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Executive Orders

EXECUTIVE ORDER NO. 85

WHEREAS, the Governor's Clean-up and Beautification Project, initiated by Act 432 of the 1974 Legislature, has been organized and directed by the Governor's Council on Environmental Quality, and

WHEREAS, regional committees have been appointed and are functioning throughout the State, and

WHEREAS, the initial planning for the program has been completed and clean-up campaigns are in operation in some areas and are ready for state wide application in others, and

WHEREAS, the meetings, organizations and staff requirements for the success of the program are similar to the requirements of the Louisiana Trails Council operating under Executive Orders No. 68 and No. 84, and

WHEREAS, to avoid duplication and to enhance efficiency of the operations of these functions it is to the advantage of the State to combine these functions in one staff,

NOW, THEREFORE, in order to promote and assist both programs in a manner beneficial to the interests of the State,

I, EDWIN W. EDWARDS, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The responsibilities and functions assigned to the Governor's Council on Environmental Quality by Act 432 of the 1974 Legislature and the responsibilities and functions assigned the Coordinator of the Louisiana Trails Advisory Council assigned by Executive Orders No. 68 and No. 84 are hereby combined under the direction of the Coordinator of the Louisiana Trails Advisory Council, who shall assume the title of Coordinator of the Governor's Clean-up and Beautification Project, in addition to other duties as Coordinator of the Louisiana Trails Advisory Council and other duties previously assigned.
2. The existing organization of citizens serving at the local level throughout the State shall con-

tinue to serve and to assist at the State level, there shall be an Advisory Committee consisting of the Commissioner of Administration, Charles E. Roemer; the Director of the State Highway Department, W. T. Taylor; the Superintendent of State Police, Colonel Donald Thibodeaux and the Director of the Louisiana Tourist Commission, Bob LeBlanc.

3. The Coordinator shall have the authority to accept and disburse funds from State, Federal, or private sources for the purposes of this order, and to enter into contracts, agreements, and other instruments, and to accept and disburse or utilize bequests of property or money in the name of the State for the purposes of this order.
4. All personnel, office equipment, supplies, ongoing contractual arrangements, and funds under the control of the Governor's Council on Environmental Quality assigned to the Governor's Clean-up and Beautification Project are hereby transferred to the Coordinator.
5. The budget request for fiscal year 1975-76 submitted by the Council for Environmental Quality for the purposes of Act 432 of 1974, shall be submitted to the Legislature as part of the Executive Budget and shall be assigned to the Coordinator for the purposes of this order.
6. The preparation of legislation to remedy the solid waste disposal problems shall continue to be undertaken by the staff of the Governor's Council on Environmental Quality.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this, the 14th day of April, A.D. 1975.

EDWIN EDWARDS
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Louisiana Engineers Selection Board

Emergency Rule Effective June 9, 1975

The Louisiana Engineers Selection Board on May 12, 1975, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on June 9, 1975, the following Rules of Selection Procedure.

Rules of Selection Procedure

Pursuant to the provisions of Executive Order No. 76, Edwin W. Edwards, Governor of Louisiana, the Louisiana Engineers 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 engineering 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 the multi-parish

planning region, in which the project is to be constructed, 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 official notification specified above shall include the following information:

- a. The name, location and user agency for which the engineer 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 engineer must complete his 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 engineering firm (proprietorship, partnership, corporation or joint venture of any of these)

having an established office, licensed to practice in the State of Louisiana, and performing professional engineering services, 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 Engineers Selection Board hereby adopts the use of Federal Forms 254 and 255 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 19 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 non-delivery of the application by the US 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.
- 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.
- e. That the engineering 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

Preliminary Selection

A special meeting of the Board shall be called within 14 days after the deadline for submitting the requests for selection consideration. At this meeting, a review of the experience records of all applicants shall be made, and a "short list" determined.

Article VI

Final Selection

Section 1. After the determination of the "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.

Article VII

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 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

RULES

Louisiana Dairy Stabilization Board

Distribution Stabilization Plan No. 1

I. Distribution Marketing Areas

One distribution marketing area is hereby established which shall include all of the State of Louisiana.

II. Pricing Formulas

(Editor's Note: Pricing formulas will be adopted at a later date.)

III. Volume Discounts

A. Fluid Milk Products

1. The volume discounts herein established shall remain in effect until April 1, 1976, unless sooner modified, amended or repealed by the Board.

2. Licensed processors and licensed distributors are authorized to give discounts to licensed non-processing retailers in accordance with the Volume Discount Eligibility Certificate for Fluid Milk Products issued to each eligible non-processing retailer by the 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. Non-processing 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 non-processing 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 non-processing retailer. The calendar month selected by such non-processing retailer shall be the base period for the volume discount year during which such non-processing retailer commences business and, if the non-processing 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 non-processing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such non-processing retailer; provided, that if the calendar month selected by such non-processing retailer is the calendar month that immediately follows the month during which such non-processing retailer commences business, and if the non-processing 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 non-processing retailers which take place prior to the effective date shown on the non-processing 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 Dairy Stabilization Plan No. 1.

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 non-processing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the non-processing 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

<u>During the Base Period</u>	<u>Discount Rate</u>
\$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 twelve months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

B. Frozen Desserts

1. The volume discounts herein established shall remain in effect until April 1, 1976, unless sooner modified, amended or repealed by the Board.

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

Non-processing 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 twelve-month period which ends on the 30th day of September which immediately precedes the calendar year during which the Volume Discount Eligibility Certificate for Frozen Desserts is in effect.

Any applicant who commences business less than fifteen months prior to the beginning of the calendar year for which such certificate is sought shall supply the Board with information showing the total purchases of frozen desserts by such applicant from each supplier during the twelve calendar months commencing with the first day of the first full month during which such applicant is in business. This twelve-month base period shall be the base period for such applicant for both the calendar year during which such applicant commences business and for the following calendar 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 non-processing retailer whose purchases of frozen desserts from all suppliers fall into one of the categories set forth below. Such certificate shall authorize the non-processing retailer to receive and processors and distributors to give volume discounts at not more than the rate shown below:

<u>Annual Purchases of Frozen Desserts from all Suppliers During Base Period</u>	<u>Discount Rate</u>
\$ 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 calendar year for which issued regardless of changes in volume purchased.

IV. Sales to Institutions

A. General

1. In order to insure that institutions are adequately supplied with dairy products at all times each supplier shall set aside an adequate supply of one-half pints of homogenized milk and an adequate supply of all other dairy products in order to satisfy the needs of institutions.

B. Prices

1. Sales of dairy products to institutions shall be made at the following prices:
 - (a) Homogenized milk, one-half pints, paper or glass: wholesale price less ten percent.
 - (b) All other dairy products: wholesale price less five percent.
2. Each annual or other term contract covering sales of dairy products to an institution shall contain a clause declaring that:

"Prices at which dairy products will be sold under this contract are subject to being

adjusted during the existence of the contract in order to enable the supplier to comply at all times with the prices established by the Louisiana Dairy Stabilization Board.”

C. Schools

1. No wholesale price established by a distribution stabilization plan shall apply to the purchase of dairy products by any parish or city school board or to the purchase of such products by any school board or other governing authority of any elementary or secondary school of this State.

V. Licensing, Assessments and Records

A. Licenses

(1) Issuance

- (a) Each application for license must be on a form approved by the Board.
- (b) Before applying for a license from the Board, each applicant shall obtain the necessary permit(s) from the Louisiana State Board of Health.
- (c) A new license is required whenever there is a change of ownership, a change of location, or a change in the name or trade name of the licensee.
- (d) When issued, each license shall continue to be effective without renewal until suspended or revoked or until the licensee discontinues operating the business for which the license was obtained.
- (e) Whenever the Director has reason to believe that an applicant for a license is ineligible for that license because of non-compliance with the Act, the regulations, or the Distribution Stabilization Plan, or for any other reason, the Director shall mail to such applicant a notice of the time, date and place of a hearing at which the Board will consider evidence presented by the Board staff and by or on behalf of the applicant relative to the eligibility of the applicant for the license sought. All such hearings shall be conducted in accordance with the provisions of General Regulations and the Administrative Procedures Act.

(2) Suspension or Revocation

The license of any licensee who fails to comply with the provisions of the Act, the regulations or any Distribution Stabilization Plan issued by the Board may be suspended or revoked.

B. Obligations of Licensees

(1) Delinquent Accounts

Each processor and each distributor shall report to the Board on or before the 25th of each month, the names and addresses of all non-processing retailers who, on the 20th day of that month were delinquent in the payment of their accounts to such processor or distributor.

Each processor shall report to the Board on or before the 25th day of each month, the names and addresses of all distributors who, on the 20th day of that month were delinquent in the payment of their accounts to such processor.

An account is delinquent on the date specified by the seller, but the date specified by the seller may not be later than the 15th day of the month following the close of the month during which delivery of the fluid milk products or the frozen desserts takes place. In the event the seller fails to specify the due date, the account shall be due on the 15th day of the month following the close of the month during which delivery of the fluid milk products or the frozen desserts takes place. An account will not be considered delinquent if the purchaser is billed once each week and if payment is received by the seller within 30 days of the last day of the week for which the statement was rendered.

(2) Assessments

Each processor shall pay his assessment when due under the Act. Processors who are delinquent in the payment of their assessment shall add to the amount due a sum equal to one percent of the amount due for each day of delinquency. In computing the amount of the assessment, frozen desserts shall be converted to milk equivalent as follows: total milk solids non-fat times 5.79 plus total pounds of fat times 12.5. In the case of dairy products

processed by one processor and transferred to a second processor for resale, the assessment due in connection with Class II items is to be paid by the transferor and the assessment due in connection with Class I items is to be paid by the transferee. No processor shall be required to pay assessments on products processed in the State of Louisiana and sold outside of this State. Processors whose total annual assessments amount to less than \$25.00 shall be permitted to pay their assessments annually.

(3) Purchasing of Stock

Processors and distributors shall notify the Board 30 days prior to any purchases of stock in a corporation which holds one or more non-processing retailer licenses or which has announced it will engage in the sale of fluid milk products or frozen desserts.

(4) Disposal of Equipment

Each processor and each distributor shall notify the Director of the processor's or distributor's intention to discard or junk any item of equipment normally used by non-processing retailers, such as frozen food cabinets, milk dispensers, milk display cases, and motor vehicles. Such notification shall be given at least 72 hours prior to the intended action.

(5) Books and Records

(a) Each licensee shall maintain such books and records as are customary in the industry and as are necessary for a determination by the Board or its staff as to whether the licensee has complied with the Act, the Distribution Stabilization Plan and regulations.

(b) All records required by these regulations to be kept by licensees shall be kept on file by the licensees for at least 24 months. All such records shall be so organized and located as to facilitate examination by representatives of the Board.

(c) Records to be maintained by processors and distributors are as follows:

(i) Route loadout and settlement records including:

Route number (or name of route-man) and date.

Beginning inventory of saleable units of dairy products.

Number of units of dairy products loaded on truck.

Number of saleable units of dairy products returned to cooler or remaining in truck inventory as of date on which truck inventory is taken; provided that at least one such truck inventory must be taken in each 60 day period.

Number of spoiled units of dairy products returned to loading dock.

Number of units of dairy products sold.

Value of dairy products totaled.

Amounts of cash and charge sales stated separately.

Route collections on charge accounts listed, showing customer's name and amounts.

Amounts of route money short or over.

(ii) Accounts receivable records including:

Retail home delivery records to show customer's name, address, date of delivery, number of units delivered and value extended for each delivery period with grand total shown with any applicable taxes.

Retail home delivery collections posted to customer's account showing dates each such collection is received.

Wholesale or retail charge sales records showing identifiable charges and credits. Charge sales must be identifiable by sales invoices; credits must be identifiable by cash receipts or other records. Each

processor or distributor shall maintain ledger accounts for each non-processing retailer who purchases dairy products on credit unless such non-processing retailer regularly pays for dairy products within 20 days of delivery.

- (iii) Cash receipts and disbursements records including:

Cash receipts records showing cash received identifiable by route settlement sheets, collection on accounts, and other miscellaneous cash sales or income.

Disbursement records showing all monies expended. These disbursement records should include supporting documents such as cancelled checks and paid invoices. Petty cash expenditures should be itemized and properly supported. Disbursements made in connection with reimbursement of employee expenses should be supported by detailed statements relating fully the circumstances under which each such employee expense item was incurred.

- (iv) Cash and charge sales invoice records including:

Invoices must show business name of non-processing retailer, address (or store number), and date of sale, number of units of dairy products sold or delivered to non-processing retailer with value of such products extended and totaled. In lieu of showing addresses on sales invoices to non-processing retailers, the processor or distributor may maintain on file in his office a list of all non-processing retailer customers showing the names and addresses of such customers by routes. However, if the processor or distributor elects to follow this latter procedure, the processor or distributor must maintain sales invoices by routes.

All invoices should show units of

dairy products exchanged or returned.

- (v) Demonstration records showing:

Date of demonstration.

Type of dairy products used.

The names and addresses of non-processing retailer licensees where demonstrations were held.

Name of person conducting in-store demonstration.

Quantity of product used.

Whether the samples were taken from the non-processing retailer's stock or supplied directly by processor or distributor.

- (d) Each processor and each distributor shall keep detailed equipment records showing brand or make, size, type, serial number, date acquired, name and address of person from whom acquired, and the location of the equipment. Such records shall also show the date on which the item of equipment was sold, exchanged, or junked, together with the name and address of the person to whom the item of equipment was transferred, the price (if sold), and a full description of any merchandise or equipment received in exchange. In the event the sale of the equipment was a credit transaction, the records should show the amount of the down payment and the schedule of payments. Such records relating to equipment shall include leased as well as owned equipment.
- (e) Each processor of frozen desserts shall keep all recording thermometer records relating to mix pasteurization.
- (f) Jug deposits and refunds shall be shown on each invoice from a processor or distributor to a non-processing retailer even in instances where the number of jugs received from the non-processing retailer equals the number of jugs delivered.