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III. RULES

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Executive Orders

EXECUTIVE ORDER MJF 97-1

Scenic By-Way Program

WHEREAS: the unique natural beauty of the State of Louisiana is to be shared with and enjoyed by the traveling public to the fullest extent possible;

WHEREAS: the Federal Highway Administration (hereafter "FHA") administers the Intermodal Surface Transportation Efficiency Act of 1991 and Scenic By-Way Program Grant Funds;

WHEREAS: the FHA requires states participating in the Scenic By-Way Program (hereafter "Program") to designate an agency to be responsible for the administration of the state's Program;

WHEREAS: pursuant to Article VII, §27(A) of the Louisiana Constitution of 1974, as amended, all monies received from the FHA shall, upon receipt, be deposited in the Transportation Trust Fund; and

WHEREAS: the Louisiana Tourism Development Commission (hereafter "Commission") has successfully worked with the Departments of Transportation and Development and of Tourism to administer the state's Program;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Commission is designated as the agency within the State of Louisiana to work with the Departments of Tourism and of Transportation and Development, to administer and coordinate the state's Program.

SECTION 2: Pursuant to Article VII, §27(A) of the Louisiana Constitution of 1974, as amended, the Department of Transportation and Development shall receive, deposit in the Transportation Trust Fund, and administer, all grant funds obtained from the FHA for the administration of the state's Program.

SECTION 3: Pursuant to its designation in Section 1, the duties and functions of the commission include, but are not limited to, working with the Departments of Tourism and of Transportation and Development to submit a grant application on behalf of the state for participation in the Program; to assure that any and all grant monies received for the Program are disbursed in accordance with the terms and conditions of the grant and/or the FHA; and fulfilling all other duties and functions designated by the governor.

SECTION 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Commission, and the Departments of Tourism and of Transportation and Development, in implementing the provisions of this Order.

SECTION 5: Upon signature of the governor, the provisions of this Order shall be made retroactive to August 11, 1996, and shall remain in effect until amended, modified,

terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 22nd day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#019

EXECUTIVE ORDER MJF 97-2

Bond Allocation—Housing Finance Agency

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocation; and

WHEREAS: the Louisiana Housing Finance Agency has requested an allocation from the 1997 Ceiling to be used in connection with an elderly assisted care facility, Malta Square at Sacred Heart Project, in accordance with the provisions of Section 143 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$7,300,000	Louisiana Housing Finance Agency	Malta Square at Sacred Heart

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation for a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before April 22, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 22nd day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#020

EXECUTIVE ORDER MJF 97-3

Bond Allocation—Calcasieu Parish Public Trust Authority

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocation; and

WHEREAS: the Calcasieu Parish Public Trust has requested an additional allocation from the 1997 Ceiling, in addition to the allocation granted to it in Executive Order Number 96-78, to be used in connection with a program of financing mortgage loans for first time home buyers throughout the Parish of Calcasieu in accordance with the provisions of Section 143 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$5,200,000	Calcasieu Parish Public Trust Authority	Single Family Mortgage Bonds or Mortgage Certificate Program

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation for a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before April 22, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 22nd day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#021

EXECUTIVE ORDER MJF 97-4

Automobile Insurance Rate Deduction Task Force

WHEREAS: Executive Order MJF 96-15, signed on June 13, 1996, created The Louisiana Task Force for the Reduction of Automobile Insurance Rates (hereafter "Task Force"); and

WHEREAS: it is necessary to extend the date on which the Task Force shall submit a comprehensive, detailed and actuarially-sound plan to both houses of the Louisiana Legislature;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The last sentence in Section 1 of Executive Order MJF 96-15, which refers to the date that a comprehensive, detailed and actuarially-sound plan shall be submitted to both houses of the Louisiana Legislature, is amended to provide as follows:

The Task Force shall prepare and submit a plan to both houses of the Louisiana Legislature, for their review, no later than March 10, 1997.

SECTION 2: All other Sections and Subsections of Executive Order MJF 96-15 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 28th day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#022

EXECUTIVE ORDER MJF 97-5

Office of the First Lady

WHEREAS: the First Lady is the official hostess of the State of Louisiana and, as a result, the First Lady holds both private status and *de facto* state officer status;

WHEREAS: the First Lady of Louisiana, Mrs. Alice Foster travels throughout Louisiana to promote its beautification and historic preservation, the health and safety of its inhabitants, and other worthy projects and causes, such as the Louisiana Governor's Mansion Foundation, litter prevention and elimination, breast cancer awareness, and the protection of children's health, safety and welfare;

WHEREAS: First Lady, Mrs. Alice Foster welcomes visiting dignitaries, makes speeches and public service announcements, authors articles pertaining to her projects, holds press conferences and interviews, participates in charity events, and performs numerous other duties and activities at the governor's request; and

WHEREAS: the numerous duties and activities of the First Lady place significant administrative demands on the office of the First Lady which necessitate that it be given formal recognition;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority

vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Office of the First Lady is created and established within the Executive Department, Office of the Governor. The First Lady shall be an ambassador and a spokesperson for the State of Louisiana, and shall perform other duties as directed by the governor.

SECTION 2: Support staff, office facilities, and reasonable operating expenses shall be provided to the Office of the First Lady by the Executive Department, Office of the Governor.

SECTION 3: The First Lady shall not receive compensation or a per diem. Nonetheless, she may receive reimbursement for actual travel expenses incurred in the representation of the Office of the First Lady, in accordance with state guidelines and procedures, contingent upon the availability of funds, and the approval of the commissioner of administration.

SECTION 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Office of First Lady in implementing the provisions of this Order.

SECTION 5: Upon signature of the governor, the provisions of this Order shall be made retroactive to January 1, 1997, and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have 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 28th day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#023

EXECUTIVE ORDER MJF 97-6

Bond Allocation—Parish of Ouachita

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocation; and

WHEREAS: the Industrial Development Board of the Parish of Ouachita, Louisiana, Inc., has requested an allocation from the 1997 Ceiling to be used in connection with

EXECUTIVE ORDER MJF 97-7

Removal of Abandoned Barges and Vessels

the expansion, furnishing and equipping of a manufacturing project for EPCO Carbon Dioxide Products, Inc., located in Sterlington, Ouachita Parish, Louisiana;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$3,500,000	Industrial Development Board of the Parish of Ouachita, La., Inc.	EPCO Carbon Dioxide Products, Inc.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation for a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before April 29, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 29th day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#024

WHEREAS: a recent report entitled *Final Report of the Abandoned and Derelict Vessels Inventory in Fulfillment of Mandates of R.S. 30:2469* by the Office of the Governor, through the Office of the Oil Spill Coordinator, reveals that there are 160 abandoned barges in Louisiana which pose a substantial threat to the environment and to human health and safety;

WHEREAS: the United State Environmental Protection Agency and Coast Guard, acting pursuant to the federal Oil Pollution Act of 1990 and the Abandoned Barge Act of 1992, are willing to work with the Office of the Oil Spill Coordinator to abate and/or remove those 160 abandoned barges;

WHEREAS: by virtue of R.S. 30:2469, the Office of the Oil Spill Coordinator is presently authorized to remove only those vessels or structures that are in a wrecked, derelict, or substantially dismantled condition and which discharge or threaten to discharge oil in coastal waters, on public or private lands, or at a public or private port or dock;

WHEREAS: R.S. 34:843 provides broader removal authority than does R.S. 30:2469, in that it authorizes the federal, state, and local "governing authority" to remove abandoned barges and vessels;

WHEREAS: R.S. 34:843 does not name or limit which entities are a state governing authority; and

WHEREAS: to facilitate the joint federal and state abandoned barge abatement effort, it is necessary that the Office of the Oil Spill Coordinator be designated by the state as a state "governing authority" within the meaning and for purposes of R.S. 34:843;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Office of Oil Spill Coordinator is designated a state "governing authority" within the meaning and for the purposes of R.S. 34:843 and, therefore, possesses the jurisdiction and authority to remove abandoned barges and vessels.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state, and any political subdivisions thereof, are authorized and directed to cooperate with the Office of Oil Spill Coordinator in implementing the provisions of this Order.

SECTION 3: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 30th day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#025

EXECUTIVE ORDER MJF 97-8

DWI/Vehicular Homicide Task Force

WHEREAS: Executive Order MJF 96-9, signed on April 15, 1996, establishes the Governor's DWI/Vehicular Homicide Task Force (hereafter "Task Force"); and

WHEREAS: it is necessary to expand the membership of that Task Force to include the commissioner of the Office of Alcohol Beverage Control, assistant secretary of the Department of Revenue and Taxation;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order MJF 96-9, is amended to add Subsection N, which shall provide as follows:

N. The commissioner of the Office of Alcohol Beverage Control, assistant secretary of the Department of Revenue and Taxation, or the commissioner's designee.

SECTION 2: All other Sections and Subsections of Executive Order MJF 96-9 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 30th day of January, 1997.

M.J. "Mike" Foster Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#026

EXECUTIVE ORDER MJF 97-9

Individual Wastewater Treatment Systems Task Force

WHEREAS: the State of Louisiana has a duty to protect the health of its inhabitants and to prevent damage from occurring to the environment;

WHEREAS: serious environmental and health threats may exist due to the individual wastewater treatment systems in use in both urban and rural areas of the state which are inadequate or malfunctioning;

WHEREAS: epidemics, health risks, disease control problems, and environmental damage may be caused by and/or attributable to individual wastewater treatment systems which are discharging inadequately treated wastewater into the waters of the state; and

WHEREAS: it is in the best interest of the state for an in-depth study to be conducted on the health and environmental risks associated with individual wastewater treatment systems and on any corrective action which should be considered for uniform implementation throughout the State of Louisiana;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Task Force on Individual Wastewater Treatment Systems (hereafter "Task Force") is established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the Task Force shall include, but are not limited to, the following:

A. preparing a preliminary report, due no later than March 24, 1997, which identifies potential health and environmental problems associated with individual wastewater treatment systems, which are those systems with a capacity of less than 1500 gallons per day, and the various concerns raised by those problems; and sets forth a review of the regulations concerning individual wastewater treatment systems in use in the region of the southern states, and a plan to study and address the identified potential health and environmental problems;

B. conducting in-depth studies of and compiling information on individual wastewater treatment systems;

C. preparing a comprehensive report based on the results of the in-depth studies and compiled information, due no later than July 1, 1997, which addresses all matters associated with individual wastewater treatment systems, including the impact such systems may have on the environment and public health and the need for uniform statewide regulation of such systems; and

D. recommending legislation and/or regulatory provisions.

SECTION 3: The Task Force shall consist of at least 16 members who shall be appointed by and serve at the pleasure of the governor. The membership of the Task Force shall be selected as follows:

Emergency Rules

DECLARATION OF EMERGENCY

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

Registration of Pesticides; Certification of Commercial
Applicators; Licensing of Owner-Operators; and
Restrictions on Applications in Schools
(LAC 7:XXIII.Chapter 131)

In accordance with the Administrative Procedure Act, R.S. 49:953(B) and R.S. 3:3203(A), the Commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in adopting the following Emergency Rules for the implementation of regulations governing standard registrations of pesticides, certification of commercial applicators, licensing requirements of owner-operators, and special restrictions on pesticide applications in schools.

The Department has determined that these Emergency Rules are necessary in order that the Department can immediately put into place more stringent regulations governing the qualifications required for pesticide registrations, certification of commercial applicators, licensing requirements of owner-operators, and special restrictions on pesticide applications in, on, or around school buildings and grounds.

The Department has further deemed these regulations necessary to help ensure the safety and well-being of the citizens of Louisiana in general, as well as school children in Louisiana, in particular.

The effective date of this regulation is January 21, 1997 and it will remain in effect 120 days or until the final Rule takes effect through the normal promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter D. Registration of Pesticides

§13113. Standard Registrations

A. Application for registration shall consist of two types, namely initial registration and renewal registration. Initial registration application may be filed at any time of the year. Renewal registration application shall be filed by the first day of December each year. Application shall be made on forms or formats prescribed by the Commissioner, or on forms or formats which have the prior, written approval of the Commissioner.

1. Each application for the initial registration of a pesticide and for the re-registration of a pesticide for which the label has been changed shall be accompanied by the following information:

- a. the brand of the pesticide;

A. the secretary of the Department of Health and Hospitals, or the secretary's designee;

B. the secretary of the Department of Environmental Quality, or the secretary's designee;

C. the secretary of the Department of Wildlife and Fisheries, or the secretary's designee;

D. the assistant secretary of the Department of Health and Hospitals, Office of Public Health, or the assistant secretary's designee;

E. two members of the Louisiana Senate, nominated by the President of the Senate;

F. two members of the Louisiana House of Representatives, nominated by the Speaker of the House;

G. a representative of the Louisiana Police Jury Association;

H. a representative of the Federation of Wastewater Treatment Specialists;

I. an expert in the field of Environmental Health Science;

J. an environmental or civil engineer with expertise in the area of wastewater;

K. an attorney with expertise in environmental law, particularly on wastewater issues;

L. a representative of environmental/conservation organizations;

M. a representative of the Lake Pontchartrain Basin Foundation; and

N. a representative of consumer organizations or groups.

SECTION 4: The secretary of the Department of Health and Hospitals shall chair the Task Force. The membership of the Task Force shall select its vice-chairs and/or other officers.

SECTION 5: Support staff for the Task Force and facilities for its meetings shall be provided by the Department of Health and Hospitals.

SECTION 6: Task Force members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members who are not an employee of the State of Louisiana or one of its political subdivisions, or an elected state-wide public official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of Administration.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 8: The provisions of this Order are effective upon signature and shall remain in effect until July 1, 1997.

IN WITNESS WHEREOF, I have 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 31st day of January, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9702#027

b. the name, address and contact person of the manufacturer of the pesticide;

c. two complete copies of the labeling of the pesticide, containing:

i. the specific name of each active ingredient in the pesticide;

ii. the percentage of the active ingredients in the pesticide;

iii. the percentage of the inert ingredients in the pesticide;

iv. the net contents of each package in which the pesticide will be sold;

v. a statement of claims made for the pesticide;

vi. directions for the use of the pesticide, including warnings or caution statements.

d. the material safety data sheet prepared in accordance with the requirements of the Environmental Protection Agency;

e. such other information as the commissioner may require.

2. Application for re-registration of a pesticide for which the label has not been changed shall be accompanied by the following information:

a. the brand of the pesticide;

b. the name, address and contact person of the manufacturer of the pesticide;

c. such other information as the commissioner may require.

3. The labeling requirements as described in LAC 7:XXIII.13113.A.1 shall be resubmitted for any pesticide for which the label has been changed within 60 days of the change.

B. Any registration may be denied by the commissioner if he determines that:

1. the composition of the pesticide is not sufficient to support the claims made for the pesticide;

2. the label on the pesticide does not comply with state and federal requirements;

3. use of the pesticide may produce unreasonable adverse effects on the environment;

4. information required in LAC 7:13113.A has not been furnished to the Commissioner by the manufacturer.

C. Any pesticide registered in Louisiana must comply with the following:

1. Any pesticide sold or offered for sale or distribution must bear a label consistent with the label submitted in the registration application.

2. Each shipping container must bear the lot or batch number of the pesticide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 15:76 (February 1989), LR 23:

Subchapter F. Certification

§13123. Certification of Commercial Applicators

A. ...

B. Categories are established on the basis of the location where the application of pesticides will be made, and each applicant for certification is required to successfully complete

an examination in the category in which the applicant desires certification.

1. Certification in a category authorizes the commercial applicator to make application of or supervise the application of restricted use pesticides in the areas listed for each category.

2. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

(Note: The classifications in this Subsection reflect national categories established by EPA.)

Category 1. - Category 6.

* * *

Category 7. Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators and nonfee commercial applicators using or supervising the use of pesticides with restricted uses in, on or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed or manufactured products. This category has been subdivided into four subcategories:

i. ...

ii. Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around institutions, motels, hotels, hospitals and like places as the owner or in the employ of the owner and for persons applying or supervising the application of any herbicide, rodenticide, or insecticide for grass and weed control and rodent and general pest control in, on, or around structures or grounds of government subsidized and administered housing and multiplex housing.

iii. ...

iv. Subcategory 7d is for applicators who apply or supervise the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or restricted use pesticides, in, on, or around structures and grounds of schools that provide education for classes kindergarten through 12. Pesticide applications for wood destroying insects shall be applied by licensed structural pest control operators.

Each 7d certified applicator shall annually train all persons applying pesticides under his/her supervision in the proper handling, storage, use, application and disposal of pesticides.

Category 8. Public Health Pest Control. This category is for commercial applicators and state, federal and other government employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance. This category has been subdivided into six subcategories, as follows:

i. Mosquito Control: Applicator. This subcategory is for commercial applicators and government employees who are applicators in mosquito control programs.

ii. Rodent Control. This subcategory is for commercial applicators and government employees who are applicators in rodent control programs.

iii. Community Public Health. This subcategory is for commercial applicators and government employees who are applicators concerned with the control of all arthropods and rodents of public health importance.

iv. Mosquito Control: Program Supervisor. This subcategory is for commercial applicators and government employees who are program supervisors in organized mosquito control programs.

v. Antimicrobial Pest Control. This subcategory is for commercial applicators engaged in antimicrobial pest control using restricted use pesticides.

vi. Sewer Root Control. This subcategory is for commercial applicators and government employees who are applicators engaged in root control in sewers using restricted use pesticides.

Category 9. Regulatory Pest Control. This category includes state, federal or other governmental employees using or supervising the use of pesticides with restricted uses in the control of regulated pests.

Category 10. Demonstration and Research Pest Control. This category includes individuals who demonstrate to the public the proper use and techniques of application of pesticides with restricted uses or supervise such demonstrations and persons conducting field research with pesticides, and in doing so, use or supervise the use of pesticides with restricted uses. This category has been subdivided into eight subcategories:

- i. Agricultural Pest Control;
- ii. Forest Pest Control;
- iii. Ornamental and Turf Pest Control;
- iv. Seed Treatment;
- v. Aquatic Pest Control;
- vi. Right-of-Way Pest Control;
- vii. Industrial, Institutional, Structural and Health Related Pest Control;
- viii. Public Health Pest Control.

C. In addition to a determination of competence in a specific category or subcategory, each commercial applicator shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. In order to meet this requirement, each commercial applicator, at the time of initial certification in at least one or more categories, must take a general standards exam.

D. Examinations for certification for commercial applicators will be given upon request of the applicant at Baton Rouge at the Office of Pesticides and Environmental Programs or in any district office of the Department of Agriculture during office hours. Request for exams in district offices must be made seven days in advance.

E. Each person that has been certified in any category or subcategory as a commercial applicator, and whose certification has not been revoked or suspended, may renew that certification by attending a recertification meeting or training course for that category as designated by the commissioner.

F. The commissioner shall issue a certification card to each commercial applicator showing the categories or subcategories in which the applicator is certified. This certification card shall expire on December 31 of each year.

Each person wishing to renew a certification card shall do so by submitting an application form prescribed by the commissioner and by submitting the proper fee.

G. Each person who is certified as a commercial applicator need not be certified as a private applicator or a pesticide salesperson to apply or supervise the application of any restricted use pesticide as a private applicator or sell or supervise the sale of restricted use pesticides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:928 (September 1995), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 23:

Subchapter H. Licensing Requirements

§13131. Owner-Operators

A. - N. ...

O. Grass-Cutter Exemption. A person, when applying a general use pesticide to the lawn or ornamental plants of an individual residential property owner using pesticides and pesticide application equipment owned and supplied by the property owner, is exempt from licensing provided the person does not advertise for or solicit herbicide (grass or weed control) application business and does not hold oneself out to the public as being engaged in herbicide (grass or weed control) application. The person shall not supply his/her own pesticide application equipment, use pesticide applying power equipment, or use any equipment other than a hand held container when applying the pesticide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3243.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:194 (March 1984), LR 12:87 (February 1986), LR 23:

Subchapter I. Regulations Governing the Application of Pesticides

§13144. Special Restrictions on Pesticide Applications in Schools

A. Any person who applies or supervises the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or restricted use pesticides, in, on, or around school structures and grounds shall be a certified commercial applicator or under the supervision of a certified commercial applicator.

B. School systems with 10 or more schools shall employ a minimum of two certified commercial applicators. School systems with less than 10 schools shall employ a minimum of one certified commercial applicator.

C. The governing authority (including but not limited to superintendents, headmasters, school boards, board of directors, chief executive officer, or principals) shall prepare and submit in writing, for each school under its authority, to the director of Pesticide and Environmental Programs (PEP), an annual integrated pest management (IPM) plan for pest control for grass and weed control and rodent and general pest control (roaches, wasps, and ants) in, on, or around school

structures and grounds. The IPM plan shall include all pest control methods employed, including pesticide and nonpesticide methods and strongly recommends the least toxic methods of control. The first IPM plan shall be submitted prior to any application of pesticides beginning March 1, 1995 and shall be submitted on an annual year of August 1 through July 31. The plan shall be available for review, upon request, by the commissioner and the general public, during normal school hours, at each school, in the business office. The annual IPM plan shall include, but not be limited to the following:

1. school name and mailing address, physical address, telephone number and contact person;
2. name and license or place of business number of company(s) and certification numbers of applicators, if contracted;
3. name and certification number of certified commercial applicator(s) of school system;
4. brand name and EPA registration number of all pesticides to be used;
5. for each pesticide to be used list the following:
 - a. pest to be controlled;
 - b. type of application to be used;
 - c. location of application;
 - d. restricted use pesticide or general use pesticide.
6. proposed location and date for noncertified applicator training;
7. other methods of pest control.

D. Any deviation from the integrated pest control management plan submitted shall be submitted in writing to LDAF, Director of PEP, 24 hours prior to any application.

E. Records of pesticide applications shall be maintained according to LAC 7:XXIII.13157 and records of inspections, identification, monitoring, evaluations, and pesticide applications for grass and weed control and general pest control, shall be maintained by the school and submitted with the annual integrated pest management plan to the department annually on a form prescribed by the department in accordance with LAC 7: XXIII.13157.

F. No pesticides shall be applied for general pest control inside school buildings when students are present or expected to be present for normal academic instruction or extracurricular activity for at least eight hours after application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 21:928 (September 1995), amended LR 23:

Bob Odom
Commissioner

9702#010

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Boll Weevil Eradication Commission

Definitions; Red River Eradication Zone;
Cotton Acreage; and Program Participation
(LAC 7:XV.9903, 9914, 9919, and 9921)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:1609 and R.S. 3:1613, the Louisiana Boll Weevil Eradication Commission declares an emergency to exist and adopts by emergency process the following Rule setting forth definitions, creating a Red River Eradication Zone, reporting of cotton acreage, and fee payment in the Boll Weevil Eradication Program. This emergency adoption is necessary in order to prevent imminent peril to the health, safety or welfare of the citizens of Louisiana for the reasons set forth below:

The boll weevil is a pest which is destructive to the commercial crop of cotton and such destruction has persisted over decades despite use of control measures. The cost of destruction to the crop and the cost of efforts to control the boll weevil currently exceed \$30 per acre of cotton which is a cost sufficiently high to eliminate profit for some producers. Both the cost of destruction to the crop and cost of control efforts have risen and continue to do so. It is federal policy as well as the policy of the State of Louisiana to eradicate the boll weevil. The federal government has an eradication program which provides cost subsidies to participating states. The federal eradication program sets timelines for states to participate in the program. Failure of Louisiana to meet the federal timeline jeopardizes the much needed subsidy which could put at risk Louisiana's eradication program. Most cotton producing states are participating in the federal eradication program, in their own state eradication program, or in both eradication programs. Failure of Louisiana to achieve eradication of the boll weevil concurrently with other cotton producing states which do achieve eradication may cause Louisiana to be quarantined thus restricting the movement of cotton, equipment, and other regulated articles from the state.

Louisiana's eradication program is essential to the health, safety and welfare of the citizens of this state. Failure to adopt and amend these Rules on an emergency basis would jeopardize Louisiana's ability to meet the federal timeline and could result in a loss to Louisiana of the federal subsidy threatening the ability of Louisiana to conduct the eradication program. Failure to adopt these Rules on an emergency basis could also place Louisiana producers at an economic disadvantage when dealing with other cotton producing states which are participating in eradication programs and thus threaten Louisiana's ability to eradicate the Boll Weevil.

The effective date of this Emergency Rule is February 17, 1997, and it shall remain in effect for 120 days or until the final Rule takes effect through the normal promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 99. Boll Weevil

§9903. Definitions Applicable to Boll Weevil

ASCS—the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture, now known as FSA (Farm Service Agency).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1609.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 23:

§9914. Red River Eradication Zone: Creation

A. There is hereby created an eradication zone which shall hereafter be known as the Red River Eradication Zone.

B. The Red River Eradication Zone shall consist of all those territories within the boundaries of the following parishes: Acadia, Avoyelles, Bienville, Bossier, Caddo, Claiborne, DeSoto, East Baton Rouge, Evangeline, Grant, Natchitoches, Pointe Coupee, Rapides, Red River, St. Landry, St. Tammany, Webster, West Baton Rouge, West Feliciana.

C. The effective date of the establishment of the Red River Eradication Zone shall be effective immediately.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1609.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 23:

§9919. Reporting of Cotton Acreage

C. Noncommercial cotton shall not be planted in an Eradication Zone unless an application for a written waiver has been submitted in writing to the Commissioner stating the conditions under which such written waiver is requested, and unless such written waiver is granted by the Commissioner. The Commissioner's decision to grant or deny a written waiver for noncommercial cotton shall include consideration of the location, size, pest conditions, accessibility of the growing area, any stipulations set forth in any compliance agreement between the applicant and the Commissioner, and any other factors deemed relevant to effectuate the boll weevil eradication program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1607 and R.S. 3:1609.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:17 (January 1995), amended LR 23:

§9921. Program Participation, Fee Payment and Penalties

Upon passage of the referendum, all cotton producers growing cotton in an Eradication Zone shall be required to participate in the eradication program as follows:

1. Each year, during the first five years of the program, cotton producers shall submit to the ASCS Office the annual assessment as set by the Commission following the adjudicatory procedure of the Administrative Procedure Act, which assessment shall not exceed \$10 per acre the first year

and \$35 per acre for each of the remaining years, for each acre of certified cotton acreage on file with ASCS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1609, R.S. 3:1612, and R.S. 3:1613.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:17 (January 1995), amended LR 21:669 (July 1995), LR 23:

Dan P. Logan, Jr.
Chairman

9702#003

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

**Diseases of Animals—Equine Infectious Anemia
Eradication Program (LAC 7:XXI.Chapter 117)**

This Declaration of Emergency and adoption of Rule by emergency process is in accordance with and under the authority of the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 3:2093, and R.S. 3:2095.

The Livestock Sanitary Board has been advised of allegations that legal defects exist in the equine infectious anemia eradication program. The Board has concluded that in the event the alleged legal defects are found to exist, the equine infectious anemia eradication program would be interrupted. The Board has and does now find that the interruption to the equine infectious anemia eradication program will occur. The Board hereby concludes that the resultant interruption in the equine infectious anemia eradication program would cause imminent peril to public health, safety, and welfare of the citizens of this state in that a major disease eradication program would be compromised. In order to insure that the equine infectious anemia eradication program remains in place and uninterrupted pending final adoption of an appropriate final Rule through the normal promulgation process, the Board declares an emergency to exist and adopts by emergency process the following Rule setting forth the equine infectious anemia eradication program.

The effective date of this Emergency Rule is February 17, 1997 and it shall be in effect for 120 days or until an appropriate final Rule takes effect through the normal adoption and promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter A. General Provisions

§11701. Definitions

Approved Livestock Auction Market—a place where livestock are assembled for sale, which is approved by the USDA to receive livestock restricted due to exposure to