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Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of Louisiana R.S. 49:953 B, the Department of Health and Human Resources, Office of Family Security, has changed the rate and methodology of reimbursement to providers of medically necessary non-emergency medical transportation, effective February 9, 1981, under the Medical Assistance Program, Title XIX of the Social Security Act as follows:

Rate of Reimbursement: Providers of services shall be reimbursed at the provider's usual rate or a rate not to exceed:

- 1) \$10.00 per one-way pick-up for the first person; and
- 2) \$5.00 per one-way pick-up for each additional person; and
- 3) 50¢ per Title XIX vehicle mile.

To exceed these maximum rates, approval by the Assistant Secretary of the Office of Family Security or his designee shall be required on a case by case basis.

Medically necessary non-emergency transportation provided by commercial aircraft, buses, or taxis shall be reimbursed at their usual and customary rate, subject to such maximum limitations as may be established by Office of Family Security.

Annual cost reports must be submitted by those providers who are reimbursed on the basis of a pick-up fee and mileage within ninety days following the provider's fiscal year end.

This change, which is necessary to contain cost, will decrease annual expenditures for non-emergency medical transportation by approximately \$1,978,560.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953 B) to adopt, effective February 15, 1981, the following amendments to the Client Placement Program policy.

Population To Be Served By Office of Human Development, Division of Evaluation and Services

Exceptional children seeking initial placement, when the child is age twenty-five or younger, and his physical, mental, or neurological condition so deviates from the normal that they cannot without special therapy, or protective care satisfactorily participate in community living.

Exceptional persons of any age when that person is already in a restrictive placement; and continuation of restrictive placement is certified by qualified professionals to be necessary to the physical and/or emotional well-being of the exceptional person; and a review by the Regional Review Committee establishes that a plan of independent living is inappropriate to the best interests of the client.

Mandatory Review When An Exceptional Child In Placement Approaches Age Twenty-Five

The cases of exceptional children already in placement shall be referred for review by the Regional Review Committee at least sixty days prior to the child's twenty-fifth birthday. The purpose of the review is to determine whether continued restrictive placement is in the best interests of the client. Qualified professionals (a psychiatrist and/or a psychologist) shall be consulted. The Regional Review Committee shall decide whether the placement must continue. Any decision to discontinue agency funding of the placement of an exceptional child shall be supported by a statement in writing from the qualified professionals consulted that the physical and/or emotional well-being of the client will not be adversely affected by the discontinuance. The format for referral to the Regional Review Committee is outlined in 3-625 (B).

A copy of the results of all such reviews shall be forwarded to DES State Office, Attention: Alternate Care Specialist.

The requirement that a pre-release review of such cases be made by qualified professionals will prevent the arbitrary release from a residential facility of persons unable to function independently when they have reached age twenty-five. Such a review appears to be required by La. R.S. 40:2127 (Exceptional Children's Act). The policy will expand the population served by the client placement system to include those persons already in facilities who became age twenty-five, when a review of their case situation indicates that independent living is not a feasible alternative.

Arthur J. Dixon
Assistant Secretary

Rules

RULE

Board of Elementary and Secondary Education

Rule 3.01.87 - The Board adopted procedures for determining Board approval of the list of encyclopedias and encyclopedic references to be used by school librarians as follows:

- 1) Annually, the State Dept. of Education shall select a Reference Materials Adoption Committee composed of library supervisors and school librarians - the list of Committee members shall be kept on file in the Department as a matter of public record.
- 2) The function of the Reference Materials Adoption Committee shall be to evaluate all reference materials submitted for consideration by suppliers who desire to provide reference materials to Louisiana schools.
- 3) The Adoption Committee shall submit a report to the State Department of Education on each item which it evaluates, including a written report on each item which it rejects.
- 4) The State Department of Education shall compile a list of items approved by the Adoption Committee and shall submit the list to the State Board of Elementary and Secondary Education for its approval.
- 5) Local school librarians shall make selections of reference materials from the list as approved by the Board.

Rule 3.01.70v(34) - The Board adopted Certification Criteria for Education Program Evaluators, AERA Standards for Evaluation of Education Programs, Projects and Materials as follows:

Education Program Evaluators: Proposed Certification Criteria
Level A Program Evaluators
Level A evaluators are those persons, employed full-time and

part-time by the state or local education agencies, who design, approve and/or direct program evaluations and research on educational programs, projects and materials in the State of Louisiana. Level A evaluators are responsible for assuring that evaluation plans are executed and reported according to prescribed requirements and specifications.

Qualifications*

- 1) Masters degree in education, psychology or other behavioral science areas;
- 2) Coursework which includes a minimum of eighteen hours of graduate work in the fields of research methodology, statistics and/or educational measurements;
- 3) a. Five years of professional school experience including at least two years as an evaluator of educational programs, projects and materials; or
b. Three years of experience as an evaluator of educational programs, projects and materials; and
- 4) Successful completion of a State Department of Education inservice training program on the American Educational Research Association's (AERA) *Standards for Evaluation of Education Programs, Projects and Materials (1981)*.

*Persons presently employed full-time with program evaluation as a major part of their job descriptions or providing program evaluation services by benefit of a contract with a local education agency or by the state education agency in the capacity of a Level A evaluator and who completes the State Department of Education inservice training for Level A evaluators will be certified upon recommendation of the State or local superintendent. No one can be certified under the clause after six months from the implementation of this policy.

Level B Program Evaluators

Level B evaluators are those persons who, under the direction of Level A evaluators, implement educational program evaluations and research in the State of Louisiana. Level B evaluators must be familiar with procedures and methods of educational research design and data analysis so that they can conduct the evaluation activity which is directed by Level A evaluators.

Qualifications*

- 1) Masters degree in education, psychology or other behavioral sciences area;
- 2) a. Three years of professional school experience, or
b. Three years of employment related to the specific tasks of the Level B evaluator including: drafting proposed research or evaluation designs for approval, collecting appropriate data, preparing data for analysis, developing appropriate generalizations from the data, and drafting evaluation results;
- 3) Successful completion of a State Department of Education inservice training program on the AERA *Standards for the Evaluation of Education Programs, Projects, and Materials*.

*This certificate shall lapse if the holder shall allow a period of five consecutive years to pass in which he/she is not regularly employed in program, project and/or materials evaluation. The certificate can be renewed by presentation of evidence of six additional semester hours of coursework in the fields of research methodology, statistics and/or educational measurements.

Definitions

- 1) Professional school experience: For the purposes of certifying education program evaluators, experience as a teacher, administrator or other school-based professional in elementary, secondary or postsecondary education.
- 2) Program evaluator: Anyone who accepts and executes responsibility for planning, conducting and reporting evaluations.
- 3) Materials evaluation: Evaluations that assess the merit or worth of content-related physical items, including books, curricular guides, films, tapes, and other tangible instructional products (AERA, *Standards*, 1981).

4) Program evaluation: Evaluations that assess educational activities which provide services on a continuing basis and often involve curricular offerings. Examples include evaluation of a school district's reading program, a state's special education program, and a university's continuing education program (AERA, *Standards*, 1981).

5) Project evaluation: Evaluations that assess activities that are funded for a defined period of time to perform a specified task. Some examples are a three-day workshop on behavioral objectives, a two-year development effort, or a three-year career education demonstration (AERA, *Standards*, 1981).

Standards for Evaluation of Education Programs, Projects and Materials

1) The AERA *Standards for Evaluation of Education Programs, Projects and Materials* should be used as the criteria for judging evaluations performed for and by the state and local education agencies in Louisiana for project evaluators.

2) The Standards should be monitored and implemented through a "Standards Checklist" which should be field-tested by the Department of Education and revised as needed by the Task Force on Program Evaluation. The "Standards Checklist" should be published for ready access to educators and evaluators in Louisiana.

3) Training in the application of the AERA Standards in the use of the "Standards Checklist" should be a part of the required inservice training program prior to entry in the Louisiana Program Evaluator Registry.

Rule 7.02.02 - The Board adopted the following amendments to Bulletin 1508, *Pupil Appraisal Handbook*: Changes in the screening criteria relative to gifted students: Language change to read "achievement and aptitude" instead of "achievement criteria or aptitude."

Authorize Department of Education to make further exceptions on a pilot basis in some parishes to permit alternate methods for identifying students suspected of being gifted, provided that any departures from policy shall be reported to the Board and kept on file in the Department.

Add statement that if a child is found to be ineligible for a program due to screening criteria different from Bulletin 1508, the parents have the right to override the screening decision and request a full evaluation according to Bulletin 1508.

Rule 7.02.03 - The Board adopted an addition to Bulletin 1508, Section II, the Evaluation Model of the Louisiana Model of Developmental Evaluation for Handicapped Students and Severely Handicapped Preschoolers.

James V. Soileau
Executive Director

RULE

Office of the Governor Tax Commission

The following are amendments, adoptions, and changes made to the rules and regulations of the Louisiana Tax Commission entitled *Assessment of Real and Personal Property* by the Louisiana Tax Commission pursuant to a hearing held in Baton Rouge on January 14, 1981.

Page 3 was changed to read:

Real Property Rules and Regulations

In making appraisals of residential, commercial, and industrial buildings for 1982, the assessors shall use the three nationally recognized approaches to value, those being cost, income, and market, where each is applicable. When applying the cost approach, each assessor shall be responsible for obtaining and keeping an updated Residential Cost Handbook and Marshall Valuation Service, published by Marshall and Swift, and shall use the building cost index and local multipliers as of January 1, 1981.

The following procedure shall be used for assessing, listing, and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Louisiana Tax Commission.

Improvements shall be added to the rolls January 1 following the year the improvements are completed, Orleans excepted which shall be August 1, following the year the improvements are completed. Value of the improvements will be indexed to the date of the last reappraisal.

The Assessor shall use property transfers to evaluate trends within the assessing district. These trends will be applied by the Assessor in reappraising property on the basis of at least every four years or as directed by the Commission. The Assessor may reappraise property based on property transfers more often than every four years, if the trends established by the transfers indicate that property value fluctuations are creating inequities within the assessing district by property classifications, however, the reappraisal shall not be applied on a parcel by parcel basis, but rather across the board in a given geographical area. Values would be updated and then indexed to the date of the last reappraisal.

The annual report of the Louisiana Tax Commission will be indexed to the date of the last appraisal.

The Louisiana Tax Commission hereby orders that all property be reappraised in all parishes, Orleans excepted, for the 1982 tax year. Property is to be valued as of January 1, 1981. The Louisiana Tax Commission hereby orders all property in the Parish of Orleans be reappraised for the 1983 tax year. Property in Orleans is to be valued as of January 1, 1981.

J. Reginald Coco, Jr., Chairman
Tax Commission

RULES

Department of Labor Office of Labor

The following rules for the administration of the Labor Laws relating to employment standards and conditions of minors in the State of Louisiana, were amended pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on February 6, 1981.

Regulation of Conditions Under Which Minor Labor may be Used
Rule I B. Occupations Permitted for 14 - and 15 - Year - Old Minors in Retail, Food Service, and Gasoline Service Establishments

A 14 - and 15 - year - old minor may be employed in:

- (1) Office and clerical work (including operation of office machines);
- (2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
- (3) Price marking and tagging by hand or machine, assembling orders, packing, and shelving;
- (4) Bagging and carrying out customer's orders;
- (5) Errand and delivery work by foot, bicycle, and public transportation;
- (6) Cleanup work, including use of vacuum cleaners and floor waxers; and maintenance of grounds, but not including use of power-driven mowers or cutters;
- (7) Kitchen work and other work involved in preparing and serving food and beverages, including operation of machines and devices used in performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;

(8) Work in connection with cars and trucks if confined to the following:

- a. Dispensing gasoline and oil;
 - b. Courtesy service on premises of gasoline service stations;
 - c. Car cleaning, washing, and polishing;
- NOTE: Work involving use of pits, racks, or lifting apparatus, or involving inflation of any tire mounted on a rim equipped with a removable retaining ring is not permitted.

(9) Cleaning vegetables and fruits; and wrapping, sealing, weighing, labeling, pricing, and stocking goods when performed in areas physically separated from areas where meat is prepared for sale, and outside freezers and meat coolers;

(10) Selling, offering for sale, soliciting for or displaying articles, goods, merchandise, commercial service, posters, circulars, newspapers, or magazines;

(11) Blacking or shining shoes on any street or public place, or from house to house;

(12) Processing of sugar cane or sorghum into sugar, molasses, or syrup;

(13) Processing strawberries into preserves, coldpack, juices, or other products;

(14) Delivery of, and collection for newspapers and periodicals;

(15) Work as golf caddy.

Rule II E. Occupations Not Permitted for 14 - and 15 - Year - Old Minors

A 14 - and 15 - year - old minor may not be employed in:

- (1) Any manufacturing occupation;
 - (2) Any mining occupation;
 - (3) Processing occupations such as fileting fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries, and drycleaning (except in a retail, food service, or gasoline service establishment);
 - (4) Occupations which require performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed (except to the extent expressly permitted in retail, food service, or gasoline service establishments);
 - (5) Public messenger service;
 - (6) Operating or tending hoisting apparatus or any power driven machinery;
 - (7) Occupations connected with:
 - a. Transportation of persons or property by rail, highway, air, water, pipeline, or other means;
 - b. Warehousing and storage;
 - c. Communications and public utilities;
 - d. Construction, including repair work.
- NOTE: Office and sales work in connection with subparagraphs a, b, c, and d above when not performed at the actual construction site or on transportation media are excepted.
- (8) Any of the following occupations in a retail food service, or gasoline service establishment:
- a. Work performed in or about boiler or engine rooms;
 - b. Work in connection with repair of machines or mechanical equipment;
 - c. Outside window washing and all other work that involves use of ladders and scaffolds or their substitutes;
 - d. Cooking (except at soda fountains, lunchrooms, snack bars, or cafeteria serving counters) and baking;
 - e. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power driven food slicers and grinders, choppers and cutters, and bakery type mixers;
 - f. Work in freezers and meat coolers, and all work in preparation of meat for sale (except wrapping, sealing, labeling,

weighing, pricing, and stocking when such work is performed in processing areas);

g. Loading and unloading goods on and off trucks, railroad cars, and conveyors;

h. All occupations in warehouses, except office and clerical work.

RULE III 4. Hazardous Occupations

In the following paragraphs certain occupations are listed as hazardous. These occupations are specified both on an industry-wide basis, and on an occupational basis, regardless of the industry in which they are found.

A. Manufacturing or Storage Operations Involving Explosives

(1) Explosives — The term “explosives” and “articles containing explosives” mean and include ammunition, black powder, blasting caps, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations governing transportation of explosives and other dangerous substances by common carriers.

(2) Plant or Establishment Manufacturing or Storing Explosive Articles — The term “plant or establishment manufacturing or storing explosives or articles containing explosive components” means the land with all buildings and structures thereon which are used in connection with manufacturing, processing, or storing explosives or articles which contain explosive components.

(3) Nonexplosive Area

An area which meets all of the following criteria is deemed a “nonexplosive area.”

a. No work performed in the area involves handling or use of explosives.

b. The area is separated from the explosive area by a distance not less than that prescribed in the American Table of Distances for protection of inhabited buildings.

c. The area is separated from the explosive area by a fence or is otherwise located so that it constitutes a designated area.

d. Satisfactory controls have been established to prevent employees under 18 years of age who are working within the area from entering any area in or about the plant which does not meet criteria listed in above Subparagraph a. through c.

(4) Occupations Prohibited in Plants Which Manufacture or Store Explosives

The following occupations in or about any plant or establishment which manufactures or stores explosives are prohibited:

a. All occupations in manufacturing, mixing, transporting, or handling explosive compounds in manufacture of explosives, and all other occupations which require performance of any duties in an explosive area in which explosive compounds are manufactured or mixed;

b. All occupations involved in manufacturing, handling, or transportation of primers, and performance of any other duties in the same building in which primers are manufactured;

c. All occupations involved in priming cartridges, and performance of any other duties in the same room in which cartridges are primed;

d. All occupations involved in plate loading cartridges and in operation of automatic loading machines;

e. All occupations which involve loading, inspecting, packing, storing, and shipping blasting caps;

f. All other occupations in or about any plant or establishment which manufactures or stores explosives except when such occupation is performed in a nonexplosive area.

B. Occupations Involving Motor Vehicles

(1) Definitions

a. Motor Vehicle — The term “motor vehicle” means any automobile, truck, truck-trailer combination, trailer, semitrailers,

motorcycle, or similar vehicle which is propelled or drawn by mechanical or electrical power, and designed for use as a means of transportation, but does not mean any vehicle operated exclusively on rails.

b. Driver — The term “driver” means any individual who, in the course of employment, drives a motor vehicle at any time.

c. Gross Vehicle Weight — The term “gross vehicle weight” means the weight of the vehicle chassis, including lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or drivers compartment, body, special chassis and body equipment, and payload.

(2) Occupations Prohibited

Any occupation as motor-vehicle driver is prohibited.

C. Occupations in Coal Mines

(1) Definitions

a. Coal — The term “coal” means any rank of coal, including lignite, bituminous, and anthracite coals.

b. Occupations In or About Any Coal Mine — The term “all occupations in or about any coal mine” means all types of work performed in any underground working, open pit, or surface part of any coal-mining plant that contributes to extraction, grading, cleaning, or other handling of coal.

(2) Prohibited Occupations

All occupations in or about any coal mine are prohibited.

D. Occupations in Connection with Mining Other than Coal

(1) Definition — The term “all occupations connected with mining, other than coal” means all work performed:

a. Underground in mines and quarries;

b. On the surface at underground mines and underground quarries;

c. In or about open-cut mines, open quarries, clay pits, and sand and gravel operations;

d. At or about placer mining operations;

e. At or about operations dredging for clay, sand or gravel;

f. At or about bore-hole mining operations;

g. In or about all metal mills, washer plants, or grinding mills which reduce bulk of extracted minerals;

h. At or about any crushing, grinding, screening, sizing, washing, or cleaning operations performed upon extracted minerals, except when such operations are performed as part of a manufacturing process outside of the area of the mine or quarry.

(2) Prohibited Occupations — All occupations in connection with mining or operation of a quarry are prohibited.

E. Logging and Sawmill Operations

(1) Definitions

a. Occupations in Logging — The term “all occupations in logging” means all work performed in connection with felling timber; bucking or converting timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fenceposts, or similar products; collecting, skidding, yarding, loading, transporting, and unloading such products in connection with logging; and other work performed in connection with logging that is declared to be hazardous by the Assistant Secretary of Labor.

b. Occupations in Sawmilling — The term “occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill” means all work performed in or about any such mill in connection with storing logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage-stock, or other products of such mills; any other work performed in connection with operating any sawmill, lath mill, shingle mill, or cooperage-stock mill.

(2) Prohibited Occupations — All occupations in logging, and all occupations in operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited.

F. Power-Driven Woodworking Machine Occupations

(1) Definitions

a. **Power-Driven Woodworking Machines** — The term “power-driven woodworking machines” means all fixed or portable machines or tools driven by mechanical or electrical power, and are used or designed for cutting, shaping, forming, nailing, stapling, wire-stitching, fastening, or otherwise assembling, pressing, or printing wood veneer, or other products.

b. **Off-Bearing** — The term “off-bearing” means removal of material or refuse directly from a saw table or from the point of operation. Operations not considered to be off-bearing are: (1) Removal of material or refuse from a circular saw or guillotine-action veneer clipper when such material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means, such as a moving belt or expulsion device; (2) Carrying, moving, or transporting materials from one machine to another, or from one part of the plant to another; (3) Piling, stacking, or arranging materials to be fed into a machine by another person; and (4) Sorting, tying, bundling, or loading materials into conveyances.

(2) Prohibited Occupations

The following occupations involved in operation of power-driven woodworking machines are prohibited:

- a. Supervising or controlling operation of any woodworking machine;
- b. Feeding materials into any woodworking machine;
- c. Helping to feed materials into any woodworking machine;
- d. Setting up and adjusting, repairing, oiling, or cleaning power-driven woodworking machines;
- e. Any off-bearing occupation such as removing materials from circular saws and guillotine-action veneer clippers.

(3) Exemptions

Apprentices are exempt from prohibitions which apply to power-driven woodworking machine occupations.

G. Occupations Which Involve Operation of Power-Driven Circular Saws, Band Saws, and Guillotine Shears

(1) Definitions

a. **Circular Saw** — A circular saw is a machine which is equipped with a thin steel disc which has a continuous series of notches or teeth on the peripheral edge, mounted on a shaft, and used for sawing materials.

b. **Band Saw** — A band saw is a machine which is equipped with an endless steel band which has a continuous series of notches or teeth on one edge. The band runs over wheels or pulleys, and is used to saw materials.

c. **Guillotine Shears** — A guillotine shear is a machine which is equipped with a movable cutting blade, and is operated vertically to shear materials.

d. **Full Automatic Feed and Ejection** — The term “machine equipped with full automatic feed and ejection” means any machine which is equipped with devices which automatically feed and eject materials, and has a fixed barrier guard to prevent completely an operator or helper from placing any part of his body in the point of operation.

e. **Operator** — An operator is any person who operates a machine by performing the functions of starting or stopping the machine, placing materials into or removing materials from the machine, or any other function directly associated with operation of the machine.

f. **Helper** — A helper is any person who assists in operation of a machine by helping to place materials into or remove materials from the machine.

H. Power-Driven Metal-Forming, Rolling, Punching, and Shearing Machine Occupations

(1) Definitions

a. **Operator** — An operator is any person who operates a machine by performing such functions as starting or stopping the machine, placing materials into or removing materials from the machine, or any other function which is directly involved in operation of the machine.

b. **Helper** — A helper is any person who assists in the operation of a machine by helping place materials into or removing materials from the machine.

c. **Forming, Rolling, Punching, and Shearing Machines** — These are power-driven metal-working machines which change the shape of or cut metals by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving devices.

(2) Prohibited Occupations

Minors are prohibited from working on occupations as operator or helper on:

- a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and on hot or cold rolling mills;
- b. All pressing or punching machines, except those which are provided with full automatic feed and ejection, and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies or cutting surfaces;
- c. All bending machines, such as apron brakes and press brakes;
- d. All hammering machines, such as drop-hammers and power hammers;
- e. All shearing machines, such as guillotine or squaring shears, alligator shears, and rotary shears.

NOTE: The occupations of setting up, adjusting, repairing, oiling, or cleaning any type of machine described in Subparagraphs a. through e. above, including those with automatic feed and ejections, are prohibited.

I. Power-Driven Paper-Products Machine Occupations

(1) Definitions

a. The term “operating or assisting to operate” means all work involved in starting, stopping, loading materials into, and removing materials from a machine, or any other work directly involved in operating the machine.

b. The term “paper products machine” means any power-driven machine used to manufacture or convert paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper pulp products, or in any other type of manufacturing or non-manufacturing establishment.

(2) Prohibited Occupations

a. Minors are prohibited from operating any of the following or similar machines: Arm-type wirestitcher, stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler or vertical slotter, platen die-cutting press, platen printing press and punch press which involves hand-feeding.

b. Minors are prohibited from setting up, adjusting, repairing, oiling, or cleaning above machines, including those which do not involve hand-feeding.

(3) Exemptions — Apprentices and student-learners are exempt from all prohibitions in occupations involving power-driven paper-products machines and equipment.

J. Power Driven Bakery Machine Occupations

(1) Prohibited Occupations

Minors are prohibited from engaging in the following occupations: operating, assisting to operate, or setting up, adjust-

ing, repairing, oiling, or cleaning any horizontal dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination slicing and wrapping machine; cake cutting band saw; setting up or adjusting a cookie or cracker machine.

(2) Apprentices are exempt from all prohibitions affecting occupations involving power-driven baking equipment and machines.

K. Power-Driven Hoisting Apparatus Occupations

(1) Definitions

A. Elevator — An elevator is any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. Both passenger and freight elevators are included (also portable elevators and tiering machines). Dumbwaiters are not included.

B. Crane — A crane is a power-driven machine used for lifting and lowering a load and moving it horizontally. The hoisting mechanism is an integral part of the machine. Included are cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, locomotive, motor truck, overhead traveling, pillar jib, pintle, portal, semigantry, semiportal, storage bridge, tower, walking jib, and wall cranes.

c. Derrick — A derrick is a power-driven hoisting apparatus which consists of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes. All types of derricks are included, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff-leg derricks.

d. Hoist — A hoist is any power-driven apparatus used for raising or lowering a load by application of a pulling force. This includes all types of hoists, such as base-mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

e. High-Lift Truck — A high-lift truck is a power-driven industrial type truck used for lateral transportation, and is equipped with a power-lifting device, usually in the form of a fork or platform capable of tiering loaded pallets one above the other. Instead of a fork or platform, the lifting device may consist of a ram, shovel, scoop, crane, revolving fork, or other attachments for handling specific loads. Such trucks may be known as forklifts, fork trucks, tiering or stacking trucks, front-end loaders, or graders. Not included are low-lift, or low-lift platform trucks which are designed for transportation of, but not tiering of, materials.

f. Manlift — A manlift device is one which is intended for conveyance of persons. It consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain, or similar suspension device. Such chain device operates in a substantially vertical direction, and is supported by, and driven through pulleys, sheaves, or sprockets at top and bottom.

h. Automatic Elevator — An automatic elevator is a passenger elevator, freight elevator, or a combination freight-passenger elevator. Such elevator is controlled by pushbuttons in such a manner that starting, stopping, going to a landing and holding, and opening and closing car and hoistway doors is entirely automatic.

h. Automatic Signal Operation Elevator — This type elevator is one which is started in response to operation of a switch in the car which, when operated by the operator, actuates a starting device which automatically closes the car and hoistway doors, controls movement of the car to a selected landing, holds it when it arrives, and automatically opens the car and hoistway doors.

(2) Prohibited Occupations

The following occupations are prohibited for minors:

a. Operating a crane, derrick, elevator, hoist, or high-lift truck;

b. Work which involves riding in a manlift or on a freight elevator, except a freight elevator operated by an assigned operator;

c. Assisting in operation of a crane, derrick, or hoist; or in work performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and similar occupations.

L. Wrecking, Demolition, and Shipbreaking Occupations

(1) Prohibited Occupations — All work in wrecking, demolition, and shipbreaking is prohibited. This includes cleanup and salvage work, performed at the site of total or partial razing, demolishing, or dismantling a building, tower, bridge, steeple, chimney, or other structure, ship, or other vessel.

(2) Exemptions — All apprentices are exempt from prohibitions which apply to occupations in wrecking, demolition, and shipbreaking.

M. Brick, Tile, and Kindred Products Manufacturing Occupations

(1) Prohibited Occupations — All work in and about establishments in which clay construction products and silica brick are manufactured and in other silica refractories is prohibited with the exceptions listed in Subparagraph (2) below.

(2) Exemptions — All apprentices are exempt from prohibitions which apply to occupations in manufacture of brick, tile, and kindred products.

N. Roofing Occupations

(1) All occupations in roofing operations are prohibited. These include:

a. Installation of roofs, including related metal work, such as flashing, etc.;

b. Alterations, additions, maintenance, and repair, including painting and coating existing roofs.

(2) Exemptions — All apprentices are exempt from prohibitions which apply to occupations in roofing operations.

O. Excavation Occupations

(1) Prohibited Occupations

The following occupations are prohibited to minors:

a. Excavating, working in, or backfilling trenches with the exception listed in Subparagraph (2) below;

b. Excavating for buildings or other structures, or working in such excavations, with the exception listed in Subparagraph (2) below;

c. Working within tunnels prior to completion of all driving and shoring operations;

d. Working within shafts prior to all sinking and shoring occupations.

(2) Exemptions — All apprentices are exempt from the prohibitions which apply to occupations in excavation work.

P. Slaughtering, Meat-Packing or Processing, or Rendering Occupations

(1) Definitions

a. Slaughtering and Meat-Packing Establishment — Such establishments are places in and about which cattle, calves, hogs, sheep, lambs, goats, or other animals are killed, butchered, or processed. Including are establishments which manufacture or process meat products or sausage casings from such animals.

b. Rendering Plant — A rendering plant is any establishment engaged in conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

c. Killing Floor — The killing floor is the workroom or workplace in which cattle, hogs, calves, sheep, lambs, goats, or other animals are immobilized, shackled, or killed, and the carcasses are dressed prior to being chilled.

d. Curing Cellar — A curing cellar is a workroom or workplace which is primarily devoted to preservation and flavoring

meat by curing materials. It does not include an area where meat is smoked.

e. Hide Cellar — A hide cellar is a workroom or workplace in which hides are graded, trimmed, salted, and otherwise cured.

f. Boning Occupation — The term "boning occupation" means removal of bones from meat cuts. It does not include scraping or trimming meat from cuts containing bones.

(2) Prohibited Occupations

The following occupations are prohibited:

a. All occupations on the killing floor, in curing cellars, and in hide cellars, with exception listed in Subparagraph (3) below;

b. All occupations involved in recovery of lard and oils, with exception listed in Subparagraph (3) below;

c. All occupations involved in tankage or rendering whether or not in a rendering plant, or a slaughter house;

d. All occupations involved in operating, setting up, adjusting, oiling, or cleaning any power-driven machine used in a slaughtering, meat-packing or processing, or rendering plant;

e. All boning work;

f. All occupations which involve pushing or dropping any suspended carcass, half carcass, or quarter carcass;

g. All occupations involving hand-carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

(3) Exemptions — All apprentices are exempt from prohibitions which apply to occupations involved in slaughtering, meat-packing or processing, or rendering.

Q. Occupations Involving Exposure to Radioactive Substances and Ionizing Radiation

All work is prohibited in any workroom in which:

(1) Radium is stored or used in the manufacture of self-luminous compounds;

(2) Self-luminous compounds are manufactured, processed, or packaged;

(3) Self-luminous compounds are stored, used, or worked on;

(4) Incandescent mantles are made from fabric and solutions containing thorium salts, or where these are packaged or stored;

(5) Other radioactive substances are present in the air in average concentrations exceeding ten percent of the maximum permissible concentration in air recommended for exposure by the National Committee on Radiation Protection as set forth in the forty-hour week column of Table One of the National Bureau of Standards, Handbook No. 69, entitled Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure, issued June 5, 1959.

(6) Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

R. Occupations Involving Use of or Contact with Lead or Any Other Toxic Substance

Any occupation which involves use of or contact with any

toxic substance is prohibited. Such occupations include spray painting, transporting, or physically handling such substances.

J. T. Armatta

Assistant Secretary of Labor

RULES

Board of Trustees

State Employees Group Benefits Program

Rules for the Selection of

Minority Members to the

Board of Trustees of the

State Employees Group Benefits Program

1. Two members of a minority race, as defined below, who are state employees and participants in the State Employees Group Benefits Program will be appointed to the Board pursuant to R.S. 42:872 and these rules.

2. The following groups of persons are hereby designated as a "minority."

a. Black - Not of hispanic origin. Persons having origin in any of the black racial groups of Africa.

b. Hispanic - Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origin regardless of race.

c. American Indian or Alaskan Native - Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

d. Asian or Pacific Islander - Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands.

3. Any interested person meeting the requirements of Rules 1 and 2 may apply for appointment to the Board by forwarding to the Chairman of the Selection Committee:

a. A petition signed by at least twenty-five state employees who are participants in the State Employees Group Benefits Program. This petition, nominating a minority person for appointment, must contain a certification by the agency head or personnel officer that the persons signing the petition are indeed state employees and participating in the Program; and (a sample petition is attached to these rules);

b. A resume outlining the experience and qualifications of the minority applicant.

4. The petition and resume must be sent to: Chairman, Selection Committee, 2648 Wooddale Boulevard, Baton Rouge, Louisiana 70805.

5. All applications for appointment must be received prior to the close of business on March 31, 1981.

6. The Board, or any Committee thereof, may interview any or all of the applicants for membership on the Board of Trustees.

7. The two minority persons appointed to the Board will serve until September 1, 1984. Minority members appointed subsequent thereto shall serve terms of office concurrent with other members of the Board.

Nominating Petition

We the undersigned state employees and participants in the State Employees Group Benefits Program, hereby nominate

for membership on the Board of Trustees of the State Employees Group Benefits Program.

Signature	Social Security No.	Agency	Date
1.			
2.			
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I hereby certify the persons signing this petition are state employees and members of the State Employees Group Benefits Program.

Agency Chief

Personnel Officer

James D. McElveen
Executive Director

RULE

**Department of the Treasury
State Bond Commission**

The following rules and regulations of the Louisiana State Bond Commission, Office of the Treasurer, were adopted pursuant to the Administrative Procedures Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on February 3, 1981.

Section 2, paragraph 1 of the State Bond Commission's Rules and Regulations, as originally adopted on November 20, 1976, and amended as of October 20, 1978, November 20, 1979, and January 20, 1981, are hereby amended to read:

"1. The following has been adopted concerning meeting dates: Regular meetings shall be held at 10:00 a.m. on the third Tuesday following any meeting, provided that: (a) any meeting at which bids are to be received from the sale of bonds may be held at either 10:00 a.m. or 11:00 a.m., and (b) any meeting held in lieu of a regular meeting date due to State holidays shall be deemed a regular meeting, and such new meeting date shall be determined by the Chairman of the Commission; special meetings may be called by the Chairman of the Commission on any date, and upon calling such meeting, shall determine not only the date of the special meeting, but also the next regular meeting date."

Thomas D. Burbank, Jr., Director and Secretary
State Bond Commission

RULES

**Department of Urban and Community Affairs
Office of Consumer Protection
Title 2: Procedures
Chapter I - General Procedural Rules**

Section 2. Process of initiation

Any interested person may petition the Office requesting the adoption, amendment, or repeal of a rule. The petition shall be filed in the Office located at 2610 Wooddale Boulevard, Suite A, Baton Rouge, Louisiana 70806, or such other address as from time to time the Office may be moved, at any time during normal office hours, from 8:30 a.m. to 5:00 p.m., except for legal holidays and the days of the weekend. Within ninety days after submission of a petition, the Office shall either deny the petition in writing, stating reasons for the denial, or shall initiate rule-making proceedings in accordance with these rules.

Section 4. Notice

Prior to the adoption, amendment, or repeal of any rule, the Office shall give at least fifteen days notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved; a statement, approved by the Legislative Fiscal Office, of the fiscal and economic impact of the intended action, if any; or a statement, approved by the Legislative Fiscal Office, that no fiscal or economic impact will result from such proposed action; the name of the person within the Office who has the responsibility for responding to inquiries about the intended action; and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice and the approved fiscal and economic impact statements shall be published at least once in the *Louisiana Register* and shall be mailed to all persons who have made timely request of the Office for advance notice of its rule-making proceedings, which notice shall be mailed at the earliest possible date and in no case later than the date when the proposed action is submitted to the *Louisiana Register*. At the same time notice is given, a report relative to such action shall be submitted to the House Committee on Municipal and Parochial Affairs and the Senate Committee on Municipal and Parochial Affairs. For the purpose of timely notice, the date of notice shall be deemed to be the date of publication of the issue of the *Louisiana Register* in which the notice appears, such publication date to be the publication date as stated on the first page of said issue.

Section 9. Substantial compliance

No rule adopted shall be valid unless adopted in substantial compliance with these rules. No rule, whether adopted before, on, or after January 1, 1975, shall be effective, nor may it be enforced, unless it has been properly filed with the Department of the State Register. No rule, adopted on or after November 1, 1978, shall be effective, nor may it be enforced, unless prior to its adoption a

report relative to the proposed rule change is submitted to the appropriate standing committees of the Legislature as provided in CPR 2:4. No rule, adopted on or after September 12, 1980, shall be effective, nor may it be enforced, unless the approved fiscal and economic impact statements have been filed with the Department of the State Register and published in the Louisiana Register. The inadvertent failure to mail notice to persons making request for mail notice shall not invalidate any rule adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the ground of noncompliance with the procedural requirements of law must be commenced within two years from the effective date of the rule.

Charles W. Tapp
Assistant Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at the regular meeting held in New Orleans, Louisiana on Tuesday, January 27, 1981.

WHEREAS, Lake Charles, Moss Lake and Prien Lake in the Parish of Calcasieu were closed to the use of certain types of commercial fishing gear beginning on July 26, 1955, until further notice by the Louisiana Wildlife and Fisheries Commission for the purpose of conducting a biological study to be made to regulate the method and type of fishing that would be most beneficial to the area; and

WHEREAS, subsequent biological surveys indicate these lakes do not support populations of commercial species comparable to those in the past; and

WHEREAS, the lakes provide a considerable amount of sport fishing opportunity not compatible with certain types of commercial gear.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby continues the closure of the waters of Lake Charles, Moss Lake and Prien Lake to all commercial fishing whether by means of seines, trammel, gill and butterfly nets, and all trawls over sixteen feet; however, the lakes will remain open to the use of hoop nets, trot or set lines and sixteen foot trawls in season.

Jesse J. Guidry, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Management and Finance

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2096, relative to the authority of the Louisiana Livestock Sanitary Board to deal with contagious diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board will conduct a public hearing on Tuesday, March 10, 1981, at 9:30 a.m., in the office of the

Commissioner of Agriculture, Twenty-First floor, State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing is to promulgate rules and regulations governing the intrastate manufacture, distribution, and sale of animal vaccines, including, but not limited to, the following subject matter: definitions, requirements for approval of facilities, requirements for approval of specific vaccines, labels and labeling requirements, the application process, duration of and revocation of permits, fee for permitting, required record keeping, provisions for experimental research and test animals, review committee, change of ownership, restricted sales, and prohibitions.

Interested persons may secure a copy of the full text of said rules and regulations by written request to Dr. William Fairchild, State Veterinarian, Box 1951, Baton Rouge, Louisiana 70802 or in person at the Livestock Sanitary Board Office, 1276 Plank Road, Baton Rouge, Louisiana. Written comments will be accepted up to and including March 9, 1981, by the State Veterinarian at either of the above addresses, or may be submitted in person at the hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by R.S. 49:953.

Bob Odom
Commissioner of Agriculture

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Animal Vaccines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation costs to this agency will be approximately \$300 for travel to collect vaccine samples for testing. The rule will require that the actual cost of validation testing will be borne by the manufacturer.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No fee for license or special permit is now required, nor is a fee proposed. There will be no increase in revenue, whether or not the rule is enacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The estimated cost to the biological company wishing to produce, distribute, and sell a vaccine in Louisiana would be approximately \$20,000 annually, which would be paid to a commercial laboratory for evaluation of their product(s). Depending upon the species involved and sale price of the biological product, the sale of a vaccine or bacteria in Louisiana could easily generate \$500,000 or more revenue in Louisiana and save the consumers even more money by preventing a reduction in the food supply and/or the cost of treating sick animals.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The estimated effect on competition would be minimal because there are a considerable number of biological firms from out of state doing business in Louisiana at the present time. The effect on employment, however, could be very significant if a disease problem were to arise in any segment of the livestock industry which required a vaccine that was not being produced by an out-of-state federally licensed firm but could be produced by a firm in the state. This would insure the jobs of the people employed.

John Compton
Deputy Commissioner of Agriculture

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Agriculture
Office of Management and Finance

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2302, relative to the authority of the Commissioner of Agriculture to deal with contagious and infectious diseases of honey bees, notice is hereby given that the Commissioner of Agriculture, through the State Entomologist, will enact rules and regulations governing the administration of the Apiary Program, including, but not limited to, regulations governing the following: movement of beekeeping equipment, colonies, nuclei or comb packages; movement or shipment of combless packages and/or queens and used combless package cages; authority of agents to enter premises; applications for inspections; shipment or movement of restricted articles; issuance and use of certificate permits in Louisiana; shipment or movement of restricted articles from any quarantined area except under special permit; eradication measures; levy of assessments; and penalties.

Interested persons may secure a copy of the full text of the proposed rules and regulations by writing to Dr. John Impson, Assistant Commissioner for Agricultural and Environmental Sciences, Box 44456, Baton Rouge, Louisiana 70804 or in person at the office of the State Entomologist, 9181 Interline Boulevard, Baton Rouge, Louisiana.

Written comments will be accepted up to and including March 9, 1981, by the State Entomologist at either of the above addresses.

Bob Odom
 Commissioner of Agriculture

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Apiary

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
 No anticipated increase or decrease in cost of operation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
 Enactment of this comprehensive rule will result in an increase in revenue of approximately \$4,650 in the first year of implementation.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
 The assessment authorized by law is a nominal fee (\$.15 per hive). However, the services provided by the Department of Agriculture in certifying bees will increase the revenues of commercial apiarists.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
 None.

John Compton Mark C. Drennen
 Deputy Commissioner of Agriculture Legislative Fiscal Officer

NOTICE OF INTENT
Department of Agriculture
Office of Management and Finance

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, LSA 3:2091, relative to the authority of the Louisiana Livestock Sanitary Board, and LSA 3:665, relative to the administration of the Louisiana Public Live-

stock Market Charter Law, notice is hereby given that the Louisiana Livestock Sanitary Board will conduct a public hearing on Tuesday, March 10, 1981, at 9:30 a.m. in the office of the Commissioner of Agriculture, Twenty-first Floor, State Capitol, Baton Rouge, Louisiana, to consider the adoption of the following proposed addition to Regulation 3, Section 3, being a new Subpart D thereof, of the Rules and Regulations of the Louisiana Livestock Sanitary Board:

Proposed Rule

D. Sales of livestock will be held by the livestock auction market only on the days of the week which have been previously approved by the Board.

Written comments will be accepted by Dr. William Fairchild, State Veterinarian, Box 1951, Baton Rouge, Louisiana 70802, up to and including March 9, 1981, or may be presented in person at the hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, at the public hearing, as provided by LSA 49:953.

Bob Odom
 Commissioner of Agriculture

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Auction Sales Days

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
 There would be no implementation cost and no savings to this agency if the rule is enacted.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
 No fee for license or special permit is now required, nor is a fee proposed. There will be no increase or decrease in revenue, whether or not the rule is enacted.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
 There would be no cost to the Louisiana Livestock auction markets and livestock producers if this rule is enacted. The benefits to these two groups is that the Louisiana Livestock Sanitary Board could prevent two or more auction markets in the same geographical area from having livestock sales on the same day of the week. Simultaneous sales days reduce the number of buyers at the auction, which could reduce the price paid for the livestock due to a reduction in the amount of competitive bidding. This, in turn, could reduce the amount paid to the farmer for his livestock and it would reduce the amount of commission paid to the livestock auction markets for selling the livestock.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
 If this rule is enacted as proposed, no effect on competition or employment in the livestock markets is anticipated.

John Compton Mark C. Drennen
 Deputy Commissioner Legislative Fiscal Officer

NOTICE OF INTENT
Department of Agriculture
Office of Management and Finance

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:253-254, relative to the administration of the Family Farm Credit Program and the authority of the Family Farm Council, notice is hereby given that

the State Department of Agriculture, Family Farm Council, will conduct a public hearing at 10:00 a.m. on April 3, 1981, in the office of the Commissioner of Agriculture, twenty-first floor, State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing is to promulgate rules and regulations governing administration of the Family Farm Credit Program, including, but not limited to, the following general categories: definitions; applicant eligibility requirements; conditions for approval of loan guarantee; conditions for approval of interest payment adjustment; time and manner of filing applications; contents of the application; appraisal requirements, including listing of approved appraisers and selection of appraisers; title opinion requirements; Council procedures for initial approval/denial of application for loan guarantee/interest payment adjustment and subsequent notification; re-application and review of determinations; conditions for execution of Family Farm Loan Guarantee Agreement; conditions for execution of Interest Payment Adjustment Agreement; annual determination of eligibility for interest payment adjustment; renewal of interest payment adjustment; default for failure to farm lands purchased with Family Farm Security Loan; procedures upon default for non-payment; transfer of property secured under a Family Farm Loan Guarantee Agreement; and prohibitions.

Interested persons may secure a copy of the full text of the proposed rules and regulations by written request to Mr. Bryce Malone, Assistant Commissioner for Marketing, Box 44184, Baton Rouge, Louisiana, 70804, or in person at the Family Farm Council office at 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Malone, at either of the above addresses, up to and including March 31, 1981, or may be presented in person at the public hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by LSA 49:953.

Contingent upon appropriations to support the Family Farm Credit Program at the 1981 Session of the Louisiana Legislature, the rules and regulations proposed for the administration of the Family Farm Credit Program will become effective as of July 1, 1981.

Bob Odom
Commissioner of Agriculture

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Family Farm Credit**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Initial costs for implementation of the program will be \$71,774: salaries for two employees (administrator and clerical), routine operating expenses (supplies, rent, telephone, etc.), and initial purchase of office equipment.

The Department will also request a special appropriation of \$750,000 to \$1 million to set up a Revolving Fund for the payment of interest adjustments at the 1981 Session. This Revolving Fund will support payments of one-half of the interest due on eligible guaranteed loans.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no direct revenues generated by the program. In the eleventh and subsequent years of the program, monies paid as interest adjustment payments will be repaid to the program.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Approximately \$50 million should become available from

lending institutions for young farmers to purchase Louisiana farm lands.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There should be no effect on competition in agricultural production. However, employment opportunities in the private sector will increase in direct ratio to the number of Louisiana farm acres purchased and put into production through the guaranty and interest adjustment program.

John Compton
Deputy Commissioner of Agriculture

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture
Office of Management and Finance**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1312, relative to the powers and responsibilities of the Fertilizer Commission, notice is hereby given that the State Department of Agriculture, Fertilizer Commission, will conduct a public hearing, beginning at 1:00 p.m. on Monday, March 9, 1981, in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana, and continuing, if necessary, at 9:00 a.m. on Tuesday, March 10, 1981, in the office of the Commissioner of Agriculture, twenty-first floor, State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing is to promulgate rules and regulations governing administration of the regulatory program for fertilizers, including, but not limited to, the following general subject categories: definitions; registration requirements; labeling requirements; required guarantees; custom mixed fertilizers and fertilizer blends; sampling procedures; chemical analysis of fertilizers; tonnage reports and inspection fees; penalties; deficiencies, and curing of deficiencies; prohibitions against penalties; payment of penalties; recall of deficient fertilizer and cancellation of penalties upon proof of recall; stop sale orders; probationary status of registrants; revocation or registration and/or denial of application for renewal of registration; appeals from actions of the Fertilizer Commission/Department of Agriculture, including appeals concerning method of taking samples, appeals concerning results of chemical analysis, appeals concerning probationary status, and public hearing on revocation of registration/denial of application for renewal or registration; confidentiality of records; and penalties for violation.

Interested persons may secure a copy of the full text of the proposed rules and regulations by written request to Dr. Barby Carroll, Louisiana State University, Box 16390 A, Baton Rouge, Louisiana 70803, or in person at Dr. Carroll's office in the Harry D. Wilson Building, Louisiana State University, Baton Rouge, Louisiana.

Written comments will be accepted by Dr. Barby Carroll, at either of the above addresses, up to and including March 6, 1981, or may be presented in person at the public hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by LSA 49:953.

Bob Odom
Commissioner of Agriculture