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Emergency Rules

DECLARATION OF EMERGENCY

State Board of Elementary
and Secondary Education

At its meeting of June 26, 1975, the State Board of Elementary and Secondary Education suspended the issuance of certificates to school psychologists, effective at once.

The reason for the suspension was concern over the psychological care provided in the schools under the certification requirements adopted by the Board on September 30, 1974.

This action was taken in accordance with the emergency provision of the Administrative Procedures Act, R.S. 49:953B.

Earl Ingram
Director

remaining. The medical eligibility card issued monthly will show on an ongoing basis the number of physician visits for which each client remains eligible.

Form 158-A shall be used by the physicians to request approval of the Division of Family Services for payment of additional physician visits during the calendar year when the 12 payable visits have been exhausted. Request by the physician for additional visits shall be based on his certification of the medical necessity of such visits. The physicians may request a supply of Form 158-A from the Division of Family Services.

Effective January, 1976, the number of payable physician visits will be limited to 12 medically necessary physician visits per calendar year with provisions for extensions as outlined above.

Payment over and above that for a physician's office visit will no longer be made for injections given in his office.

Notice of this change has been mailed to all medical assistance recipients as well as physicians, pharmacists, hospital and nursing home administrators.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Family Services

The Louisiana Health and Human Resources Administration exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on July 1, 1975, a limitation of 12 payable physician visits per calendar year with provisions for extensions. This reduction in the medical assistance program is necessary in order to remain within the budget appropriation for fiscal year 1975-76.

For the remainder of this calendar year beginning July 1, 1975, payment will be made for up to 12 visits for the full calendar year. For those who have used from 6 to 12 visits and over, payment will be made for 6 visits between July 1, 1975, through December 31, 1975. Those who have used less than 6 visits will be allowed payment for the appropriate number of visits remaining. For example, those who have used one visit, payment will be made for up to 11 more; 2 visits, 10 more, etc. This will be accomplished by the Data Processing Section counting the number of physician visits already paid for each eligible person and computing the number

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Youth Services

Public Law 93-647, "Social Service Amendments of 1974", was enacted on January 4, 1975, to amend the Social Security Act by adding Part D to Title IV. Title IV-D requires that the State develop and implement on August 1, 1975, a Child Support Program to locate absent parents, establish paternity, secure and enforce support obligations owed by absent parents, and collect and disburse child support payments.

The final Federal Rules and Regulations and the Preprinted State Plan were not published by the Department of Health, Education and Welfare until June 26, 1975. The enabling State legislation (Act 117) was not signed into law until July 7, 1975.

Therefore, in consideration of the general welfare of the citizens of this State, the Louisiana Health and Human Resources Administration has adopted, and will place into effect on August 1, 1975, an emergency rule

which implements Title IV-D of the Social Security Act. This action was taken pursuant to R.S. 49:953B and R.S. 49:966C. Copies of the emergency rule are available for public examination at the offices of the Louisiana Health and Human Resources Administration, Division of Youth Services, Room 316 Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Capital Area Ground Water Conservation Commission

(Editor's Note: Publication of the following material is not required by the Administrative Procedures Act. It is presented here solely for informational purposes.)

With an estimated pumpage of 125 million gallons a day from water wells subject to charges, a rate of \$1 per million gallons has been set and is to be paid quarterly. This would produce about \$45,000 for the year, but since the exact pumpage will vary somewhat, the rate may be adjusted slightly up or down for the last quarter to produce an income close to the budget.

Leo V. Bankston
Chairman

RULES

Governor's Consumer Protection Division

(Editor's Note: The following rule was adopted by the Director of the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board on June 23, 1975, to be effective on August 9, 1975.)

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

Chapter II — Unfair and Deceptive Acts or Practices

Section 5006. Prior notification of passengers boarding commercial passenger carrying aircraft

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

- (1) "Commercial passenger carrying airline" is any airline authorized by the Federal Aviation Administration to transport passengers from any airport in Louisiana for a fee whether on a scheduled or nonscheduled basis.
- (2) "Hazardous material" means any freight, cargo, baggage, article, device, or product as defined by the United States Department of Transportation in its regulation 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of Federal Aviation Regulations, Part 103, or such other appropriate regulation or regulations promulgated by the United States Department of Transportation and/or its successor, as may be amended from time to time, and includes:
 - (a) Explosives
 - (b) Flammable liquids and solids
 - (c) Oxidizing agents
 - (d) Corrosive liquids
 - (e) Compressed gases
 - (f) Poisons
 - (g) Etiologic agents
 - (h) Radioactive materials
- (3) "Agent" means any person employed by a commercial passenger airline who is empowered by such airline to sell, authenticate, validate, or otherwise have control over the issuing or validation or authentication of tickets of consumers departing on such airline from any airport in the State of Louisiana.
- (4) "Ticket" means any pass, paper, or document issued for a fee to a person which entitles such person to board a commercial aircraft in Louisiana for the purpose of transportation.

B. It shall be an unfair and deceptive act or practice for any passenger carrying commercial airline boarding passengers for departure from any airport in Louisiana to do the following:

- (1) Fail to notify each passenger boarding an aircraft at any airport in Louisiana whenever such aircraft contains hazardous materials as defined by the United States Department of Transportation, 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of

Federal Aviation Regulations, Part 103, as may be amended from time to time, that such hazardous materials are aboard the aircraft.

- (2) Such notice shall be in writing and shall be printed in bold type of not less than 18 point and shall contain the following language:

WARNING: THE AIRCRAFT YOU ARE ABOUT TO BOARD IS CARRYING HAZARDOUS MATERIALS AS DEFINED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

- (3) Such notice shall be issued to each person boarding an aircraft departing from any airport in Louisiana by the agent for the airline who is charged with the final validation of each passenger's ticket immediately prior to the passenger boarding the aircraft.
- (4) Such notice shall not apply to persons traveling aboard commercial passenger aircraft that have bought tickets in states other than Louisiana.
- C. The provisions of this rule shall not apply to the personal baggage of any person traveling aboard a commercial passenger carrying aircraft, nor shall it apply to any device or fuel carried aboard an aircraft that is necessary for the operation of the aircraft.
- D. Whoever engages in these practices violates R.S. 51:1405 (A) prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- F. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

Charles W. Tapp, Director
Governor's Consumer Protection Division

Lee Wesley, President
Consumer Protection Advisory Board

RULES

Louisiana Dairy Stabilization Board

(Editor's Note: The following regulation was adopted by the Louisiana Dairy Stabilization

Board on June 10, 1975, to become effective on August 9, 1975. This regulation has been in effect on an emergency basis since June 1, 1975.)

The regulations and price codes (excluding retail pricing) heretofore adopted by the Louisiana Milk Commission shall, unless sooner repealed by the Board, continue in full force and effect until the effective dates of a distribution stabilization plan or plans adopted by the Board.

Code of Minimum Prices for Fluid Milk Products

Commission Sales Area No. 1, 2, 3, & 5

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).
- (b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.
- (c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.
- (d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.
- (e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).
- (f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).
- (g) "Wholesale price" means the price at which any fluid milk product is purchased:
- (1) By a licensed nonprocessing retailer, or
 - (2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

- (3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.
- (h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.
- (i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.
- (j) "Base period" means either the calendar month or the calendar quarter prescribed by this code or chosen by a nonprocessing retailer (in the case where the nonprocessing retailer is permitted to choose the calendar month) as the period during which a nonprocessing retailer records the value of purchases of fluid milk products from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Fluid Milk Products in accordance with Section 4 of this code.
- (k) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Fluid Milk Products is issued by the Louisiana Dairy Stabilization Board.
- (l) "Filled milk (special milk)" means any product so designated by the Louisiana State Board of Health.
- (m) "Reene" means a filled milk containing at least 3.8% edible fat or oil, or other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (n) "Lo-reene" means a filled milk containing not less than 1.5% or more than 2.5% of edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not

fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.

- (o) "Hi-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain at least 3.8% edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product, and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (p) "Lo-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain not less than 1.5% nor more than 2.5% of edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (q) "Bulk container" means a container that is larger than one gallon and that is used for packaging fluid milk products; but the term "bulk container" does not include any container that is suitable for use in a dispenser, nor does it include any container used for packaging cottage cheese, creole cream cheese, or yogurt.

Section 2. see pages 294, 295, 296

Section 3. Sales of fluid milk products to institutions shall be at not less than the following prices:

Homogenized Milk:

One-half pint, paper or glass	Wholesale price less 10% [rounded to the nearest 1/10 cent (\$.001)]
All other items:	Wholesale price less 5% [rounded to the nearest 1/10 cent (\$.001) if the result is less than \$.10]

Section 4. Licensed processors and licensed distributors are authorized to give discounts to licensed nonprocessing retailers in accordance with the Volume Discount

Section 2. The following minimum wholesale and retail prices for fluid milk products are established:

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Homogenized Milk:			
Dispenser Milk, per gallon	1.50	-----	1.58
Bulk Milk, per gallon	1.46	-----	-----
One Gallon, NRP	1.56	1.66	1.70
One Gallon, Glass	1.45	1.53	1.57
One-Half Gallon, NRP	.80	.85	.87
One-Half Gallon, P or G	.76	.81	.83
One Quart, P or G	.39	.42	.43
One Pint, P or G	.20	.22	.24
One-Third Quart, P or G	.145	.17	.19
One-Half Pint, P or G	.11	.14	.14
Creamline Milk:			
One Gallon, G	1.56	1.66	1.70
One-Half Gallon, P or G	.78	.83	.85
One Quart, P or G	.40	.43	.44
Fortified Low Fat Milk:			
Dispenser Container, per gallon	1.48	-----	-----
One Gallon, NRP	1.54	1.64	1.68
One-Half Gallon, P or G	.75	.80	.82
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Low Fat Milk:			
Dispenser Container, per gallon	1.46	-----	-----
One Gallon, NRP	1.52	1.62	1.66
One Gallon, G	1.44	1.54	1.58
One-Half Gallon, P or G	.74	.79	.81
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Skim Milk:			
Dispenser Container, per gallon	1.32	-----	-----
Bulk Container, per gallon	1.28	-----	-----
One Gallon, G	1.29	1.34	1.39
One Gallon, NRP	1.40	1.48	1.52
One-Half Gallon, P or G	.68	.72	.74
One Quart, P or G	.35	.38	.39
One-Half Pint, P or G	.095	.12	.12

NRP—Nonreturnable Plastic; P—Paper; G—Glass; P or G—Paper or Glass

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Buttermilk:			
Bulk Container, per gallon	1.34	-----	-----
One-Half Gallon, P or G	.70	.74	.76
One Quart, P or G	.36	.39	.40
One Pint, P or G	.18	.20	.21
One-Third Quart, P or G	.145	.17	.18
One-Half Pint, P or G	.1025	.13	.14
Bulgarian Buttermilk:			
One-Half Gallon, P or G	.76	.81	.82
One Quart, P or G	.39	.42	.43
Cream, Half & Half:			
Bulk Container, per gallon	3.09	-----	-----
One-Half Gallon, P or G	1.63	1.75	1.80
One Quart, P or G	.84	.90	.92
One Pint, P or G	.42	.45	.46
One-Half Pint, P or G	.2275	.26	.27
One 1/2 oz. container	.019	-----	-----
One 3/4 oz. container	.032	-----	-----
Cream, Breakfast (light):			
Bulk Container, per gallon	4.68	4.93	5.03
One Quart, P or G	1.32	1.41	1.44
One-Half Pint, P or G	.37	.41	.42
Cream, Whipping:			
Bulk Container, per gallon	5.53	-----	-----
One Quart, P or G	1.66	1.78	1.81
One Pint, P or G	.83	.89	.92
One-Half Pint, P or G	.43	.48	.50
Sterile Whipping Cream:			
One Quart, P or G	1.70	1.82	1.85
One-Half Pint, P or G	.44	.49	.51
Chocolate Milk:			
Bulk Container, per gallon	1.50	-----	-----
One Quart, P or G	.42	.45	.46
One Pint, P or G	.215	.24	.26
One-Third Quart, P or G	.155	.18	.20
One-Half Pint, P or G	.115	.15	.15
Sour Cream:			
Bulk, per lb. (in cartons containing 5 lbs. or more)	.56	-----	-----
One-Half Gallon, P or G	2.52	2.64	2.65
One Quart, P or G	1.39	1.47	1.50
One Pint, P or G	.73	.78	.80
One-Half Pint, P or G	.41	.45	.46

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Cottage Cheese (Creamed or Dry):			
Bulk, per lb. (in cartons containing 5 lbs. or more), regular	.45	-----	-----
Bulk, per lb. (in cartons containing 5 lbs. or more), flavored	.46	-----	-----
One 2 lb. size carton	1.03	1.10	1.13
One 1 lb. size carton	.54	.57	.59
One 24 oz. size carton	.85	.91	.94
One 12 oz. size carton, regular	.45	.48	.50
One 12 oz. size carton, flavored	.46	.49	.51
One 10 oz. size carton	.41	.44	.46
One 9 oz. size carton	.38	.41	.43
Chocolate Drink:			
One Quart, P or G	.355	.38	.39
One Pint, P or G	.175	.19	.20
One-Half Pint, P or G	.095	.13	.13
Yogurt:			
One 12 oz. size carton	.33	.36	.38
One 8 oz. size carton, regular	.25	.28	.30
One 8 oz. size carton, flavored	.29	.32	.34
Egg Nog Drink (Butterfat Content, 10% or less):			
Bulk Container, per gallon	2.68	-----	-----
One-Half Gallon, P or G	1.49	1.64	1.67
One Quart, P or G	.75	.84	.86
Egg Nog Mix (Butterfat Content, more than 10%):			
Bulk Container, per gallon	4.28	-----	-----
One-Half Gallon, P or G	2.19	2.39	2.49
One Quart, P or G	1.12	1.24	1.29
Creole Cream Cheese:			
One 12 oz. size carton	.34	.37	.39
Special Milk Prices Lo-Reene:			
One-Half Gallon, P or G	.71	.76	.78

No licensee shall be in violation of this "Code of Minimum Prices for Fluid Milk Products" if the prices at which fluid milk products are sold by the licensee are the highest prices at which the licensee is permitted to sell such products by the applicable regulations, interpretations, rulings, and exceptions of the Federal Economic Stabilization Program.

Eligibility Certificate for Fluid Milk Products issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Volume Discount Eligibility Certificates for Fluid Milk Products shall be issued annually, shall become effective on the first day of April, and shall not be effective beyond the last day of March of the following year. Nonprocessing retailers who desire to receive such volume discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Fluid Milk Products on an application form to be supplied by the Board. Such applicants shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of fluid milk products by the applicant from each supplier during the months of August, September, and October of the year preceding the year during which the certificate becomes effective.

The application submitted by a nonprocessing retailer for the volume discount year during which such retailer commences business shall include the total value of purchases of fluid milk products from each supplier during any calendar month of that volume discount year selected by the nonprocessing retailer. The calendar month selected by such nonprocessing retailer shall be the base period for the volume discount year during which such nonprocessing retailer commences business, and if the nonprocessing retailer commences business subsequent to the first day of August of that volume discount year, the calendar month selected shall also be the base period for the succeeding volume discount year. However, the Volume Discount Eligibility Certificate issued by the Board for the volume discount year during which such nonprocessing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such nonprocessing retailer; provided, that if the calendar month selected by such nonprocessing retailer is the calendar month that immediately follows the month during which such nonprocessing retailer commenced business, and if the nonprocessing retailer commenced business subsequent to the first day of the month, the effective date of such certificate shall be the date on which business was commenced.

No discounts may be given on sales to nonprocessing retailers which take place prior to the effective date shown on the nonprocessing retailer's Volume Discount Eligibility Certificate for Fluid Milk Products. The effective date to be shown on such certificates shall be (a) the first day of the volume discount year (except as set forth in the preceding paragraph) or (b) any date authorized by the Board's regulations.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Fluid Milk Products to each nonprocessing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the following rate:

Average Monthly Purchases of Fluid Milk Products from All Suppliers During the Base Period	Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Volume Discount Eligibility Certificates for Fluid Milk Products shall remain in effect throughout the volume discount year for which issued regardless of changes in volume purchased.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 5. Effective date:

This amended price code shall become effective at 12:01 a.m. on August 9, 1975; provided, however, that the price code amendments that are scheduled to become effective on that date shall not result in an increase of the minimum price at which half pints of homogenized milk are sold to elementary schools or high schools, whether public or private.

Section 6. Contracts between institutions and suppliers of fluid milk products which are entered into and which have a duration of no more than 12 months shall be considered in compliance with the provisions of this code if the fluid milk products prices specified in such contracts equal or exceed the minimum prices which are in effect on the date of execution of such contracts.

Section 7. All processors and distributors selling fluid milk products to nonprocessing retailers in gallon glass containers shall obtain a deposit of at least 50 cents per container from such nonprocessing retailers.

Section 8. The maximum price at which half gallons of homogenized milk in paper containers may be sold by a nonprocessing retailer shall be 10 cents above the price at which such retailer purchases this product. In determining the nonprocessing retailer's buying price for purposes of this section, the discount received by the nonprocessing retailer in accordance with such retailers Volume Discount Eligibility Certificate for Fluid Milk Products shall be disregarded.

Section 9. For packing fluid milk products in dry ice or for furnishing dry ice and containers to be used in packing such products in dry ice, processors and distributors shall make the following charges:

For the container—6 cents per gallon for each gallon (or equivalent) of the product packed in dry ice. If the processor or the distributor supplies the container for use by the purchaser in packing the fluid milk products in dry ice, the charge shall be 6 cents per gallon for each gallon of capacity.

For the dry ice—6 cents per pound of dry ice used or furnished.

Section 10. None of the minimum prices established in this code include State and local sales taxes.

Section 11. The Board may suspend the operation of this code or any portion thereof in any parish or parishes for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

**Code of Minimum Prices for
Fluid Milk Products
Commission Sales Area No. 4**

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).

(b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.

(c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.

(d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.

(e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).

(f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).

(g) "Wholesale price" means the price at which any fluid milk product is purchased:

(1) By a licensed nonprocessing retailer, or

(2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

(3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.

(h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.

(i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.

- (j) "Base period" means either the calendar month or the calendar quarter prescribed by this code or chosen by a nonprocessing retailer (in the case where the nonprocessing retailer is permitted to choose the calendar month) as the period during which a nonprocessing retailer records the value of purchases of fluid milk products from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Fluid Milk Products in accordance with Section 4 of this code.
- (k) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Fluid Milk Products is issued by the Louisiana Dairy Stabilization Board.
- (l) "Filled milk (special milk)" means any product so designated by the Louisiana State Board of Health.
- (m) "Reene" means a filled milk containing at least 3.8% edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (n) "Lo-reene" means a filled milk containing not less than 1.5% or more than 2.5% of edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (o) "Hi-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain at least 3.8% edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product, and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (p) "Lo-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain not less than 1.5% nor more than 2.5% of edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including

any caseinate product and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.

- (q) "Bulk container" means a container that is larger than one gallon and that is used for packaging fluid milk products; but the term "bulk container" does not include any container that is suitable for use in a dispenser, nor does it include any container used for packaging cottage cheese, creole cream cheese, or yogurt.

Section 2. see pages 300, 301, 302

Section 3. Sales of fluid milk products to institutions shall be at not less than the following prices:

Homogenized Milk:

One-half pint, paper or glass	Wholesale price less 10% [rounded to the nearest 1/10 cent (\$.001)]
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All other items:	Wholesale price less 5% [rounded to the nearest 1/10 cent (\$.001) if the result is less than \$.10]
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Section 4. Licensed processors and licensed distributors are authorized to give discounts to licensed nonprocessing retailers in accordance with the Volume Discount Eligibility Certificate for Fluid Milk Products issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Volume Discount Eligibility Certificates for Fluid Milk Products shall be issued annually, shall become effective on the first day of April, and shall not be effective beyond the last day of March of the following year. Nonprocessing retailers who desire to receive such volume discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Fluid Milk Products on an application form to be supplied by the Board. Such applicants shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of fluid milk products by the applicant from each supplier during the months of August, September, and October of the year preceding the year during which the certificate becomes effective.

The application submitted by a nonprocessing retailer for the volume discount year during which such retailer

Section 2. The following minimum wholesale and retail prices for fluid milk products are established:

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Homogenized Milk:				
Dispenser Milk, per gallon	1.50	-----	1.58	1.32
Bulk Milk, per gallon	1.46	-----	-----	-----
One Gallon, NRP	1.56	1.66	1.70	-----
One Gallon, G	1.45	1.53	1.57	1.30
One-Half Gallon, NRP	.80	.85	.87	-----
One-Half Gallon, P or G	.76	.81	.83	.68
One Quart, P or G	.39	.42	.43	.35
One Pint, P or G	.20	.22	.24	.17
One-Third Quart, P or G	.145	.17	.19	-----
One-Half Pint, P or G	.11	.14	.14	.10
Creamline Milk:				
One Gallon, G	1.56	1.66	1.70	1.41
One-Half Gallon, P or G	.78	.83	.85	.70
One Quart, P or G	.40	.43	.44	.36
Fortified Low Fat Milk:				
Dispenser Container, per gallon	1.48	-----	-----	-----
One Gallon, NRP	1.54	1.64	1.68	-----
One-Half Gallon, P or G	.75	.80	.82	.65
One Quart, P or G	.38	.41	.42	.34
One-Half Pint, P or G	.1075	.14	.14	.10
Low Fat Milk:				
Dispenser Container, per gallon	1.46	-----	-----	-----
One Gallon, NRP	1.52	1.62	1.66	-----
One Gallon, G	1.44	1.54	1.58	-----
One-Half Gallon, P or G	.74	.79	.81	.65
One Quart, P or G	.38	.41	.42	.33
One-Half Pint, P or G	.1075	.14	.14	.10
Skim Milk:				
Dispenser Container, per gallon	1.32	-----	-----	-----
Bulk Container, per gallon	1.28	-----	-----	1.12
One Gallon, G	1.29	1.34	1.39	-----
One Gallon, NRP	1.40	1.48	1.52	-----
One-Half Gallon, P or G	.68	.72	.74	.60
One Quart, P or G	.35	.38	.39	.32
One-Half Pint, P or G	.095	.12	.12	.08

NRP—Nonreturnable Plastic; P—Paper; G—Glass; P or G—Paper or Glass

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Buttermilk:				
Bulk Container, per gallon	1.34	-----	-----	1.19
One-Half Gallon, P or G	.70	.74	.76	.62
One Quart, P or G	.36	.39	.40	.33
One Pint, P or G	.18	.20	.21	.15
One-Third Quart, P or G	.145	.17	.18	-----
One-Half Pint, P or G	.1025	.13	.14	.09
Bulgarian Buttermilk:				
One-Half Gallon, P or G	.76	.81	.82	.66
One Quart, P or G	.39	.42	.43	.35
Cream, Half & Half:				
Bulk Container, per gallon	3.09	-----	-----	2.62
One-Half Gallon, P or G	1.63	1.75	1.80	1.38
One Quart, P or G	.84	.90	.92	.71
One Pint, P or G	.42	.45	.46	.35
One-Half Pint, P or G	.2275	.26	.27	.21
One 1/2 oz. container	.019	-----	-----	-----
One 3/4 oz. container	.032	-----	-----	-----
Cream, Breakfast (light):				
Bulk Container, per gallon	4.68	4.93	5.03	4.06
One Quart, P or G	1.32	1.41	1.44	1.15
One-Half Pint, P or G	.37	.41	.42	.35
Cream, Whipping:				
Bulk Container, per gallon	5.53	-----	-----	-----
One Quart, P or G	1.66	1.78	1.81	1.42
One Pint, P or G	.83	.89	.92	-----
One-Half Pint, P or G	.43	.48	.50	.39
Sterile Whipping Cream:				
One Quart, P or G	1.70	1.82	1.85	1.43
One-Half Pint, P or G	.44	.49	.51	.40
Chocolate Milk				
Bulk Container, per gallon	1.50	-----	-----	-----
One Quart, P or G	.42	.45	.46	.38
One Pint, P or G	.215	.24	.26	.19
One-Third Quart, P or G	.155	.18	.20	-----
One-Half Pint, P or G	.115	.15	.15	.11
Sour Cream:				
Bulk, per lb. (in cartons containing 5 lbs. or more)	.56	-----	-----	-----
One-Half Gallon, P or G	2.52	2.64	2.65	2.25
One Quart, P or G	1.39	1.47	1.50	1.19
One Pint, P or G	.73	.78	.80	.64
One-Half Pint, P or G	.41	.45	.46	.36

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Cottage Cheese (Creamed or Dry):				
Bulk, per lb. (in cartons containing 5 lbs. or more) regular	.45	-----	-----	.40
Bulk, per lb. (in cartons containing 5 lbs. or more) flavored	.46	-----	-----	-----
One 2 lb. size carton	1.03	1.10	1.13	.92
One 1 lb. size carton	.54	.57	.59	.48
One 24 oz. size carton	.85	.91	.94	.75
One 12 oz. size carton, regular	.45	.48	.50	.40
One 12 oz. size carton, flavored	.46	.49	.51	.41
One 10 oz. size carton	.41	.44	.46	.36
One 9 oz. size carton	.38	.41	.43	-----
Chocolate Drink:				
One Quart, P or G	.355	.38	.39	.31
One Pint, P or G	.175	.19	.20	.15
One-Half Pint, P or G	.095	.13	.13	.09
Yogurt:				
One 12 oz. size carton	.33	.36	.38	.27
One 8 oz. size carton, regular	.25	.28	.30	.22
One 8 oz. size carton, flavored	.29	.32	.34	.25
Egg Nog Drink (Butterfat Content, 10% or less):				
Bulk Container, per gallon	2.68	-----	-----	2.22
One-Half Gallon, P or G	1.49	1.64	1.67	1.24
One Quart, P or G	.75	.84	.86	.63
Egg Nog Mix (Butterfat Content, more than 10%):				
Bulk Container, per gallon	4.28	-----	-----	3.54
One-Half Gallon, P or G	2.19	2.39	2.49	1.81
One Quart, P or G	1.12	1.24	1.29	.92
Creole Cream Cheese:				
One 12 oz. size carton	.34	.37	.39	.30
Special Milk Prices Lo-Reene:				
One-Half Gallon, P or G	.71	.76	.78	-----

No licensee shall be in violation of this "Code of Minimum Prices for Fluid Milk Products" if the prices at which fluid milk products are sold by the licensee are the highest prices at which the licensee is permitted to sell such products by the applicable regulations, interpretations, rulings, and exceptions of the Federal Economic Stabilization Program.

commences business shall include the total value of purchases of fluid milk products from each supplier during any calendar month of that volume discount year selected by the nonprocessing retailer. The calendar month selected by such nonprocessing retailer shall be the base period for the volume discount year during which such nonprocessing retailer commences business, and if the nonprocessing retailer commences business subsequent to the first day of August of that volume discount year, the calendar month selected shall also be the base period for the succeeding volume discount year. However, the Volume Discount Eligibility Certificate issued by the Board for the volume discount year during which such nonprocessing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such nonprocessing retailer; provided, that if the calendar month selected by such nonprocessing retailer is the calendar month that immediately follows the month during which such nonprocessing retailer commenced business, and if the nonprocessing retailer commenced business subsequent to the first day of the month, the effective date of such certificate shall be the date on which business was commenced.

No discounts may be given on sales to nonprocessing retailers which take place prior to the effective date shown on the nonprocessing retailer's Volume Discount Eligibility Certificate for Fluid Milk Products. The effective date to be shown on such certificates shall be (a) the first day of the volume discount year (except as set forth in the preceding paragraph) or (b) any date authorized by the Board's regulations.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Fluid Milk Products to each nonprocessing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the following rate:

Average Monthly Purchases of Fluid Milk Products from All Suppliers During the Base Period	Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Volume Discount Eligibility Certificates for Fluid Milk Products shall remain in effect throughout the volume discount year for which issued regardless of changes in volume purchased.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 5. Effective date:

This amended price code shall become effective at 12:01 a.m. on August 9, 1975, provided, however, that the price code amendments that are scheduled to become effective on that date shall not result in an increase of the minimum price at which half pints of homogenized milk are sold to elementary schools or high schools, whether public or private.

Section 6. Contracts between institutions and suppliers of fluid milk products which are entered into and which have a duration of no more than 12 months shall be considered in compliance with the provisions of this code if the fluid milk products prices specified in such contracts equal or exceed the minimum prices which are in effect on the date of execution of such contracts.

Section 7. All processors and distributors selling fluid milk products to nonprocessing retailers in gallon glass containers shall obtain a deposit of at least 50 cents per container from such nonprocessing retailers.

Section 8. The maximum price at which half gallons of homogenized milk in paper containers may be sold by a nonprocessing retailer shall be 10 cents above the price at which such retailer purchases this product. In determining the nonprocessing retailer's buying price for purposes of this section, the discount received by the nonprocessing retailer in accordance with such retailers Volume Discount Eligibility Certificate for Fluid Milk Products shall be disregarded.

Section 9. For packing fluid milk products in dry ice or for furnishing dry ice and containers to be used in packing such products in dry ice, processors and distributors shall make the following charges:

For the container—6 cents per gallon for each gallon (or equivalent) of the product packed in dry ice. If the processor or the distributor supplies the container for use by the purchaser in packing the fluid milk products in dry ice, the charge shall be 6 cents per gallon for each gallon of capacity.

For the dry ice—6 cents per pound of dry ice used or furnished.

Section 10. None of the minimum prices established in this code include State and local sales taxes.

Section 11. The Board may suspend the operation of this code or any portion thereof in any parish or parishes for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

**Code of Minimum Wholesale Prices
for Frozen Desserts
in all Commission Sales Areas**

Section 1. The following definitions shall be applicable throughout this code:

- (a) "Frozen desserts" means those items listed or referred to in La. R.S. 40:940.1(2).
- (b) "Ice cream" means any product which meets the minimum standards established by the Louisiana State Board of Health for "ice cream", "fruit ice cream", "nut ice cream", "frozen custard", "French ice cream", "French custard ice cream", "frozen malt ice cream", or "frosted malt ice cream."
- (c) "Ice milk" means any product which meets the minimum standards established by the Louisiana State Board of Health for "ice milk."
- (d) "Mellorine" means any product which meets the minimum standards established by the Louisiana State Board of Health for "mellorine."

- (e) "Sherbet" means any product which meets the minimum standards established by the Louisiana State Board of Health for "sherbet" or "fruit sherbet."
- (f) "Ice milk mix" means the mix from which ice milk is or can be made.
- (g) "Wholesale price" means the price at which any frozen dessert is purchased by a licensed non-processing retailer.
- (h) "Institution" means any school, hospital, or other purchaser listed or referred to in La. R.S. 40:940.19(13).
- (i) "Base period" means the calendar year prescribed by this code as the period during which a nonprocessing retailer records the value of purchases of frozen desserts from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Frozen Desserts in accordance with Section 6 of this code or such other 12 month base period as may be prescribed in the Board's regulations.
- (j) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Frozen Desserts is issued by the Louisiana Dairy Stabilization Board.
- (k) "Director" means the Director of the Louisiana Dairy Stabilization Board.
- (l) "Minimum grade ice cream" means ice cream containing not more than 10.2% butterfat, containing total milk solids of not more than 20.5%, containing not more than 38% total food solids, and weighing not more than 4.6125 pounds per gallon.
- (m) "Minimum grade ice milk" means ice milk containing not more than 4.2% butterfat, containing not more than 16.0% of total milk solids, containing not more than 34.0% total food solids, and weighing not more than 4.6125 pounds per gallon.
- (n) "Minimum grade mellorine" means mellorine containing not more than 10.2% fat, containing milk solids of not more than 10.3%, containing total food solids of not more than 38%, and weighing not more than 4.6125 pounds per gallon.

- (o) "Minimum grade ice milk mix" means ice milk mix containing not more than 4.2% butterfat, containing not more than 11.3% of total milk solids, and containing not more than 29% of the total food solids.

Section 2. see page 306

Section 3. Sales of frozen desserts to institutions shall be at not less than the applicable wholesale price less 5%.

Section 4. Each processor and each distributor shall file with the Board one list for each Board sales area showing each type and grade of frozen desserts sold by such processor or distributor in such Board sales area. The list shall also include the sizes and types of containers in which each type and grade of frozen desserts is sold (or weight, size, or shape of the product where appropriate) together with the wholesale price at which the processor or distributor proposes to sell each item.

All such lists (including supplemental lists, amendments, revisions, etc.) shall be available for inspection by any interested person at the office of the Board during regular office hours.

No processor or distributor may sell any frozen dessert for a wholesale price which differs from the price which he has filed with the Board.

Each processor's or distributor's list of wholesale prices on file with the Board may be supplemented or amended in accordance with the following rules:

- (a) A processor or distributor who desires to supplement or amend his frozen desserts wholesale price list on file with the Board may do so through use of a form to be furnished by the Board in which the new item is described and its wholesale price shown or in which the processor or distributor advises of his intention to change the wholesale price of an item on which a wholesale price has previously been filed with the Board by such processor or distributor. (The term "new item" as used in this section means a new product, or a new grade of a product, or a product in a new size or type of container, but does not include a new flavor).
- (b) If the supplemental or amended filing is for the purpose of meeting a wholesale price filed by a competitor on a similar or comparable product, the communication from the processor or distributor shall so state and the new wholesale price shall become effective on the date on which

such communication is received in the office of the Board.

If the processor or distributor making a supplemental or amended filing pursuant to this subparagraph specifies that his new lower wholesale price is to be limited to one or more parishes, his previously filed wholesale price shall remain in effect for all other parishes contained in the Board sales area.

- (c) If the supplemental or amended filing is not for the purpose set forth in (b) above, the new wholesale price shall become effective on the first day of the second month which follows the month during which the supplemental or amended filing was postmarked (if mailed) or received in the office of the Board (if delivered by means other than the mails).
- (d) On and after September 1, 1967, the Director may refuse to accept any supplemental or amended filing unless such filing is accompanied by satisfactory proof that the price change proposed in such filing reflects or is justified by a change in the cost of ingredients or in the cost of processing, packaging, or distributing the product involved.
- (e) On or before the tenth day of the month immediately following the month during which a supplemental or amended filing is accepted for filing, the Director shall notify all frozen desserts processors and distributors of the content of such filing.
- (f) A processor or distributor may withdraw a supplemental or amended filing by notifying the Director in writing of his desire to do so. The said written notification must either be mailed or delivered to the Board office at least seven days prior to the date on which the supplemental or amended filing is scheduled to become effective. The withdrawal of a supplemental or amended filing also has the effect of cancelling any supplemental or amended filing made for the purpose of meeting the wholesale price or prices set forth in the withdrawn supplemental or amended filing.
- (g) A processor or distributor may change the price of one-half gallon containers of one or more frozen desserts (not including ice milk mix) without complying with the preceding provisions of Section 4 if such processor or distributor complies with the following requirements:

Section 2. The following minimum wholesale prices for frozen desserts are established for Board Sales Areas No. 1, No. 2, No. 3, No. 4, and No. 5:

	Schedules														
	A-FD	B-FD	C-FD	D-FD	E-FD	F-FD	G-FD	H-FD	I-FD	J-FD	K-FD	L-FD	M-FD	N-FD	O-FD
Ice Cream:															
One half-gallon	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74	.76	.78	.80	.82	.84
Ice Milk:															
One half-gallon	.46	.48	.50	.52	.54	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74
Mellorine:															
One half-gallon	.42	.43	.45	.46	.48	.49	.51	.52	.54	.55	.57	.58	.60	.61	.63
Sherbet:															
One half-gallon	.52	.54	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74	.76	.78	.80
Ice Milk Mix:															
Per gallon (shake base)	.80	.84	.88	.92	.96	1.00	1.04	1.08	1.12	1.16	1.20	1.24	1.28	1.32	1.36

- (1) All such wholesale price changes relating to products other than sherbet are in effect for a period of not more than seven consecutive days in any Board sales area during a calendar quarter;
 - (2) Wholesale price changes relating to sherbet are in effect for a period of not more than 14 consecutive days in any Board sales area during a calendar quarter;
 - (3) Written notification of such wholesale price change (or changes) is mailed to the Director within ten days following the termination of the period during which the wholesale price change (or changes) was in effect;
 - (4) Such change (or changes) shall not exceed 9% (rounded to the nearest cent) of the filed price;
 - (5) The wholesale price of half-gallons of ice cream, ice milk, sherbet, and mellorine must equal or exceed the minimum wholesale prices established on such items;
 - (6) No sales of frozen desserts at less than filed prices may be made to a nonprocessing retailer who does not agree that all of his sales of frozen desserts at prices which are less than the filed wholesale price plus 8% shall be made during the "sale" period prescribed by the supplier from whom such frozen desserts are purchased;
 - (7) No processor or distributor may sell, and no nonprocessing retailer may purchase, frozen desserts at less than filed wholesale prices if the quantity of frozen desserts involved in the transaction exceeds the quantity sold by the nonprocessing retailer during the "sale" period prescribed by the supplier.
- (h) Whenever the minimum wholesale price for a frozen dessert is increased or decreased by the Board, the filed prices for the various sizes and grades of such frozen dessert shall be automatically increased or decreased by an amount which is equal on a per ounce basis to the change made by the Board in its established minimum wholesale price for that frozen dessert.
- (i) The Director may refuse to accept any filing relating to ice cream that is not minimum grade ice cream, ice milk that is not minimum grade

ice milk, ice milk mix that is not minimum grade ice milk mix, and mellorine that is not minimum grade mellorine unless such filing is accompanied by satisfactory proof that the price filed exceeds the minimum established in Section 2 by an amount which is at least as great as the difference in cost between the minimum standard product and the product for which the price is filed.

The wholesale price must be filed for any frozen dessert item except:

- (1) Minimum grade ice cream, minimum grade ice milk, minimum grade mellorine, and minimum grade ice milk mix when sold at the minimum price established by the Board.
 - (2) Sherbet when sold at the minimum price established by the Board.
- (j) No wholesale price filed by a processor or a distributor on a frozen dessert item may be less on a "per ounce" basis than the established minimum price or the filed wholesale price for half-gallons of the same product.

Section 5. None of the minimum wholesale prices established in this wholesale price code include State or local sales taxes.

Section 6. Licensed processors and licensed distributors are authorized to give discounts on frozen desserts to nonprocessing retailers in accordance with the Volume Discount Eligibility Certificate for Frozen Desserts issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Nonprocessing retailers who desire to receive such discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Frozen Desserts on an application form to be supplied by the Board. Each such applicant shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of frozen desserts by the applicant from each supplier during the 12-month period which ends on the 30th day of September that immediately precedes the volume discount year during which the Volume Discount Eligibility Certificate for Frozen Desserts becomes effective.

Any applicant who commences business less than 18 months prior to the beginning of the volume discount year for which such certificate is sought shall supply the

Board with the information showing the total purchases of frozen desserts by such applicant from each supplier during the 12 calendar months commencing with the first day of the first full month during which such applicant is in business. This 12-month base period shall be the base period for such applicant for both the volume discount year during which such applicant commences business and for the following volume discount year.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Frozen Desserts to each nonprocessing retailer whose purchases of frozen desserts from all suppliers fall into one of the categories set forth below. Such certificate shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the rate shown below:

Annual Purchases of Frozen Desserts from all Suppliers During Base Period	Discount Rate
\$ 4,000.00 — \$ 6,000.00	3%
6,000.01 — 8,000.00	4%
8,000.01 — 11,000.00	5%
11,000.01 — 15,000.00	6%
15,000.01 and over	7%

Volume Discount Eligibility Certificates for Frozen Desserts will remain in effect throughout the volume discount year for which issued regardless of changes in volume purchases.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 7. On or before the 10th day of each month, the Director shall compute a composite index of frozen desserts costs in the following manner:

- (a) Compute an index of frozen desserts milk solids costs by adding together the results of the following computations, dividing the sum thus obtained by .01934, and rounding to the nearest whole number.

- (1) Determine the average per pound price for commercial sales of spray process extra grade nonfat dry milk in bags at Chicago for the prior month (as announced by the U.S. Department of Agriculture) and round to the nearest tenth of a cent (\$.001).

- (2) Multiply the butterfat differential for Class II milk for the prior month expressed in dollars per 1/10 pound (as announced by the Louisiana Commissioner of Agriculture) by 40; subtract the result obtained from the price of Class II milk for the prior month (as announced by the Louisiana Commissioner of Agriculture); then divide the result thus obtained by 8.67 and round to the nearest tenth of a cent (\$.001).

- (3) Multiply the average per pound price of 92 score butter at Chicago for the prior month (as announced by the U.S. Department of Agriculture) by 1.20 and round to the nearest tenth of a cent (\$.001).

- (4) Multiply the butterfat differential for Class II milk for the prior month expressed in dollars per 1/10 pound (as announced by the Louisiana Commissioner of Agriculture) by 10.

- (b) Compute an index of frozen desserts labor costs by dividing the average weekly earnings in Louisiana manufacturing industries for the latest month (as reported monthly in the Louisiana Labor Market, a publication of the Louisiana Division of Employment Security) by 1.2225 and rounding the result to the nearest whole number.

- (c) Compute an index of frozen desserts container costs in the following manner:

- (1) Obtain once each month from Brown's Velvet Ice Cream Company (New Orleans), the Borden Company (Baton Rouge), Foremost Dairies (Shreveport), and Pelican Creamery (New Iberia) the per-thousand prices (including freight and State and local sales taxes) paid for square, cylinder, and tub half-gallon paperboard containers by each such processor at the time of each such processor's most recent purchase of each type of such container currently being used by each such processor.

(2) Compute a simple average of all such prices, divide the result obtained by .5858, and round to the nearest whole number. However, should more than three of such firms report purchases of tub half-gallon paperboard containers, then the highest reported price for this item shall be omitted when the simple average is computed; and, should more than one of such firms report purchases of cylinder half-gallon paperboard containers, then only the lowest reported price for this type of container shall be included when the simple average is computed.

(d) Compute an index of frozen desserts sweeteners cost by adding together the results of the following computations, rounding the result to the nearest tenth of a cent, dividing the result obtained by .00098, and rounding this result to the nearest whole number.

(1) Multiply the average of the per pound price quotations for refined cane sugar at wholesale in carload lots of 100 pound paper bags (Gulf region, not delivered) for the latest month for which the figure is available (as reported in Sugar Reports, a publication of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture) by .75.

(2) Multiply the average of the per pound price quotations for corn syrup (38-49 D.E.), dry basis, at wholesale in tank cars, f.o.b. New York, for the latest month for which the figure is available (as reported in Sugar Reports) by .25.

(e) Multiply the result obtained in (a) above by 29, the result obtained in (b) above by 23, the result obtained in (c) above by 13, and the result obtained in (d) above by 5. Then, add together the results of the computations required by the preceding sentence and divide the result obtained by 70.

When the composite index computed pursuant to Section 7 is:

Then, the applicable "schedule" of minimum wholesale prices for the following month will be:

67.12 but less than 71.23	A-FD
71.23 but less than 75.34	B-FD
75.34 but less than 79.45	C-FD
79.45 but less than 83.56	D-FD
83.56 but less than 87.67	E-FD
87.67 but less than 91.78	F-FD
91.78 but less than 95.89	G-FD
95.89 but less than 100.00	H-FD
100.00 but less than 104.11	I-FD
104.11 but less than 108.22	J-FD
108.22 but less than 112.33	K-FD
112.33 but less than 116.44	L-FD
116.44 but less than 120.55	M-FD
120.55 but less than 124.66	N-FD
124.66 but less than 128.77	O-FD

Section 9. If the computation made by the Director pursuant to Section 7 results in a determination that the applicable "schedule" of minimum wholesale prices for the following month will be different from the applicable "schedule" of minimum wholesale prices for the current month, he shall publicly announce on or before the 18th day of the current month which "schedule" of minimum wholesale prices will be in effect during the following month.

Section 10. This amended wholesale price code shall become effective at 12:01 a.m. on August 9, 1975.

Section 11. The Board may suspend the operation of this code or any portion thereof in any Board sales area or parish for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

Section 12. The minimum wholesale prices prescribed by this code are presumed to be applicable to every purchase by a nonprocessing retailer of frozen desserts for resale within the State of Louisiana. But, the said minimum wholesale prices shall not be applicable to any transaction over which the Board is without authority by virtue of limitations imposed by either the Constitu-

tion of the United States or the Constitution of the State of Louisiana.

Section 13. Any nonprocessing retailer who seeks a determination that some or all of his purchases of frozen desserts are not subject to the minimum wholesale prices prescribed by this code shall file a written petition with the Board setting forth all of the pertinent facts and praying for appropriate relief.

Upon receipt of such a petition, the Board shall schedule a hearing upon such petition. The hearing shall commence no later than 15 days after the date on which the petition is received by the Board. The Board may serve interrogatories upon the said petitioner and the answer to such interrogatories must be mailed to the Board's Director within seven days after the date on which such interrogatories were mailed by the Board. Within 15 days after the date on which the hearing ends, the Board shall make a ruling upon the prayer of such petition.

A request for extension of time within which to answer interrogatories shall be automatically approved by the Chairman of the Board who shall then reschedule the hearing to commence no later than 10 days after receipt of the answers to the interrogatories.

Jesse H. Cutrer
Director

RULES

State Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted on June 25, 1975, to be effective on August 9, 1975.)

The Functions of a Regional Center

The Regional Vocational-Technical Centers, according to Act 208 of 1973 of the Louisiana Legislature, shall, subject to the control of the State Board of Education, administer the affairs of the Post-Secondary Vocational-Technical Schools in the following matters:

- A. Fiscal
- B. Personnel
- C. Buildings and Maintenance
- D. Reporting and Data Collection
- E. Coordination of Instruction
- F. Other matters as determined by the State Board of Education

More detail of these duties would include:

A. Fiscal

1. Coordination in preparation of budget estimates and operating budgets
2. Coordination of purchasing procedures
3. Coordination of accounting procedures
4. Preparation and presentation of regional budgets
5. Assist in the procurement of funds

B. Personnel

1. Provide assistance in the recruitment, selection and termination of employees
2. Recommend grievance procedures
3. Establishment of staff in-service training programs such as workshops, formal classes, and seminars
4. Provide assistance in matters concerning related benefits such as retirement, insurance, leave, etc.

C. Buildings and Maintenance

1. Inspection of buildings, grounds, and equipment periodically for safety, state of repair, etc.
2. Assist in the establishment of major maintenance schedules
3. Assistance in emergency situations due to fires, explosions, storm damages, etc., including procurement of temporary facilities, insurance, emergency funding, and facility repairs
4. Assistance in preparing capital outlay budgets
5. Facility and equipment utilization on a regional basis

D. Reporting and Data Collection

1. Assistance in interpreting and preparing reports as they pertain to enrollment, drop-outs, placement, follow-up of students
2. Assistance in interpreting and preparing financial reports as required by State and Federal agencies
3. Collection and cataloging data on a regional basis including, but not limited to:
 - a. Finance
 - b. Student Information
 - c. Prospective student interest
 - d. Manpower needs

E. Coordination of Instruction

1. Recommend curriculum needs on a regional basis
2. Assistance in the placing of specific programs within the region
3. Assistance in the standardization, preparation, and updating of courses of instruction
4. Assistance in identifying and solving of special problems of instruction
5. Assist in the coordination of guidance programs in all schools.

F. Other Matters

1. Public relations within the region including the news media, business, industry, labor, public agencies, and the general public
2. Coordination of Advisory Committee Activities
 - a. Local Craft Committees
 - b. School Advisory Committees
 - c. Regional Advisory Council
3. Coordination of programs with private and public secondary schools and the universities
4. Establishment of working relationships with local, State, and Federal agencies
5. The establishment of a regional survey team to provide a continuing assessment of student interest and manpower needs of a region
6. Assist in the placement and follow-up of students
7. Assist in matters of accreditation
8. Assist in preparation of school calendar

* * * *

A Resolution

WHEREAS, the passage of Act 368 of 1972 mandates the provision of suitable special educational programs for all exceptional children, and

WHEREAS, the classroom teacher is the first resource both for the initial recognition of exceptionality in a child and for the provision of special educational services in a mainstreaming program, and

WHEREAS, the Association of Special Education Center Directors has strongly recommended and requested the inclusion in the curriculum of preservice elementary teachers of a required foundation course designed to familiarize such preservice teachers with the characteristics of each exceptionality,

NOW THEREFORE BE IT RESOLVED by the State Board of Education, in public session convened, that a course in "The Introduction to the Study of Exceptional Children" or an equivalent course in this area must be added to the required courses for elementary teacher certification, beginning with students who enroll in September, 1975.

Earl Ingram
Director

RULES

Louisiana Landscape Architects Selection Board

(Editor's Note: The following rules were adopted by the Louisiana Landscape Architects Selection Board on July 10, 1975, to be effective on August 9, 1975.)

Rules of Organization

Article I

Name

The name of this Board is the "Louisiana Landscape Architects Selection Board", hereinafter referred to as "Board", and its domicile shall be in Baton Rouge, Louisiana.

Article II

Authority

The Louisiana Landscape Architects Selection Board shall be organized in accordance with the provisions of Executive Order No. 76 of Edwin Edwards, Governor of Louisiana, under date of November 15, 1974.

Article III

Objective

The objective of this Board is to provide a system for the nonpolitical selection of professional services rendered by the professional landscape architectural firms licensed to practice in the State of Louisiana, that is impartial, equitable and in the best public interest.

Article IV

Members

Section 1. The Board shall be composed of three members, appointed and serving terms in accordance with the provisions of the authority stated in Article II.

Section 2. Any member desiring to resign from the Board shall submit his resignation in writing to the Governor of Louisiana, with a copy addressed to the Chairman of the Board. The effective date of resignation shall be the date of receipt by the Governor's Office.

Section 3. The appointment to fulfill the vacancy, due to resignation or death, or just cause, shall be made in the same manner as the original appointment.

Article V

Section 1. The officers of this Board shall be a Chairman and a Vice Chairman. These officers shall perform the duties prescribed in the "Authority" and by these rules.

Section 2. Nomination and election of the Vice Chairman shall be made at a meeting held on the second Monday in January and July of each year.

Section 3. The Chairman shall serve for a period of one year or until a successor is named in accordance with Article II. The Vice Chairman shall be elected to serve for a period of six months or until a successor is elected, and the term of office shall begin at the close of the meeting at which the election occurs.

Section 4. No member shall hold more than one office at a time. A member may serve consecutive terms.

Section 5. The duties of the several officers shall be as follows:

Chairman: The Chairman shall:

- a. Be the presiding officer at meetings of the Board.
- b. Have the authority to order a special meeting of the Board.
- c. Be responsible for coordinating the activities of the Board.
- d. Appoint all committees and serve as an exofficio member thereof (except the nominating committee).
- e. Authenticate by his signature, when necessary, all acts, orders and proceedings of the Board.

- f. Be responsible for implementing all orders and resolutions of the Board.
- g. Have the authority to issue the official notifications of the intent of an agency to contract for professional landscape architectural services.

Vice Chairman: In the event of absence or incapacity of the Chairman, the Vice Chairman shall assume the duties of the Chairman as outlined above. In the absence of the Executive Secretary, the duties of the Executive Secretary shall devolve upon the Vice Chairman.

Article VI

Executive Secretary

The office of Executive Secretary shall be furnished to the Board by the Division of Administration of the State of Louisiana, subject to approval of the Board.

Executive Secretary: The Executive Secretary shall:

- a. Be under the general supervision of the Board.
- b. Give notice of all meetings of the Board and its committees.
- c. Attend all meetings of the Board and committees and record all notes and the minutes of all proceedings in a book to be kept for that purpose, and to make the minutes and records available upon request. Copies of the minutes should be sent to the members of the Board for their review and approval at the subsequent meeting.
- d. Keep on file all committee reports.
- e. Sign all certified copies of acts of the Board and shall attest by his signature any instrument of the Board requiring it.
- f. Receive and conduct the general correspondence of the Board—that is, correspondence which is not a function proper to the officers or to committees, including advanced meeting notices and agenda.
- g. Maintain and be the custodian of a file of all data submitted by landscape architectural firms selected by the Board to furnish professional landscape architectural services for State projects as provided for in the "Rules of Selection Procedures".
- h. Perform such other duties as may be prescribed by the Board.

Article VII

Meetings

Section 1. The meetings of the Board shall be held subject to need as ordered by the Chairman or the Board in a facility available to the public. The call to meeting, notices and agenda shall be submitted to the members of the Board seven days in advance of each meeting.

Section 2. Special or emergency meetings can be called by the Chairman or shall be called upon the written request of two members of the Board. Special meetings may be held at any place provided that the time, the place and the purpose of the meeting shall be stated in the call, and made public. Except in cases of emergency, at least three days' notice shall be given.

Section 3. Two members of the Board shall constitute a quorum.

Article VIII

Committees

Such other committees, standing or special, shall be appointed by the Chairman of the Board as he shall from time to time deem necessary to carry on the work of the Board. The Board may, at its option, request the Division of Administration to provide special consultants to the Board for specific projects.

Article IX

Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Rules of Organization and any special rules of order that the Board may adopt.

Article X

Amendments to Rules

These Rules of Organization may be amended at any duly called meeting of the Board by a two-thirds vote, provided that the proposed amendment has been submitted in writing at a duly called meeting, and is in accordance with the Louisiana Administrative Procedures Act. Upon receipt of a proposed written amendment, the Chairman shall cause to give at least 20 days notice of the Board's intended action

as provided in Louisiana's Administrative Procedures Act.

Article XI

Severability

If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules which can be given effect without the invalid provisions, items, or applications and to this end the provisions of these rules are hereby declared severable.

Rules of Selection Procedure

Pursuant to the provisions of Executive Order No. 76, Edwin W. Edwards, Governor of Louisiana, the Louisiana Landscape Architects Selection Board, hereinafter referred to as Board, has promulgated such rules and procedures as it deemed necessary to carry out the provisions of the said executive order. These rules were established by the Board, and are subject to change by said Board.

Article I

Information

Any person may obtain information concerning the Board, its rules, regulations and procedures from the Board's Executive Secretary at the offices of Facility Planning and Control Department, Office of the Governor, 5th Floor State Capitol Building, Post Office Box 44095, Baton Rouge, Louisiana 70804. Request for information shall be made in writing and there may be a nominal fee charged to defray printing cost of information furnished.

Article II

Public Notification

Section 1. Upon being advised by the Division of Administration, Facility Planning and Control, that an agency intends to contract for professional landscape architectural services, the Board shall cause the official notification to be advertised, within five days of the date of the official notification, one time in:

- a. The Official State Journal
- b. The Daily Journal of Commerce
- c. A major newspaper within each multi-parish planning region as follows:

1. Orleans region
2. Baton Rouge region
3. Houma region
4. Lafayette region
5. Lake Charles region
6. Alexandria region
7. Shreveport region
8. Monroe region

Section 2. The Board may, at its option and with the concurrence of the Division of Administration and the using agency, conduct architectural competitions in accordance with nationally accepted professional standards. Final selection of the landscape architectural firm from among the competition submissions, will be made within 60 days of receipt of the entries.

Section 3. The official notification specified above shall include the following information:

- a. The name, location and user agency for which the landscape architect is to be selected;
- b. Time and instructions for applicants to submit a request for selection consideration to the Board;
- c. General description of the project, and the availability of details upon request;
- d. Time frame in which the landscape architect must complete the work;
- e. The project budget;
- f. The fee, as determined by the Division of Administration, together with the contractual obligations as contained in the Capital Improvement Projects 1974 Procedure Manual for Planning, Design, Construction, or the latest published revision thereof.
- g. Any special criteria relative to the particular project as the Board may determine.

Article III

Scope of Work

The official notification shall contain a general description of the project. A more detailed scope of the work for the project shall be prepared by the Division of Administration, Facility Planning and Control, upon request of the Board, and shall be made available to interested firms upon request as provided in the official notification.

Article IV

Application for Consideration

Section 1. Any landscape architectural firm (proprietorship, partnership, corporation, or joint venture of any of these) that has an established office domiciled in the State of Louisiana, is licensed to practice in the State of Louisiana, and is performing professional landscape architectural services in the State of Louisiana, may submit an application for selection consideration for a particular project upon which official notification has been published. The information submitted shall contain data concerning its experience, previous projects undertaken, present State projects now being performed, scope and amount of work on hand, and any other information that may be appropriate in being considered for selection.

Section 2. The Louisiana Landscape Architects Selection Board hereby adopts the use of Federal Form 251 or its replacement as the format for submitting a firm's experience to the Board. In addition, any special information requested in the advertisement shall be submitted.

Section 3. All requests for selection consideration shall be filed with the Executive Secretary within 30 days of the date of the official notification. The Secretary shall time date when received, all requests for selection consideration. All applications are to be received by the Board at the Facility Planning and Control Department during the time prescribed in the advertisement. The burden for timely submittal lies solely with the applicant, and will in no way be affected by nondelivery of the application by the U.S. Postal Service or other common carrier.

Section 4. The submission of a request for selection consideration by a firm on a particular project as advertised, shall be considered by the Board to mean:

- a. That the firm has made itself fully aware of the scope of work of the project, based on available information.
- b. That the firm can perform the work within the time frame stated.
- c. That the firm concurs that the project budget is reasonable based on available information.
- d. That the fee stated is equitable based on available information.
- e. That the landscape architectural contract shall contain a prohibition against contingent fees.

- f. That the firm is familiar with the terms and conditions set forth in the Capitol Improvement Projects 1974 Procedure Manual for Planning, Design, Construction, or the latest published revision thereof, and will comply therewith.

Should a firm determine that any of the above items are incomplete, inadequate, or insufficient, the firm is invited to submit a letter stating in detail the firm's findings, and the Board will consider this information in the selection process. The Board reserves the right to reject all requests for selection consideration and to readvertise any official notification.

Article V

Final Selection

A meeting of the Board to conduct final selection shall be called within 60 days after official notification, except in the case of competitions, where the 60 day period shall commence on the deadline date for competition submittals. Prior to this meeting, a review of the experience records of all applicants shall be made by the Board members and a short list determined for consideration at the final selection meeting.

Section 1. Based upon the determined short list, the Board shall make its final selection. The Board reserves the right to require interviews, or additional information, when it deems necessary.

Section 2. Upon the final selection of the firm, the Chairman shall notify the Division of Administration, Facility Planning and Control, said notification to be within 60 days from the date of the official notification, except in the case of competitions, where the 60 day period shall commence on the deadline date for competition submittals.

Article VI

Severability

If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules which can be given effect without the invalid provisions, items, or applications and to this end the provisions of these rules are hereby declared severable.

George Gele
Executive Secretary

RULES

Liquified Petroleum Gas Commission

(Editor's Note: The following rules were adopted by the Liquified Petroleum Gas Commission on June 26, 1975, to be effective on August 9, 1975.)

Add to Section 1, paragraph 1.1-c-10 the following:

"No examination will be given unless personnel has had at least one week on the job training." This requirement shall apply to all permit classes.

Lionel T. Ortego
Director

RULES

Louisiana Department of Public Works

(Editor's Note: The following rules were adopted on July 2, 1975, to be effective on August 9, 1975.)

Section 3.0.0.0. Rules, Regulations, Standards, and Methods for the Plugging and Sealing of Abandoned Water Wells and Holes

As announced in the Louisiana Register and in the Official Journal of the State, the rules, regulations, standards, and methods for the plugging and sealing of abandoned water wells and holes were adopted April 21, 1975, and are to be effective September 1, 1975. The rules, regulations, standards, and methods stated herein were prepared and adopted in accordance with State Act 535 (1972).

Section 3.1.0.0. Purpose

In 1972, the Legislature enacted State Act 535 (1972), that gave to the Director of the Department of Public Works (Section 5A of Act 535, 1972), the authority to make reasonable rules and regulations relating to the abandonment of water wells. Section 5A and 6 of Act 535 states that the Director shall do the following: "Require that all abandoned wells be reported and sealed with approved standards, and establish such standards."

The rules, regulations, standards, and methods stated herein for well and hole abandonment were prepared in response to this directive and were developed in coordination with other State agencies, which are also concerned with the wise use of the water resources of the State. The contents of these standards do not preempt but complement the Department of Conservation's rules and regulations related to oil, gas and salt wells and the Division of Health's Sanitary Code requiring the protection of "fresh water sand", (see Table 1). When the provisions of State Act 535 (1972) relating to the plugging and sealing of abandoned water wells and holes are implemented the possibilities of contaminating or polluting our water resources and the hazards to health and safety shall be reduced markedly. The rules, regulations, standards, and methods stated herein are also important as guidelines for State agencies when enforcing their rules and regulations and shall be useful to well owners, contractors, engineers, planners, and environmentalists.

3.2.0.0. General Rules and Requirements

The rules, regulations, standards, and methods stated herein apply to water wells that are drilled, bored, dug, augered, or driven. They are designed to provide for the restoration, as nearly as possible, of those subsurface and surface conditions that existed prior to drilling, boring, digging, or augering activities and for the installing of a well, taking into account any changes that may have occurred as a result of natural stresses. The purpose of these regulations is to prevent contamination of aquifers by surface waters and the interchange of water between aquifers.

3.2.1.0. Exemptions

The following wells, excavations, and holes are exempted from the provisions of rules, regulations, standards, and methods stated herein: seismic holes, cathodic-protection holes, saline water wells associated with secondary recovery operations, brine wells, oil and gas wells and holes, geothermal and geopressured holes, brine-injection wells, waste disposal wells, holes and excavations used in the development and/or exploration of mineral resources, including but not limited to, gravel, salt, and sulphur, excavations and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

Although the cited activities are not covered by State Act 535 (1972) they are not exempted or excepted by State law. Therefore, persons, corporations, governmental agencies, etc., should take any and all action, and use all protective methods necessary to protect our water supply and to prevent contamination.

The exclusion of these activities from State Act 535 (1972) does not in any way remove or establish legal liability for health and safety hazards, contamination or pollution problems alleged to be caused by persons engaged in the cited activities in the first paragraph of this Section.

3.2.2.0. Effective Date

All water wells and holes abandoned on and after September 1, 1975, the effective date of the rules, regulations, standards, and methods stated herein, shall be sealed in accordance with the procedure and methods stated herein.

3.2.3.0. Status of Wells Abandoned Prior to Effective Date

If production operations have ceased, or a well is in state of disrepair prior to the effective date of procedures stated herein, and the owner has not and does not intend to place the well in the inactive status, the well shall be considered abandoned. The responsible party shall have six months from the effective date of these standards to return the well to active status or inactive status. After that time the abandoned well, as provided shall be plugged or sealed, as provided for in the standards and methods stated herein.

3.2.4.0. Filing of Water Well Abandonment and Plugging Form (LDPW-GW-2)

The contractor who plugs an abandoned well or hole after September 1, 1975, shall complete Louisiana Department of Public Works Water Well Abandonment and Plugging Form (LDPW-GW-2) within 30 days after the completion of the work and submit the Form (LDPW-GW-2) to the Louisiana Department of Public Works. The Louisiana Department of Public Works considers the work completed when the work is accepted by the responsible party. Acceptance by the responsible party does not imply in any way acceptance and approval by the State of Louisiana. The Louisiana Department of Public Works, after inspection of the site and records (refer to Section 3.2.6.0.), can cause the responsible party and/or contractor to do that additional work necessary to properly plug and seal a hole or well in accordance with the methods and standards stated herein. The expense for the additional work shall be borne by the responsible party. The Louisiana Health and Human Resources Administration may also require additional information for wells used to supply public water systems. Abandoned water wells and holes plugged and sealed prior to the effective date of the rules, regulations, standards, and methods can be reported to

the Louisiana Department of Public Works, using Form LDPW-GW-2. For wells or holes abandoned and plugged and sealed prior to the effective date, the land owner or lessee may be required to describe or provide information on the methods used to plug and seal the abandoned wells and holes. The location of abandoned wells and holes and those wells and holes plugged prior to September 1, 1975, should be known by the landowner or lessee so that the site may be readily inspected by a representative of the Department.

3.2.5.0. Adequacy of Plugging an Abandoned Water Well or Hole

To assure that an abandoned water well or hole is plugged and sealed properly, and that there has been no jamming or bridging of the material, verification calculations and measurements should be made by the contractor to determine whether the volume of the material placed in the well or hole at least equals the volume of the casing or hole plugged and/or filled. When bridge plugs are set, sufficient time shall be allowed for the material to set. After that time the location of the plugging shall be verified by tagging, measuring, or sounding. Any measurement and calculations, the results of which should be included on the Abandonment and Plugging Form (LDPW-GW-2), shall also be made available upon request by the Department of Public Works, which shall be solely responsible for determining a well or hole is satisfactorily plugged or sealed. (Section 3.2.6.0.).

3.2.6.0. Inspection

The Director of the Louisiana Department of Public Works may order at any time the site of an abandoned water well or hole inspected, to determine whether the work has been satisfactorily completed in accordance with the standards and methods stated herein, and as stated on the Water Well Abandonment and Plugging Form (LDPW-GW-2). The landowner or lessee shall make all records available to the representatives of the Department and allow the Health and Human Resources Administration's representatives to enter the property and visit site(s).

3.2.7.0. Contractor

In addition to the responsibility for submitting (Section 3.2.4.0.) Form LDPW-GW-2 for wells or holes plugged and sealed after September 1, 1975, it shall be the responsibility of each water well contractor to inform a landowner, lessee, or person having a well or hole drilled or altered, that the well or hole drilled shall be plugged if abandoned, in accordance with standards stated herein. The water well contractor shall also

inform the owner of the necessity of plugging and sealing all other wells that have been previously abandoned.

3.2.8.0. Availability of Well Data

The drilling and construction records of a water well, if not in the owner's file, may be obtained from the water well contractor who installed the well and/or from one of the following governmental agencies:

Louisiana Department of Public Works
Post Office Box 44155, Capitol Station
Baton Rouge, Louisiana 70804

U. S. Geological Survey, WRD
Post Office Box 66492
Baton Rouge, Louisiana 70806

Reports and/or information on hydrology, geology, the occurrence of saline water bearing and fresh water bearing sands, and quality of water, may also be obtained from the above named governmental agencies and/or from:

Louisiana Department of Conservation
Post Office Box 44275
Baton Rouge, Louisiana 70804

Louisiana Geological Survey
Post Office Box G
Baton Rouge, Louisiana 70803

3.3.0.0. Regulations and Standards for Plugging and Sealing a Well or Hole and for Determining Responsibility

Following are regulations and standards for determining the status of a dug, drilled, bored, augered, or driven water well or hole and for determining the party responsible for properly plugging and sealing an abandoned well or hole.

Unless otherwise specified in the regulations and standards stated herein, the landowner or lessee shall be responsible for plugging and sealing an abandoned water well or hole. The individual or group responsible for plugging and sealing an abandoned water well or hole shall be known in the rules, regulations, standards, and methods as the responsible party. The responsible party shall take the necessary action to insure that an abandoned hole or well is plugged and sealed properly by a contractor qualified and experienced in plugging and sealing abandoned wells and holes, and in accordance with the methods and standards in Section 3.6.0.0.

3.3.1.0. Active Well

An operating or standby water well, driven, dug, bored, augered, or drilled, is one that is used or can, with little effort and at any time, be used to supply water. When an oil or gas well has been converted to a fresh water well in accordance with the provisions of Section XIXG, Louisiana Department of Conservation's Amendment (3/1/74) to Statewide Order 29-B, the abandonment of the water well or hole is then regulated by the rules and regulations stated herein.

3.3.2.0. Abandoned Well

Unless the landowner or lessee declares a well to be abandoned, the well is considered abandoned by the State of Louisiana when production operations have ceased for a period of one year or more and the well is in such a state of disrepair that the well cannot be placed in the active classification and there is no intent to use the well for observation purposes. For wells used for observation purposes, or those temporarily out of use, refer to Section 3.3.3.0. An abandoned water well shall not be used for disposal of any waste or any other purpose.

The landowner or the lessee of the land shall be responsible for plugging and sealing an abandoned water well within 90 days after abandonment, or after the well has been declared abandoned by a local or State agency in accordance with the regulations and standards stated herein. For the responsibility of plugging and sealing abandoned observation wells refer to Section 3.3.3.2.

3.3.3.0. Inactive Status

3.3.3.1. Inactive Well

A well considered inactive is one that is not presently operating but is capable of being pumped with a minimum of effort or one that is used as an observation well. The owner must give evidence of his intentions for continued use. As evidence of his intentions, the owner shall be responsible for properly maintaining the well in such a way that:

1. The well and the annular space between the hole and casing shall have no defects that will permit the seepage of water from outside the well.
2. The well is clearly marked and is not a safety hazard.
3. The well is covered or capped in such a manner

as to prevent easy entry by other than the owner.

4. The area surrounding the well is kept clear of waste and debris.
5. If the pump has been removed for repair or replacement, the well shall be adequately covered to prevent injury to people and to prevent the entrance of any contaminant or pollutant.
6. The well is not used for the disposal or injection of trash, garbage, sewage, waste water, and/or storm runoff.

Unless a well is used for observation purposes, a well shall not remain in the inactive status for more than one year. After that time it will be considered abandoned. Upon written request by the responsible party, the Louisiana Department of Public Works, may permit in writing, a well to remain in the inactive status for a specified period of time but not in excess of one additional year. The responsible party must satisfy the Department of his intent to use the well for observation purposes and/or return the well to the active well status within the specified time.

3.3.3.2. Observation Well

An inactive well can be used as an observation well by the landowner or lessee, or with the landowner's permission by governmental agencies, appropriate engineering or research organizations engaged in studies of the water resources of the area. Observation wells shall be covered with an appropriate cap or cover to prevent use or entry except by personnel of the landowner or lessee, or the agency or organization making the observations. It shall be the responsibility of the owner, organization, or agency to prevent entry of any foreign materials or water into observation wells and to keep the surrounding area clear of waste, water, and debris.

A well shall not be used for any injection or recharge studies until a permit and permission are obtained in accordance with existing codes, rules and regulations of the Department of Conservation and/or the Louisiana Health and Human Resources Administration.

When a well, which was formerly an active well is no longer needed for observation purposes and the landowner or lessee of the land does not intend to use the well to supply water, the well shall be considered abandoned. The well then shall be sealed and plugged in accordance with these standards within 90 days after the initial date of abandonment. The responsibility for

properly sealing and plugging an observation well, which formerly was an active well, shall be the landowner's or lessee's responsibility unless the agreement with the agency or organization to use the well for observation purposes clearly delegates the responsibility to the agency or organization.

Wells constructed solely for observation purposes by a landowner or lessee, a governmental agency, engineering or research organization, shall be converted to either active well status or abandoned well status when no longer needed for observation purposes. It shall be the responsibility of the landowner or lessee, agency, or organization who installed the well to plug and seal the well in accordance with these standards and methods stated within 90 days after the initial date of abandonment.

3.3.4.0. Abandoned Hole

A pilot hole driven, drilled, augered, or bored with the intent to install casing and obtain water shall be considered an abandoned hole when the hole is not cased and a well is not developed or used for water supply or observation purposes within 30 days after drilling operations have been completed. Unless the owner has a prior agreement with the water well contractor that states otherwise, it shall be the water well contractor's responsibility to plug and seal such an abandoned hole within 90 days after work is terminated or after the hole is considered abandoned.

An exploratory test hole drilled or excavated solely for the purpose of collecting geologic, hydrologic, and water quality data shall be considered an abandoned hole within 30 days after the completion of all testing operations. The agency or organization responsible for the exploratory work is responsible for plugging and sealing the hole unless the landowner or lessee of the land has agreed in writing to retain responsibility for plugging and restoration.

When the drilling of a hole is temporarily suspended and the rig moved away from the drilling site, the hole shall be considered an abandoned hole unless drilling operations are resumed within 90 days of the initial date of suspension of drilling operations. During the shut down period, a mud column of sufficient weight and height shall be maintained in the hole at all times to prevent seepage of water from or into the aquifers, or the interaquifer movement of water.

3.4.0.0. Failure of Responsible Party to Plug and Seal an Abandoned Water Well or Hole

A. When the responsible party fails to comply

within the time allowed for the plugging and sealing of an abandoned hole or well, the police jury of the parish where the hole or well is located, after being so appraised, may request the Department of Public Works to require the responsible party to plug and seal the hole or well within 30 days after receipt of notice from the Director, Department of Public Works.

B. If the responsible party fails to comply within 30 days, the police jury of the parish where the well is located may petition the Louisiana Department of Public Works to plug the well or hole. The responsible party shall be required to reimburse the State the expense incurred for plugging the water well or hole or be considered in violation of State Act 535 (1972), Section 7, which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

C. The landowner or lessee of the land at the time of plugging shall be held liable for repayment.

D. The Department of Public Works may enter into cooperative financial agreement with a local (area where well or hole is located) governing body to have a contractor qualified and experienced in plugging and sealing wells to plug abandoned water wells or holes in accordance with the standards stated herein by a qualified contractor and under the direction of the Louisiana Department of Public Works.

3.5.0.0. Regulations and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes

3.5.1.0. General

The plugging (or sealing) and filling of abandoned drilled water wells or holes shall be done by a contractor with experience in and knowledge of plugging and sealing procedures and the requirements of the rules, regulations, and methods stated herein. The work shall be done in such a manner to prevent the interchange of water between aquifers; to prevent the entry of surface seepage by movement into the annular space and/or the well; and to remove all health and safety hazards.

3.5.2.0. Preliminary Work

Before the water well or hole is plugged and filled, the responsible party and contractor should obtain and study drilling and construction records. An investigation of the well or hole shall be made to determine the well or hole's condition and whether any obstructions will interfere with plugging or filling the well or hole properly. Any obstructions shall be removed, if possible, by an approved method and by a qualified contractor.

3.5.3.0. Temporary Cover

When the work of plugging or sealing and filling an abandoned water well or hole is temporarily suspended, such as overnight or while awaiting material, the well or hole shall be covered and the immediate area conspicuously marked to protect and warn the public. The cover shall be sufficiently strong and anchored to prevent easy or unintentional entry. It shall be sealed well enough to prevent the seepage of water and the entry of any foreign material into the well or hole.

3.5.4.0. Plugging and Fill Materials

Requirements or criteria for (1) plugging or sealing material and (2) fill material to be used in accordance with these standards are as follows:

A. **Plugging or Sealing Materials.** It is recognized that no material is completely impervious, however, experience and tests show that neat cement or cement slurry has a low enough permeability to be preferred for use when plugging and/or sealing is required. Neat cement or slurry is a mixture consisting of one bag of cement to five or seven gallons of water. Cement grout or concrete grout may be used in place of neat cement or cement slurry if the change is approved by the Louisiana Department of Public Works. Following are definitions of cement grout and concrete grout:

1. **Cement Grout.** Cement grout is a mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.), and five to seven gallons of water.
2. **Concrete Grout.** Concrete grout is a mixture consisting of cement, sand and gravel and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel, and five to seven gallons of water.

Unless specified otherwise, plugging material shall be placed in one continuous operation by the circulation or pump method. The grout or slurry shall not be poured or dropped through the water.

B. **Fill Materials.** The following materials of low permeability (less than .001 millidarcies) are suitable for use as a filler when permitted by these standards: silt, sand and clay mixture, native soil, mud-laden fluid weighing not less than nine pounds per gallon, a well-propor-

tioned mixture of these materials or with those materials mentioned in paragraph 3.5.4.0.A. Fill material shall be free of foreign and organic additive material.

3.6.0.0. Methods and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes

The standards and methods discussed herein are intended to (1) prevent seepage from the surface into fresh water aquifers, (2) prevent the movement of fluids from one aquifer to another, and (3) remove all health and safety hazards. Because of variable hydrologic conditions differences in well construction, depth and size, and the irregular occurrence of saline water sands, the contents of these standards and methods cannot cover every possible situation.

3.6.1.0. Exceptions

Requests to vary from methods and standards stated herein or information on the proper method to seal and plug a hole or well are anticipated. Such requests for variance and/or clarification on methods to be used should be addressed to:

Director
Louisiana Department of Public Works
Post Office Box 44155
Baton Rouge, Louisiana 70804

Attention: Water Resources Section

Telephone: (504) 389-6135

3.6.2.0. Plugging and Sealing

The well or hole shall be filled or plugged upward from the bottom of the hole or well with neat cement or fill material, preferably in one continuous operation. Fill and/or plugging material shall not be poured into the hole or well. The Department may require under certain conditions, that the casing be perforated and cement forced under pressure into the surrounding formation to prevent movement of water in the annular space from one aquifer to another. Where the top of the casing is cut off below ground surface the excavation above the top of the casing shall be filled, after the surface plug is set, with enough soil or clay to compensate for compaction. All plugs shall be placed by the circulation or pump down method.

3.6.2.1. Surface Plug

A surface plug is a 30-foot or more in length cement plug that is placed in the upper 30 feet of the well

casing. The plugging material shall be allowed to spill over the top of the casing and into the annular space to a depth of about 10 feet completely sealing the annular space between the hole and casing. To assure no movement of water into the annular space the ground slab, if any, shall be removed before sealing and plugging operations begin.

3.6.2.2. Bridge Plug

As used in the methods and standards stated herein the term, bridge plug refers to a cement plug not less than 50 feet in length that is either set at the bottom of the hole or well or at any depth interval in the hole or well.

3.6.3.0. Methods of Plugging and Sealing a Drilled Water Well

The following standards and methods shall be used under the stated conditions to plug and seal an abandoned drilled water well. Although the conditions discussed include nearly all possible conditions, instances will occur that are not covered in the standards and methods. As specified in Section 3.6.1.0., the Department of Public Works shall be contacted for decisions on variance and changes.

3.6.3.1. Wells Less Than 50 Feet in Depth

A well less than 50 feet deep shall be plugged completely with neat cement or fill material in sufficient amount to plug the hole and seal the annular space.

3.6.3.2. Wells Greater Than 50 Feet in Depth and Where One or More Fresh Water Aquifer is Penetrated

A. The entire well shall be filled from the bottom up to the top of the casing with neat cement, or

B. Fill material shall be placed in the screen or in the open hole opposite the producing aquifer. A bridge plug of not less than 50 feet in length shall be set above the top of the screen. The remainder of the casing below the upper 30 feet shall be filled with fill material, above which the surface plug will be set. In addition, a bridge plug of not less than 50 feet shall be set and centered at the depths where the size of the casing is reduced and the casings of different diameters are joined by a seal or reducer.

3.6.3.3. Well Where One or More Saline Water Aquifers Have Been Penetrated

Because of the need to provide assurance that fresh

water aquifers will not be contaminated, the entire well including casing and screen shall be plugged and sealed with neat cement or cement slurry.

3.6.3.4. A Well From Which Some of the Casing Has Been Removed

A. If the casing remaining is in the upper part of the hole, the well shall be sounded to determine the amount, if any, of cave in. That part of the hole filled with cave in material shall be reamed or drilled out to the original depth of the well. That part of the hole between the bottom of the casing and the original depth of the well shall be plugged and sealed with neat cement or cement slurry to a height of not less than 50 feet above the bottom of the casing. The casing between the top of this bridge plug and a depth of 30 feet below the top of the casing shall be filled with fill material if no saline water aquifers were penetrated. A 30-foot surface plug shall be set in the upper 30 feet of the casing. If saline water aquifers were penetrated, the casing and open hole shall be completely filled from bottom up to the top of the casing with neat cement.

B. If the casing (including the screen) remaining is in the lower part of the well, the well and hole shall be completely filled with neat cement from the bottom up to or near the ground surface.

C. If all the casing and screen is removed, the hole for the entire original depth of the well shall be filled with plugging material as specified in Section 3.8.0.0. related to abandoned holes.

3.6.3.5. Gravel Packed Well

A gravel packed well will be plugged in accordance with Sections 3.6.3.2., or 3.6.3.3.

3.6.3.6. Well Where More Than One Aquifer Is Screened

A. To provide assurance that the movement of water is not possible a bridge plug shall be set in each screen. With the exception of the bottom screen, the plug shall extend 50 feet above and below each screen. The bridge plug in the bottom screen shall extend 50 feet above the top of the screen. The casing between each bridge plug may be filled with fill material. Surface plug shall be set in the upper 30 feet of casing, or

B. The entire well shall be filled with neat cement.

**3.7.0.0. The Plugging of a Driven,
Augered, Bored, or Dug Well**

The drive point, casing, or curbing should be removed from the hole and the hole shall then be filled with filler or plugging material. If the drive point, casing or curbing cannot be removed from the hole the pipe shall be filled completely with cement and filler material and then permanently capped. The filler or plugging material shall be allowed to spill over the top of the pipe and into the annular space.

**3.8.0.0. The Plugging of an Abandoned
Drilled Hole**

An abandoned hole shall be plugged from the bottom up to ground surface with neat cement (cement slurry).

Definitions

Abandoned Well: A well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water or for observation purposes.

Active Well: An operating augered, dug, driven, bored, or drilled well that is used to supply water.

Aquifer (Ground Water Reservoir): An aquifer is a group of formations, or a part of a formation that contains sufficient saturated materials to yield significant quantities of water to wells.

Bridge Plug: A cement plug of not less than 50 feet in length set at the bottom of the hole or well or at any depth in the hole or well.

Casing: A tubular retaining structure, generally metal, which is installed in a drilled, bored, driven, or augered hole to maintain the well opening.

Cement Grout: A mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to seven gallons of water.

Concrete Grout: A mixture consisting of cement, sand, gravel, and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel and five to seven gallons of water.

Cement Slurry: See definition for neat cement.

Contaminant: Any physical, chemical, biological, or radiological substance or matter in water.

Contamination: Any introduction into water from outside sources or micro-organisms, chemicals, wastes, or waste-water in a concentration that makes the water unfit for its intended use.

Department: The Louisiana Department of Public Works.

Director: Director means the Director of Public Works of the State of Louisiana or his designated representative.

Drill Cuttings: Drill cuttings are samples of the material obtained during drilling and are the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

Geopressured Aquifer: A term used for an aquifer, especially in the Gulf Coast Area, in which the fluid pressure exceeds the normal hydrostatic pressure of 0.465 pounds per square inch per foot of depth.

Geothermal: Pertains to the internal heat of the earth.

Ground Water: Water percolating below the earth's surface.

Gravel Packed Well: An underreamed well in which artificially selected gravel or coarse material is hydraulically placed in the area immediately surrounding the screen or slotted pipe used as a screen, to increase the effective diameter at the well.

Health Hazard: Any condition that may create a danger to public health and well being.

Inactive Well: A well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

Lessee: See definition for water well owner.

Neat Cement (Cement Slurry): A mixture consisting of one bag of cement to five or seven gallons of water.

Observation Well: A well used by the owner, an appropriate engineering or research group in studies of the water resources of an area.

TABLE 1

**State Agencies Concerned with Well Abandonment
and Protection of Fresh Ground Water**

Type of Well	Agency (responsibility)	Pertinent Regulations or Reference
1. Oil, gas and salt water wells.	Department of Conservation (To protect fresh water sands from contamination by oil, gas, and salt water.)	1. Chapter I, Section 4, Par. C, Title 30 of Louisiana Revised Statutes of 1950.
2. Salt water disposal wells.		2. Amendment to Section XIX of Statewide Order No. 29-B (2/27/74) in accordance with Title 30 of Louisiana Revised Statutes of 1950.
3. Industrial waste-disposal wells. (Including recharge and injection wells)	Department of Conservation (Same responsibility as with salt water disposal wells.)	3. Amendment to Section XV of Statewide Order 29-B in accordance with Title 30 of Louisiana Revised Statutes of 1950.
	Health and Human Resources—Administration, Division of Health, Bureau of Environmental Services. (To prevent changes in quality of water used as a source of public supply.)	Same as references 1, 2, and 3 above.
4. Water Wells	Health and Human Resources—Administration, Division of Health, Bureau of Environmental Services. (Sanitary Code states that wells shall be sealed to protect the water bearing formation.)	4. Chapter 10, Sanitary Code, State of Louisiana, in accordance with Title 40 of Louisiana Revised Statutes of 1950.
	Department of Public Works (To require that abandoned water wells be reported and sealed in accordance with standards and to establish such standards.)	5. Section 8.16.1, Chapter 8, Sanitary Code, State of Louisiana, in accordance with Title 40, Louisiana Revised Statutes of 1950.
		6. Section 3.2.3.20, Part 3, “Recommended Standards for Water Works”, Great Lakes—Upper Mississippi River Board of State Sanitary Engineers (1968 edition with 1972 revisions)—adopted 1974 by State of Louisiana.
		7. Par. A.6, Section 5, State Act 535 (1972).

Person: Any natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

Pilot Hole: A hole drilled or augered with the intent to install casing and supply water.

Pollution: A condition created by harmful or objectionable material in water.

Potable Water: Water whose bacteriological, physical, and chemical properties make it suitable for human consumption.

Registered Well: An inventoried well that has been assigned a local well number by the State and whose records are available.

Saline Water: Water with a dissolved solids content of 1,000 milligrams per litre or more.

Screen: A structural tubular retainer, usually metal, used to support the hole in unconsolidated material with openings in the form of slots, whose openings are selected on the basis of adopted standards and allows sand free water to flow freely into well in ample quantities and with a minimum loss of head. In agricultural wells and in other wells from which the pumping of sand creates little or no problems slotted pipe is used.

Seepage: The appearance and disappearance of water into the ground surface—a type of water movement.

Standby Well: A well that is used in emergencies or occasionally as a replacement well for a supply well.

Surface Plug: A cement plug of not less than 30 feet in length, in wells or holes deeper than 30 feet, and set at or below the top of the casing in the well.

Water Well Owner: Individual, corporation, association, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

Roy Aguillard
Director

RULES

Board of Regents

(Editor's Note: The following rules were adopted by the Board of Regents on June 26, 1975. Federal regulations set the effective date as July 31, 1975.)

Annual Amendment

State Plan for Community Service and Continuing Education Programs, Title I, Higher Education Act of 1965

Fiscal Year 1976

Introduction

This document is submitted to fulfill the requirements of Section 173.4 of the Regulations governing Title I of the Higher Education Act of 1965. It has been prepared in accordance with Section 173.12 of the Title I Regulations and directions received from the United States Office of Education. It forms the basis on which financial assistance is requested and, on approval of the U. S. Commissioner of Education, provides guidance for the selection and funding of community-service programs in Louisiana during Fiscal Year 1976.

Title I of the Higher Education Act of 1965 has been in existence in Louisiana since 1966 and has served in a Federal-State joint effort to employ expertise and facilities of higher education in programs of continuing education and community service to assist in solution of community problems.

There have been changes in Louisiana since 1966 which have placed administration of Title I funds with the Louisiana Board of Regents, which is the agency now responsible for the use of these funds.

Documents since 1966 have been submitted as the Louisiana State Plan for Title I and Amendments to the State Plan. This document becomes the Annual Amendment to the State Plan for Fiscal Year 1976.

I. Procedures for Establishing Priorities

Title I legislation encourages institutions of higher learning, in partnership with their communities, and through specially designed education programs, to assist people in the solution of community problems.

This Annual Amendment notes the goal established by the legislation for Title I programs:

“Assisting the people of the United States in the solution of community problems by making grants to strengthen community service programs of colleges and universities.”

It also notes the basic fact that Title I programs seek to stimulate and support educational activities for adults that grant aid to the solution of national and local problems affecting American rural, urban and suburban communities by modifying unusual resources of higher education for the benefit of relevant decision makers and selected classifications of neglected adults.

In determining priorities for Fiscal Year 1976, the agency has relied heavily on the advice and counsel of the Advisory Committee on Continuing Education, which in turn sought advice and counsel from the leadership of institutions of higher education in the community problems or aspects thereof to be solved. It is envisioned that the number of community leaders and organizations involved in the determination of problems will be greatly expanded in the preparation of annual programs in years following.

There was no difficulty in identifying an almost endless variety of general problem areas requiring solution in Louisiana. The major task was to establish priorities in order that those problems selected for Louisiana's program represented an assignment or objective which could be met from a practical point of view. The following three general problem areas were selected and are in accord with previous three year projections:

1. Government and community affairs: improvement of managerial ability and expertise of community leaders,
2. Human relations.
3. Improvement of essential urban services.

Throughout the development of the Title I program in Louisiana it has been very clear that the previously mentioned three problem areas have been of utmost concern in State and community development. As a consequence, of the institutions of higher education involving themselves in projects aimed at the solution of these problems, considerable change has resulted from efforts to establish long range goals for the State (for example, Title I projects contributed to the writing and acceptance of a new constitution for the State). New procedures of State management overflowing into parish and local governing bodies in their administrative person-

nel have caused changes which improved the operation of government at all levels and made the leadership more competent and responsive to the public.

II. Objectives of the State Program

The long range objective of the Fiscal 1976 Annual Program Amendment to the Louisiana State Plan for Community Service and Continuing Education is to provide an effective framework within which the community service continuing education capabilities of higher education systems in the State can contribute appropriately to the solution of critical problems of the communities within the three priority areas:

- A. Government and community affairs: improvement of managerial ability and expertise of community leaders:

Programs will be planned for in-service education of elected officials, State and local; State employees, and decision makers of the State (and community). Areas of involvement would include State governance via elected officials, management via State and local employees, expertise via decision makers. Specific programs will be related to changes necessitated by the adoption of the 1974 Constitution. The improvement of fiscal and managerial expertise and the assistance in studying the new serious problems facing society such as taxation, energy, and ecology.

- B. Human relations:

Recognizing the problems of employment, poverty and matters that relate to the aged, both whites and blacks, and the fact that blacks account for 27.0% of the State's labor force has caused an awareness of the need for fair treatment of all human beings.

In this recognition, is noted that there is difficulty in blacks competing successfully in efforts to provide for themselves as amply as their white counterparts do. Today in Louisiana, there is a labor force of 1,401,700 and an unemployment ratio of 8.8%. The coming year will require a labor force of 1,433,900 persons if the trend continues, calling for skills in both races that can be applied harmoniously. Total employment amounts to 1,277,900.

Obviously, problems of unemployment and improvement of the small businessman's operations (particularly of minorities) will require the

attention of program developers. The success of leadership training programs in providing services in bettering human relations and in awakening community leadership has created considerable demand for the continuation of these programs to enable the 606 local governmental units in operation in 1974 to provide training for its people. In similar fashion, urban institutions participated. New Orleans continues to receive requests for leadership programs which result in the improvement of urban services, human relations and provide for a core of community leadership.

Conversations with agency heads, leaders in community areas, and knowledgeable faculty in the rather extensive network of higher institutions have provided the Advisory Committee on Continuing Education and Community Development with input on problem areas.

Specific needs may be reflected as follows:

In Fiscal Year 1976, statewide elections will determine the leadership in the legislature, the police juries in the parishes, the school boards in the parishes, the city counsels and mayors in most municipalities. Previous experience has shown the need for orientation programs aimed particularly for the benefit of the new members of these groups (from 20 to 35 percent), as well as providing an opportunity for the experienced members to develop an early working relationship with the new. Considering elected officials alone this would involve some 144 legislators, 656 police jurors, 686 school board members, and approximately 300 mayors, and 1100 city councilmen. Statewide organizations interested in co-sponsoring programs for these leaders include the Council for Better Louisiana, the Louisiana Legislative Council, the Louisiana Police Jurors Association, the Louisiana Municipal Association, and the Louisiana School Board Association. All have previously participated in Title I programs.

Needs have been reflected in urban leadership and human relations programs in New Orleans, Shreveport, Monroe, and Lafayette. In addition, problems relating to the density of public housing projects have arisen in New Orleans. It is difficult if not impossible, to quote exact figures on this total population.

In north central Louisiana, the Committee's attention has been called to the need for leadership training programs for the improvement of human relations and particularly the strengthening of family living among minorities. Of concern here is the improvement of the quality of life for thousands of blacks.

C. Improvement of Essential Urban Services:

The State agency's effort to assist in the improvement of essential urban services will emphasize community development services. Louisiana in the past two decades has become essentially an urban state. According to the U. S. Census of 1970, Louisiana has 66.1% of its population living in urban areas. Approximately 50% of the State's population resides in 37 cities with 10,000 or more inhabitants. Urban Centers are now identifiable as target areas requiring study of demographic characteristics and the social, economic, and organizational structure. This agency realizes there is a need for a broad base of knowledge among the citizenry of relevant legislation and appropriations of local, regional and Federal agencies that are operating pertinent programs.

There must be clear definitions of major community needs and problems. Institutions in the State of Louisiana should provide solutions for the improvement of essential urban services through continuing education programs, consultation programs, and demonstration research projects.

Accordingly, during 1976, this agency will attempt to define and solve some of the problems to which we should address ourselves. Problems have been identified for the Advisory Committee which relate to urban housing conditions, problems of the aged, community leadership, public information seminars, problems of municipal governance, decision making. At this point, the community realizes that individual institutions will have to continue to assume responsibility for utilization of specific areas needing improvement in essential urban service.

III. The People to be Served

A. Government and Community Affairs

Target population—298 municipalities, and State: 70,213 career employees, 2,757 elected officials (State, parish, and municipal)

Goal for 1976—5 groups of 100 elected officials=500; 25 groups of 20 career officials=500

B. Human Relations

Target population: Approximately 1,500

Goal for 1976: 6 groups of 50 adults=300

C. Improvement of Essential Urban Service

Target population: not known

Goal for 1976: 3 groups of 50 each=150

IV. State Agency Consultation

The Louisiana Board of Regents is the State planning and coordinating agency for public higher education as well as being designated as the administrative agency for Title I (HEA) Community Service and Continuing Education Programs.

Programs will be developed with full recognition of the work being done in other State agencies recognizing their needs as well as the programs which require assistance through continuing education. Agencies utilizing Federal funding are consulted to avoid duplication and conflict of planning.

V. Funding Requirements

Administration

Federal

Personal Services:	
Salaries	\$ 9,480
Other Compensation	2,586
Related Benefits	1,074
Travel (Committee members & Staff)	2,000
Operating Services	4,967
Supplies	667
Professional Services	4,226
TOTAL	\$25,000

State

Personal Services:	
Salaries	\$ 5,250
Other Compensation	833
Related Benefits	488
Travel (Committee members & Staff)	1,000
Operating Services	2,483
Supplies	333
Professional Services	2,113
TOTAL	\$12,500

Federal and State Total

Personal Services:	
Salaries	\$14,730
Other Compensation	3,419
Related Benefits	1,562
Travel (Committee members & Staff)	3,000
Operating Services	7,450
Supplies	1,000
Professional Services	6,339
TOTAL	\$37,500

Federal matching and total funds necessary to carry out the State's program objectives for Fiscal Year 1976 are outlined as follows:

1. Government and Community Affairs: 50%

Federal: \$72,144
 Matching: \$36,073
 Total: \$108,217

2. Human Relations: 30%

Federal: \$43,287
 Matching: \$21,643
 Total: \$64,930

3. Improvement of Essential Service: 20%

Federal: \$28,858
 Matching: \$14,428
 Total: \$43,286

VI. Types of Activity to be Supported

As stated in the March 24, 1975 Memorandum from the U. S. Office of Education, activities supported by Title I-HEA projects must be designed to provide adults new knowledge and skills which will be applied in the process of community problem solving. Increasing the skills and knowledge of groups of adult citizens will help to build better communities.

The following are suggested types of activity which may assist, but should not limit, design of community service projects:

1. Innovative programs of instruction and study that will motivate community groups in developing techniques for successful problem solving.
2. Experimental, demonstration, or action research that will identify and develop new or improved approaches to problem solving techniques.

3. Consulting services and technical assistance from faculty, students, and/or other resources which may not be available within the community.
4. Seminars, workshops, conferences and forums on a local, regional or statewide basis.
5. Surveys and data gathering that involve numbers of persons in learning about and conducting a planning effort.
6. Mass media, such as radio or television, to develop awareness and involve the public in policy decisions processes.
7. Training programs for management and leadership development of elected officials and staffs of local governmental units.

Specific areas of concern, with known target populations, have been referred to in earlier parts of this Amendment. Academic content shall be college level, projects will not be designed for college credit or to serve as regular college courses. Activities will represent an "out-reach" effort of the institution involved.

VII. Additional Requirements

A. Notices of the Activation of Community Service and Continuing Education Programs will be forwarded to the U. S. Office of Education, Division of Adult Education within 15 days of the approval date.

B. Certification of the Title I-HEA Annual Amendment for 1976 as required in Section 173.19 of the Regulations is hereby submitted.

C. In accordance with Section 100b. 15 of the General Regulations, the "Governor's Comments" will be attached to the Amendment.

William Arceneaux
Commissioner of Higher Education

RULES

Louisiana Stream Control Commission

Water Pollution Control Plan
Fiscal Year 1976

The Water Pollution Control Plan prepared in accord with Section 106 of Public Law 92-500, the Federal

Water Pollution Control Act of 1972, as amended, 86 Stat. 816, et seq., is the document which identifies the water quality problem areas in the State, the management strategy of the water pollution control agencies to be directed toward these problem areas during Fiscal Year 1976, the Fiscal Year 1976 Construction Grants Priority List, and identification of the specific program outputs to be accomplished by the water pollution control agencies during Fiscal Year 1976.

The Fiscal Year 1976 Water Pollution Control Plan also includes the State of Louisiana Construction Grants Priority System. This system provides the basis for determining project priority for Federal assistance for the construction of municipal waste treatment facilities as provided for under P.L. 92-500.

Publication of this plan in its entirety herein would be unduly cumbersome. However copies of the plan are available for inspection or upon application to the Louisiana Stream Control Commission, Room 135, Geology Building, Louisiana State University, Baton Rouge, Louisiana; or the Bureau of Environmental Services, Division of Health, Louisiana Health and Human Resources Administration, Room 403, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana.

RULES

Louisiana Stream Control Commission
and Division of Health, Louisiana
Health and Human Resources Administration

Water Quality Management Plans: Atchafalaya River Basin, Mermentau-Vermilion-Teche Basin, Mississippi River Basin above Old River Control Structure, Pearl River Basin, Red River Basin, Terrebonne Basin.

The above referenced water quality management plans and corresponding waste load allocation studies developed in accordance with Public Law 92-500, the Federal Water Pollution Control Act of 1972, as amended, 86 Stat. 816, et seq., are detailed management plans for identification and classification of water quality in the respective basins and determination of the most efficient and cost effective means of solving these problems in the basins.

The corresponding waste load allocation studies pertain to those stream segments of some basins which have been designated as water quality limited, or where water quality is not expected to meet applicable water quality standards even after application of the effluent limitations required by P.L. 92-500.

The analyses contained in these water quality management plans shall be used in the development of terms and conditions of the permits to discharge pollutants to streams of Louisiana which will be issued under the National Pollutant Discharge Elimination System by the U. S. Environmental Protection Agency.

Publication of these plans in their entirety herein would be unduly cumbersome. However copies of the plans are available for inspection or upon application to the Louisiana Stream Control Commission, Room 135, Geology Building, Louisiana State University, Baton Rouge, Louisiana; or the Bureau of Environmental Services, Division of Health, Louisiana Health and Human Resources Administration, Room 403, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana.

RULES

Wildlife and Fisheries Commission

Hunting Seasons

The Wildlife and Fisheries Commission has adopted rules and regulations concerning the 1975-76 hunting seasons for resident game birds and animals. The Department of the State Register has determined that publication of these rules would be unduly cumbersome and has exercised its privilege to omit them from the Louisiana Register, as per R.S. 49:954.1C.

A copy of these rules is available for public perusal at Wildlife and Fisheries Commission offices, 400 Royal Street, New Orleans, Louisiana. The rules will be published in pamphlet form and made available, free, throughout the State on or about September 1, 1975.

Trapping Season

The Louisiana Wildlife and Fisheries Commission has set the trapping season for nutria, beaver, mink, muskrat, otter, raccoon, opossum, skunk, bobcat, and fox for the 1975-76 season, from December 1, 1975, through February 29, 1976.

The Commission further resolved that if additional time is required to prevent the overpopulation of nutria and muskrat in some areas, recommendations for an extended season will be presented to the Commission's January, 1976, meeting.

J. Burton Angelle, Sr.
Director

Notices of Intent

NOTICE OF INTENT

Louisiana Air Control Commission

The Louisiana Air Control Commission proposes to adopt Guideline No. 5, entitled "Sulfur Dioxide Emissions from Oil and Gas Production," at a hearing scheduled for 10:00 a.m. August 26, 1975, in the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans, Louisiana. Reasonable opportunity for oral comment will be permitted at the meeting. Written comments may be mailed to the Louisiana Air Control Commission, P. O. Box 60630, New Orleans, Louisiana 70160, prior to the meeting.

James F. Coerver
Technical Secretary

NOTICE OF INTENT

Capital Area Ground Water Conservation Commission

Notice is hereby given that the Capital Area Ground Water Conservation Commission intends to adopt rules, regulations, and procedures for the registration of water wells in the Capital Area Ground Water Conservation District in accordance with the provisions of Title 38, Sections 3076A (3) and 3076A (4) of Louisiana Revised Statutes, enacted by State Act 678 (1974). The Capital Area Ground Water Conservation District includes the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. The Board of Commissioners of the Capital Area Ground Water Conservation District will accept written comments, until 9:00 a.m., August 11, 1975, at the following address:

Capital Area Ground Water Conservation
Commission
P. O. Box 64526
Baton Rouge, La. 70806

A public hearing for the presentation of verbal comments will be held at 9:00 a.m. on August 11, 1975 at:

Room 240
6554 Florida Boulevard
Baton Rouge, La. 70806

The opportunity for public input is being held as a part of the rule-making procedures and provisions of R.S. 49:953.

Following are the subjects and issues to be considered.

- A. To consider the adoption of rules, regulations, and procedures for the registration, by the water well contractor, of water wells drilled in the District, and accepted by the landowner, or lessee after the effective date of these rules and regulations.
- B. To consider rules, regulations, and procedures for the registration by the well owner or lessee of water wells in the District drilled prior to the effective date of these rules, regulations, and procedures.
- C. As provided for by Section 3073 (3), and Section 3076D of State Act 678 (1974), to exempt the following from the rules, regulations, and procedures for the registration of water wells in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes, but not capable of producing more than 50,000 gallons per day.
- D. To consider the adoption and use of Louisiana Water Well Registration Form (LDPW-GW-1), which is to be furnished to water well contractors, and landowner or lessee who are responsible for registering water wells and submitting the completed form to the Commission and the Louisiana Department of Public Works.

All interested persons will be afforded reasonable opportunity to submit data, views or arguments.

Leo V. Bankston
Chairman

NOTICE OF INTENT

Capital Area Ground Water Conservation Commission

Notice is hereby given that the Capital Area Ground Water Conservation Commission intends to adopt rules, regulations, methods, and standards for the plugging and

sealing of abandoned water wells in the Capital Area Ground Water Conservation District, in accordance with the provisions of Title 38 Section 3076A (11) of Louisiana Revised Statutes, enacted by State Act 678 (1974). The Capital Area Ground Water Conservation District is composed of the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. The Board of Commissioners for the Capital Area Ground Water Conservation District will accept written comments until 9:00 a.m., August 11, 1975, at the following address:

Capital Area Ground Water Conservation
Commission
P. O. Box 64526
Baton Rouge, La. 70806

A public hearing for the presentation of verbal comments will be held at 9:00 a.m. on August 11, 1975 at:

Room 240
6554 Florida Boulevard
Baton Rouge, La. 70806

The opportunity for public input is being held as a part of the rule-making procedures and provisions of R.S. 49:953.

Following are the subjects and issues to be considered.

- A. To consider the adoption of rules, regulations, standards, and methods that require the plugging and sealing of abandoned water wells and holes in the District.
- B. To consider the adoption of standards and methods established by the State of Louisiana for plugging and sealing abandoned water wells and holes.
- C. To consider the adoption of rules and regulations establishing responsibility for plugging and sealing abandoned water wells and holes as established by the State of Louisiana.
- D. As provided for by Section 3073 (3) of State Act 678 (1974), to exempt the following from the rules, regulations, standards, and methods for the sealing and plugging of abandoned water wells and holes in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural and horticultural purposes, and (4) wells used for both domestic and agricultural

purposes, but not capable of producing more than 50,000 gallons per day.

- E. To consider the adoption of a Louisiana Water Well Abandonment and Plugging Form (LDPW-GW-2) to be furnished by the Louisiana Department of Public Works to persons, water well contractors, landowners or lessee, and others who are responsible for submitting the form to the Louisiana Department of Public Works and to the Commission.

All interested persons will be afforded a reasonable opportunity to submit data, views, and arguments.

Leo V. Bankston
Chairman

NOTICE OF INTENT

State Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to consider at its regular August meeting the adoption of policies in the following areas: 1) general budgeting procedures for budget units under the jurisdiction of the Board as well as policies relative to the certification by the President of the Board of approval of all grants, allocations, and appropriations under the Board's jurisdiction; 2) requirements for the certification of teachers as stated in Bulletin 746, Louisiana Standards for State Certification of School Personnel, especially requirements relative to temporary certificates and relative to the minimum requirements for certificates; 3) a policy on the signatures required for high school diplomas; and 4) Alternate Standards for Certification of Louisiana School Personnel; and 5) the revision of Bulletin 741, Handbook for School Administrators.

The State Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., Monday, August 11, at the following address:

State Board of Elementary and Secondary Education
Post Office Box 44064
Baton Rouge, Louisiana 70804

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

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

General Budgeting Procedures

5.00. General Policy on Budgets

With the exception provided in the Constitution of 1974 for parish and city schools boards, all budget units of public elementary and secondary, vocational-technical, and special schools under the jurisdiction of the State Board of Elementary and Secondary Education including the State Department of Education will submit budgets (requests, operating and capital construction, etc.) for all funds (State, Federal, self-generated, etc.) to the State Board of Elementary and Secondary Education for review, approval and submission to the executive and legislative branches of government. Such budgets shall include all allocations, grants, and program support of all funding provided in Federal and State appropriations and all discretionary allocations provided therein.

5.00. Budget Submission

Dates will be set by the State Board of Elementary and Secondary Education for the submission of each budget for all budget units of elementary and secondary education (except as excluded in the 1974 Constitution), vocational-technical education, and special schools.

5.00. Budget Adjustments

All changes to any budget submitted under policy number 5.00. General policy on budgets must first be submitted for review and approval by the Board prior to incorporation of any such change within a budget. Excluded from review of such changes shall be the State Department of Education in its day-to-day operations and staffing. Budget adjustments under review by the Board shall include, but shall not be limited to, the following types of changes:

- A. Budget adjustments—(BA-7) changes from previously approved budget allocations.
- B. Increased or decreased funding from other sources.
- C. Prior to their submission, all requests for funds from other State agencies must be approved by the State Board of Elementary and Secondary

Education. Such requests shall include those submitted to the Interior Emergency Board, etc.

5.00. Capital Projects

All changes to any physical facility under the jurisdiction of the State Board of Elementary and Secondary Education which change, add to, improve, or alter the utilization of, or that remove from use such facilities will first be submitted to the State Board of Elementary and Secondary Education for review, comment, and approval prior to the beginning of any such project.

5.00. Certification of Budgetary Allocations, Grants, etc.

All allocations, budget changes, grants, and funding of all programs, agencies, and budget units under the jurisdiction of the Board except those allocations excluded from the jurisdiction of the Board by law shall be made only on certification Board approval to the State Treasurer of the allocation, grant, or change. Such certification shall be made only over the signature of the President of the State Board of Elementary and Secondary Education or, in case of emergency, other such officer as shall be specifically designated by the Board.

Alternate Standards for Certification of Louisiana School Personnel (Secondary School Teachers)

Graduates of schools and colleges of arts, sciences, and humanities shall be granted initial certification to teach in their area(s) of specialization provided that they have met the following requirements:

- (1) successfully completed a bachelor's degree program through the academic department of their major area of specialization and successfully completed a subject matter competency examination in that area and in all secondary areas of specialization for which certification is sought; and
- (2) successfully completed all courses necessary to comply fully with the Minimum Requirements for Approved Teacher-Education Programs for Secondary Teachers (Grades 7-12), as stated in the paragraphs respectively entitled General Education and Professional Education of Bulletin 746 (as revised), 1971, Louisiana Standards for State Certification of School Personnel.

For demonstrated extraordinary competency or experience, school systems may elect to exempt an applicant from requirement (2) above. Applications for exemption shall be made by appeal to the certifying officer of the State Board of Elementary and Secondary Education.

All applicants who wish to add areas of teaching competency shall be required to pass a competency examination in each area desired.

Competency examinations in subject matter areas shall be formulated by a committee of at least two university representatives and at least two currently certified secondary teachers. All committee members shall come from areas in which the competency is sought.

Bulletin 746 (as revised), 1971, shall be amended in the last sentence of paragraph 1, page 9, to read as follows:

"The application, accompanied by an official transcript, shall show that the applicant has graduated from or completed an approved curriculum in a college of education, arts, sciences, or humanities of an institution accredited by the appropriate regional Association of Colleges and Schools and, over the signature of the dean of the applicant's college, a recommendation that the applicant be certified."

Earl Ingram
Director

NOTICE OF INTENT

Louisiana Health and Human Resources Administration

(Editor's Note: The following rules have been in effect on an emergency basis since June 1, 1975.)

The Louisiana Health and Human Resources Administration proposes to adopt a reduction in payable drugs in the Louisiana Medical Assistance Program. It is necessary to reduce expenditures in the medical assistance program in order to remain within allowable funds because of the increased cost of drugs and the greater number of persons now eligible for medical assistance.

Listed below are the prescribed medications and/or supplies for which payment will be made. Either the

National Drug Code or Louisiana Drug Code must be shown on each pharmaceutical billing form.

- (1) Legend Drugs. (Those drugs which bear the Federal Legend: "Caution: Federal law prohibits dispensing without a prescription.")
- (2) Nonlegend drugs as follows: Calcium Gluconate, Calcium Lactate, Calcium Phosphate, Contraceptive Supplies, Ferrous Gluconate, Ferrous Sulfate, Nicotinic Acid, and Insulin.
- (3) Benedict's Solution, Clinistix, Clintest, Tes Tape, and Insulin Syringes (not disposable).
- (4) Indwelling Catheters and Cateterization Trays.

Notice of this change has been mailed to all medical assistance recipients as well as physicians, pharmacists, hospital and nursing home administrators.

Interested persons may submit written comments until August 11, 1975, at the following address: Mr. Roy E. Westerfield, Director, Division of Family Services, Louisiana Health and Human Resources Administration, P. O. Box 44065, Baton Rouge, Louisiana 70804.

William H. Stewart, M. D.
Commissioner

NOTICE OF INTENT

Louisiana Health and Human Resources Administration

The Louisiana Health and Human Resources Administration proposes to adopt a State social services plan for the period beginning October 1, 1975, and ending September 30, 1976.

The purpose of the program is to provide individuals and families social services directed toward achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission for institutional care.

Services to be provided include: adoption services, day care and education and training for adults and children, employment services, family counseling, family planning, foster care, health related services, home delivered meals, home management and homemaker services, housing improvement, information and referral, maternity services, protective services, and recreational and transportation services.

All Louisiana residents who are included in one of the following three categories are eligible:

- (1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.
- (2) Recipients of Supplemental Security Income benefits or State supplemental payments.
- (3) Persons whose family gross monthly income is not more than 47.5% of the State's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$452 is eligible for services.

The total proposed budget is \$58,601,472. Of this amount, \$44,750,000 is Federal funds or services, \$10,617,897 is State funds or services, and \$3,233,575 is local funds or services.

A copy of the proposed plan may be obtained without charge by telephoning 1-800-272-9868 (the Governor's Public Assistance Line) between 8:00 a.m. and 12:00 noon, and 1:00 p.m. and 5:00 p.m., Monday through Friday; or by writing to:

Public Assistance Line
Division of Administration
P. O. Box 44095
Baton Rouge, Louisiana 70804

A copy of the proposed plan is available for public review at each parish office of the Division of Family Services between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

Public comment on the proposed plan will be accepted between July 2, 1975, and August 19, 1975. Send any questions, suggestions, comments and supporting documents to:

Mr. Ben Jeffers, Director
Division of Management
Louisiana Health and Human
Resources Administration
P. O. Box 44215
Baton Rouge, Louisiana 70804

A public hearing will be held on the proposed plan on Friday, August 8, 1975, beginning at 9:00 a.m., in the Mineral Board Hearing Room, State Land and

Natural Resources Building, 625 North 5th Street, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Liquified Petroleum Gas Commission

Pursuant to R.S. 49:953, notice is hereby given that the Liquified Petroleum Gas Commission intends to consider for adoption at the August meeting the following rules which were proposed at the June 26 meeting. Interested persons may send written comments until August 9 at the following address: Liquified Petroleum Gas Commission, P. O. Box 2149, Baton Rouge, Louisiana 70821.

Amend Section IV, paragraph 4.9, by adding at the end thereof the following subparagraph:

- (e) The responsibility of the dealer ends when the customer assumes custody of the cylinder after the filling.

Amend Section V, paragraph 5.7, by deleting subparagraph (d) in its entirety and substituting in lieu thereof the following subparagraph:

- (d) Dealer Responsibility: All new installations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe, 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 connecting appliances.

Lionel T. Ortego
Director

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Board of Regents intends to adopt the following rule changes at its meeting on Thursday, September 4, 1975, at 10:00 a.m., in the Mineral Board Room of the State Land and Natural Resources Building, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions in writing by September 1, 1975, to the Board

of Regents at One American Place, Baton Rouge, Louisiana 70825. Oral comments may be presented at the meeting.

2.2 Letters of Intent

The purpose of Letters of Intent is to strengthen the planning and coordination of academic programs by allowing the Board of Regents to review summaries of projected programs while they are still in the formative stage. Accordingly, the Board of Regents requires institutions of higher education to transmit Letters of Intent to the Commissioner of Higher Education for all academic programs to be proposed. A Letter of Intent must be filed separately for each program at least 12 months in advance of the program's submittal. Each Letter of Intent should be limited to three pages or less. It should provide the title, a brief description, and purpose of the projected program, and demonstrate that the program would:

- (1) Be within the role and scope of the institution.
- (2) Complement and strengthen existing programs at the institution.
- (3) Avoid unnecessary duplication of programs at other State supported institutions.
- (4) Supply present and future manpower needs.
- (5) Be within the institution's anticipated resources.

(a) Letters of Intent have no binding qualities. Institutions may later decide to alter or cancel plans for projected programs. Letters of Intent will not affect the authority of management boards to dispense with proposed programs as they deem appropriate. Communications and deliberations pursuant to a Letter of Intent will imply neither approval nor disapproval of the subsequent program by the Board of Regents.

(b) Under unusual circumstances, institutions may at any time request the Board of Regents to waive the requirement that Letters of Intent be filed at least 12 months in advance of the program's submittal. Adequate justifications should be included with each request.

(c) The staff will submit periodic reports to the Board of Regents summarizing both the Letters of Intent on file and deliberations with institutions pertaining to them.

(d) This policy will become effective upon completion of the requirements of the Louisiana Register. The stipulation of a 12 month notice, however, will not be enforced until after February 1, 1976.

2.3 Review of Proposed Academic Programs

Deadline for Submitting Requests	Board Reviews
February 1	April
September 1	November

2.4 The Revision or Elimination of Existing Academic Programs and Administrative Units

The Board of Regents will periodically review and evaluate program quality and productivity at all levels of higher education. Institutions will be invited to participate in these reviews and evaluations. Interested persons will be given an opportunity to appear before the Board of Regents prior to decisions in each particular case. The Board of Regents further encourages institutions and their management boards to initiate self-evaluations leading to the revision or elimination of existing academic programs and administrative units which are unproductive or of marginal quality.

2.5 Adequacy of Information in Program Proposals and in Requests for the Revision or Elimination of Existing Programs and Administrative Units

It is the policy of the Board of Regents to return without action any proposal or request which fails to satisfy the Board's need for relevant information. Specific categories of inadequacy will be cited when a program is returned for lack of information. Such action is not to be considered disapproval, and any proposals or requests so returned may be resubmitted in accordance with the regulations governing them. Due to the large number of requests at the associate level, and to avoid unwarranted proliferation and duplication, the Board of Regents requires proposals for associate degrees to contain the additional information as requested in the Guideline for Request for Authority to Offer a New Program.

2.6 Resubmittal of Disapproved Academic Proposals and Disapproved Requests for the Revision or Elimination of Existing Academic Programs and Administrative Units

If the Board of Regents disapproves a proposal or a request, institutions should carefully weigh reasons for the disapprovals prior to resubmitting the same or modified versions of the proposal or request. Extended periods of preparation and study are required to correct deficiencies in proposals or requests found initially wanting. For this reason the Board of Regents requires

the expiration of one year prior to reconsidering disapproved programs or requests.

2.7 Staff Information to Institutions

It is the policy of the Board of Regents to keep institutions fully apprised of decisions pertaining to programs or requests they have submitted. Institutional representatives will be invited to participate in the public sessions involving their proposals. They will also be informed by letter of decisions made regarding their proposals. Each letter will include an explanation of the reasons for the Board's action.

2.8 Request for the Revision or Elimination of Existing Academic Programs and Administrative Units

After receiving the approval of their management boards, institutions must submit to the Board of Regents all requests for the revision or elimination of existing academic programs and administrative units. Requests may be submitted at any time, and a response to each will be given within three months of the date of receipt. Justification should be included with each request. While no specific format is prescribed, institutions should be guided by the criteria outlined in the Guideline for Request for Authority to Offer a New Program. Under appropriate headings summaries should be provided indicating how the revisions or eliminations would contribute to educational quality at the institution.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission will consider for the adoption at its regular August meeting, or at a special meeting or meetings which may be necessitated by forthcoming Federal regulations, the 1975-76 seasons and bag limits for migratory waterfowl, doves, rails, gallinules, snipe, woodcock, teal, and any other upland migratory game species.

The Commission further proposes to formally adopt a Federal recommendation for zoned waterfowl hunting, whereby Louisiana would be divided into eastern and western zones during the coming duck season. The boundary line between the two zones would run from the Arkansas state line south on Louisiana Highway 3 to Shreveport, then east on Interstate 20 to Minden, south

on Louisiana Highway 7 to Ringgold, east on Louisiana Highway 4 to Jonesboro, then south on U.S. Highway 167 to Lafayette, then southeast along U.S. Highway 90 to Houma, and south along the Houma Navigational Canal to the Gulf of Mexico.

Additionally, the Commission will consider:

- Adoption of regulations for Lake Bistineau.
- Closing to oyster harvesting State seed ground areas in Sister Lake and a portion of Black Bay.
- Opening to oyster harvesting those State seed ground areas in Bay Junop and Bay Gardene which were closed last year.
- The opening of a special oyster season in Calcasieu Lake.
- The opening of a special alligator season.

Interested persons may submit written comments on any or all of the above subjects to the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130, until 4:30 p.m. August 8, 1975.

J. Burton Angelle, Sr.
Director

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