 MCG	Tablet
Dexamethasone	750.000 MCG	Tablet
Dexamethasone Sodium Phosphate	4.000 MG/1ML	Injection
Dicloxacillin Sodium	250.000 MG	Capsule
Dicloxacillin Sodium	500.000 MG	Capsule
Dicyclomine HCL	10.000 MG	Capsule
Dicyclomine HCL	10.000 MG/5ML	Solution
Dicyclomine HCL	20.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet
Diethylstilbesterol	5.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet, EC
Diethylstilbesterol	5.000 MG	Tablet, EC
Digitalis	100.000 MG	Tablet
Digitoxin	50.000 MCG	Tablet
Digitoxin	100.000 MCG	Tablet
Digitoxin	150.000 MCG	Tablet
Digitoxin	200.000 MCG	Tablet

Digoxin	50.000 MCG/ 1ML	Solution
Digoxin	100.000 MCG/ 1ML	Injection
Digoxin	125.000 MCG	Tablet
Digoxin	250.000 MCG	Tablet
Digoxin	250.000 MCG/ 1ML	Injection
Digoxin	500.000 MCG	Tablet
Diphenhydramine HCL	12.500 MG/ 5ML	Solution
Diphenhydramine HCL	25.000 MG	Capsule
Diphenhydramine HCL	50.000 MG	Capsule
Diphenhydramine HCL	50.000 MG/ 1ML	Injection
Diphenoxylate HCL Combination		Tablet
Diphenoxylate HCL	2.500 MG	
Atropine Sulfate	25.000 MCG	
Dipivefrin HCL	.100 %	Solution
Dipyridamole	25.000 MG	Tablet
Dipyridamole	50.000 MG	Tablet
Dipyridamole	75.000 MG	Tablet
Disulfiram	250.000 MG	Tablet
Disulfiram	500.000 MG	Tablet
Doxepin HCL	10.000 MG	Capsule
Doxepin HCL	10.000 MG/1ML	Solution
Doxepin HCL	25.000 MG	Capsule
Doxepin HCL	50.000 MG	Capsule
Doxepin HCL	75.000 MG	Capsule
Doxepin HCL	100.000 MG	Capsule
Doxepin HCL	150.000 MG	Capsule
Echothiophate Iodide	.030 %	Solution
Echothiophate Iodide	.060 %	Solution
Echothiophate Iodide	.125 %	Solution
Echothiophate Iodide	.250 %	Solution
Ephedrine Sulfate	25.000 MG	Capsule
Ephedrine Sulfate	50.000 MG	Capsule
Ephedrine Sulfate Syrup	20.000 MG/5ML	Solution
Epinephrine HCL	1.000 MG/1ML	Injection
Epinephrine HCL	100.000 MCG/1ML	Injection
Ergocalciferol	8000.000 U/1ML	Solution
Ergocalciferol	25000.000 U	Capsule
Ergocalciferol	50000.000 U	Capsule
Ergocalciferol	500000.000 U/1ML	Injection
Ergotamine Tartrate	2.000 MG	Soluble Tablet
Erythromycin	250.000 MG	Enteric Coated Tablet
Erythromycin Ethylsuccinate	400.000 MG/5ML	Suspension
Erythromycin Stearate	250.000 MG	Tablet
Erythromycin Stearate	500.000 MG	Tablet
Estrogens Conjugated	1.250 MG	Tablet
Estrogens Conjugated	2.500 MG	Tablet
Estrogens Conjugated	300.000 MCG	Tablet
Estrogens Conjugated	625.000 MCG	Tablet
Ferrous Gluconate	300.000 MG	Tablet

Ferrous Sulfate	125.000 MG/1ML	Solution
Ferrous Sulfate	220.000 MG/5ML	Solution
Ferrous Sulfate	300.000 MG	Tablet
Ferrous Sulfate	300.000 MG	Enteric Coated Tablet
Fluocinolone Acetonide	.010 %	Solution
Fluocinolone Acetonide	.010 %	Cream
Fluocinolone Acetonide	.025 %	Ointment
Fluocinolone Acetonide	.025 %	Cream
Flooxymesterone	5.000 MG	Tablet
Flooxymesterone	10.000 MG	Tablet
Fluphenazine HCL	2.500 MG	Tablet
Fluphenazine HCL	5.000 MG	Tablet
Folic Acid	1.000 MG	Tablet
Folic Acid	800.000 MCG	Tablet
Furosemide	10.000 MG/1ML	Injection
Furosemide	20.000 MG	Tablet
Furosemide	40.000 MG	Tablet
Furosemide	80.000 MG	Tablet
Gentamicin Sulfate	.300 %	Solution
Gentamicin Sulfate	40.000 MG/1ML	Injection
Glutethimide	500.000 MG	Tablet
Griseofulvin	250.000 MG	Capsule
Griseofulvin	250.000 MG	Tablet
Griseofulvin	500.000 MG	Tablet
Guanethidine Monosulfate Combination		Tablet
Guanethidine Monosulfate	10.000 MG	
Hydrochlorothiazide	25.000 MG	
Guanethidine Sulfate	10.000 MG	Tablet
Guanethidine Sulfate	25.000 MG	Tablet
Heparin Sodium	100.000 U/1ML	Injection
Heparin Sodium	1000.000 U/1ML	Injection
Heparin Sodium	5000.000 U/1ML	Injection
Heparin Sodium	10000.000 U/1ML	Injection
Heparin Sodium	20000.000 U/1ML	Injection
Heparin Sodium	40000.000 U/1ML	Injection
Hydralazine HCL	10.000 MG	Tablet
Hydralazine HCL	25.000 MG	Tablet
Hydralazine HCL	50.000 MG	Tablet
Hydralazine HCL	20.000 MG/1ML	Injection
Hydrochlorothiazide	25.000 MG	Tablet
Hydrochlorothiazide	50.000 MG	Tablet
Hydrochlorothiazide	100.000 MG	Tablet
Hydrochlorothiazide Combina- tion		Tablet
Hydrochlorothiazide	25.000 MG	
Reserpine	125.000 MCG	
Hydrocortisone	10.000 MG	Tablet
Hydrocortisone	20.000 MG	Tablet
Ibuprofen	400.000 MG	Tablet
Idoxuridine	.100 %	Solution
Imipramine HCL	10.000 MG	Tablet
Imipramine HCL	25.000 MG	Tablet
Imipramine HCL	50.000 MG	Tablet
Isoniazid	100.000 MG	Tablet

Isoniazid	300.000 MG	Tablet
Isoproterenol HCL	.250 %	Solution
Isosorbide Dinitrate	2.500 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Tablet
Isosorbide Dinitrate	10.000 MG	Tablet
Isosorbide Dinitrate	20.000 MG	Tablet
Levodopa	100.000 MG	Capsule
Levodopa	250.000 MG	Capsule
Levodopa	500.000 MG	Capsule
Levothyroxine Sodium	25.000 MCG	Tablet
Levothyroxine Sodium	50.000 MCG	Tablet
Levothyroxine Sodium	100.000 MCG	Tablet
Levothyroxine Sodium	125.000 MCG	Tablet
Levothyroxine Sodium	150.000 MCG	Tablet
Levothyroxine Sodium	175.000 MCG	Tablet
Levothyroxine Sodium	200.000 MCG	Tablet
Levothyroxine Sodium	300.000 MCG	Tablet
Lidocaine HCL	1.000 %	Injection
Lidocaine HCL	2.000 %	Injection
Lidocaine HCL	20.000 MG/1ML	Injection
Lidocaine HCL	40.000 MG/1ML	Injection
Lindane	1.000 %	Suspension
Lindane	1.000 %	Solution
Lithium Carbonate	300.000 MG	Capsule
Lithium Carbonate	300.000 MG	Tablet
Magnesium Sulfate	500.000 MG/1ML	Injection
Manganese Chloride	100.000 MCG/1ML	Injection
Manganese Sulfate	100.000 MCG/1ML	Injection
*Meclizine	12.500 MG	Tablet
*Meclizine	25.000 MG	Tablet
Medroxyprogesterone Acetate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG/5ML	Solution
Metaproterenol Sulfate	20.000 MG	Tablet
Metaproterenol Sulfate	650.000 MCG	Aerosol
Methenamine Mandelate	1.000 G	Enteric Coated Tablet
Methenamine Mandelate	500.000 MG	Enteric Coated Tablet
Methenamine Mandelate	500.000 MG/5ML	Suspension
Methocarbamol	500.000 MG	Tablet
Methocarbamol	750.000 MG	Tablet
Methylphenidate HCL	5.000 MG	Tablet
Methylphenidate HCL	10.000 MG	Tablet
Methylphenidate HCL	20.000 MG	Tablet
Metronidazole	250.000 MG	Tablet
Metronidazole	500.000 MG	Tablet
Nitrofurantoin	50.000 MG	Tablet
Nitrofurantoin	50.000 MG	Capsule
Nitrofurantoin	100.000 MG	Tablet
Nitrofurantoin	100.000 MG	Capsule

* Only brands bearing the federal legend are payable. Over-the-counter (OTC) brands are not payable.

Nitroglycerin	2.000 %	Ointment
Nitroglycerin	2.500 MG	Extended Release Capsule
Nitroglycerin	6.000 MG	Extended Release Capsule
Nitroglycerin	6.500 MG	Extended Release Capsule
Nitroglycerin	9.000 MG	Extended Release Capsule
Nitroglycerin	150.000 MCG	Soluble Tablet
Nitroglycerin	300.000 MCG	Soluble Tablet
Nitroglycerin	400.000 MCG	Soluble Tablet
Nitroglycerin	600.000 MCG	Soluble Tablet
Norethindrone Acetate	5.000 MG	Tablet
Nystatin	100000.000 U	Suppository
Nystatin	100000.000 U/1G	Cream
Nystatin	100000.000 U/1G	Ointment
Nystatin	100000.000 U/1ML	Suspension
Nystatin	500000.000 U	Tablet
Oxacillin Sodium	1.000 G	Injection
Oxacillin Sodium	2.000 G	Injection
Oxacillin Sodium	250.000 MG	Capsule
Oxacillin Sodium	250.000 MG/5ML	Solution
Oxacillin Sodium	500.000 MG	Capsule
Oxacillin Sodium	500.000 MG	Injection
Oxyphenbutazone	100.000 MG	Tablet
Pancreatin Triple Strength	300.000 MG	Enteric Coated Tablet
Papaverine HCL Sustained Action	150.000 MG	Capsule
Paregoric		Tincture
Penicillin G Potassium	400,000.000 U	Tablet
Penicillin G Potassium	500,000.000 U	Tablet
Penicillin G Potassium	2000000.000 U	Injection
Penicillin G Potassium, Buffered	2000000.000 U	Injection
Penicillin G Potassium Buffered	500000.000 U	Injection
Penicillin G Procaine	300000.000 U/1ML	Injection
Penicillin G Procaine	500000.000 U/1ML	Injection
Penicillin G Procaine	600000.000 U/1ML	Injection
Penicillin V Potassium	125.000 MG/5ML	Solution
Penicillin V Potassium	250.000 MG	Tablet
Penicillin V Potassium	250.000 MG/5ML	Solution
Penicillin V Potassium	500.000 MG	Tablet
Pentaerythritol Tetranitrate	10.000 MG	Tablet
Pentaerythritol Tetranitrate	20.000 MG	Tablet
Phenazopyridine HCL	100.000 MG	Tablet
Phenobarbital	15.000 MG	Tablet

Phenobarbital	30.000 MG	Tablet
Phenobarbital	60.000 MG	Tablet
Phenobarbital	100.000 MG	Tablet
Phenobarbital Combination		Tablet
Phenobarbital	15.000 MG	
Hyoscyamine Sulfate	100.000 MCG	
Atropine Sulfate	20.000 MCG	
Scopolamine Hydroromide	6.000 MCG	
Phenobarbital Combination		Solution
Phenobarbital	15.000 MG	
Hyoscyamine Sulfate	100.000 MCG	
Atropine Sulfate	20.000 MCG	
Scopolamine Hydrobromide	6.000 MCG	
Alcohol	23.000 %	
Phenobarbital Elixir	20.000 MG/5ML	Solution
Phenobarbital Sodium	125.000 MG/1ML	Injection
Phenylbutazone	100.000 MG	Capsule
Phenylbutazone	100.000 MG	Tablet
Phenytoin Sodium	50.000 MG/1ML	Injection
Physostigmine Sulfate	.250 %	Ointment
Phytonadione	10.000 MG/1ML	Injection
Pilocarpine HCL	.500 %	Solution
Pilocarpine HCL	.500 %	Viscous Solution
Pilocarpine HCL	1.000 %	Solution
Pilocarpine HCL	1.000 %	Viscous Solution
Pilocarpine HCL	2.000 %	Solution
Pilocarpine HCL	2.000 %	Viscous Solution
Pilocarpine HCL	3.000 %	Solution
Pilocarpine HCL	3.000 %	Viscous Solution
Pilocarpine HCL	4.000 %	Solution
Pilocarpine HCL	4.000 %	Viscous Solution
Pilocarpine HCL	5.000 %	Solution
Pilocarpine HCL	6.000 %	Solution
Piperazine Hexahydrate Citrate	500.000 MG/5ML	Solution
Potassium Chloride	2.000 MEQ/1ML	Injection
Potassium Chloride	6.700 MEQ/5ML	Solution
Potassium Chloride	13.300 MEQ/5ML	Solution
Potassium Chloride	750.000 MG	Extended Release Tablet
Potassium Gluconate	6.700 MEQ/5ML	Solution
Prednisone	5.000 MG	Tablet
Prednisone	10.000 MG	Tablet
Prednisone	20.000 MG	Tablet
Prednisone	50.000 MG	Tablet
Probenecid	500.000 MG	Tablet
Procainamide HCL	250.000 MG	Capsule
Procainamide HCL	375.000 MG	Capsule
Procainamide HCL	500.000 MG	Capsule
Prochlorperazine Edisylate	5.000 MG/1ML	Injection
Prochlorperazine Maleate	5.000 MG	Tablet
Prochlorperazine Maleate	10.000 MG	Tablet
Prochlorperazine Maleate	25.000 MG	Tablet

Promethazine HCL	6.250 MG/5ML	Solution
Promethazine HCL	12.500 MG	Tablet
Promethazine HCL	25.000 MG	Tablet
Promethazine HCL	25.000 MG/5ML	Solution
Promethazine HCL	50.000 MG	Tablet
Propantheline Bromide	15.000 MG	Tablet
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Aspirin	230.000 MG	
Caffeine	30.000 MG	
Phenacetin	150.000 MG	
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propoxyphene HCL	65.000 MG	Capsule
Propoxyphene Combination		Tablet
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propylthiouracil	50.000 MG	Tablet
Quinidine Sulfate	100.000 MG	Tablet
Quinidine Sulfate	200.000 MG	Tablet
Quinidine Sulfate	300.000 MG	Tablet
Reserpine	100.000 MCG	Tablet
Reserpine	250.000 MCG	Tablet
Reserpine Combination		Tablet
Reserpine	100.000 MCG	
Hydralazine HCL	25.000 MG	
Hydrochlorothiazide	15.000 MG	
Sodium Bicarbonate	1.000 MEQ/1ML	Injection
Sodium Chloride	.900 %	Inhalant
Sodium Chloride	2.000 MEQ/1ML	Injection
Sodium Chloride	4.000 MEQ/1ML	Injection
Sodium Fluoride	2.200 MG	Tablet, Chewable
Spironolactone	25.000 MG	Tablet
Spironolactone Combination		Tablet
Spironolactone	25.000 MG	
Hydrochlorothiazide	25.000 MG	
Sulfacetamide Sodium	10.000 %	Ointment
Sulfacetamide Sodium	15.000 %	Solution
Sulfacetamide Sodium	30.000 %	Solution
Sulfamethoxazole Combination		Suspension
Sulfamethoxazole	200.000 MG	
Trimethoprim	40.000 MG	
Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	400.000 MG	
Trimethoprim	80.000 MG	
Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	800.000 MG	
Trimethoprim	160.000 MG	
Sulfanilamide Combination		Suppository
Sulfanilamide	1.000 G	
Aminacrine HCL	15.000 MG	
Allontoin	150.000 MG	
Sulfanilamide Combination		Cream
Sulfanilamide	15.000 %	
Aminacrine HCL	.200 %	

Allantoin	1.500 %	
Sulfathiazole Combination		Cream
Sulfathiazole	3.400 %	
Sulfacetamide	2.900 %	
Sulfabenzamide	3.700 %	
Urea	.600 %	
Sulfinpyrazone	100.000 MG	Tablet
Sulfinpyrazone	200.000 MG	Capsule
Sulfisoxazole	500.000 MG	Tablet
Terbutaline Sulfate	2.500 MG	Tablet
Terbutaline Sulfate	5.000 MG	Tablet
Tetracycline HCL	125.000 MG/5ML	Suspension
Tetracycline HCL	250.000 MG	Capsule
Tetracycline HCL	500.000 MG	Capsule
Thioridazine HCL	10.000 MG	Tablet
Thioridazine HCL	15.000 MG	Tablet
Thioridazine HCL	25.000 MG	Tablet
Thioridazine HCL	50.000 MG	Tablet
Thioridazine HCL	100.000 MG	Tablet
Thioridazine HCL	150.000 MG	Tablet
Thyroglobulin	100.000 MG	Tablet
Thyroglobulin	200.000 MG	Tablet
Thyroid	15.000 MG	Tablet
Thyroid	30.000 MG	Tablet
Thyroid	60.000 MG	Enteric Coated Tablet
Thyroid	60.000 MG	Tablet
Thyroid	100.000 MG	Tablet
Thyroid	125.000 MG	Tablet
Thyroid	125.000 MG	Enteric Coated Tablet
Thyroid	200.000 MG	Tablet
Thyroid	250.000 MG	Tablet
Thyroid	300.000 MG	Tablet
Tolbutamide	250.000 MG	Tablet
Tolbutamide	500.000 MG	Tablet
Triamcinolone Acetonide	.025 %	Cream
Triamcinolone Acetonide	.025 %	Ointment
Triamcinolone Acetonide	.100 %	Ointment
Triamcinolone Acetonide	.100 %	Cream
Triamcinolone Acetonide	.500 %	Cream
Triamcinolone Acetonide	.500 %	Ointment
Triamcinolone Acetonide	40.000 MG/1ML	Injection
Trihexyphenidyl HCL	2.000 MG	Tablet
Trihexyphenidyl HCL	2.000 MG/5ML	Solution
Trihexyphenidyl HCL	5.000 MG	Tablet
Vitamin A	25000.000 U	Capsule
Vitamin A	50000.000 U	Capsule

This action is based on meetings with representatives of the Health Care Financing Administration (HCFA) Regional Office which were held in Dallas, Texas, on January 30, 1985, in which the Office of Family Security, Medical Assistance Program, was instructed to remove this detailed information from the Title XIX State Plan. This is not a policy change, but is considered a minor technical change.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is

the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on April 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officers

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Removal of LMAC list from Title XIX State Plan

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no costs or savings associated with this change because it is not a policy change but is considered a minor technical change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Preventive and Public Health Services

Effective May 20, 1985, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Seafood Sanitation Unit, in order to implement the provisions of LSA R.S. 40:607 (B) and 604 proposes to adopt these additional regulations to amend the Food Regulations of the Food, Drug and Cosmetic Regulations, dated September, 1968 (the "Red Book"). This regulation will provide rules for the construction and operation of shellfish (oysters, clams) depuration plants which will be utilized to purify potentially hazardous, sewage-contaminated shellfish that would otherwise be unfit for human consumption. The regulations will also provide rules applicable to the harvesting and transporting of contaminated shellfish from unapproved (contaminated) growing waters to the depuration plants.

A new Chapter entitled "Seafood Regulations" shall be established, and 6.101-6.123 shall provide for the controlled depuration of shellfish as follows:

6.101. Permit Requirements

(a) The controlled depuration of shellfish (oysters, clams, and mussels) is prohibited, unless the operator of the establishment has an unsuspended or unrevoked permit-to-operate issued

by the Department of Health and Human Resources. Upon receipt of an application for a permit-to-operate, an inspection will be made by a duly authorized representative of the state health officer, and if the establishment is found properly equipped, in accordance with regulations, a permit will be issued authorizing the owner or operator of said establishment to engage in the business of depurating shellfish. Plans and specifications shall be submitted for review and approval prior to the construction of depuration plant.

Such permit may be suspended or revoked at any time for violation of these regulations. A suspended or revoked permit may be reinstated or re-issued when the proper improvements have been made.

(b) The depuration plant owner shall designate a plant supervisor and assistant plant supervisor to be accountable for compliance with all applicable state laws and regulations.

(c) The depuration plant shall be used for no purpose other than the treatment of shellfish and research activities related thereto. Persons not employed by the shellfish depuration plant or representing the Department of Health and Human Resources or the U.S. Food and Drug Administration shall not be allowed access to the depuration plant or the laboratory except by permission of the plant supervisor or assistant plant supervisor.

6.102. Tank Design and Construction

(a) The tank(s) shall be designed to allow for the uniform flow of sea water with no turbulence where shellfish are located. The tank(s) shall be of sufficient size to allow at least eight cubic feet of sea water per bushel of shellfish in the tank(s). If the tank(s) is (are) rectangular in shape, length to width ratios shall be from 2:1 to 4:1. The maximum depth of tank(s) shall be 36 inches. The flow rate in the tank(s) shall be 1 gpm/bushel.

(b) Tanks shall be designed so that scum and sludge (shellfish feces and pseudo-feces, sand, grit, etc.) can be easily removed or flushed out. The bottom shall be sloped longitudinally at least one-fourth to one-half inch per foot toward the outlet end.

(c) To facilitate proper cleaning and sanitation, as well as a proper treatment of shellfish, tanks shall be constructed from impervious, non-toxic and inert materials. Coatings, when used, may include epoxy resins, powdered polyesters, vinyl bituminous water tank paint and paraffin. The coatings are not only for waterproofing but should provide a smooth, hard, non-porous surface for cleanliness.

6.103. Plant Sanitation

(a) The general sanitation requirement of the plant, physical structure, equipment and utensils, and the sanitary requirements for operations, processes, and personnel shall follow the regulations issued under the Federal Food, Drug, and Cosmetic Act: "Human Food; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Molding," 21 CFR, Part 128, issued May 1969, and where applicable the sanitation requirements for plant, handling of shellstock, and personnel given in Part II of the National Shellfish Sanitation Program Manual of Operations, 1965 Revision, and Chapter IX, Louisiana State Sanitary Code, as revised March 20, 1984.

(b) Material: Equipment surfaces that come into direct contact with the shellfish shall be made of smooth, corrosion-resistant, impervious, non-toxic materials which will not readily disintegrate or crack; and shall be so constructed as to be readily cleaned, and shall be kept in good repair.

6.104. Plumbing and Relating Facilities

(a) Plumbing shall be installed in compliance with State and local plumbing ordinances. Lavatories shall have running hot and cold water through a common mixer valve and shall be so located that their use by plant personnel can be readily observed. Signs shall be posted in toilet rooms and near lavatories, directing em-

ployees to wash their hands before starting work and after each interruption. Signs shall be so located that their use by plant personnel can be readily observed.

(b) Pump volutes and impellers shall be of a material which is non-toxic.

(c) Plant domestic sewage shall be discharged into a sewage disposal system constructed in accordance with state and local requirements.

6.105. Floors

Floors of rooms in which shellfish are handled or stored shall be constructed of concrete or other material impervious to water, shall be graded to drain quickly; shall be free from cracks and uneven surfaces that interfere with proper cleaning or drainage; and shall be maintained in good repair.

6.106. Lighting

To insure constant conditions for the shellfish undergoing the treatment process, a minimum of 10 foot candles of illumination shall be provided at the water surface level inside the depuration tanks. The water surfaces shall not be subjected to the variations of direct sunlight.

6.107. Heating and Ventilation

Working rooms shall be heated and ventilated.

6.108. Water Supply

The water supply for non-depuration uses shall be easily accessible, adequate, and of a safe sanitary quality from a source approved by the Department of Health and Human Resources. Sea water used in depuration process must be obtained from an area that is currently approved for that purpose by the Department of Health and Human Resources. The sea water that is used for depuration purposes may be recirculated through depuration tanks but shall be used for only one lot.

6.109. Rodent Control

The depuration plant shall be free from rodents, vermin, and domestic animals.

6.110. General Cleanliness

The treatment plant shall be kept clean and free of litter and rubbish. Miscellaneous and unused equipment and articles which are not necessary to plant operations shall not be stored in rooms used for depuration or shellstock storage. Culled shellstock shall be removed promptly from the plant.

6.111. Health of Personnel

Any person known to be infected with any disease in a communicable form, or to be a carrier of any disease which can be transmitted through the handling of shellfish, or who has an infected wound or open lesion on any exposed portion of his body, shall be excluded from handling shellfish in the plant pending appropriate treatment and return to health.

6.112. Depuration - Laboratory Procedures

(a) An on-site laboratory shall be provided that meets the approval of the Department of Health and Human Resources. The laboratory must also be evaluated and meet the minimum requirements of the U. S. Food and Drug Administration. The laboratory shall be supervised and operated by a person or persons approved in writing by the Department of Health and Human Resources and meet the minimum requirements of the U.S. Food and Drug Administration.

(b) The laboratory shall conduct routine bacterial examinations of process water and shellfish, and special examinations when necessary or required.

(c) Bacterial examinations of shellfish and seawater shall be made in accordance with "The Recommended Procedures for Bacterial Examination of Sea Water and Shellfish" 4th edition/1970 of the American Public Health Association, or other methods approved by the Department of Health and Human Resources.

(d) All other physical, chemical, or biological tests shall be

conducted according to the "Standard Methods for the Examination of Water and Waste Water," 15th edition/1980 prepared and published by APHA, AWWA, WPCF, or other methods approved by the Department of Health and Human Resources.

6.113. Depuration - Plant Operation

(a) Source of Shellfish: Shellfish shall be accepted for treatment at a shellfish depuration plant only from areas approved for this purpose by the Department of Health and Human Resources. A detailed description of all areas from which shellfish may be taken for treatment purposes, updated as necessary, shall be filed by the Department of Health and Human Resources with the Department of Wildlife and Fisheries and the plant supervisor. The plant supervisor or assistant plant supervisor shall inspect all containers of raw shellfish upon arrival at the plant to verify that they contain the species and quantity stated on the surveillance officer's reports.

(b) Shellfish Containers: Shellfish shall be accepted for treatment and released after treatment in clean containers only.

(c) Culling: All untreated shellfish prior to, or upon arrival at the plant, shall be thoroughly inspected and culled by the plant supervisor or assistant plant supervisor. All dead shellfish, or shellfish in broken or cracked shells shall be destroyed.

(d) Washing Shellfish: Before treatment, all shellfish shall be thoroughly washed or hosed with water taken from a source approved by the Department of Health and Human Resources. After treatment, all shellfish shall be thoroughly washed or hosed again with water taken from a source approved by the Department of Health and Human Resources.

(e) Baskets Used in Treatment Process: All baskets used in the treatment process shall be of suitable size, designed for easy handling, and made of impervious material(s). Baskets shall be of such design to allow water to flow freely over the shellfish in the treatment tanks. Baskets shall not be filled beyond the level which will allow free circulation of water during the treatment process. The height of the shellfish in the baskets shall not exceed three inches. Baskets shall be stacked in such a manner as to allow free circulation of water. Containers used for treatment purposes shall not be used for any other purpose and no containers or other equipment shall be placed in the treatment tanks.

(f) Shellfish Treatment: All shellfish, upon receipt at the treatment plant, shall be promptly treated or placed in controlled storage. Shellfish shall be treated for a period of 48 hours or for such time as authorized by the Department of Health and Human Resources.

(g) Washing Treatment Tanks: After each 24 hours that the shellfish are in the treatment tanks, the sea water in the tanks shall be drained out and the shellfish hosed down thoroughly with water from a supply approved by the Department of Health and Human Resources. Feces, pseudo-feces and any other waste matter shall be flushed out of the tank. The treatment tanks shall be sanitized with an approved sanitizing agent prior to being refilled with treated sea water.

6.114. Depuration - Shellfish Sampling Procedures

(a) Start up Phase: When shellfish are delivered to the depuration plant, the following schedule shall be followed:

(1) One or more shellfish samples (12 or more shellfish per sample) shall be collected for bacterial examination before the shellfish are submitted to the treatment process.

(2) Three or more shellfish samples, (12 or more shellfish per sample) randomly selected from three or more locations in each tank, shall be collected for bacterial examination after 24 hours of depuration.

(3) Three or more shellfish samples, (12 or more shellfish per sample) randomly selected from three or more locations in each

tank, shall be collected for bacterial examination after the shellfish have completed the treatment process.

(b) The above schedule shall be followed until such time as the Department of Health and Human Resources, after review of the results, determines that the shellfish from such areas are responding properly to the treatment process, and that the treatment process is successfully reducing bacterial levels. After such a determination, the routine sampling procedure shall be followed. A routine sampling procedure defining a program of daily sampling shall be established by the Department of Health and Human Resources. Written permission from the Department must be obtained prior to the initiation of routine monitoring procedures.

(c) In the event of the installation of a new laboratory, new laboratory equipment, employment of new laboratory personnel, initiation of new laboratory procedures, or the alteration of treatment or procedures, the Department of Health and Human Resources may require reinitiation of "start-up phase" procedures until such time as the Department, after review of the results, determines that the laboratory and/or treatment procedures are providing valid results. Written permission from the Department shall be obtained before routine monitoring procedures are again followed.

6.115. Depuration Process Water Control - Sampling

(a) All controlled processes require quality tests to determine if standards are being met and if controls are effective. The treatment of shellfish is a controlled process designed to reduce bacterial contamination to an acceptable level. To insure the continuing effectiveness of the shellfish treatment process, the minimum sampling procedure as described below, shall be followed:

(b) Incoming Sea Water.

(1) Type of Test: Temperature, Turbidity, Salinity, Dissolved Oxygen, Bacteriological.

(2) Frequency: Each time sea water is withdrawn.

(c) Effluent from Ultraviolet Light Treatment Unit.

(1) Type of Test: bacteriological.

(2) Frequency: Once per day per unit.

6.116. Depuration Treatment Process Water - Standards

(a) Bacteriological: All water to be used in shellfish treatment tanks shall be subjected to either ultraviolet light treatment or treatment with ozone. The treated water shall be of bacterial quality equal to or better than the quality of water required in the U.S. Public Health Service Drinking Water Standards, as stated in Public Law 93-523 (Safe Drinking Water Act).

(b) Dissolved Oxygen: The amount of dissolved oxygen in the water in the treatment tanks shall be at least five mg/L and shall be measured daily.

(c) Temperature: Treatment tank water temperatures shall be measured daily during the treatment process. The temperatures of sea water shall be maintained between 10°C and 25°C.

(d) Turbidity: Turbidity in the treatment process water shall not exceed 20 J.T.U. (Jackson Turbidity Units) and shall be measured daily.

(e) Salinity: Salinity of the treatment process water may vary from a minimum of 10 parts per 1,000 to a maximum of 30 parts per 1,000 and shall be measured daily.

(f) PH: PH of the treatment process water shall range from greater than or equal to 7.0 to less than or equal to 8.4 and shall be measured daily.

(g) Metallic Ions and Compounds: Levels of metallic ions and compounds shall not exceed levels found in approved shellfish harvesting areas and shall be measured if required by the Department of Health and Human Resources.

(h) Pesticides, detergents, and radionuclides: Levels of pesticides, detergents, and/or radionuclides shall not exceed levels found in approved shellfish harvesting waters and shall be

measured if required by the Department of Health and Human Resources.

6.117. Table 1

Table 1. DEPURATION TREATMENT PROCESS WATER STANDARDS

Parameter	Minimum	Maximum
Bacteriological (total coliform/100ml)	0	Less than 1
Dissolved Oxygen (milligrams/liter)	5.0	Saturation
Temperature	10°C	25°C
Turbidity (Jackson Turbidity Units)	0	20 units
Salinity	10ppt	30ppt
pH	7.0	8.4
Metallic Ions and Compounds	Not exceeding levels found in approved shellfish harvesting areas.	
Pesticides, Detergents and Radionuclides	Not exceeding levels found in approved shellfish harvesting areas.	

6.118. Depuration - Shellfish Meat Standards

(a) Shellfish meats shall not be released for sale if the median fecal coliform MPN of the treated shellfish samples exceeds 20 per 100 grams of sample, or if any sample fecal coliform MPN exceeds 70 per 100 grams of sample.

(b) The use of the Elevated Temperature Coliform Plate Count is authorized for the bacteriological evaluation of hard clams, *Mercenaria spp.*, only.

(c) Should the Department of Health and Human Resources suspect contamination of shellfish by metallic ions and compounds, pesticides, detergents, radionuclides, marine toxins, and/or any toxic substance or adulterate, the department may require that shellfish meats be analyzed for such contaminants before suspect shellfish are released for sale.

6.119. Depuration - Ultraviolet UV Unit

(a) Any UV unit which provides the required treatment and desired results may be used for the purification of water to be used in the treatment process. The unit shall be designed to deliver, at peak load, at least one gallon per minute of treated water per bushel of shellfish.

(b) Cautions and Maintenance

(1) UV tubes shall be checked for intensity (commercial meters are available) on a monthly basis and shall be replaced when they reach a point of 60 percent efficiency. A log of intensity shall be kept and an orderly numbering procedure for units and bulbs established.

(2) UV tubes and reflectors shall be cleaned daily. Cleaning may be done with a damp cloth and sponge.

(3) Signs stating "Ultraviolet Light Danger to Eyes - Do not look at Bulbs Without Eye Protection" shall be displayed in full view of personnel and authorized visitors. Skin protection, especially for the face and hands, shall be provided for personnel monitoring the bulbs. Eye protection may be accomplished by use of ordinary glasses with solid side pieces or special goggles made for this purpose. Protection for the head may be afforded by a hat and hand protection may be accomplished by the use of gloves. Face protection may be afforded by the use of certain clear plastics.

(4) An automatic shutoff switch shall be provided to break the electric circuit, thus shutting off the current to the UV bulb when the lid of the UV is raised.

(5) A device of some kind, i.e., clock, off-on current recorder, etc., shall be installed in line with all UV units to measure continuity of operation as well as to measure bulb life.

(6) The complete UV system shall be cleaned and sanitized on a weekly basis.

6.120. Depuration - Shellstock Storage

(a) Refrigeration of Shellstock: Treated shellfish shall be placed under refrigeration immediately, and shall be stored at a temperature not to exceed 10°C. Refrigerated storage compartments shall be provided for treated shellfish, and all such shellfish shall be kept wholly separate from untreated shellfish. Said compartments shall be under supervision of the plant supervisor or assistant plant supervisor, and adequate measures shall be taken to prevent the unauthorized removal of any shellfish. All shellfish shall be handled and stored under such sanitary conditions as will protect the quality of the product.

(b) Controlled Storage: Shellfish which are received at the treatment plant which cannot be processed immediately shall be placed in controlled storage. The temperature at which shellfish are held shall not vary more than plus or minus 6°C from the temperature of the process water. (To avoid bacterial multiplication or spoilage of the shellfish, the maximum storage temperature shall be 21°C.)

6.121. Depuration - Tagging and Release of Shellfish

(a) No shellfish shall be removed from the treatment plant until approved for release by the plant supervisor or assistant plant supervisor as provided in these rules and regulations. All containers of treated shellfish, before being released from the depuration plant, shall be tagged in conformance with Chapter IX, Section 9:050, Louisiana State Sanitary Code as revised March 20, 1984. The tag shall also include the permit number given the treatment plant by the Department of Health and Human Resources and the date the shellfish were released from the treatment plant.

6.122. Depuration - Records

(a) Records containing the following information shall be available at the depuration plant at all times for shellfish presently undergoing the treatment process:

- (1) Parish(es) from which shellfish were harvested.
- (2) Name, Location and/or lease number(s) of harvesting area(s).
- (3) Copy of relaying permit(s).
- (4) Date received.
- (5) Quantity of shellfish in tank(s).
- (6) Date and time of initiation of treatment.

(b) Records containing the following information shall be available at the depuration plant at all times for each lot of shellfish which have completed the treatment process.

- (1) Parish(es) from which shellfish were harvested.
- (2) Name, location and/or lease number(s) of harvesting area(s).
- (3) Copy of relaying permit(s).
- (4) Date received in plant.
- (5) Date released from plant.
- (6) Date and time of initiation of treatment.
- (7) Date and time of termination of treatment.
- (8) Number of hours treated.
- (9) All laboratory results as specified.

(c) The plant supervisor or assistant plant supervisor shall send to the Department of Health and Human Resources, Office of Preventive and Public Health Services, Seafood Sanitation Unit, Box 60630, New Orleans, LA 70160 on a weekly basis, a copy of the daily records required under this regulation and the results of all shellfish and water samples analyzed during that weekly period.

6.123. Depuration - Relaying

(a) Any person, firm or corporation engaging wholly or part time in the business of harvesting and relaying shellfish from areas not approved by the state health officer for delivery to a controlled depuration plant shall be required to have an unsuspended or unrevoked relaying permit issued by the Department of Health and Human Resources.

(b) Relaying permits shall be granted only to responsible individuals on the following conditions:

(1) Harvesting and relaying shall be permitted only during daylight hours.

(2) All leases used for relaying shall be "red flagged" so that they may be easily spotted by both aircraft and boat.

(3) The sacking of shellfish and/or the storage of empty sacks aboard approved relaying boats shall be prohibited.

(4) A copy of relaying permit shall be kept on board vessel at all times during active period of relaying permit.

(5) All harvesting and relaying of shellfish shall be done under the immediate supervision of a bonded surveillance officer approved in writing by the Department of Health and Human Resources. The payment of the surveillance officer's salary and expenses shall be the responsibility of the permittee.

Sandra L. Robinson, M.D., MPH
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Controlled Shellfish Depuration Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None. The Seafood Sanitation Program already has sufficient resources in place for the implementation of these proposed regulations if adopted as written.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None. This regulation does not, in any way, affect the collection of revenues by state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

It is presently not possible to measure the economic benefits to the oyster industry; however, those individuals who choose to construct and operate shellfish depuration plants will be able to treat (purify) and market sewage contaminated oysters and clams that would have otherwise been banned from sale to the public by the state health officer and the secretary of the Department of Wildlife and Fisheries.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The regulations should have a positive impact on the employment rate of oyster fishermen and shellfish processing plant workers.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." This proposed change is in accordance with La. R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to provide the department with the flexibility to set rates at a lower level, should it become necessary.

Proposed Amendments to the

Rate Setting for Residential Care Manual

- 1. On page 3.3-7, add after the second sentence in the first

paragraph, "(New providers are not considered in determining the median)." Change the minimum budget screen from "10%" to "0%."

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rate Setting for Residential Care Manual— budget screen

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated implementations costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no estimated costs or economic benefits to directly affect persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no estimated effect on competition and employment.

A. W. Yarbrough
Confidential Assistant
to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." These proposed changes are in accordance with La R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. These revisions are necessary to clarify existing rules.

Proposed Amendments to the

Rate Setting for Residential Care Manual

1. On page 1.4-1, change number 4 to "One representative from the Office of Mental Health (OMH)." Change number 6 to "One representative from the Division of Licensing and Certification (DLC)." Add as number 10, "One representative from the Office of Prevention and Recovery from Alcohol and Drug Abuse (OPRADA)."

2. On page 3.1-1, add at the end of the second paragraph: "HIM-15 can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 [telephone number: (202) 783-3238]. The official title is *Medicare Provider Reimbursement Manual* and the publication number is HCFA-Pub-15-1. The approximate cost is \$200."

3. On page 3.2-3, under "EVENT," number 1, change the date to "June 30." Under "DATE," change the first date to "Sep-

tember 1"; change the second date to "October 1"; and change the third date to "October-June." Change numbers 4, 5, and 6 to the following:

4. DHHR budget projections for upcoming state fiscal year October/Nov.

5. DHHR budget submitted to Division of Administration December

6. Governor submits budgets to State Legislature March

4. On page 3.2-4, change numbers 7, 8, 9, and 10 to the following:

7. Providers submit cost reports for six months ending December 31 April 1

8. Appropriation of DHHR funding by legislature July

9. Notice sent to providers July

10. Deadline for providers to appeal 30 days after rate notification"

5. On page 3.2-5, number 2, in the first sentence, change "are reviewed" to "may be reviewed," and before "programmatic content" add "shall be reviewed for." Change the last sentence to "Program offices have the authority to reduce costs considered unreasonable." Delete the sentence "Inflation screen exceptions are identified."

6. On page 3.2-5, add as number 4, "Inflation screen exceptions are identified." Change all subsequent numbers accordingly.

7. On page 3.3-3, change all of the first paragraph prior to the sentence beginning with the words "Non-allowable costs . . ." to:

"a. Reasonableness Review

The program office in coordination with the rate administrator will review the budgets to reduce unreasonable costs. A review of the budget items versus actual costs as reflected in the cost reports will be part of the reasonableness review. If projected costs are significantly higher than annualized actual costs as reported on cost reports, then the provider will be asked to provide justification for those projected costs. If the justification provided is considered to be inadequate, then the cost will be considered unreasonable and disallowed. The reasonableness review will also involve a comparison of costs between facilities to determine if a provider's costs are significantly higher than similar facilities. If the costs are significantly higher, the provider will be asked to provide justification. If the justification provided is not considered to be adequate, then the cost will be considered unreasonable and disallowed.

b. Review for Unallowable Costs"

8. On page 3.3A, add to the last paragraph, "And, the budgets will be reviewed for misclassification of amounts and any misclassifications found will be properly classified."

9. On page 3.3-4, change number 5 to, "State operated and other facilities that fall under the jurisdiction and receive funding from local political subdivisions." Add to number 6, "and family violence programs."

10. On page 3.3-5, add as the last sentence, "Facilities with special provider status cannot be funded with Title XIX funds."

11. On page 3.3-10, add as a last sentence to the first paragraph under number 1, "Once a rate is set based on an assigned level of care, the rate will remain the same throughout the remaining state fiscal year, even if the level of care assignment changes."

12. On page 3.3-20, change the third definition of a new provider to:

"A change in ownership of an existing facility will not result

in a classification as a new provider for rate setting purposes. A change in facility site and a change in capacity will also not result in a classification as a new provider for rate setting purposes. These latter two changes, if they occur after the effective date of a rate, may however necessitate the resubmission of budgets and a change in rate, if the budgeted costs are significantly different than originally submitted. Any rate change in these latter two instances must be approved by the Rate Setting Policy Committee."

13. On page 3.3-20, add as a last paragraph, "New providers are not eligible for the incentive allowance in Basic Support, nor for any profit allowance. A provider shall be considered new until it operates for a full state fiscal year with a rate set under the guidelines set forth in this manual."

14. On page 3.5-1, change the "Due Date" to "9/1." Under "Information Required," change the first date to "6/30."

15. On page 3.5-2, change the "Due Date" to "4/1." Under "Information Required," change the date to "12/31." In paragraph number 2, add in the middle of the first sentence after "cost reports and budgets," "with all forms completed." Delete Schedules G-1 and G-2 from the list of required forms. Also, delete the sentence, "New providers submit Schedules G-1 and G-2 instead of C-1 and C-2. Ongoing providers submit Schedules G-1 and G-2 in addition to C-1 and C-2 when justifying new programs and services."

16. On page 3.5-3, add as the next to last paragraph, "All costs submitted on cost reports and budgets must be resident care related. A knowing inclusion of costs in violation of this requirement, as well as other requirements of HIM-15, could subject the provider to criminal prosecution under La. R.S. 14:70.1 or La. R.S. 14:133."

17. On page 3.5-3, add as the last paragraph, "For allocated or shared costs, separate cost report and budget forms must be completed showing the total costs prior to allocation. The method of allocation and the percentage of allocation to each individual provider must also be shown. If there are costs included in a provider's budget from several organizational layers, a separate set of cost report and budget forms must be included for each layer."

18. On page 3.5-9, add as the next to last sentence, "A column has been added for identification of the line item on Forms C-1 and C-2 on which the salary amounts are found."

19. On page 3.5-29, delete the instructions for completion of Forms G-1 and G-2.

20. On page 3.8-1, delete "that net equity, as used in computing the profit factor, is properly reported." Change the last paragraph to, "New providers will be subject to a desk audit after the conclusion of their first year of operation. Ongoing providers will be subject to desk audit on a random sample basis. Field audits will be conducted of a reasonable number of providers each year. Providers submitting budgets exceeding the budget screen amount for their group will be subject to a greater probability of audit than providers submitting budgets below the budget screen."

21. On page 3.8-1A, add as the second paragraph, "Errors in documentation submitted by providers to justify projected costs, misstatements concerning related organization transactions, balance sheet errors, depreciation errors, and in-kind contribution errors, may result in a recomputation of the rate(s) affected by the errors or misstatements." Change the percentage in the first sentence of the first paragraph to "10%" from "15%."

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA. Interested persons may submit written comments on the proposed

changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rate Setting for Residential Care Manual— Clarify existing rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs or economic benefits to directly affect persons or nongovernment groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

A. W. Yarbrough
Confidential Assistant
to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." This proposed change is in accordance with La. R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to clarify the forms utilized in rate setting.

Proposed Amendments to the

Rate Setting for Residential Care Manual

1. On Form G, Budgeted Staff Positions, add a column entitled "C-1 or C-2 Line Item."
2. On Schedule C-1, add the following:
 - a. C-1-9 - add "give detail on nature of expense"
 - b. C-1-11 - add "provide copy of policy"
 - c. C-1-22 - move to C-1-44 and change numbering accordingly. Add to C-1-44 "must provide detailed schedule"
 - d. C-1-23 - change to C-1-22 and add "specify"
 - e. C-1-25 - change to C-1-24 and add "specify each and amount"
 - f. C-1-30a - change to C-1-29a and change to read "This facility's share of all allocated or shared costs in the Basic Support area must be shown on this line. A separate budget must be provided showing the line by line totals of any costs allocated or shared and the method and percentage of allocation."
 - g. C-1-30c - change to C-1-29c and add "show method and/or percentage"
 - h. C-1-41 - change to C-1-40 and add "specify"
 - i. C-1-43 - change to C-1-42 and add "provide detailed schedule"

- j. C-1-44 - change to C-1-43 and add "provide detailed schedule"
 - k. C-1-45 - add "provide detailed schedule"
 - l. C-1-47 - add "provide copy"
 - m. C-1-48 - add "provide copy"
 - n. C-1-49 - add "provide copy"
 - o. C-1-51 - add "specify"
 - p. C-1-69 - add "specify"
 - q. C-1-76 - add "specify"
 - r. C-1-79 - add "specify"
3. On Schedule C-2, change the following:
- a. C-2-17 - change to "Use this line to show this facility's share of allocated or shared costs in the Programmatic area. A separate budget must be provided showing the line by line totals of any costs allocated and the method and percentage of allocation."
 - b. C-2-24 - add "specify"
 - c. C-2-39 - add "specify"

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rate Setting for Residential
Care Manual—Forms**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs or economic benefits to directly affect persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

A. W. Yarbrough
Confidential Assistant
to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." This proposed change is in accordance with La. R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR

447.274. This revision is necessary to clarify the groupings of providers.

**Proposed Amendments to the
Rate Setting for Residential Care Manual**

1. On page 3.3-4, change the first sentence to, "Providers will be grouped as follows:" Change number 5 to "State operated facilities or other facilities operated by and funded, in whole or in part, by a local governing authority." Add to number 6 "and family violence programs."

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Rate Setting for Residential Care Manual -
Groupings**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

A. W. Yarbrough
Confidential Assistant
to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." This proposed change is in accordance with La. R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to create a new level of care to appropriately adjust for the non ambulatory population residing in facilities.

**Proposed Amendments to the
Rate Setting for Residential Care Manual**

1. On page 3.3-14, in the first sentence describing Level VI, delete the phrase "and/or total care." In the second paragraph, after "Direct-care staffing ratio is budgeted and filled 1 to 1 . . .," delete "or any more restrictive staffing ratio." Delete the word

constant from the last sentence of that same paragraph. Add the following as a new last paragraph:

"Level VII - Population served is non-ambulatory and requires total care.

The focus of treatment is of a professional nature. Habilitation may also include recreational and therapeutic programs. Individual plans, procedures, and goals are written.

Direct-care staffing ratio is budgeted and filled at a greater than a 1 to 1 ratio. Treatment is planned and delivered by qualified professionals. Professional staff are in the facility at all times and are used in lieu of or supplemental to, direct care staff because of the severity of handicaps of the clients. The clients require extremely intensive medical, psychiatric, or psychological treatment."

2. On page 3.3-15 c, change "15%" to "30%," change "10%" to "20%," and change "5%" to "10%." Add "four levels below the median - 40%" and "four levels above the median - 40%." Change paragraph d to:

"An exception to the above adjustments will be made if the level of care is Level VI or VII. If the facility is a Level VI facility and the median level in its group is Level IV or below, the adjustment upward will be 40%. If the facility is a Level VII facility, and the median level in its group is Level IV or below, the adjustment upward will be 60%."

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual." This proposed change is in accordance with La. R. S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary for the Department to remain in compliance with Section 2314 of the Deficit Reduction Act of 1984 which amended the federal requirements regarding reimbursement under Medicare and Medicaid for capital related costs.

Proposed Amendments to the Rate Setting for Residential Care Manual

1. On page 3.5-20A, add the following:
"n. Revaluation of Assets

In establishing an appropriate allowance for depreciation, interest on capital indebtedness and, if applicable, a return on equity capital with respect to an asset of a facility which has undergone a change of ownership, the valuation of the asset will be the lesser of the allowable acquisition cost of the asset to the first owner of record on or after July 18, 1984, or the acquisition cost of such asset to the new owner. Costs of legal fees, negotiation, or settlement of the sale are not reimbursable."

A public hearing on this proposed rule has been scheduled for Thursday, April 4, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, 760 N. Riverside Mall, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes to the attention of Maxine M. Hanks, Rate Administrator, Box 3776, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rate Setting for Residential Care Manual—Level of Care

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Total cost of implementation for 1985/86 would be \$867,898 of which \$555,455 would be Title XIX federal funds using a 64% match rate. Cost for 1986/87 would be \$919,972 of which \$588,782 would be Title XIX federal funds using the same 64% match rate.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennen
Secretary and State Health Officer Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rate Setting for Residential Care Manual— Re-evaluation of Assets

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Residential care providers may be hindered in selling facilities because potential buyers will be unable to pass on in the rate any profit of the seller.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

A. W. Yarbrough Mark C. Drennen
Confidential Assistant Legislative Fiscal Officer
to the Secretary

NOTICE OF INTENT
Department of Natural Resources
Office of Conservation
Injection and Mining Division

DOCKET NUMBER UIC 85-8

In accordance with the provisions of La. R.S. 49:950, et seq., the Louisiana Administrative Procedure Act, and the authority given in La. R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 10 a.m., Monday, April 1, 1985, in the Conservation Hearing Room located on the First Floor of the State Land and Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

At such hearing the commissioner or his authorized representative will consider the revision of Statewide Order No. 29-N-1 which will address federally required changes to regulations applicable to Class I, III, IV and V injection wells. Such changes provide for the injection of contaminated groundwater that has been treated and is being reinjected into the same formation from which it was drawn as part of a cleanup plan approved by appropriate state and federal agencies. Other changes include corrections of wording and typographical errors.

A copy of the proposed rules and regulations may be obtained at no cost by writing James H. Welsh, Office of Conservation, Injection and Mining Division, Box 44275, Baton Rouge, LA 70804-4275, by calling 504/342-5515 or by coming in person to Room 253 of the Natural Resources Building, North and Riverside, Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing in accordance with La. R.S. 49:953. Written comments will be accepted until 4:45 p.m., Monday, April 8, 1985 at Office of Conservation, Injection and Mining Division, Box 44275, Baton Rouge, Louisiana 70804-4275, Re: Docket No. UIC 85-8.

Herbert W. Thompson
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Statewide Order 29-N-1

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs (savings) to state or local governmental units by the promulgation of the rule changes because the proposed changes will bring the existing program into compliance with existing federal regulations and will not require additional staff or operating expenses.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of state or local governmental units because no fees will be requested as part of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no immediate costs and/or economic benefits to directly affected persons or nongovernmental groups because presently there are no known existing injection wells used to inject contaminated groundwater that has been treated and is being injected as part of an approved aquifer cleanup plan. However, should such a well be needed, there

is a potential cost which would be incurred if a company would construct such a well for injection of treated groundwater.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

James H. Welsh, Director
Injection and Mining Division

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Natural Resources
Office of the Secretary

Under the authority of the State and Local Coastal Resources Management Act of 1978, La. R.S. 49:213.11 and in accordance with the provisions in La. R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Rules and Procedures for Coastal Use Permits.

The proposed amendments to the Rules would amend Part III C (1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" and add Parts III C (2), (3), (4) and (5) to Appendix c1.

The primary purpose of the proposed amendment is to provide for the establishment and collection of reasonable fees for Coastal Use Permit Application processing. The rule change provides for the charging of fees for CUP applications based on \$20 per application, \$.04 per cubic yard of dredge or fill material with a maximum of \$2,020 for any one permit issued. The amendment would enable the Coastal Management Division (CMD) to recover part of the cost for the regulatory portion of the Louisiana Coastal Resources Program (LCRP).

All interested persons are invited to submit written comments on the proposed amendments. Comments must be submitted no later than April 10, 1985 to Dr. C. G. Groat, at the Louisiana Department of Natural Resources, Coastal Management Division, Box 44124, Baton Rouge, LA 70804.

The proposed amendments are as follows:

I.

Amend Part III C. (1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" as follows:

C. Fee Schedule

(1) The following schedule of fees will be charged for the processing and evaluation of Coastal Use Permit applications.

(a) A non-refundable application fee shall accompany each application or request for determination submitted to the Coastal Management Division. The fee shall be \$20.00 for each application and \$20.00 for each request for determination.

(b) In addition to the non-refundable application fee, the following fees will be assessed according to total volume of material disturbed for each permit issued.

1. Proposed projects which involve fewer than 125 cubic yards of dredge or fill volume shall not be assessed additional fees.

2. Proposed projects which involve 125 cubic yards of dredging and/or filling but less than 50,000 cubic yards shall be assessed at the rate of \$.04 per cubic yard.

3. Proposed projects which involve 50,000 cubic yards or more of dredging and/or filling shall be assessed the maximum volume disturbed fee of \$2,000.

II.

Add Part III C. (2) as follows:

(2) If the appropriate fees are not included along with the Coastal Use Permit application, the application will be considered incomplete, and returned to the applicant. The application fee and additional fees, if any, should be paid separately.

III.

Add Part III C. (3) as follows:

(3) A Coastal Use Permit Application which has been returned to the applicant by the Coastal Management Division or withdrawn by the applicant and is subsequently resubmitted shall be subject to an additional processing fee which will consist of an application fee and a permit fee if the application has undergone substantial revisions, pursuant to Part IV (A) (1) of these Rules (Appendix c1).

IV.

Add Part III C. (4) as follows:

(4) Individual applications authorized under any existing or future CMD CUP general permits will be assessed only the application fee unless the Secretary determines that full individual permit processing is in the public interest. If it is determined that a general CMD permit application requires full CUP processing, both the application and permit fee will be assessed.

V.

Add Part III C. (5) as follows:

(5) Nothing contained in Part III C. (1) - (5) shall affect the right of local governments and parishes with approved programs to assess fees for processing and evaluating Coastal Use Permit Applications.

B. Jim Porter
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Coastal Use Permit Application
Fee Schedule**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that an additional cost of approximately \$34,000.00/year will be incurred by the LCRP to implement this rule involving the fee schedule for CUP's. These monies will be used to fund a new Accountant II position plus operating expenses needed to process the CUP application fees. However, these increased costs will be recovered through the fee system. Preliminary calculations indicate that \$569,320 per year in fees could be recovered under this schedule. The efforts of some of the existing staff of 29 Coastal Resource Analysts (CRA's), field investigators, and clerical workers may be involved in the collection of fees for this schedule.

Under this proposed rule change, local governments would have to pay CUP application and permit fees for projects which they sponsor. The cost of an average permit which involves less than 125 cu.yds. of disturbed material would be \$20 to local governments as well as other applicants. The fee range for projects which involve more than 125 cu.yds. of disturbed material would be a minimum of \$25 and maximum of \$2,020 per Coastal Use Permit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Through the institution of the CUP application fee schedule, approximately \$569,320* may be collected and placed in the State's Treasury to be used for the regulatory portion of the LCRP. Presently the CMD Budget is \$1.89M/year, 20% (\$378,750.00) of which is presently financed by the State of Louisiana on a 80/20 match basis with the federal government. It may be possible for the state to reduce or terminate this 20% match for this part of the LCRP should the fee schedule be implemented. This represents a possible sav-

* This figure is an estimate of total annual fees based on 1983 permit application data.

ings to the State Treasury of at least \$378,750.00/year, based on current federal funding levels.

The rule modification is based on a simple fee schedule which involves a \$20 application fee and a \$0.04/cu.yd. additional fee for dredging and/or filling activities with a ceiling of \$2,000 for this disturbed volume fee. The maximum fee which could be collected by this schedule would be \$2,020 per Coastal Use Permit. Based on 1983 CUP application data in the CMD, \$569,320/year could possibly be collected by using this schedule thereby providing the full 20 percent match required to operate the LCRP.

Local revenue collection would not be reduced by this rule change; but local governments with approved Local Coastal Programs (LCP's) may elect to charge permit fees for CUP's involving uses of local concern. This rule change does not prevent any local government from levying local taxes or charging local fees nor does this rule change automatically allow local governments to charge fees for local Coastal Use Permits. Individual parishes with approved local LCP's would have to enact specific ordinances should they wish to collect fees for local Coastal Use Permits. It is difficult to determine at this time exactly how much local funds may be generated as an indirect result of this rule change because no LCP's have been implemented by the DNR Secretary at this date although Jefferson Parish has been approved. Local governments may have the authority to enact their own fee schedule ordinances which may be different from that proposed in this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The CUP application fee schedule would cost permit applicants approximately \$569,320 annually based on 1983 CMD statistics. In 1983, there were 1,666 CUP applications. If the present system were implemented the costs to individual applicants would range from \$20, for the application fee, to a maximum fee of \$2,020 (i.e. the application fee and maximum fee for volume of material disturbed by the project). For example, if a project involves 50,000 cu.yds. or more of disturbed volume the maximum disturbed volume fee (\$2,000) would be charged. It is difficult to predict accurately the average fee per CUP application due to the difference in the types of projects for which CUP applications are submitted and variations in volume of material disturbed. However, based on an average volume of 12,000 cu.yds. for an average permitted project in 1982, an average of \$500 would be paid by the permittee (a volume disturbed fee of \$480 (12,000 x \$0.04) and an application fee of \$20). These values are estimates based on 1982 and 1983 permit application data. Should the number of Coastal Use Permit Applications decrease, the fees collected will be reduced accordingly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

All applications for permission to do work in coastal Louisiana would be subject to the same application fees. Therefore, no change in competition and employment is projected for those companies operating in coastal Louisiana.

This increase in the overall cost of projects due to CUP application fees is note expected to change competition or employment of companies operating in the coastal zone of Louisiana.

Dr. C. G. Groat
Assistant to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Adult Services

The Department of Public Safety and Corrections, Corrections Services, Adult Services, intends to amend Department Regulation No. 30-19(A), pertaining to visitation at adult correctional institutions as follows:

1. Section 5 (C) - Add a new Subsection to be entitled 5(C)(11) to read as follows: All minors (under age of 18) must be accompanied by an adult who is either an identifiable family member of the minor, or his legal guardian; or is on the inmate's approved visiting list. Exceptions: (a) minor spouses, (b) emancipated minors (judgment of emancipation required as proof), (c) minors visiting as part of approved institutional programs, such as, but not limited to, church groups, parenting groups, etc.

2. Section 8 - will read as follows: This regulation supercedes Department Regulation 30-19A, dated January 20, 1979. This regulation will not operate to remove any person who is currently on an inmate's approved visiting list.

Written comments of interested persons on the proposed amendments may be addressed to: Cynthia G. Eyre, Attorney, Department of Public Safety and Corrections, Box 94304, Capitol Station, Baton Rouge, LA 70804.

Ms. Eyre will respond to all inquiries regarding this amended regulation through March 5, 1985.

C. Paul Phelps
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Visitation: Adult Inmates

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this regulation will not cause any additional costs or savings to be incurred by state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this regulation will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Implementation of this regulation will not cause affected persons or nongovernmental groups to incur any additional economic costs or benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Implementation of this regulation will not affect competition or employment.

James E. Morris
Assistant Secretary
Adult Services

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Prison Enterprises

The Department of Public Safety and Corrections, Correc-

tions Services, Prison Enterprises intends to adopt a rule concerning sales of commodities on the open market.

I. Definitions

(A) "Yellow Sheet" - A market price sheet printed Monday through Friday by the National Provisioner. The National Provisioner maintains a staff which daily samples the live hog and meat markets. The "yellow sheet" is an accepted method used by packers for meat pricing.

(B) "Broker" - An agent who negotiates contracts of purchase or sale.

(C) "Marketing Association" - An agricultural association whose main function is the marketing of agricultural commodities for producers.

(D) "Livestock Auction Market" - A public sale of livestock where animals are sold individually to the highest bidder. Livestock auctions charge a commission for their services.

II. Concerning Sale of Beef Cattle

(A) Prison Enterprises will market calves and cull livestock through an approved Louisiana livestock auction market; or

(B) Sales to other state agencies (universities, etc.) and non-profit organizations when the sale will further the purposes of the agency/organization and Prison Enterprises, the price will be established at the fair market value of the class and weight of livestock to be established by the deputy assistant secretary of Prison Enterprises using the weekly livestock market report as published by the Louisiana Department of Agriculture as a guide.

III. Concerning Sale of Swine

(A) For the sale of surplus or cull swine, Prison Enterprises will request from the Louisiana State University Cooperative Extension Service (Swine and Agricultural Economics Specialists) a list of pork packing houses. Telephone quotes will be received using "yellow sheet" pricing as a base for the class and weight. Transportation and other costs of selling will be considered in determining most beneficial point of sale; or

(B) Swine may also be sold in less than truckload quantities through an approved livestock auction market; or

(C) Swine may also be sold to other state agencies or non-profit organizations (4-H or vocational agriculture programs) when the sale will further the purposes of the agency/organization and Prison Enterprises, the price will be established by the deputy assistant secretary for Prison Enterprises at a fair market value of the class and weight of swine based on "yellow sheet" prices.

IV. Concerning Sale of Horses

(A) Horses will be sold through approved Louisiana livestock auction markets; or

(B) Horses will be sold to other state agencies for a negotiated price determined by the deputy assistant secretary for Prison Enterprises and a representative of the receiving agency.

V. Concerning Sale of Agricultural Commodities Such as Grains

(A) Prison Enterprises will contract with a reputable broker or marketing association on a year-to-year basis determined by the deputy assistant secretary for Prison Enterprises for the sale of agricultural commodities. The selection of a broker or marketing association to be based on:

- 1) Price of marketing services
- 2) Market location
- 3) Prices of commodities based on viable commodity exchange

- 4) Financial soundness
- 5) Business reputation (performance and reliability); or

(B) Agricultural commodities (feed grains) may also be sold to private individuals or companies when this sale will benefit Prison Enterprises at a fair market value basing the prices on approved commodity markets.

(C) Cotton will be sold by a bid process. A list of licensed and bonded cotton brokers will be solicited from the Department of Agriculture. A recap of the bales of cotton to be sold will be mailed with a copy of the bid. Bid quotes will be called in on a specified day and time span with written quotes being postmarked and mailed by that day.

VI. Concerning Sale of Other Agricultural Products (i.e. pecans, vegetables, etc.)

(A) Those agricultural commodities that cannot be sold through a broker will be marketed by Prison Enterprises by soliciting bids from individuals or entities reputable for the sale of such commodities.

VII. Prison Enterprises may enter into contracts with private entities for the barter of such commodities as raw materials and agricultural produce for such commodities as finished goods or products when said barter will further the purposes of the department as set forth in R.S. 15:1153.

Interested persons may comment on the proposed rule, in writing, through April 5, 1985, at the following address: LaVern S. Meades, deputy assistant secretary, Prison Enterprises, Box 94034, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about the proposed rule.

C. Paul Phelps
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sales of Commodities**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this regulation will not cause any additional costs or savings to be incurred by state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this regulation will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Implementation of this regulation will not cause affected persons or nongovernmental groups to incur any additional economic costs or benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Implementation of this regulation will not affect competition or employment.

LaVern S. Meades
Deputy Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Liquefied Petroleum Gas Commission**

In accordance with the provisions of LRS 49:950, the Administrative Procedure Act, and LRS 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission proposes to adopt the following changes to its rules and regulations. The commission will hold a public hearing April 25, 1985, 265 South Foster Drive, 9 a.m. Written comments will be accepted through April 19, 1985, and should be sent to Lionel T.

Ortego at Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing.

Amend and reenact Paragraph 1.1(b) to read:

(b) Any person, firm or corporation desiring to enter the liquefied petroleum gas business in the State of Louisiana must file formal application with the Liquefied Petroleum Gas Commission (Class I, 90 days; all others, 30 days) prior to date of commission meeting. Presence of applicant or representative is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application form will be furnished by the commission upon request.

Amend and reenact Paragraph 1.1(c)(3) to read:

3. Must have on file in the office of the Director a Certificate of Insurance signed by a Louisiana Resident Agent, showing kinds and amounts in force; said certificate shall be considered evidence of general liability insurance coverage in the minimum sum of \$100,000; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 30 days prior to date of cancellation.

(a) In lieu of such general liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the minimum sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

(b) Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government upon persons, firms or corporations engaged in the liquefied petroleum gas business.

Amend and reenact Paragraph 1.1(c)(3)(a) to change its designation to 1.1(c)(5)(a).

Amend and reenact Paragraph 1.1(c)(4) to read:

4. Must furnish bond of \$5,000 with application, payable to the State of Louisiana, satisfactory to the commission to insure compliance with the law and the rules and regulations.

(a) In lieu of such bond, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$5,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

Add Paragraph 1.1(d)(1) to read:

(1) The commission may assess a civil penalty of not less than \$50 nor more than \$500 for each violation of the rules and regulations adopted by this commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

Amend and reenact Paragraph 1.1(f)(a) Class I to read:

(a) Must file formal application with the Liquefied Petro-

leum Gas Commission 90 days prior to the date of the commission meeting at which time the application is to be considered, listing the names and addresses of the principal owners or, in the case of a corporation, the names and addresses of the principal officers and directors. The name and address of the manager must also be furnished. Presence of the applicant is required at the commission meeting when the application is heard. Only with special approval of the commission, under extenuating circumstances, will the commission allow applicant to be represented by another party. Application forms will be furnished by the commission upon request.

Enact Paragraphs 1.1(f)(c)(1) Class I; 1.1(f)(c)(1) Class II; 1.1(f)(c)(1) Class III; 1.1(f)(c)(1) Class IV; 1.1(f)(c)(1) Class V; 1.1(f)(c)(1) Class VI; 1.1(f)(d)(1) Class VII; 1.1(f)(d)(1) Class VII-E; and 1.1(f)(d)(1) Class VIII to read:

(1) In lieu of such bond, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$5,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

Amend and reenact Paragraphs 1.1(f)(d) Class I; 1.1(f)(d) Class II; 1.1(f)(d) Class III; 1.1(f)(d) Class IV; 1.1(f)(d) Class V; 1.1(f)(d) Class VI; and 1.1(f)(d) Class VII to read:

(d) Must furnish evidence of general liability insurance in the minimum sum of \$100,000 covering applicant's legal liability. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

Enact Paragraphs 1.1(f)(d)(1) Class I; 1.1(f)(d)(1) Class II; 1.1(f)(d)(1) Class III; 1.1(f)(d)(1) Class IV; 1.1(f)(d)(1) Class V; 1.1(f)(d)(1) Class VI; 1.1(f)(d)(1) Class VII; 1.1(f)(e)(1) Class VII-E; and 1.1(f)(e)(1) Class VIII to read:

(1) Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government upon persons, firms or corporations engaged in the liquefied petroleum gas business.

Amend and reenact Section 1.1(f) Class II to read:

Class II - Holders of these permits may install, and service LP-Gas containers, piping, and appliances, but may not deliver gas. This class will also apply to the installation and service of LP-Gas containers, piping and appliances on mobile homes, motor homes, travel trailers, or any other recreational vehicle.

Amend and reenact Paragraphs 1.1(f)(a) Class II; 1.1(f)(a) Class III; 1.1(f)(a) Class IV; 1.1(f)(a) Class V; 1.1(f)(a) Class VI; and 1.1(f)(a) Class VIII to read:

(a) Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant or his representative is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

Amend and reenact Sections 1.1(f)(e) Class VII-E and 1.1(f)(e) Class VIII to read:

(e) Must furnish evidence of general liability insurance in the minimum sum of \$100,000 covering applicant's legal liability. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

Delete Section 1.1(f) Class IX.

Amend and reenact Paragraph 1.2(h) to read:

(h) Odorizing Gases—Liquefied petroleum gases shall be odorized in accordance with the following provisions:

(1) Except as otherwise provided in Subparagraph (2) of this Paragraph, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sells liquefied petroleum gas to a transporter, dealer or distributor shall odorize the liquefied petroleum gas in accordance with this Section.

(2) Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer, to any facility for further processing, or to a commercial storage facility for storage.

(3) Liquefied petroleum gas which is required to be odorized shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

(4) The odorization requirements shall be considered to be met by the use of one pound of ethyl mercaptan, one pound of thiophane, or one and four tenths pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas, subject to the provisions of Subparagraph (5) of this Paragraph.

(5) In order to maintain the minimum concentrations of odorant in the liquefied petroleum gas at the point of use by the consumer, the rules and regulations recommend that each person who is required to odorize gas under this Paragraph use one and one-half pounds of odorant per 10,000 gallons of liquefied petroleum gas at the point of odorization.

(6) The commission may authorize the use of other odorants which are equal in effectiveness to the odorants specified in this Section.

(7) The commission shall require each person who transports liquefied petroleum gas that is exempt from the odorization requirements of this Section to keep records of all purchases of unodorized gas for three years. The records shall include bills of lading, loading tickets and records of all deliveries of unodorized gas. Each delivery ticket and bill of lading shall be identified by reference to the bill of lading number.

Add Paragraph 1.2(m) to read:

(m) A dealer shall not serve any liquefied petroleum gas system which the dealer knows or should know is not installed pursuant to the Liquefied Petroleum Gas Commission regulations or in a dangerous condition. All new installations or reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with fuel for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

(1) No individual shall be subject to a criminal fine or imprisonment under this Paragraph as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than \$50,000, or imprisoned with hard labor for not more than 10 years, or both:

(a) Willful or knowing violations of a rule or regulation of the commission which endangers human life or health.

(b) Failure to properly odorize gas as required by law and Section 1.2(h) of the rules and regulations of the Liquefied Petroleum Gas Commission.

(2) Anyone violating this Section shall also be liable for all damages resulting from any fire or explosion involving that shipment. The liability imposed by this Paragraph may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

(3) A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a bonded dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the bonded dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who violates the provisions of R.S. 40:1846.1(C)(1) and (2). Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred which gave rise to the suspension or revocation occurred.

Add Paragraph 1.2(n) to read:

(n) Each dealer shall transmit a notice once each year to each customer stating that liquefied petroleum gas systems are potentially dangerous, that a leak in the system could result in a fire or explosion, and that systems should be inspected periodically.

Add Paragraph 1.2(o) to read:

(o) Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission at least once every three years, which inspections may be conducted without prior notice by the commission or its representative.

Add Paragraph 1.2(p) to read:

(p) Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, must hold a permit and may not operate under a permit of another dealer.

Amend and reenact Paragraph 1.4 to read:

(a) Form 1-A shall be used for all installations and re-installations of DOT and ASME containers, and must be filed with the commission by the 20th day of the following month (except in the case of a bulk storage installation, which shall be filed at the time of installation). A manufacturer's data sheet must be attached to all Forms 1-A on the original installation of an ASME container.

(b) Form 5-A shall be used to report all tanks sold in the State of Louisiana. Manufacturers, on date of shipment, shall file,

in duplicate, Form 5-A, attaching the original data sheet, as well as a list of the fittings and the manufacturer of the fittings, for each tank reported. This report shall be filed with the office of the director of the Liquefied Petroleum Gas Commission.

Amend and reenact Paragraph 2.21(a) to read:

(a) At time of installation, bulk storage tank is to be reported to the commission on Form 1-A, which will be furnished by the Liquefied Petroleum Gas Commission.

Amend and reenact Paragraph 3.3(b) to read:

(b) Tank trucks transporting liquefied petroleum gas shall be placarded on each end and each side with a UN 1075 placard. The name of the transporter must be painted on each side of the tank with six inch letters and with four inch letters on the rear.

Enact Paragraphs 3.5(b), 3.5(c) and 3.5(d) to read:

(b) All truck cargo tanks, less any fittings, shall be tested and inspected by being subjected to a hydrostatic test at least once every five years. Test pressure shall be one and one-half times the design working pressure of the container.

(c) Truck cargo tanks shall be marked QT or NQT (whichever is applicable) with one and one-half inch letters.

(d) Tank truck bills of lading shall indicate the type of liquefied petroleum gas and quantity of product being transported. They shall also be marked with the UN 1075 product classification.

Amend and reenact Paragraph 3.6(a) to read:

(a) Shut-Off Valves: All shut-off valves and accessory equipment (liquid or gas) shall be suitable for liquefied petroleum gas service, and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of at least 250 pounds per square inch gauge. All trucks with a capacity of less than 3,500 gallons shall be equipped with one remote shut-off; a fusible link is recommended, but not required; trucks with a capacity of over 3,500 gallons shall be equipped with two remote shut-offs located at opposite ends of the trailer and with a fusible link.

Amend and reenact Paragraph 3.17 to read:

(a) Tank truck drivers and their helpers shall not smoke or allow smoking in the truck, within 25 feet of the truck, while making deliveries, filling the truck or making repairs to the truck or trailer.

Enact Paragraph 3.20(b) to read:

(b) Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on 2 sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, skid tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

Amend and reenact Section 5.7(d) to read:

(d) Dealer Responsibility: All new installations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services the installation with fuel for the first time. The subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

Delete Paragraph 5.7(a)(3).

Add Paragraph 5.7(j)(8) to read:

(8) Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on two sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, portable tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

Amend and reenact Section 5.8(c) to read:

(c) Dealer Responsibility: All reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. Where there is evidence of poor workmanship, design, or of the use of unapproved material or appliances, it is the dealer's responsibility to report such condition to the commission and refuse to service the system with fuel.

Add Paragraph 5.9(n) to read:

(n) All containers shall be equipped with an approved first stage regulator installed as close to the container as practicable and shall be located outside of building.

Delete Paragraph 1.4(a)1(c) & (d).

Delete Paragraph 1.4(a)2.

Delete Paragraph 1.4(c).

Delete Paragraph 1.4(d).

Delete Paragraph 1.4(e).

Delete Paragraph 5.7(a)(3).

By Order of Louisiana Liquefied Petroleum Gas Commission.

Lionel T. Ortego
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LP-Gas Commission Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not cause any additional costs or savings to be incurred by state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this regulation will not cause affected persons or nongovernmental groups to incur any additional economic costs or benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of this regulation will not affect competition or employment.

Lionel T. Ortego
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Notice is hereby given that the Louisiana Department of Public Safety and Corrections proposes to adopt the following rules relative to the Vehicle Certificate of Salvage.

Foreward

Pursuant to the authority contained in Act 707 of 1984, Revised Statutes, Section 702 and 707 of Title 32, the Department of Public Safety and Corrections will promulgate and adopt the following rules and regulations controlling the issuance and maintenance of Certificates of Salvage on salvage vehicles.

These rules and regulations, together with various requirements set forth in this Act, establish the criteria which will be used by the Department of Public Safety and Corrections on issuance of Certificates of Salvage on salvage vehicles.

The used vehicle and parts industry is concerned with the procedures and policies by the department in administering the provisions of the Act and in enforcing the rules and regulations contained herein.

Issuance

Vehicles stolen and recovered without damage will not be issued a certificate of salvage. On a total loss due to theft, the Title will be assigned from owner to insurance company and reassigned to buyer.

Stolen vehicles recovered as a total loss due to extensive damage will be sold with a Certificate of Salvage.

When title is re-issued on a rebuilt salvage vehicle whether in-state vehicle or out-of-state vehicle the words "Reconstructed Vehicle" rather than RCV code letters will be on face of title.

As extenuating circumstances arise, the insurance companies will be allowed more than 10 days to submit the title to Motor Vehicle so that title can be obtained from lienholders and company is given enough time to dispose of vehicle and submit the title along with the executed Certificate of Salvage.

A certificate of origin cannot be accepted with a salvage certificate. The vehicle must be registered and taxes paid.

Procedures

If the owner of any vehicle sells, transfers as scrap or permanently dismantles, damages or destroys beyond repair or otherwise made permanently unusable as a vehicle, and there is no settlement with an insurance company on the basis of a total loss, the owner must send the title and license plate to the Office of Motor Vehicles.

When an insurance company as a result of having paid a total loss claim acquires a certificate of title to a vehicle and obtains possession or control of the vehicle for any cause other than theft, such company or its authorized representative must send the title and license plate to the Office of Motor Vehicles along with a copy of Certificate of Salvage issued to buyer.

If an insurance company has acquired a certificate of title to a vehicle and obtains possession of the vehicle in settlement of a theft loss claim, and upon recovery of the vehicle it is determined that the vehicle has been damaged to an extent that it would be considered a total loss, such insurance company or its authorized representative must send the title and license plate to the Office of Motor Vehicles along with a copy of Certificate of Salvage issued in the name of the buyer of the vehicle.

Whenever any vehicle, is acquired, either from in state or from another state, and the vehicle purchased as salvage, or to be dismantled, the purchaser must send the title and license plate to the Office of Motor Vehicles. However, if the seller has complied with those requirements, and the new purchaser has in his pos-

session a non-negotiable receipt for a salvage vehicle, no further requirements are necessary.

Procedures to Follow When a Junked Vehicle is Sold To Another Party

Assign the non-negotiable receipt for salvage vehicle (Certificate of Salvage) on the reverse side to the purchaser.

Purchaser must retain non-negotiable receipt at the office or location where vehicle is maintained.

NOTE: Vehicle must be registered, titled and taxes paid by

the purchaser of a salvage vehicle when purchaser is not a licensed dealer.

Certificate of Salvage Form Instructions

The Certificate of Salvage, Form # DPSMV1690 must be executed showing all the information requested. The name of the insurance company underwriting the loss or the authorized agent selling the vehicle must be shown in the space provided at the bottom of the form.

The (Louisiana title or out-of-state title) that is being surren-



STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
OFFICE OF MOTOR VEHICLES

CERTIFICATE OF SALVAGE

VEHICLE IDENTIFICATION NO.				LICENSE PLATE NO.	
MAKE	YEAR	MODEL	COLOR	ODOMETER READING	
PREVIOUS TITLE NO.		STATE LAST REGISTERED IN		DATE OF SETTLEMENT	
CLAIM NO.		SELLING PRICE	DATE OF APPLICATION		
ISSUED TO:					DEALER NO.
NAME					
STREET		CITY		ZIP CODE	
ISSUED BY:					
FIRM NAME					
BY:					
STREET		CITY		ZIP CODE	
AUTHORIZED CMV EMPLOYEE					DATE
RECEIPT NO.					
This SALVAGE CERTIFICATE is evidence that the Certificate of Title for the above described vehicle has been surrendered to the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles.					
ANY ALTERATION OR ERASURE INVALIDATES THIS RECEIPT					

DPSMV (9/84) 1. BUYER 2. CMV 3. INSURANCE CO. FILE

For value received, the undersigned hereby transfer this CERTIFICATE OF SALVAGE and the vehicle described hereon to:

ASSIGNMENT OF OWNERSHIP	NAME		
	ADDRESS		
	SALE PRICE \$	ODOMETER READING	DEALER NO.
	SELLER (FIRM NAME)		
The motor vehicle salvage described on this receipt and I/We hereby warrant that said salvage is free and clear of all liens and encumbrances.			
SIGNATURE OF SELLER OR AUTHORIZED AGENT		DATE	
NOTARY		DATE	
ASSIGNMENT OF OWNERSHIP	NAME		
	ADDRESS		
	SALE PRICE \$	ODOMETER READING	DEALER NO.
	SELLER (FIRM NAME)		
The motor vehicle salvage described on this receipt and I/We hereby warrant that said salvage is free and clear of all liens and encumbrances.			
SIGNATURE OF SELLER OR AUTHORIZED AGENT		DATE	
NOTARY		DATE	

RECEIPT No.

dered must be listed on the Certificate of Salvage form. The title must be properly assigned by the registered owner to the insurance company on reverse side, and if a lien is recorded, it must be released by the recorded lienholder.

The name and address of the purchaser of the salvage vehicle must be shown in the space provided ("Issued To") at the top of the form.

The Certificate of Salvage, white original, part 1 must be issued to the buyer and delivered along with the vehicle.

The Certificate of Salvage, part 2 (yellow copy) must be surrendered in person or by mail along with the title to the Office of Motor Vehicle, Box 64886, 109 S. Foster Drive, Baton Rouge, LA 70896.

The Certificate of Salvage, part 3 (pink copy) must be retained with the insurance company file.

Inquiries concerning the proposed rules may be made in writing to Buster J. Guzzardo, Sr., administrator, Office of Motor Vehicle, Dept. of Public Safety and Corrections, Box 64886, Baton Rouge, LA 70896.

Buster J. Guzzardo, Sr.
Administrator

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Certificate of Salvage

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not cause any additional costs or savings to be incurred by state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this regulation will not cause affected persons or nongovernmental groups to incur any additional economic costs or benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of this regulation will not affect competition or employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Notice is hereby given that the Louisiana Department of Public Safety and Corrections proposes to implement the following rule in the Louisiana Motor Vehicle Inspection Program under the authority of LRS 32:1304 et. seq.

PROPOSED RULE

The Motor Vehicle Parameter Emission Inspection Program is designed to ensure that designated emission control systems on model years 1980 and later light-duty motor vehicles are properly connected and to determine if they show any evidence of tampering.

This program is designed to reduce air pollution in the State of Louisiana.

VEHICLE EMISSION INSPECTION

(a) All 1980 and later year model passenger cars and light-duty trucks currently registered and operated in Louisiana must be inspected, as part of, and at the time of, the required annual vehicle inspection, under Parameter Vehicle Emission Inspection and Maintenance Program and the rules of the Department applicable to the particular year model.

(b) Certified inspectors in Louisiana must perform the Parameter Inspection and Maintenance inspection on all 1980 and later year model passenger cars and light-duty trucks presented for inspection which are currently registered in Louisiana.

(c) Certified inspectors in Louisiana must perform the Parameter Inspection and Maintenance inspection on all 1980 and later year model passenger cars and light-duty trucks presented for inspection which are currently registered and operated in Louisiana, provided that the certified inspectors have completed the training for the Parameter Inspection and Maintenance Program and hold a current inspector's certificate for such training.

(d) Vehicles having been inspected under the Parameter Inspection and Maintenance Program and found to have met the requirements will be passed by the certified inspector.

(e) All certified inspectors in Louisiana must complete the training for the Parameter Inspection and Maintenance Program and receive certification from the Louisiana Department of Public Safety and Corrections for such training.

(f) Only those certified inspectors who have completed the training for the Parameter Inspection and Maintenance Program and who have received certification for such training may perform the Parameter Inspection and Maintenance inspections.

(g) Certified inspectors in the state who have been certified to perform the Parameter Inspection and Maintenance inspections shall accurately complete forms provided by the department.

(h) Specific inspection requirements for passenger cars and light-duty trucks in the Parameter Inspection and Maintenance Program are as follows:

1980-1983 year models.

(A) Inspection parameters are evaporative canister, air injection system, choke system, and PCV valves and hoses. In addition, vehicles originally equipped with a catalytic converter at the time of manufacture shall be checked for lead detection test, catalytic converter, and fuel inlet restrictor.

(B) Vehicles with an altered or removed fuel inlet restrictor or a removed catalytic converter will be allowed a period of time not to exceed 60 days in which to replace the noncomplying equipment. A vehicle failing the lead detection test will be allowed a period of time not to exceed 60 days in which to replace the contaminated tailpipe and catalytic converter. Proof of replacement shall be provided by the vehicle owner at the time the vehicle is reinspected and shall be in the form of a dated repair receipt or sales invoice.

(C) A vehicle which fails the inspection because of an altered or removed fuel inlet restrictor, a removed catalytic converter, or lead in the tailpipe, but which passes all other inspection requirements, will be issued a rejection certificate which will be valid for 60 days.

1984 and later year models.

(A) Inspection parameters are misfire, evaporative canister, air injection system, oxygen sensor and valves, choke system, PCV valves and hoses, emission-related recall, and emission-related maintenance. In addition, vehicles originally equipped with a catalytic converter at the time of manufacture shall be checked for lead detection test, catalytic converter, and fuel inlet restrictor.

(B) An altered or removed fuel inlet restrictor or a removed catalytic converter must be replaced before an inspection certificate may be issued. A vehicle failing the lead detection test must have the contaminated tailpipe and catalytic converter replaced before an inspection certificate will be issued. If a vehicle is rejected, a rejection receipt shall be issued which lists items rejected and other required information.

Inspection certificates issued prior to the effective date of these rules shall be valid and shall remain in effect until the expiration date thereof.

Inquiries concerning the proposed rules may be made in writing to Buster J. Guzzardo, Sr., Administrator, Office of Motor Vehicles, Department of Public Safety and Corrections, Box 64886, Baton Rouge, LA 70896.

Buster J. Guzzardo, Sr.
Administrator

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Inspection Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated implementation cost will be approximately \$20,000. for the printing of new inspection manuals and procedural charts containing the inspection procedures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The estimated affect to the general public would be the costs to repair and/or replace those emission control devices that have been tampered with or removed. (i.e. - catalyst \$100., fuel inlet restrictor \$150).

Additionally, individuals would have to take one day off from work in order to become certified to inspect vehicles under these new guidelines. Also, inspection outlets would be required to purchase lead detection testing paper at a cost of approximately \$.13 per vehicle tested. The new guidelines would also add an additional three to five minutes to the inspection procedure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Office of Public Works**

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with the Louisiana Geological Survey of the Department of Natural Resources, and the State Planning Office of the Office of the Governor, intends to revise the "Guidelines and Procedures" for applications for state funding assistance under the Louisiana Statewide Flood Control Program as authorized by R.S. 38:90. Revisions are necessary so that the "Guidelines and Procedures" will reflect the changes that were enacted by Act 519 of the 1984 Regular Session and to

streamline the process. For clarification, the complete guidelines will be published.

The Statewide Flood Control Program provides funding assistance in reducing existing flood damages. The procedure to request funds has been streamlined to combine the previous Letter of Intent and Pre-application into one document. Sponsoring authorities with a population of less than 50,000 may request engineering assistance from OPW to prepare the application and construction plans. The Pre-application has been simplified so that a member of the sponsoring authority should be able to prepare this document, but if assistance is required, OPW will comply where possible.

The minimum amount of funds the state will provide under this program is \$70,000. The sponsor will provide at least a 30 percent local match. Funds expended by the sponsor for new lands for rights-of-way, for the preparation of plans and specifications, and for supervision of construction shall be treated as expenditures in providing its local match. The value for new land shall not exceed 80 percent of the local match and the value for engineering shall not exceed 10 percent of the local match.

I. PRE-APPLICATION

The first step in the process is the submittal of a Pre-application by prospective project sponsor to the Office of Public Works. Pre-applications will be accepted from April 1 to May 1. The Flood Control Project Evaluation Committee, hereafter called the Evaluation Committee, consists of the assistant secretary of the Office of Public Works, the director of the Louisiana Geological Survey, and the director of the State Planning Office, or their designated representatives, and shall review and evaluate the Pre-applications.

a. There is an existing flooding problem which has resulted in damages

b. The sponsoring authority has or has not requested assistance from OPW to study the existing flooding problem and to prepare an application for funding

c. The proposed solution (if presented in the Pre-application) is or is not eligible for funding under the Statewide Flood Control Program

d. The sponsoring authority is or is not willing to assume responsibility for its share of the cost, including right-of-way, relocations, operation and maintenance cost, and other obligations.

II. APPLICATION

Upon notification by the Evaluation Committee that the Pre-application has been recommended for further consideration, then a detailed application for funding is to be prepared and submitted between June 1 and November 1. If a sponsor is unable to submit an application in the current year, he may submit his application between June 1 and November 1 of a subsequent year, but not to exceed four years from submittal of the Pre-application.

The detailed application shall include but not be limited to the following:

a. Description of the magnitude of the existing flooding problem and demonstration of the immediate need for the proposed project

b. Preliminary design and cost estimates

c. Description of project area including the geographical area affected, land ownership information, soils and vegetation, relationship of affected area to geologic flood plains and flood-prone areas, and flooding history

d. Permits required to implement the proposed project

e. Project area classification (urban or rural)

f. Benefit-cost information

g. Alternatives including non-structural techniques

h. Impacts of project on agricultural lands and feasibility of including agricultural irrigation

i. Statement of sponsorship

Only applications which are complete shall be evaluated. The Evaluation Committee shall evaluate the applications, prepare a prioritized list of projects for each funding district and report to the Joint Legislative Committee on Transportation, Highways and Public Works, hereafter called the Joint Legislative Committee. The Evaluation Committee shall consider the following:

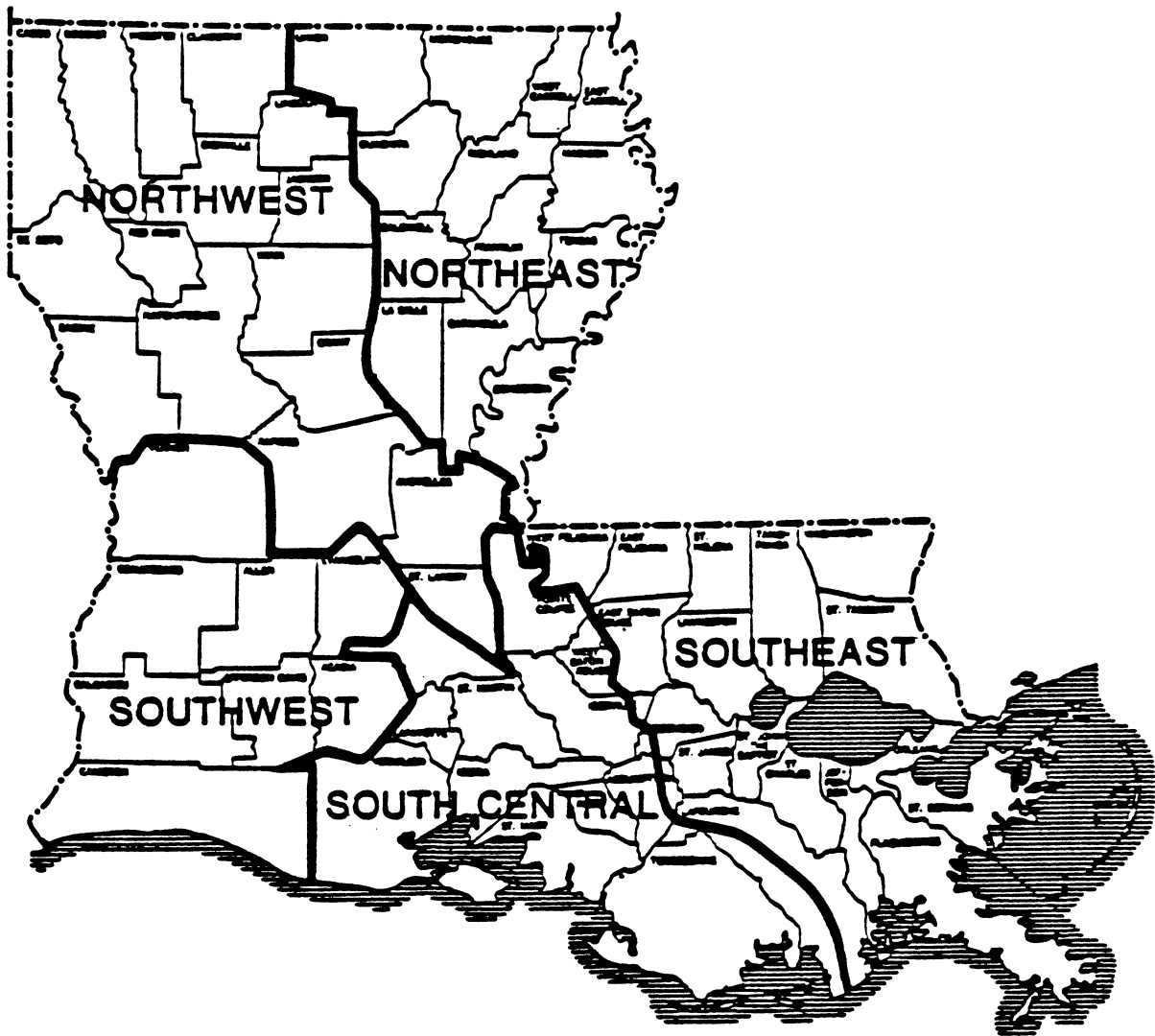
- a. Reduction of threat to human lives
- b. Benefit-cost information
- c. Technical feasibility
- d. Ability of sponsor to obtain the required permits
- e. Agricultural uses affected
- f. Impacts on adjacent areas (upstream and downstream)
- g. Effect on population and existing developments
- h. Flooding history and location with respect to flood-prone areas and geologic flood-plains
- i. Compatibility with other projects in basin
- j. Effectiveness of the proposed project in protecting existing development without encouraging additional development in the flood hazard areas
- k. Local support for the project.

As part of the application review process, the Joint Legislative Committee will hold public hearings in each funding district

in February or March. The purpose of the hearings will be to receive comments from the public on the construction program in each district. After the public hearing, the Evaluation Committee will incorporate the comments into its evaluation, complete the project evaluations, and submit a prioritized list of projects, by funding districts, to the Joint Legislative Committee.

From the list of projects recommended by the Evaluation Committee after March 1, the Joint Legislative Committee will recommend to the Legislature a construction program to be funded during the Regular Session. Projects recommended by the Evaluation Committee but not funded, will remain active and will automatically be included in the recommended projects for the next year and receive increased priority.

During the Regular Legislative Session, the construction program recommended by the Joint Legislative Committee will be considered for appropriation of funds. If insufficient funding is appropriated for the program, then the recommended but unfunded projects will receive increased priority for construction in the next funding year and will automatically be included in the public review process the following year. Projects recommended by the Joint Legislative Committee and for which funds were not appropriated will remain on the Evaluation Committee's recommended list for a period up to four years.



STATEWIDE FLOOD CONTROL PROGRAM

FUNDING DISTRICT

Inquiries concerning the proposed revised rules for implementing the guidelines and procedures may be made in writing to Arthur R. Theis, Deputy Chief Engineer, Department of Transportation and Development, Box 94245, 1201 Capitol Access Road, Room 240, Baton Rouge, LA. A copy of the detailed text of the proposed rules may be reviewed at this same address. Written comments may also be submitted to Arthur R. Theis until April 20, 1985.

Marty J. Chabert
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Statewide Flood Control Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this revised regulation will not cause the agency to incur additional costs or realize any savings as it merely revises the guideline for funding assistance through the Statewide Flood Control Program to comply with current law.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this revised regulation will not alter revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this revised regulation will not cause affected groups to incur additional cost or realize additional benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of this revised regulation will not have an effect on competition or employment.

Marty J. Chabert
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to provide coverage for children in the process of being adopted through an agency adoption proceeding. This amended rule, to be effective July 1, 1985, states:

Article 1, Section I (J) (page 9)

A. Insert a new subsection (Article 1, Section I (J) (2)) to read as follows:

“2. Any children in the process of being adopted by the covered employee through an agency adoption who are living in the household of the employee and who are or will be included as a dependent on the employee’s federal income tax return for the current or next tax year (if filing is required); and”

B. Renumber Subsections Article 1, Section I (J) (2) and (3) to Article 1, Section I (J) (3) and (4), respectively.
Article 1, Section I (K) (page 10)

A. Insert a new subsection (Article 1, Section I (K) (2) (b) to read as follows:

“b. Children in the process of being adopted through an

agency adoption - the date the adoption contract or agreement was executed by the covered employee and adoption agency.”

B. Renumber Subsections Article 1, Section I (K) (2) (b) and (c) to Article 1, Section I (K) (2) (c) and (d), respectively.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on May 22, 1985, at the following address: James D. McElveen, executive director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Earlier Effective Date for Children
Adopted Through Agency Adoption**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this rule change will not affect the costs nor will it effect any savings to any state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The revenue collections of state or local governmental units will not be impacted by this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The effect of the economic benefits to those plan members of the State Employees Group Benefits Program affected by this change is not quantifiable. The rule change will provide coverage for persons not now included in the program; however, the additional claims are not anticipated by the actuary to be sufficient to generate a rate increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment as a result of this rule change.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to reduce the life insurance premiums from \$1.02/\$1,000 for life coverage and \$1.10/\$1,000 for life with accidental death and dismemberment to \$.80/\$1,000 and \$.88/\$1,000, respectively, effective July 1, 1985.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on May 22, 1985, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Life Insurance Premium Reduction**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local governmental units resulting from this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The revenue collections of state or local governmental units will not be effected by this change. Revenues accruing to the State Employees Benefits Program Fund and the funds reimbursed to school boards outside of the state plan could be reduced by the aggregate amount of the \$0.22 per thousand reduction.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The plan members of the State Employees Group Benefits Program will realize an economic benefit in the form of an approximate reduction of 20 percent in group life rates. Employees of school boards with private group plans will be impacted by the relation their group rates bear to the rates of the State Employees Group Benefits Program. Currently premiums for life and life with accidental death and dismemberment insurance which are in excess of the claim experience are used to subsidize the group health program. Without this subsidy a rate increase for health premiums may be necessitated sooner than would otherwise be required.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

Committee Reports

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 28, 1985, and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the January 20 *Louisiana Register* with the following results:

(1) Proposal by the Department of Environmental Quality to amend the Louisiana Air Quality regulations by adding a new Section 82. Section 82 will require removal of friable asbestos material within two years of rule-making. Longer periods for compliance may be allowed under certain circumstances.

This proposal was withdrawn by the Department of Environmental Quality. A copy of the letter is enclosed.

Clyde W. Kimball
Chairman

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 28, 1985, and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in January 20 *Louisiana Register* with the following results:

(1) Proposal by the Department of Natural Resources to amend Regulation No. 9 pertaining to natural gas pipeline safety standards. The proposed revisions are needed to bring pipeline safety regulations into conformance with new federal reporting requirements.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

Potpourri

**POTPOURRI
Department of Agriculture
Horticulture Commission**

The next retail floristry examinations will be given at 10:00 a.m. daily at the Regional Vo-Tech, Lafayette, LA, on April 16, 17, 18 and 19, 1985. The deadline for getting in application and fee is April 1, 1985.

Further information concerning examinations may be obtained from Ervin Johnson, acting director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7775.

Bob Odom
Commissioner of Agriculture

**POTPOURRI
Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the secretary of this department, notice is hereby given that 41 completed claims, amounting to \$41,499.67, were received during the month of February, 1985. During the same month 41 claims, amounting to \$29,537.09 were paid. The following is a list of the paid claims:

Claim No. 83-1376 Lester C. Arcement	Claim No. 84-1537 Benton Pitre	Claim No. 84-1565 Farrel Charpentier
Claim No. 84-1576 Jimmy Dupre	Claim No. 84-1577 James King	Claim No. 84-1621 Jules Kain, Sr.
Claim No. 84-1642 Linton Charpentier	Claim No. 84-1645 Noel Usannez	Claim No. 84-1697 Bruce Guerra, Sr.

Claim No. 84-1711 Wilson Melerine	Claim No. 84-1713 Alan Cheramie	Claim No. 84-1718 Wilson Assavedo
Claim No. 84-1757 Elton Brunet	Claim No. 84-1767 G. M. Bourg	Claim No. 84-1779 Linwood Espone
Claim No. 84-1787 Ellis Schouest, Jr.	Claim No. 84-1789 Antoine Chauvin	Claim No. 84-1803 Jefferson Lasseigne
Claim No. 84-1808 Alfred Martin	Claim No. 84-1846 Leo P. Pitre	Claim No. 84-1851 Leo Toups
Claim No. 84-1858 Herbert Schultz, Jr.	Claim No. 84-1869 Jefferson Lasseigne	Claim No. 84-1885 Frederick Baas, Sr.
Claim No. 84-1890 Albert Verdin, Jr.	Claim No. 84-1895 Raymond Plaisance	Claim No. 84-1931 James Danos
Claim No. 84-1933 Herman Helmer, Jr.	Claim No. 84-1934 Herman Helmer, Jr.	Claim No. 84-1944 Palmer Baras
Claim No. 84-1948 Dennis Terrebonne	Claim No. 84-1953 Lester Schellinger, Jr.	Claim No. 84-1956 Norbert Guerra, Jr.
Claim No. 84-1967 Herbert Plaisance	Claim No. 84-2002 George France	Claim No. 84-2004 Anthony Dudenhefer
Claim No. 84-2005 John Domingo, Sr.	Claim No. 84-2012 Hayes Picou, Sr.	Claim No. 84-2016 Harry Phillips
Claim No. 84-2052 Jimmy Gisclair	Claim No. 84-2072 Gary Treuil	

Public hearings to consider completed claims have been scheduled as follows:

Wednesday, April 3, 1985, at 1 p.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:
CLAIM NO. 84-1809

Stephen C. Byrnes, of New Orleans, LA., while trawling on the vessel, "Jennifer Lynn," in Lake Pontchartrain, southeast of Pass Manchac, at approximate LORAN-C readings of 28,621.3 and 47,066.2 St. John Parish, encountered an unidentified submerged obstruction on July 26, 1984, at approximately 9:30 a.m., causing loss of his trawl. Amount of Claim: \$1,211.45.
CLAIM NO. 84-1994

Henry G. Olsen, of New Orleans, LA., while trawling on the vessel, "La-1513-AZ," in Eloi Bay, west of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on September 9, 1984, at approximately 3 a.m., causing loss of his trawl. Amount of Claim: \$556.
CLAIM NO. 84-1995

Henry G. Olsen, of New Orleans, LA., while trawling on the vessel, "LA-1513-AZ," in Eloi Bay, west of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on September 5, 1984, at approximately 11 p.m., causing loss of his 50 foot trawl and boards. Amount of claim: \$922.
CLAIM NO. 84-2006

George J. France, of Slidell, LA., while trawling on the vessel, "La Brina Jo," in the Rigolets, east of Sawmill Pass, at LORAN-C readings of 28,939.6 and 47,054.1, St. Tammany Parish, encountered a submerged bridge fender on September 28, 1984, at approximately 2 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$1,308.40.
CLAIM NO. 84-2008

Domingo Rano, of St. Bernard, LA., while trawling on the vessel "Capt. Mingo," in Lake Borgne, southwest of Padre Bayou, at approximate LORAN-C readings of 28,938.0 and 47,004.8, St. Bernard Parish, encountered a submerged section of pipe on September 10, 1984, at approximately 10 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$877.85.
CLAIM NO. 84-2021

Martin Menesses, of St. Bernard, LA., while trawling on the vessel, "Chrystal Gail," in Bayou Terre Aux Boeufs, east of Del-

acroix Island, St. Bernard Parish, encountered an unidentified submerged obstruction on October 4, 1984, at approximately 5 a.m., causing damage to his vessel. Amount of Claim: \$718.14.
CLAIM NO. 84-2022

Kenneth R. Adams, Jr., of New Orleans, LA., while trawling on the vessel, "Shanna Baby," in West Bay, Plaquemines Parish, encountered a submerged rusted steel structure on October 2, 1984, at approximately 1:30 p.m., causing loss of his 45 foot trawl. Amount of Claim: \$924.
CLAIM NO. 84-2051

Louis Molero, Jr., of St. Bernard, LA., while trawling on the vessel, "Capt. Jim," in Lake Borgne, east of Alligator Pt., at approximate LORAN-C readings of 28,912.0 and 47,027.0, St. Bernard Parish, encountered an unidentified submerged obstruction on October 5, 1984, at approximately 11:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$696.58.
CLAIM NO. 84-2060

Ricky G. DeJean, of Chalmette, LA., while trawling on the vessel, "Bright Star," in the Gulf of Mexico, south of Oyster Bayou, at approximate LORAN-C readings of 27,820.2 and 46,861.8, Terrebonne Parish, encountered a submerged oil well head on October 16, 1984, at approximately 7:30 a.m., causing loss of his 16 foot trawl. Amount of Claim: \$301.90.
CLAIM NO. 84-2061

Lonnie L. Assavedo, of St. Bernard, LA., while trawling on the vessel, "Mitzi Lynn," in Breton Sound, north west of the Breton Islands, at approximate LORAN-C readings of 29,041.0 and 46,926.2, St. Bernard Parish, encountered an unidentified submerged obstruction on September 20, 1984, at approximately 2 a.m., causing loss of his trawl. Amount of Claim: \$720.
CLAIM NO. 84-2078

Robert W. Kenney, of Slidell, LA., while trawling on the vessel, "Pappy," in Lake Borgne, out of the Rigolets, at LORAN-C readings of 28,995.1 and 47,050.4, St. Bernard Parish, encountered an unidentified submerged obstruction on October 18, 1984, at approximately 4 p.m., causing damage to his trawl. Amount of Claim: \$50.
CLAIM NO. 84-2137

Robert W. Kenney, of Slidell, LA., while trawling on the vessel, "Pappy," in Lake St. Catherine, south of Sawmill Pass, Orleans Parish, encountered an unidentified submerged obstruction on November 7, 1984, at approximately 1 p.m., causing damage to his trawl. Amount of Claim: \$150.
CLAIM NO. 84-2157

Domingo Rano, of St. Bernard, LA., while trawling on the vessel, "Capt. Mingo," in Eloi Bay, approximately 200 feet south of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on November 15, 1984, at approximately 1 p.m., causing loss of his trawl. Amount of Claim: \$865.75.
CLAIM NO. 84-2165

Kenneth R. Adams, Jr., of New Orleans, LA., while trawling on the vessel, "Shanna Baby," in Breton Sound, 1 mile north of the Miss. River - Gulf Outlet Canal, St. Bernard Parish, encountered a submerged crew boat on October 4, 1984, at approximately 11 a.m., causing loss of his 45 foot balloon trawl. Amount of Claim: \$889.
CLAIM NO. 84-2168

Warren J. Thibodeaux, of New Orleans, LA., while trawling on the vessel, "Honey Sucker," in Breton Sound, 1 mile southeast of Deadman Island, St. Bernard Parish, encountered a submerged oil storage tank on November 15, 1984, at approximately 10:30 a.m., causing the loss of his 50 foot trawl. Amount of Claim: \$922.
CLAIM NO. 84-2179

George C. France, of Slidell, LA., while trawling on the

vessel, "La Brina Jo," in Lake Pontchartrain, one mile east of the causeway, and two and one half miles south of North Shore, encountered a submerged shell bank on November 6, 1984, at approximately 10 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$887.

CLAIM NO. 84-2180

George J. France, of Slidell, LA., while trawling on the vessel, "La Brina Jo," in the Rigolets, north of the railroad bridge, Orleans Parish, encountered a submerged tree branch on November 18, 1984, at approximately 4 a.m., causing loss of his wing net. Amount of Claim: \$275.

CLAIM NO. 84-2189

Malcolm J. Assevado, of St. Bernard, LA., while trawling on the vessel, "Lady Cynthia," in Eloi Bay, between Deadman Island and Codfish Pt., St. Bernard Parish, encountered an underwater levee or hole, on November 5, 1985, at approximately 3 a.m., causing loss of his two 45 foot trawls. Amount of Claim: \$1,230.

CLAIM NO. 84-2190

Robert W. Kenney, of Slidell, LA., while trawling on the vessel "Pappy," in Lake Pontchartrain, northeast of the Lakefront Airport, at LORAN-C readings of 28,745.0 and 47,040.0, Orleans Parish, encountered an unidentified submerged obstruction on November 29, 1984, causing damage to his trawl. Amount of Claim: \$242.25.

CLAIM NO. 84-2197

Joseph Assevado, Jr., of St. Bernard, LA., while trawling on the vessel, "Miss Mona," in Lake Eloi, southwest of Bayou Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction on November 30, 1984, at approximately 12 a.m., causing loss of his 50 foot trawl and damage to his vessel. Amount of Claim: \$1,888.80.

CLAIM NO. 84-2232

Charles J. Ballas, of Metairie, LA., while trawling on the vessel, "Charlie B," in Lake Pontchartrain, southwest of Goose Point, at approximate LORAN-C readings of 28,761.0 and 47,064.6, St. Tammany Parish, encountered a submerged log on December 1, 1984, at approximately 3:30 p.m., causing loss of his 50 foot roller trawl. Amount of Claim: \$550.

Thursday, April 4, 1985, at 10:00 a.m., in the Lafitte City Hall, Lafitte, LA.:

CLAIM NO. 84-1945

Kenneth Helmer, of Lafitte, LA., while trawling on the vessel, "LA-821-ZD," in Dixon Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 6, 1984, at approximately 8:30 a.m. causing loss of his 45 foot trawl. Amount of Claim: \$437.29.

CLAIM NO. 84-2037

August Gisclair, Jr., of Barataria, LA., while trawling on the vessel, "Master Doyle," in the Gulf of Mexico, at LORAN-C readings of 29,130.9 and 46,831.7, Plaquemines Parish, encountered an unidentified submerged obstruction on September 26, 1984, at approximately 3 p.m., causing damage to his trawl. Amount of Claim: \$245.

CLAIM NO. 84-2038

August Gisclair, Jr., of Barataria, LA., while trawling on the vessel, "Master Doyle," in the Gulf of Mexico, at LORAN-C readings of 29,093.9 and 46,803.4, Plaquemines Parish, encountered an unidentified submerged obstruction on September 28, 1984, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$196.

CLAIM NO. 84-2039

August Gisclair, Jr., of Barataria, LA., while trawling on the vessel, "Master Doyle," in the Gulf of Mexico, at LORAN-C readings of 29,023.5 and 46,781.7, Plaquemines Parish, encountered

an unidentified submerged obstruction on October 5, 1984, at approximately 1:45 p.m., causing loss of his trawl. Amount of Claim: \$1,316.10.

CLAIM NO. 84-2055

James Frickey, of Westwego, LA., while trawling on the vessel, "Mary-Marie," in Terrebonne Bay, south of Lake St. Jean Baptiste, Terrebonne Parish, encountered an unidentified submerged obstruction on September 21, 1984, at approximately 2 p.m., causing damage to his vessel, and loss of his try net and boards. Amount of Claim: \$470.30.

CLAIM NO. 84-2056

James Frickey, of Westwego, LA., while trawling on the vessel, "Mary-Marie," in the Gulf of Mexico, east of Barataria Pass, at approximate LORAN-C readings of 28,578.0 and 46,861.2, Jefferson Parish, encountered an unidentified submerged obstruction on September 25, 1984, at approximately 3 p.m., causing damage to his trawl. Amount of Claim: \$250.

CLAIM NO. 84-2145

Garrell Adam, of Lafitte, LA., while trawling on the vessel, "LA-7101-AV," in Barataria Bay, 100 yards east of St. Mary's Point, Plaquemines Parish, encountered a submerged tree stump on October 27, 1984, at approximately 8 a.m., causing loss of his 47 foot trawl. Amount of Claim: \$460.

CLAIM NO. 84-2146

Arthur E. Plaisance, of Westwego, LA., while trawling on the vessel, "Shelley Ann," in the Gulf of Mexico, south of Quatre Bayou Pass, at LORAN-C readings of 28,625.6 and 46,863.6, Plaquemines Parish, encountered an unidentified submerged metal obstruction on October 19, 1984, at approximately 2 p.m., causing damage to his trawl. Amount of Claim: \$385.95.

CLAIM NO. 84-2147

Arthur E. Plaisance, of Westwego, LA., while trawling on the vessel, "LA-1515-BD," in the Gulf of Mexico, west of Sandy Point Bay, at LORAN-C readings of 28,796.3 and 46,843.4, Plaquemines Parish, encountered an unidentified submerged obstruction on November 2, 1984, at approximately 3:15 p.m., causing damage to his trawl. Amount of Claim: \$392.23.

CLAIM NO. 84-2258

Anthony George Toups, of Westwego, LA., while trawling on the vessel, "Grand Clothilde," in Bayou Segnette, south of Westwego, Jefferson Parish, encountered a submerged piece of 3/8 inch cable, on January 6, 1985, at approximately 6:20 a.m., causing damage to his vessel. Amount of Claim: \$665.

Wednesday, April 10, 1985, at 10 a.m., in the L.S.U. Cooperative Extension Office, 511 Roussel Street, Houma, LA.:

CLAIM NO. 84-1912

Edward Fitch, Sr., of Houma, LA., while trawling on the vessel, "Captain Mike," in the Gulf of Mexico, west of Shell Keys, St. Mary Parish, encountered an unidentified submerged obstruction on September 27, 1984, causing damage to his vessel. Amount of Claim: \$1,488.24.

CLAIM NO. 84-1913

Edward Fitch, Sr., of Houma, LA., while trawling on the vessel, "Captain Mike," in the Gulf of Mexico, Plaquemines Parish, encountered an unidentified submerged obstruction on September 13, 1984, at approximately 9 p.m., causing damage to his vessel. Amount of Claim: \$647.

CLAIM NO. 84-2073

Otis A. Cantrelle, of Lockport, LA., while trawling on the vessel, "Buddy & Sherry," in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27,163.3, and 46,943.6, Vermilion Parish, encountered a submerged boat, on October 12, 1984, at approximately 4 p.m., causing loss of his trawl, and damage to his boat. Amount of Claim: \$3,248.11.

CLAIM NO. 84-2079

Archie A. Dufrene, of Houma, LA., while trawling on the vessel, "Lady Lola," in the Gulf of Mexico, east of Calcasieu Pass, at LORAN-C readings of 26,690.1 and 46,980.1, Cameron Parish, encountered an unidentified submerged obstruction, on October 10, 1984, at approximately 3 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$665.55.

CLAIM NO. 84-2080

Archie A. Dufrene, of Houma, LA., while trawling on the vessel, "Lady Lola," in the Gulf of Mexico, west of the Mermentau River, at LORAN-C readings of 26,795.1 and 46,978.3, Cameron Parish, encountered an unidentified submerged obstruction, on October 11, 1984, at approximately 12 noon, causing damage to his trawl and tickler chain. Amount of Claim: \$5,000.

CLAIM NO. 84-2087

Daniel Charpentier, of Cut Off, LA., while trawling on the vessel, "Joan of Arc," in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27,133.1 and 46,941.9, Vermilion Parish, encountered an unidentified submerged obstruction on October 27, 1984, at approximately 8:30 p.m., causing loss of his two 65 foot Balarina trawls and doors. Amount of Claim: \$4,221.86.

CLAIM NO. 84-2132

Mervin Ledet, Sr., of Galliano, LA., while trawling on the vessel, "Key Largo," in Terrebonne Bay, northwest of Cat Island, Terrebonne Parish, encountered an unidentified submerged obstruction on November 11, 1984, at approximately 1 p.m., causing damage to his 50 foot trawl. Amount of Claim: \$297.69.

CLAIM NO. 84-2170

Joseph Roy Dion, of Dulac, LA., while trawling on the vessel, "Roy & Joby," in the Gulf of Mexico, east of Rollover Bayou at LORAN-C readings of 27,093.0 and 46,948.2, Cameron Parish, encountered a submerged barge, on November 23, 1984, at approximately 9 a.m., causing loss of his trawl, boards, and damage to his vessel. Amount of Claim: \$5,000.

CLAIM NO. 84-2172

Leo J. Toups, Sr., of Cut Off, LA., while trawling on the vessel, "Dixie Queen," in the Gulf of Mexico, east of Cat Island, at LORAN-C readings of 28,164.9 and 46,821.9, Terrebonne Parish, encountered an unidentified submerged obstruction on

November 21, 1984, at approximately 8:30 a.m., causing loss of his 16 foot try net, boards, bridle, and tickler chain. Amount of Claim: \$258.01.

CLAIM NO. 84-2213

Joseph H. Verdin, of Houma, LA., while trawling on the vessel, "Mr. Perry," in Bayou Grand Caillou, one half mile north of the Cambon Bridge, Terrebonne Parish, encountered an unidentified submerged obstruction on December 2, 1984, at approximately 9:30 p.m., causing damage to his vessel. Amount of Claim: \$4,472.46.

CLAIM NO. 84-2229

Ivey Duet, of Galliano, LA., while trawling on the vessel, "Jamaica," in the Gulf of Mexico, east of Southwest Pass, at LORAN-C readings of 28,805.4 and 46,764.7, Plaquemines Parish, encountered an unidentified submerged obstruction on December 10, 1984, at approximately 12:15 p.m., causing loss of his trawl and boards. Amount of Claim: \$1,899.89.

CLAIM NO. 84-2240

Alton Pitre, of Houma, LA., while trawling on the vessel, "Pedro I," in Caillou Bay, west of Coon Pt., at LORAN-C readings of 27,876.2 and 46,846.7, Terrebonne Parish, encountered an unidentified submerged obstruction on November 8, 1984, at approximately 9 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$346.70.

CLAIM NO. 84-2241

Alton Pitre, of Houma, LA., while trawling on the vessel, "Pedro I," in the Gulf of Mexico, east of Cat Island Pass, at LORAN-C readings of 28,161.8 and 46,825.7, Terrebonne Parish, encountered a submerged section of pipe on November 16, 1984, at approximately 1 p.m., causing damage to his 60 foot trawl. Amount of Claim: \$515.52.

Any written objections to these claims must be received by the close of business on April 1, 1985. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to B. Jim Porter, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, LA. 70804.

B. Jim Porter
Secretary

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