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Rules

RULES

Department of Agriculture Bureau of Entomology and Plant Industry

Supplement to the Sweet-potato Weevil Quarantine and Regulation

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

III. Quarantined Areas

1. In the United States

- a. The areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and South Carolina.

2. In Louisiana

- a. Quarantined areas in Louisiana are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts hereinafter listed:

Bienville Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Enis Lowe, Section 12, R5W, T16N; that portion

consisting of a one mile radius of and including the property of Henry Lowe, Section 13, R5W, T16N; that portion consisting of a one mile radius of and including the property of Mary Willis, Section 29, R4W, T15N; and that portion consisting of a one mile radius of and including the property of David Williams, Section 6, R4W, T14N;

Caddo Parish—Wards 6 and 7; that portion consisting of a one mile radius of and including the property of Dr. Joe White, 115 Lucia Lane, Shreveport; that portion consisting of a one mile radius of and including the property of T. B. Boyter, Section 29, R14W, T18N; that portion consisting of a one mile radius of and including the property of Mrs. L. M. Laborde, Section 32, R13W, T16N; and that portion consisting of a one mile radius of and including the property of Tony Scarpinato, Section 16, R13W, T16N;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N; and that property consisting of a one mile radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

DeSoto Parish—that portion south of T15N;

Jackson Parish—that portion consisting of a one mile radius of and including the property of Loretta Denton, Section 26, R4W, T16N; and that portion consisting of a one mile radius of and including the property of Lee Watkins, Section 11, R4W, T15N;

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N;

Natchitoches Parish—that portion west and southwest of the Red River;

Webster Parish—that portion of Ward 4 bounded on the west by Bayou Dorchet, on the east by Highway 159, and on the south by Highway 80;

and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Register and Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

- b. Non-sweet potato areas shall be infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the Louisiana Register by the State Entomologist, with the approval of the Commissioner.

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after June 20, 1977.

Richard Carlton, State Entomologist
Bureau of Entomology and Plant Industry

RULE

Department of Commerce Radio and Television Technicians Board

Rule 10

Each member of the Examining Committee shall receive a per diem of thirty dollars for the performance of his duties while conducting examinations, and twenty-five dollars per day for any official meetings attended. He shall also be paid all necessary travel expenses and all actual and necessary subsistence expenses as set forth in the guidelines of the Division of Administration.

Nicholas J. Lapara, Administrator
Radio and Television Technicians Board

RULES

Board of Elementary and Secondary Education

Rule 4.01.50

Standards for Approval of Nonpublic Schools

Philosophy and Need

Nonpublic schools differ from public schools in philosophy, objectives, and approach. They come in many sizes and shapes and stress variety rather than uniformity. They develop as responses to particular educational needs within their community. They offer a broad range of learning options commensurate with the diversity of human needs, interests, and potentialities. All share a common concern for the individuality of students and for individualizing and personalizing the learning process. Each allows the student to make meaningful choices about his education.

Procedures for Approval of Nonpublic Schools

1. The nonpublic school board or governing body shall pass a resolution establishing the nonpublic school and setting forth its goals and objectives.
2. Nonpublic schools are designed to meet the needs of a specific group of students. Each nonpublic school will be evaluated on the basis of its stated goals and objectives. Evidence as to the attainment of each school's specific goals and objectives will be presented by the school to the State Board of Elementary and Secondary Education.
3. In addition, the basic goals and objectives of the nonpublic school will be evaluated by the nonpublic school system or governing body. The nonpublic school shall have an on-going evaluation of their school program with a written report to the State Board of Elementary and Secondary Education at least once every five years. This evaluation shall insure that the nonpublic school is maintaining a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.
4. It is recommended that the State Board of Elementary and Secondary Education establish a Commission of Nonpublic Elementary and Secondary Schools to evaluate these schools and to make

recommendations to the State Board of Elementary and Secondary Education as to approval or non-approval.

5. The Department of Education shall submit to the Board a yearly report evaluating nonpublic schools in accordance with the nonpublic school standards.

Criteria for Approval

Because of the diversity inherent in nonpublic schools, established public school standards are often neither appropriate nor fully applicable to their operation.

Standards for nonpublic schools should permit meaningful decisions to be made concerning the quality of their educational program and should insure an educationally sound environment.

1. Each nonpublic school shall develop and maintain a written statement of its philosophy and the major purposes to be served by the program. The statement shall reflect the individual character of the school and the characteristics and needs of the students it serves.
2. The educational program shall be designed to implement the stated goals and objectives. It shall be directly related to the unique educational requirements of its student body.

Faculty

A. Principal—The local governing body shall provide that the operation of the school be under the direction of a proven educational administrator. The principal shall hold, at least, a master's degree.

B. Instructional Staff—All members of the instructional staff shall have received a bachelor's degree from an accredited institution. They shall also have completed a minimum twelve semester hours of professional study, except that a beginning teacher shall have a two-year

period in which to meet this twelve semester hour standard. The teacher shall be required to have a certificate or college major in the field of work for which the teacher is responsible during a major portion of the school day. A teacher may work in areas other than the major field for a period of time that is less than the major portion of the school day provided that he has earned at least twelve semester hours in each such area. Exception may be made for teachers in trades and in other special classes.

Professional and/or technical personnel may teach less than one-half of a school day (i.e. certified public accountant, doctor, college or university professor, lab technician, lawyer, etc.).

Those teachers not presently holding a bachelor's degree, but having taught for a period of at least five years and are satisfactory in their teaching performance may be retained. However, upon retirement or replacement, they must be replaced by a degreed teacher.

No secondary teacher shall be required to teach more than seven hundred fifty pupil-hours per week.

Teacher recognition as described in this section for nonpublic schools shall not constitute any automatic granting of public certification, nor shall experience teaching in this status be countable for public certification unless that person has received public certification.

Curriculum

A. Elementary—Nonpublic elementary schools shall devote no less than fifty percent of the school day to the skilled subjects, which are reading, language arts, and mathematics. The remainder of the school day may be devoted to such subjects as social studies, arts, religion, science, physical education, or other electives.

B. High School—The units required for graduation shall include the following:

English

Must be any three of the four courses, English I, II, III, IV. (A course in basic reading may be available as an elective course to enable students who need it to take the three English units required.)

3 units

Health and Physical Education

Each required unit must include thirty hours of health instruction.

2 units

Mathematics

2 units

Science

2 units

Social Studies

2 units

Two units in social studies shall be required. One unit must be in American history; and one unit must be civics or an equivalent course in citizenship education as approved by the State Department of Education.

Minimum total required

11 units

Electives

9 units

Minimum total required
for graduation

20 units

Instructional Time Requirement

The daily program shall contain a minimum of 5 1/2 hours of instructional time. Schools on a continuous progress or modular scheduling program, where the constant is achievement and time becomes the variable must devote at least two hundred fifty minutes per week per basic subject area.

Enrollment and Attendance

1. Kindergarten age shall be defined as beginning at four years, eight months with a birth certificate required upon enrollment. The kindergarten program is informal in nature and planned to meet the developmental needs of young children with structured and unstructured learning activities.
2. The maximum enrollment allowed in any class or section shall not exceed thirty-five students except in certain activity type classes such as physical education, music, art, etc.
3. Children shall be accepted into first grade according to the standards established in the Compulsory School Attendance Law, (R.S. 17:222).
4. In order to be eligible for advancement to the ninth grade, an eighth grade student must have successfully completed the eighth grade skill subjects and must demonstrate a functional literacy achievement level in reading.
5. Elementary children must be present a minimum of one hundred forty days to be eligible to receive credit for the courses taken. Exception can be made only in the event of extended personal illness as verified by a physician or at the discretion of the principal.

Secondary students must be present a minimum of seventy days per semester to be eligible to receive credit for the course taken. Exception can be made only in the event of extended personal illness, verified by a physician or at the discretion of the principal.

Library

- A. Elementary schools with a centralized library shall have the services of at least a trained part-time librarian.
- B. High schools with three hundred fifty students or more shall have the services of a full time graduate librarian. High schools with less than three hundred fifty shall have the services of a part-time graduate librarian.
- C. High schools shall have at least ten volumes per student and an adequate number of magazines and periodicals.
- D. Library expenditures must not be less than two dollars per student per year.

Physical Plant

School facilities shall assure that the health and safety of those served by the school are properly safeguarded. Applicable local and State regulations shall be followed.

Summer School

1. The minimum attendance for a student to receive credit or pass a subject shall be as follows:
 - a. Seventy hours for one-half unit new credit
 - b. Forty-seven hours for removal of one-half unit deficiency
2. The local system may impose a more strict minimum attendance policy.
3. For the acceptance of summer school credit, the receiving principal must approve the summer school course(s) in advance.
4. Summer schools with seven or more teachers must have a certified principal.

School Reports

1. Annual School Reports

At the end of the first reporting period during the session, the principal shall forward a report through the nonpublic superintendent's or administrator's office, to the State Department of Education, on forms provided for that purpose. This must include the name, degree, and experience of each teacher employed; the daily schedule of classes; the registration of students in elementary grades; the high school subjects taught. This report shall be signed by the principal and the nonpublic school superintendent or administrator. One copy will be filed in the nonpublic school superintendent's or administrator's office and the other in the principal's office.

2. Reports of High School Credit

Before a student may graduate from a nonpublic high school a certificate of high school credits shall be submitted to and approved by the Director, Bureau of Secondary Education, State Department of Education.

3. Reports to Local Public School Superintendents

Student registration, gains, losses, enrollment, and attendance shall be recorded on report forms furnished by the State Department of Education. A complete form must be sent to the local public school superintendent's office and a copy filed in the principal's office. The principal shall send the session report to the local public school superintendent at the end of the school year. A copy of this report shall be filed in the principal's office, the local public school superintendent's office, and shall be available to the State Department of Education upon request.

* * * *

Rule 5.00.50c

Adoption of policy limiting consulting fees for applications for Federal funds to five percent of the grant.

* * * *

Rule 3.01.52c

(This policy replaces policy presently in effect.)

Full-time secondary certified teachers in schools including grades 7-12 (or any combination thereof) may be allowed to teach a maximum of two periods

in one subject out of their field of certification if they have earned twelve hours in that subject. This allowance shall not apply to the teaching of English I, II, III, American History, Civics, General Science, or Free Enterprise. Secondary teachers shall not teach below the seventh grade level. This requirement shall become effective for the school year 1978-79.

* * * *

Rule 3.01.70v (10)

No out-of-state graduate credit will be accepted by the Bureau of Higher Education and Teacher Certification for salary increment purposes, or for satisfaction of any teacher certification requirements if such credit is earned in a program conducted in a state other than that in which the granting institution is located. Any graduate credit earned at an out-of-state university, housed in state, which is acceptable in writing by a Louisiana graduate dean or the State Department of Education will not be subject to this provision.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Department of Health and Human Resources Board of Dentistry

(Editor's Note: The following rules were adopted by the Louisiana State Board of Dentistry on June 3, 1977, to become effective August 1, 1977.)

1. Notice of Employment of Dental Hygienists

Each dentist shall inform the Louisiana State Board of Dentistry of the name and license number of the dental hygienists employed by him or her. The Board must be notified of any change in employment within ten days of such change.

Anthony J. Milazzo, Jr.
Secretary-Treasurer
Board of Dentistry

RULE

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted the following policy and procedures in the Medicaid Program relating to the method of reimbursement for outpatient hospital services. The primary objective of this policy is to make Medicaid payments more equitable to the Title XIX providers of outpatient hospital services. The adopted policy and procedures are as follows:

Reimbursement for outpatient hospital services will be based on costs or charges, whichever is lower. Hospital cost reporting periods beginning on or after July 1, 1977, will be adjusted to cost at their year-end closing.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted rules and regulations regarding revised Income Standards and Basis of Issuance in the Food Stamp Program effective July 1, 1977, in accordance with Federal regulations as specified in Federal Register, Volume 42, Number 85, Tuesday, May 3, 1977, pages 22,356-8. The revisions provide food stamp recipients with a cost of living increase.

Copies of the revised Income Standards and Basis of Issuance may be obtained without cost at the following address: Food Stamp Program, Office of Family Services, 333 Laurel Street, Room 301, Baton Rouge, Louisiana 70804, telephone number 389-2631.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Health Services and Environmental Quality

(Editor's Note: Exhibits B, D, E, G, H, I, J, and K are samples of forms, logs, and certificates. They are not reproduced here, as per R.S. 49:954.1C)

Rules and Regulations for Chemical Test for Intoxication

The Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, having published notice of its intention to adopt certain rules and regulations as amended to date pertaining to breath and blood alcohol analysis methods and techniques pursuant to R.S. 32:663, hereby adopts and publishes the following rules and regulations pertaining to the performance of chemical tests for intoxication.

1. The Office of Health Services and Environmental Quality, Louisiana Department of Health and Human Resources, is the successor to, and acts as, the State Department of Health and/or Department of Health, R.S. 46:1751 et seq.
2. After the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories, has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing it shall be necessary for each individual instrument of the approved model to be given a numbered tag and to be checked out and approved for use by the State Police Crime Laboratory at least once every four months, and a machine recertification form shall be maintained for each machine in the State Police Crime Laboratory, as prima facie evidence of the operating performance of the device. A copy of this certificate shall be filed with the clerk of the applicable court in the respective parishes in which each device is used for breath testing.

Any manufacturer of any apparatus, device or equipment made for the purpose of analyzing the alcoholic content of breath, may request the Office of Health Services and Environ-

mental Quality, Bureau of Laboratories, to approve such apparatus, device, or equipment. The Bureau will consider said request upon submission of such information, instructions for use, exemplars, and other pertinent data as the Board may request.

3. Analysis of breath specimens for the determination of the alcohol content therein will be performed with the Photo-Electric Intoximeter Model No. 400 single cylinder instrument manufactured by Intoximeters, Inc., St. Louis, Missouri, which has the approval of the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories. The Photo-Electric . . . Model No. 400 single cylinder, is an approved technique or method for the performance of chemical tests for alcoholic influence.
4. The procedure for such analysis shall include the following:
 - A. General observation of the subject for a period of twenty minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.
 - B. The operator conducting breath analysis shall conduct such analysis in accordance with the "photo-electric intoximeter check list" which contains but is not limited to the following (See Exhibit A):
 - (1) Completing the information section concerning such things as name of subject, time, witness, arresting and testing agency, instrument number and location, and State Police Crime Laboratory machine certification tag number.
 - (2) A calibration check whereby the calibration of the instrument is checked by using a set of standard ampuls which accompany each instrument. A standard ampul of known value is used whereby the reading must be within the given range to show the calibrating section of the instrument is working properly.

- (3) Preparation of the instrument whereby temperature is checked and the ampul to be used in such analysis is checked to show it is within a certain tolerance plus or minus .010g%. This is to insure a good ampul will be used in the analysis.
- (4) A systems blank by which the instrument is shown to be free of contamination. Limitations here will be from +.010g% thru -.020g% whereby corrections from here will be made to produce the final reading.
- (5) Sample collection whereby the sample is taken and the twenty minute observation period is checked off.
- (6) Alcohol determination section whereby the instrument is flushed, scale zero checked and final reading taken. The ampul will be discarded after analysis since preservation will yield erroneous results after the ampul is opened, used in analysis, and exposed to continuous light. This ampul also contains acid which is very corrosive and may cause injury or damage if not properly disposed of.
- (7) Breath specimens collected for analysis should be substantially in equilibrium with pulmonary arterial blood, with respect to alcohol. That is, it should be essentially alveolar in composition.
- (8) Procedures for breath control analysis for the indirect determination of the blood alcohol concentration should include the following controls in conjunction with the testing of each subject.
 - a. Continuous observation of the subject for at least fifteen minutes prior to collection of the breath specimen, during which period the subject must not have ingested alcohol, regurgitated, or vomited.

- b. A system blank analysis.
- (9) Results of analyses of breath for alcohol shall be expressed in terms of percent W/V (grams per deciliter) that is, grams of alcohol per 100 milliliters of blood, rounded downward to the second decimal place; for example 0.237 g/dl found should be reported as 0.23 g/dl or 0.23 percent.
 - (10) The quantity of breath analyzed for its alcohol content shall be established only by direct volumetric measurement, or by collection and analysis of a fixed breath volume at constant known temperature.
- C. After each test the results will be recorded in the intoximeter log book (See Exhibit B). A copy of which is to be sent to the State Police Crime Laboratory at the end of each month and a copy to be retained at the testing agency.
 - D. A chemical test for intoxication of either blood or breath shall be administered after the arrest but within two hours of the violation, but the person arrested, having refused the test in writing properly acknowledged by two witnesses, or orally in the presence of two witnesses, shall not be administered the test, having once refused.
5. Each lot of ampuls shall be certified at the factory by the manufacturer as to their standard of quality. This certificate shall be prima facie evidence as to the standard of quality of the ampul.
 6. Maintenance checks will be performed on a routine basis at least once every four months, by the Louisiana State Police Crime Laboratory. Items to be checked shall be but not limited to the following:
 - A. Each lot of ampuls shall be spotchecked for performance.
 - B. Clean instrument.
 - C. Calibration check of standard ampuls.
 - D. Running of a known alcohol solution in which results shall be within plus or minus .010g% or the known alcohol value. (See Exhibit C).
 - E. In the event any repair work is needed, it will be recorded in detail (See Exhibits D & E).
- Repair work will be performed by technicians working for the Applied Technology Section of the Louisiana State Police Crime Laboratory who are certified by the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories, to perform such maintenance. The Applied Technology Section of Louisiana Police Crime Laboratory shall have the authority to instruct other individuals to perform such maintenance (Exhibit F). Upon satisfactory completion of such training the individual shall be certified to perform maintenance by the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories.
- Records covering maintenance, etc., of the P.E.I. (photo-electric intoximeter) instrument will be kept by the Louisiana State Police Crime Laboratory.
7. Qualification for the certifications of individuals to conduct breath test analysis are as follows:
 - A. Employee of a Louisiana law enforcement agency or Federal law enforcement agency.
 - B. At least eighteen years of age.
 - C. Resident of the State of Louisiana at time of application.
 - D. Graduation from a State-accredited high school or satisfactory passing of the "general educational development test" or equivalent educational background.
 - E. Successful completion of a forty-hour operator's training course conducted by the State Police Crime Laboratory, or any other course approved by the State Police Crime Laboratory. Course material to be covered will be taken from

“Chemical Test for Intoxication Training Manual” (See Exhibits H & G).

- F. To successfully complete the training course and become certified, the operator must:
- (1) Obtain a seventy-five percent score on the written examinations covering course material.
 - (2) Obtain a seventy-five percent score on the actual operation of the P.E.I. and practical test (running of unknown solutions). Written test and practical test will be made up by instructors of the Louisiana State Police Crime Laboratory.
 - (3) All testing results will be recorded on the “chemical test for intoxication progress record” (See Exhibit I). One copy to be retained by the Crime Laboratory and one copy to be forwarded to the Office of Health Services and Environmental Quality.
- G. Qualifications for certification of instructors will be as follows:
- (1) Certified as a P.E.I. operator or certified on any other approved instrument.
 - (2) Attendance of an additional forty-hour course approved by the Office of Health Services and Environmental Quality.
 - (3) Involved in a chemical testing program approved by the Louisiana State Police Crime Laboratory.
8. Upon determining the qualifications of individuals to perform such analysis and after submitting an application for certification (Exhibit J), the Office of Health Services and Environmental Quality may issue permits which shall be effective for a period of two years from the date inscribed thereon and the Bureau of Laboratories, Office of Health Services and Environmental Quality, shall keep a record of all permits and ready reference to the expiration of all certificates issued.
- A. Permits (See Exhibit K) may be renewed after a refresher course, given by the Louisiana State Police Crime Laboratory or any other designated agency.
 - B. In addition to being certified on the P.E.I., an operator may also attend a specified course for certification on any new instrument that is approved by the Office of Health Services and Environmental Quality.
9. All persons seeking to be authorized to conduct blood analysis shall:
- A. Make application to the Office of Health Services and Environmental Quality for permit.
 - B. Have a bachelor of science in chemistry, physics, biology, zoology, medical technology, or a related field.
 - C. Conduct proficiency testing set up by individual laboratories.
 - D. Be employed in either a crime laboratory, medical laboratory or analytical laboratory, and have at their access necessary instruments and equipment for analysis of blood for alcoholic content.
10. The methods approved for blood-alcohol analysis of blood are:
- A. Gas Chromatography
 - (1) Headspace sampling with internal standard (See for example Exhibit L).
 - (2) Direct injection with internal control (See for example Exhibit M).
 - B. Distillation Method (See for example Exhibit N).
 - C. Permits shall be effective when issued for a period of five years from the date inscribed thereon. Permits may be renewed by making application to the Office of Health Services and Environmental Quality.
 - D. (1) Procedures shall include the follow-

ing controls in conjunction with each batch of samples analyzed:

- (a) A system blank analysis.
 - (b) Analysis of a suitable reference or control blood sample of known alcohol content within the range of 0.01 to 0.30 g/dl; the result of which analysis must coincide with the known blood alcohol value of the reference specimen within ± 0.01 g/dl if validity is to be assigned to the results for the batch analyzed.
- (2) Replicate analyses shall be performed in order to minimize the possibility of undetected errors.
 - (3) Results shall be expressed in terms of percent W/V (grams per deciliter) that is, grams of alcohol per 100 milliliters of blood, rounded downward to the second decimal place; for example 0.237 g/dl found shall be reported as 0.23 g/dl or 0.23 percent.
 - (4) Analytical procedures for determining alcohol in blood shall meet the following performance requirements:
 - (a) The accuracy and sensitivity of the procedure shall be such as consistently to attain results within ± 0.01 g/dl of the known value over the range of 0.00 to 0.30 g/dl in analyses of appropriate reference materials of known ethyl alcohol concentration.
 - (b) The precision of the procedure shall be such as consistently to attain a standard deviation not greater than ± 0.003 g/dl in replicate analyses.
 - (c) The blank values yielded by the procedure in analyses of alcohol-free blood specimens consistently shall be not greater than 0.01 g/dl.
- (d) The specificity of the procedure shall be adequate and appropriate for the analysis of biological specimens for the determination of the blood alcohol concentration in traffic law enforcement and highway crash investigations:
 - (i) Procedures for the analysis of biological specimens from living subjects shall respond only to ethyl alcohol and the other lower aliphatic alcohols and should not be susceptible to significant unrecognized interference by other substances.
 - (ii) Procedures for the analysis of postmortem biological specimens shall respond only to ethyl alcohol and shall not be susceptible to significant unrecognized interference by other substances.
- 11. Blood drawn for the purpose of determining the alcoholic content therein shall have been taken with the contents of the "B-D Blood Alcohol Kit" No. 4990 or No. 4991 for postmortem determination (manufactured by Becton-Dickinson Division of Becton, Dickinson and Company, Rutherford, New Jersey), or by a similar blood collection kit approved by Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories. "B-D Blood Alcohol Kits" or similar blood collection kits as approved will be made available to all law enforcement agencies by the Louisiana State Police Crime Laboratory.
 - 12. Because of various problems in the interpretation of the results of analysis of urine for alcohol which cannot be readily overcome in law enforcement practice, urine analysis to determine equivalent alcohol concentration in blood is discouraged. Chemical tests of blood or breath are preferred.

Exhibit A
PHOTO-ELECTRIC INTOXIMETER CHECK LIST

Subject Tested _____ Drivers License No. _____

Date of Birth _____ Race _____ Sex _____ Ampul Lot No. _____

Operator _____ Date _____ Time* _____

Witness _____ Certification Tag No. _____

Arresting Agency _____ Testing Agency _____

Machine Location _____ Machine No. _____

FIRST SECTION: CALIBRATION CHECK

1. Both power switches on . Galvanometer mechanically zeroed .
2. Standard ampul of 0.000 g% value removed from case, wiped clean, shaken and placed in sample well. Scale set at zero. Button depressed and needle brought to center by means of KNOB K4. .
3. Standard ampul of _____g% value removed from case, wiped clean, shaken and placed in sample well. Standard ampul read: _____g%.

SECOND SECTION: PREPARATION OF INSTRUMENT

4. Temperature in green area (105-110° F or 40.5-43.3° C)
5. Sampling assembly mounted on vent and valve to Position I
6. With scale set at 0.000 g% and REFERENCE ampul in sample well, button was depressed and needle brought to center by means of KNOB K4 .
7. Stock ampul gauged, opened, wiped clean and placed in sample well.
8. Stock ampul read: _____g% (zero correction; note plus or minus limits: +.010 to -.010)
9. New and clean bubbler tube attached and inserted into ampul. New and clean mouthpiece attached to sampling assembly.

THIRD SECTION: SYSTEMS BLANK

10. Valve to POSITION IV ; rod down
11. Ampul read (bubbler partly withdrawn): _____g% (Final correction). (Note plus or minus limits: +.010 to -.020)

FOURTH SECTION: SAMPLE COLLECTION

12. Shifted sampling assembly to take sample, bubbler tube reinserted, valve to POSITION III .
13. Subject under observation 20 minutes and nothing taken by mouth .
14. Breath sample was obtained according to operating instructions and the accepted sample met the following requirements:
A deflated waste bag was used . Sequence: waste bag filled ; indicator rod rose steadily ; rod fully up when valve was turned to POSITION IV . (record time in space above, end of line 3*).

FIFTH SECTION: ALCOHOL DETERMINATION

15. Rod down . Bubbler tube removed and discarded .
16. At this point the instrument was flushed by turning valve to POSITION I to fill the cylinder ; then to POSITION II to discharge cylinder through sampling assembly ; then back to POSITION I to fill cylinder ; then to POSITION IV to flush delivery tube .
17. First reading of ampul: _____g%.
18. Scale zero checked with REFERENCE ampul (same as Item 6) . If it has changed, reset with KNOB K4. Re-read the test ampul 3.5 minutes after Item 15. Second reading of ampul _____g%.
19. Power switches off and sampling assembly stored . Ampul discarded .

RESULTS:

Second reading of ampul (Item 18): _____ g%
Final correction (Item 11): _____ g%
BLOOD ALCOHOL CONCENTRATION: _____ g%

_____ g%

**Exhibit C
Photo-Electric Intoximeter Machine Recertification Form**

Date _____ Instrument No. _____ Technician _____

City _____ Time of Arrival _____

Agency: L.S.P. Troop _____ Sheriff's Department _____ City Police _____

Check List

Is machine kept covered? Yes _____ No _____
 Was machine sealed? Yes _____ No _____
 Are ampuls kept covered? Yes _____ No _____

1. A.C. Power Source _____ OK
2. Condition of Power and Lamp Switch _____ OK
3. Condition of P.E.I. dirty etc. _____ OK. If not what _____

4. Warm-up time approximately fifteen minutes _____ OK
5. Thermometer _____ OK
6. Colorimeter _____ OK
7. Lens and light bulb wiped clean _____ OK
8. Sampling Assembly _____ OK
9. Mechanical zero and galvanometer _____ OK
10. Galvanometer _____ OK
11. Standard Ampuls _____ OK. Check for tolerance _____ OK
12. Alcohol simulator test – run known standard _____
 Known reading _____ Instrument read _____
 Tolerance $\pm .010$ g%, if adjustment necessary
 Describe _____
13. Valve _____ OK 105 cc cylinder _____ OK
14. Interior of instrument checked for plumbing connection, wiring, acid spills, etc. _____ OK

Supply issue: list all supplies left at agency; if adequate indicate with check.

Operator check list _____	Ampuls _____
Alcoholic influence form _____	Waste bags _____
Rights form _____	C.E.B. bulbs _____
Refusal form _____	Plastic cover _____
Intoximeter log book _____	Tees or tubing _____

Use this space for any additional notes:

Signature of Technician

Exhibit F

Qualification of Persons Conducting Repair Work on the Photo-Electric Intoximeter

Persons who perform repair work on the Photo-Electric Intoximeter shall have spent no less than eighty hours covering, but not limited to, the following:

1. Proper cleaning of the 105 cc cylinder and piston.
2. Proper cleaning of the multi-port valve.
3. Proper care, cleaning, and painting of the cabinet.
4. Checking the calibration and trim of the scale.
5. Detecting switch trouble and replacing button.
6. Replacing of power and lamp switches.
7. Temperature regulation.
8. Heater replacement.
9. Air pump and plumbing replacement.
10. Repair and replacement of fan motors.
11. Remaking of standard ampuls.
12. Proper cleaning, painting and repairing of the colorimeter.
13. Checking of the photocells.
14. Detecting any malfunction of galvanometer and mechanical zero.
15. Wiring and circuit connections.
16. Neutralization of any acid spills.

* * * *

Exhibit L

Quantitative Gas Chromatographic Determination of Blood Ethanol by Headspace Sampling With Internal Standard

Instrumentation:

1. Chromatograph: A Hewlett-Packard 700 gas chromatograph, or similar instrument, is operated as a single flame instrument. The flame detector is operated at a temperature of approximately 250° C. Cylinders of hydrogen and compressed air are used. The hydrogen flow is set at a rotometer reading of 3 at 18 psi and air adjusted to give optimum response with stability. Cylinder nitrogen is used as carrier gas, set at a rotometer reading of 3.5 at 50 psi. The column, a 4' x 1/4" stainless steel tube, is maintained at approximately 180° C. The column is packed with 8 g of Porapak Q originally conditioned at 200° C overnight. The injection port is maintained at a

temperature of approximately 170° C. The electrometer is normally set at a range of 1, attenuation X 20.

2. Integrator. The electrometer signal is connected directly to a Hewlett-Packard 3370A Digital Integrator set at the following parameters:

Up Slope Sensitivity	0.01 mV/min
Down Slope Sensitivity	0.01 mV/min
Baseline Reset Delay	infinity
Peak Summation Level	1,000 mV
Front Shoulder Control	OFF
Rear Shoulder Control	1,000 mV
Recorder Presentation	1 mV

Noise suppression is adjusted according to need for the particular batch of samples being analyzed.

3. Recorder: The duplicated signal from the integrator is connected to a Tracor, Westronics model MT, 12 inch, 1 millivolt recorder, used at a speed of 1/2 inch per minute.
4. Calculations: A Wang 700A/701 Programmable Calculator with output writer is used for analysis of the data generated by the integrator. The program is written so that calibration data for known blood alcohol concentrations are fitted (by the method of least squares) to the line

$$\text{CONC} = a_1 \frac{R(\text{EtOH})}{R(\text{INT STD})} + a_0$$

The correlation coefficient is also calculated:

$$r = \frac{n\sum xy - \sum x \sum y}{\sqrt{[n\sum x^2 - (\sum x)^2][n\sum y^2 - (\sum y)^2]}}$$

and the Standard Error of Estimate:

$$S_{y \cdot x} = \frac{1}{n} \sqrt{n\sum y^2 - (\sum y)^2 - \frac{(n\sum xy - \sum x \sum y)^2}{n\sum x - (\sum x)^2}}$$

Individual (x,y) data points are retained and plotted digitally. The regressed concentrations and estimated standard deviations for each are also calculated and tabulated for comparison with data. Estimated Standard Deviations are calculated by the formula:

$$S_y = S_{y \cdot x} \sqrt{1 + 1/n + x^2/\sum x^2}$$

The format of the calibration printout is given as figure 1.

The slope and intercept of the calibration line are retained in calculator memory and used for solving unknown blood alcohols by solving into the regression equation. A printout of each such calculation is generated for records. Samples may be calculated at any desired level of replication. (Normally, duplicates of each unknown blood are determined.) For the purpose of reporting, the lowest value obtained is truncated at the second decimal place. The format of this printout is shown in figure 2.

5. **Glassware:** Class A glassware is used throughout. Pure alcohol is measured from a burette. Solutions are measured by transfer pipet. Blood is measured by Ostwald-Folin pipet.

Procedure:

1. **Alcohol Stock Solution:** Alcohol standards are prepared in terms of grams per 100 cubic centimeters in accordance with Louisiana law. Absolute ethanol from a freshly opened bottle is used. For the purpose of preparing calibration solutions, the alcohol is considered 99% pure. This figure was derived from studies of specific gravity of the alcohol after opening the bottle. Overestimation of the purity of the alcohol results in overestimation of the unknowns. An alcohol solution of 50 g/l is prepared by measuring

$$\frac{50}{0.79 \times 0.99} = 63.9 \text{ ml}$$

into a 1000 ml volumetric flask. The volume is made to the mark with water, allowed to equilibrate at room temperature, and made again to the mark if necessary. This 5 g% solution is then dispensed into 20 ml glass ampuls and rapidly sealed by fusion. The entire liter quantity is thus preserved for use as needed. A random sample may be taken for oxidative analysis as described below.

2. **Blood Standards:** Citrated whole blood obtained when out of date for transfusion is used. One milliliter of the stock alcohol solution diluted to 100 c.c. with blood will provide a blood of 0.05 g% concentration. Multiples of this volume are used to prepare a calibration curve with values of 0.05, 0.10, 0.15, 0.20 and .25 g%.
3. **Working Standards and Unknowns:** Serum bottles of 30 c.c. capacity with rubber septum stoppers are used to contain the working standards. These are

prepared by adding 3 ml of a sodium chloride solution approximately 25 g%. The solution is evaporated overnight in an oven, leaving a residue of 3/4 g NaCl. Exactly equal volumes of internal standard and blood are delivered into the dry bottles, which are immediately stoppered. (Ordinarily, 1.00 ml is the volume used.) *The internal standard is prepared by diluting 2 ml of 1-propanol to a liter with water.* The exact concentration of this solution is not important, but must be constant for the calibration curve and the batch of unknowns calculated from it. The 0.2 vol% concentration was chosen to give a peak height roughly equal to that given by the average alcohol determined (0.18 g%). The combined blood and internal standard are mixed by rotating the bottle on its side, care being taken not to allow any blood to contaminate the stopper. A hypodermic needle is used to bleed the headspace to atmospheric pressure, and the samples are allowed at least 20 minutes to come to equilibrium. If working standards are prepared in this manner and kept refrigerated while not in use, they may be kept for several weeks, removing as much as 10 ml of headspace daily without significant change in the ratio of ethanol/propanol in the samples. In practice, the working standards are not kept longer than one week.

4. **Sampling:** The sample is taken with an ordinary 3.0 c.c. disposable plastic syringe fitted with a 1.5 inch, 22 gauge needle. The syringe is filled to the 1.5 c.c. mark with air which is injected into the bottle being sampled. The plunger is then pumped vigorously 5 or more times and a 1.5 c.c. sample withdrawn. The volume is adjusted to 1 ml and injected swiftly and smoothly into the injection port of the chromatograph. The integrator is started immediately. Five 1 c.c. rinses with room air have been found sufficient to completely remove all traces of ethanol from the syringe.

* * * *

Calibration Data:

	R (EtOH)	R (INT STD)	RATIO	CONC
1	3011.00	16190.00	.1859	.050
2	4326.00	12210.00	.3542	.100
3	5534.00	9851.00	.5617	.150
4	8935.00	11990.00	.7452	.200
5				

Plot:

.050
.100
.150
.200

CONC = .2648 X Ratio + .002

r = .99927

Std Error of EST = .00212

Y Calc:

	RATIO	CONC	STD DEV
1	.185	.051	.00240
2	.354	.096	.00248
3	.561	.151	.00264
4	.745	.200	.00283

CONC = .2648 X Ratio + .002

r = .99927

Std Error of EST = .00212

R (EtOH) R (INT STD) RATIO CONC STD DEV

Blood of: John Doe

8123.00	16350.00	.4968	.1342	.00259
6325.00	12620.00	.5011	.1354	.00259

RESULT: .13

Blood of: Boyd Conners

9615.00	15300.00	.6284	.1691	.00271
10150.00	16450.00	.6170	.1661	.00270

RESULT: .16

Blood of: Jane Doe

1546.00	12210.00	.1266	.0362	.00238
2651.00	14180.00	.1869	.0522	.00240

RESULT: .03

* * * *

Exhibit M

Quantitative Gas Chromatographic Determination of Blood Ethanol By Direct Injection With Internal Control

Instrumentation:

(Note: All operating parameters should be adjusted for optimum performance as judged by response and linearity of calibration curve.)

1. Chromatograph: A Hewlett-Packard 7610 gas chromatograph or similar instrument is operated as a single column instrument. The flame detector is operated at a temperature of approximately 300°C. Cylinders of hydrogen and compressed air are used. The hydrogen flow rate is set at about 25 cc per minute, air flow rate is set to about 500 cc per minute. The column, ¼" X 4' glass tube, is maintained at about 170°C. The column is packed with Porapak Q, 80/100 mesh. (Glass wool packing is placed at both entrance and exit of the glass column. Observation of the glass wool after 20-30 injections of blood will indicate the need for changing. Performance of the column will indicate need for changing the Porapak Q.) The helium carrier flow rate is adjusted to give a retention time for ethanol of not less than one minute. The injection port is maintained at approximately 140°C. (The temperature is intentionally low to avoid, as much as possible, decomposition of blood in the needle of the syringe.) The electrometer is set at a range and attenuation adequate to give a full scale ethanol deflection of the recorder from injection of the 0.50 g% standard with internal control. This attenuated signal is connected to one pen of a dual pen recorder (see below).

2. Integrator: The unattenuated electrometer signal is connected directly to a Hewlett-Packard 3370B digital integrator set at the following parameters:

Noise Suppression	maximum
Up Slope Sensitivity	0.03mV/min
Down Slope Sensitivity	0.3 M
Baseline Reset Delay	zero
Area Threshold	1000 mV/min
Front Shoulder Control	on
Rear Shoulder Control	1000mV
Recorder Presentation	100mV

The 100 mV (fullscale) signal from the integrator is connected to the recorder.

3. Recorder: The recorder used is a Hewlett-Packard 12 inch, 1 millivolt dual pen model used at a chart speed of ¼ inch per minute.
4. Glassware: All volumetric glassware used is Class A Pyrex. All measurements are made at ambient temperature using standard technique. Blood is measured with Ostwald-Folin pipets (Hawk, Oser, Summerson, *Practical Physiological Chemistry*, 13th ed., New York, 1954, p. 542).

Procedure:

Alcohol Stock Solution: Alcohol standards are prepared in terms of grams per 100 cubic centimeters in accordance with the Louisiana Implied Consent Law. Absolute ethanol from a freshly opened bottle is used. An alcohol solution of 50 g/l is prepared by measuring 62.5 ml of the alcohol into a 1000 ml volumetric flask. Considering the density of the alcohol to be 0.8 g/ml:

$$62.5 \text{ ml} \times 0.8 \text{ g/ml} = 50 \text{ g ethanol}$$

The volume is made to the mark with water, allowed to equilibrate at room temperature, and made again to the mark if necessary. This 5 g% solution is then dispensed into 5 ml glass ampuls and rapidly sealed by fusion. Each ampul is numbered in the order prepared. The entire liter quantity is thus preserved for use as needed. A 10% ordered sample is taken for oxidative analysis as described below (Analysis of Alcohol Standards. . .), in order that the exact alcohol content be established by relating it to the potassium dichromate primary standard.

2. **Internal Control:** For the purpose of controlling the volume of injection in the gas chromatograph, an internal control is used. One milliliter of 1-propanol is diluted to 500 ml with water for this purpose. This solution is made up only as required, as it is quite stable. The exact concentration is not critical, but should be identical for all samples within a given batch of blood analyzed and should produce a peak of height approximately the same as a 0.10 g% ethanol solution.
3. **Working Standards:** One of the 5 g% stock ampuls is opened and 1.00 ml of the ethanol solution is delivered into volumetric flasks of 100, 50, 25, and 10 ml capacity. When made to the mark with water, the resulting solutions will have (nominal) concentrations of 0.05, 0.10, 0.20 and 0.50 g%, respectively. These solutions will be treated exactly as the unknowns and will be used for the purpose of establishing a calibration curve for the unknowns. Parker *et al.* (Anal. Chem., 34 p. 1234, 1962) have shown that aqueous standards may be used for calibration of a direct injection method but this fact should be explicitly demonstrated.
4. **Unknowns:** Exactly 1.00 ml of the unknown blood (measured by Ostwald-Folin pipet—working standards are measured by transfer pipet) is delivered into a glass or plastic vial of approximately 10 ml capacity fitted with a plastic snap cap. Exactly 1.00 ml of the internal control solution (measured with a single transfer pipet) is delivered into each vial. All unknowns are prepared in duplicate; standards are

prepared as singlets. For the purpose of preparing duplicates, blood is drawn from separate tubes if more than one is available. If clotted blood must be analyzed, the clot is homogenized in a Ten Broeck tissue homogenizer. If serum or urine must be analyzed they are treated as blood, but reported as serum alcohol or urine alcohol. The vials are capped and mixed. A small hole is punctured in the center of each cap to allow introduction of the syringe needle without removing the cap. The loss of alcohol through this opening is insignificant over reasonable periods of time (several hours). The holes should be sealed with plastic tape if it is not possible to begin injections immediately.

5. **Control Bloods:** Out of date transfusion blood is obtained and checked by direct injection to determine that it is free of ethanol. In a 250 ml volumetric flask, place 5.00 ml of the 5 g% stock ethanol solution. Fill to the mark with blood at room temperature. After thorough mixing, the blood will contain 0.10 g% ethanol (nominal). This blood is dispensed into clean empty test tubes in 2 ml amounts, stoppered and frozen on their sides for later use. Each batch of unknown samples should contain one of these controls as well as an ethanol-free blood sample prepared similarly. The analysis of the 0.10 g% blood control should give results within 0.01 g% of the value determined by an oxidative method (e.g. modified Kozelka-Hine, such as in Kirk, P.L., Crime Investigation, Interscience, New York, 1953, p. 751), which confirms both the accuracy of the concentration and the adequacy of aqueous standards. The negative control blood should give a result less than 0.01 g%. If the blood controls do not meet these criteria the results should not be reported.
6. **Sample for Injection:** A Hamilton No. 701 micro-syringe (or equivalent) is used for injection into the gas chromatograph using the following technique. Water is drawn into the syringe not quite to the 2 microliter mark, excluding air bubbles. The plunger is then drawn back to the 2 microliter mark, pulling a short "plug" of air into the needle of the syringe. The needle is then introduced into the sample and the plunger is withdrawn to the 3 microliter mark, pulling 1 microliter of sample into the needle. The plunger is then withdrawn sufficiently to pull half a microliter of air into the needle. An additional microliter of water is drawn into the syringe to rinse blood from the needle into the syringe barrel, followed by sufficient air so that the water "plug" is entirely visible. At this point the exact volume of the sample is observed under a magnifying lens in suitable lighting to determine that a one microliter

sample has been obtained. Immediately upon injecting the sample into the gas chromatograph the syringe is withdrawn from the injector port, the integrator started, and a syringe-full of water is pulled into the syringe. A wire of diameter just smaller than the bore of the syringe needle is now threaded through the needle until it is visible in the syringe barrel. This wire is moved back and forth several times to insure that all blood deposits have been removed from the inner surface of the needle. The wire is removed, the water forced from the syringe and the syringe is rinsed 10 times with water. Using this injection technique, no difficulty will be experienced with clogged syringe needles and good replication of injection is assured. The plunger of the syringe should be removed between injections and wiped thoroughly with a chem-wipe or clean tissue.

7. Protocol for Injections:

- a. The series of standards is injected in ascending order of concentration (single injections).
- b. The alcohol-free blood control is injected (single injection).
- c. The unknown duplicates are injected (single injections).
- d. The (nominal) 0.10 g% control blood is injected (single injection).

Calculation:

The ratio of the ethanol response to the propanol response will be directly proportional to the ethanol concentration since the propanol concentration is held constant in all samples. If response to both ethanol and propanol are linear over the range of application (0 - 0.5 g%) then the response ratios are described by the equation

$$y = a_0 + a_1 x$$

where x = alcohol concentration in g%
 y = response of EtOH/response of PropOH
 a_0 = intercept
 a_1 = slope

This equation may be fitted to the calibration data by the method of least squares. Unknown values may be derived from the equation by solving the equation for x ,

$$x = \frac{Y - a_0}{a_1}$$

and substituting the observed values of y for the unknown bloods. Treatment of the data in this manner will:

1. reveal any constant bias of the method, reflected in a_0 .
2. reveal the sensitivity of the method, reflected in the slope a_1 .
3. reveal non-linearity in the response of the ethanol or propanol in the correlation coefficient, r , derived in the method of least squares: $|r| = 1$ in the case of perfect fit, $|r| < 1$ in most real situations.

Further, the mathematics of the least squares approach lends the method to statistical analysis for the purpose of placing confidence limits on the values derived or for the purpose of statistical comparison with other methods.

Retention Times:

To distinguish ethanol from other volatiles which may be present in the blood the retention time difference of the ethanol peak and the propanol peak is determined. This approach is not useful for comparison of day-to-day results due to slight variations of operating parameters and column performance. For within-batch comparisons, however, the replication is excellent and obviates the need to accurately time the injection or column hold-up, since the difference is not affected by these values. The retention time difference for the unknown bloods should match that of the standards and the 0.10 g% control blood within 0.03 minutes (1.8 seconds), with an absolute retention time for ethanol on the order of one minute.

Analysis of Alcohol Standards by Potassium Dichromate Oxidation

General: Standard terminology is used throughout to indicate precision of measurement (e.g. $0.009 < 0.100 < 0.101$ but $0.09 < 0.10 < 0.11$) except for volumetric glassware. Pipets and volumetric flasks used are all Class A and appropriate precision is assumed. burets are of the Machlett Auto-Buret type, 10 ml capacity, $\pm .02$ ml tolerance. Standard pipet technique is observed with a 15 sec. drain time.

Preparation of Samples: Ten per cent of the 5 g% stock ampuls prepared are chosen in order of preparation (i.e. 1, 11, 21, 31, etc.). These are opened in turn and 1 ml is immediately withdrawn by pipet and delivered into a 50 ml volumetric flask. The flask is filled to the mark with distilled water, rinsing down all stock solution into the body of the flask. This dilution is repeated for all

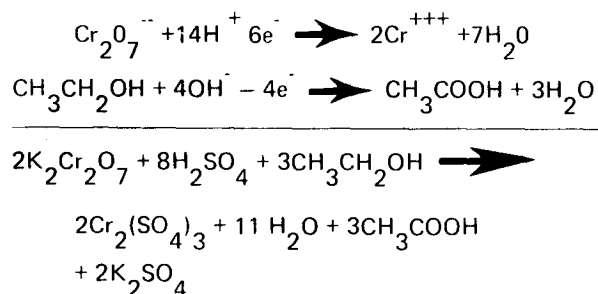
samples, yielding, when made to the mark with water and completely stirred, solutions of 1.10 g% ethanol concentration.

Method: The alcohol in 1 ml of diluted sample (1 mg) is oxidized by a known quantity of potassium dichromate in 45% sulfuric acid. The heat generated by dilution of conc. sulfuric acid is used to complete the oxidation. This is accomplished by layering 5 ml (approx. by pipet or graduate) conc. sulfuric acid under a solution of 5 ml (buret) 0.100 N Potassium dichromate and 1 ml (pipet) of sample, then swirling to mix. (This is entirely satisfactory for the oxidation of 1 mg of alcohol, but incomplete oxidation becomes apparent with samples containing more than 2 mg of alcohol.) The sulfuric acid used must be of the best quality—even reagent grade frequently contains reducing material and will be associated with high blanks. It is imperative that the same lot of acid be used for any batch of analyses.

The reaction mixture is then diluted to less than 10 per cent sulfuric acid concentration with distilled water and an excess of potassium iodide added. The liberated iodine is titrated with 0.1 N Sodium thiosulfate, using freshly prepared 1% starch solution (prepared by heating with constant stirring up to the boiling point) to indicate the equivalence point.

To avoid side reactions it is necessary that the sulfuric acid concentration be less than 10 per cent, and that local excess of thiosulfate not occur. Further error may be encountered if the solutions are allowed to stand after liberation of iodine—both through evaporation of iodine from the solution and auto-oxidation of potassium iodide in contact with air. Consequently, after addition of potassium iodide, the titration is completed as quickly as is consistent with precaution against local excess of thiosulfate.

Chemistry: The reactions involved may be described by the following equations;



Calculations: It follows, therefore, that the equivalent weight of potassium dichromate is 1/6 the formula

weight or 49.03 grams, and that a 0.100 N solution contains 4.903 grams per liter. The equivalent weight of ethanol is 1/4 the formula weight or 11.52. The milliequivalents of dichromate consumed in the oxidation (which equals the milliequivalents of alcohol oxidized) is given by the expression

$$N_d V_d = N_t V_t$$

where N_d = normality of the standard dichromate
 V_d = volume (ml) of the dichromate solution used in the sample oxidation
 N_t = normality of the thiosulfate solution
 V_t = volume (ml) of the thiosulfate used in the sample titration

This may be converted into milligrams of alcohol by multiplying by the milliequivalent weight of alcohol, 11.52. The per cent of alcohol in the sample may be obtained from this by converting to grams, dividing the expression by the volume of the sample in milliliters and multiplying by 100 (g%). Thus (where V_s = sample volume):

$$x = \frac{11.52}{10 V_s} (N_d V_d - N_t V_t)$$

Now, from the titration blank we know that

$$N_d V_d = N_t V_{bt}$$

where V_{bt} = volume of thiosulfate required by the blank. Solving for N_t and substituting, we obtain the expression from which the per cent alcohol may be calculated:

$$x = \frac{11.52}{10 V_s} N_d V_d (1 - V_t/V_{bt})$$

Since adherence to the procedure causes $V_d = 5.00$ ml, $V_s = 1.00$ ml, and $N_d = 0.100$, then

$$x = 0.576 (1 - V_t/V_{bt}) \quad \text{q.e.d.}$$

Procedure: Twice the number of 250 ml Erlenmeyer flasks as there are samples, scrupulously clean, are loaded with 5.00 ml of 0.100 N potassium dichromate each. Exactly 1 ml of distilled water is run into each of half the flasks. The remaining flasks are loaded with exactly 1 ml of the diluted samples. Each flask in turn is treated as follows: Five ml of conc. sulfuric acid is carefully run down the side of the flask to form a layer under the potassium dichromate/sample solution; the neck of the flask is covered with an inverted beaker; the

flask is swirled to mix the contents completely. The flasks are allowed to stand for fifteen minutes to allow completion of the oxidation and to cool. If the flasks are not at room temperature after this period, they should be cooled in tap or chilled water, then diluted with 50 ml of distilled water each.

Titrate each flask in turn as follows: Add approximately 0.2 g of solid potassium iodide to the flask and swirl to accomplish complete solution. Titrate with 0.10 N sodium thiosulfate, avoiding local excess, to the appearance of a slight greenish cast—but not to the absence of the straw color. Add five drops of a freshly prepared 1% starch solution, producing the characteristic starch-iodine blue. Continue the titration with care to the disappearance of the blue color. Record the volume required to titrate samples as V_t and those required for blanks as V_{bt} . The range of the V_{bt} 's should be no greater than 0.10 ml. Take the average of the V_{bt} 's for use in all calculations.

Treatment of Data:

1. Calculate the alcohol concentration of each sample.
2. Graph the concentration versus the ampul number and observe any trend in the data which will necessitate discarding the entire batch of ampuls.
3. Determine the mean, standard deviation and standard error of the mean. Determine the 99 per cent confidence interval of the mean. If this interval does not include 0.10 g%, appropriate adjustment of the nominal concentration of the stock ampuls should be made. If the 99 per cent confidence limits exceed ± 0.010 g%, the analysis should be repeated or the batch of ampuls discarded as the precision does not meet the recommendation of the U.S. Traffic Safety Bureau for the analysis of blood alcohol.

* * * *

Exhibit N

Blood Alcohol Determination

The procedure for the determination of blood alcohol which is described here is essentially that of Kirk, Gibor and Parker (Anal. Chem. 30, 1418, 1958). The apparatus described by these authors is obtained from Microchemical Specialities Co., Berkeley, California. Deviation from the method is made in the measurement of the sample. As it is desirable to express the alcohol concentration in true weight per cent (milligrams per one hundred milligrams of blood), the blood samples are weighed onto the filter paper rather than measured volumetrically. Thus no assumption need be made as to

the specific gravity of the sample. To accomplish this the blood is drawn into a one (1) milliliter pipette (or a pipette of volume commensurate with the weight of sample desired), the tip wiped clean with absorbent paper and covered with a small rubber bulb from a dropping pipette (to allow free handling of the filled pipette) and weighed on a torsion balance, estimating to milligrams. The blood is now drained onto the filter paper and the rubber bulb replaced. The pipette is weighed again and the weight of the blood sample determined by difference.

Minor deviations from the original procedure lie in the use of thyodene (Fisher) instead of starch solution, the use of solid potassium iodide instead of the potassium iodide solution used by the authors. It has been found convenient to bring the water in the outer jacket of the apparatus to a boil before adding reagents.

Procedure:

Water is needed to the outer jacket of the apparatus in sufficient quantity to cover the lower half of the inner jacket. Suction is applied to the apparatus such that when the stopper is in place, air slowly bubbles into the apparatus. Seven (7) milliliters of saturated aqueous mercuric chloride and seven (7) milliliters of ten (10) per cent sodium hydroxyde are carefully introduced into the inner vessel, with precautions to avoid wetting the walls of the funnel with the reagents. A previously prepared strip of filter paper is folded to five (5) by fifteen (15) centimeters and rolled so as to slip into the funnel, with the folded section forming a pocket inside the roll. The roll of filter paper is inserted through the top of the apparatus into the funnel. (The filter paper strips are prepared by immersing the 5 by 15 cm strips in a solution of 20% sodium dehydrogen phosphate and 2% magnesium chloride and allowing them to dry at room temperature.)

To the digestion tube is added 5.00 milliliters of standard dichromate solution (preferably 0.1000N=4.903 g/l), followed by approximately five (5) milliliters of concentrated sulfuric acid. The concentrated acid heats the solution in the digestion vessel rather strongly. The digestion tube is attached to the distillation vessel and the suction adjusted to a rate sufficient to allow the bubbler to function in breaking up the air but avoiding violent turbulence in the apparatus.

A blood sample (approximately one gram) is now weighed directly onto the filter paper. Suction must be continued during this period to prevent loss of alcohol vapor. The stopper is immediately placed in position and held down by springs. Heating of the vessel must be

adjusted to a rate just sufficient to guarantee that the entire inside of the vessel is full of steam, but distillation of water is negligible. When properly adjusted, about five (5) milliliters of water will distill into the receiver in 25 to 30 minutes. During 25 to 30 minutes of aeration, the alcohol and the small amount of water are transferred to the hot acid dichromate mixture in the digestion tube. Because of the high acidity and temperature of the dichromate solution, alcohol will be oxidized immediately in that chamber and, by the end of the distillation, all of the alcohol is oxidized.

The digestion tube is disconnected from the remainder of the apparatus and the acid dichromate is transferred into a 125 milliliter Erlenmeyer flask. The sintered-glass bubbler is washed thoroughly with several applications of distilled water, which is collected in the digestion tube, washing both bubbler and tube. All washings are combined with the dichromate solution in the Erlenmeyer flask. The total volume should be such that the sulfuric acid is not stronger than 10 per cent (50 ml.).

An excess of solid potassium iodide (approximately five grams) is added to the dichromate solution. The liberated iodine is immediately titrated with approximately 0.1N (=25 g/l + 0.1 g NaHCO₃) thiosulfate solution, using thyodene (Fisher) at the end to determine the exact equivalence point. A blank determination is subsequently made, using 5.00 milliliters of the standard dichromate and five milliliters of sulfuric acid.

The apparatus is cleaned by up-ending the distillation vessel and draining all solutions contained in it. The filter paper is removed and the entire apparatus flushed with water or, if necessary, a cleaning solution. Both the inner and outer chambers of the distillation vessel are emptied simultaneously and completely by turning the apparatus upside down.

Calculations:

- where N_d = normality of the standard dichromate solution
 N_t = normality of the thiosulfate solution
 V_d^t = volume of the dichromate solution used in sample digestion
 V_t = volume of the thiosulfate used in the sample titration
 V_{bd} = volume of the dichromate solution used in the titration blank
 V_{bt} = volume of the thiosulfate used in the titration blank
 W = weight of the sample in grams
 11.51^s = equivalent weight of ethanol ($\frac{1}{2}$ the molecular weight)
 x = per cent alcohol by weight

We see that the milliequivalents of dichromate consumed in the oxidation (which equals the milliequivalents of alcohol oxidized) is given by the expression.

$$N_d V_d - N_t V_t$$

This may be converted to milligrams of alcohol by multiplying by the milliequivalent weight of alcohol, 11.51. The per cent of alcohol in the sample may be obtained from this by dividing the expression by the weight of the sample in milligrams and multiplying by 100. (Which is equivalent to dividing by ten times the weight of the sample in grams)

$$x = (N_d V_d - N_t V_t) \frac{11.51}{10 W_s}$$

From the titration blank we know that

$$N_d V_{bd} = N_t V_{bt} \text{ or } N_t = \frac{N_d V_{bd}}{V_{bt}}$$

Substituting, we obtain the expression from which the per cent alcohol may be calculated

$$x = \left(N_d V_d - \frac{N_d V_{bd} V_t}{V_{bt}} \right) \frac{11.51}{10 W_s}$$

Since adherence to the procedure causes $V_d = V_{bd} = 5$, the expression simplifies to

$$x = 5.755 \frac{N_d}{W_s} \left\{ 1 - \frac{V_t}{V_{bt}} \right\}$$

William A. Cherry, M.D., Secretary
 Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Management and Finance

Final Amendments to Current Title XX Social Services Program Plan

The Department of Health and Human Resources (DHHR) has adopted two amendments to Louisiana's Comprehensive Annual Services Program Plan under Title XX of the Social Security Act. The amendments to the Title XX State Plan for the program year October 1, 1975, through June 30, 1977, are as follows:

- (1) To enable the Department of Health and Human Resources, Office of Family Services, to make grants to child day care providers to employ Aid to Families with Dependent Children (AFDC) recipients in day care facilities. The Office of Family Services will utilize the Federal grants appropriated through September 30, 1977, to the fullest extent possible. Letters have been sent to all Title XX participating day care centers informing them of the availability of these funds and to solicit their interest. Appropriate procedures have been established to facilitate the implementation of reimbursement to day care centers in an effective and efficient manner. The controlling Federal regulations were promulgated in the Federal Register, Volume 42, Number 20, page 5864, January 31, 1977. This amendment is retroactive to October 1, 1976.
- (2) To allow for the determination of Title XX Social Services eligibility on a group basis for recipients of Title XIX, (Medicaid), and applicants for Title XIX vendor payment for skilled nursing facility or intermediate care facility services. This amendment allows for administrative simplicity in the eligibility determination process. These persons will be eligible on a group basis for any appropriate service defined in the State Plan, except child day care services. This amendment is retroactive to October 1, 1975.

* * * *

Final Comprehensive Social Services Program Plan for July 1, 1977, through June 30, 1978

The Department of Health and Human Resources has adopted the Title XX Comprehensive Annual Ser-

vices Program Plan (CASP) for the program year July 1, 1977, through June 30, 1978.

The CASP provides for social services to individuals and families which are directed toward the goals of achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission of institutional care.

The services included in the plan are: adoption; counseling; day care for adults and children; education, training and treatment; employment services; family planning; foster care; health related; home delivered and congregate meals; home management; home maker and chore; housing improvement; information and referral; protective services for adults and children; recreational; residential; and transportation services.

The following persons are eligible for services:

- (1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.
- (2) Recipients of Supplemental Security Income (SSI) benefits or State supplemental payments.
- (3) Persons whose gross monthly income is not more than 57.8 percent of the State's median income for a family of four adjusted by family size. A family of four with a gross monthly income of \$674.00 is eligible for services.
- (4) All persons are eligible for protective services and information and referral services regardless of their income.
- (5) Persons are eligible on a group basis for any service (except child day care services) provided that seventy-five percent of the group are members of families with monthly income of not more than ninety percent of the State's median income, adjusted for family size. The DHHR will serve the following groups:
 - a. Title XIX, Medicaid, recipients and applicants for Title XIX, Medicaid, vendor payment for skilled nursing facility or intermediate care facility services—geographic area: all geographic areas, services: any appropriate service as defined in the State plan, except that child day care services require additional eligibility criteria, client

characteristics: low income and/or medically needy.

Additional information regarding this group is available upon request from Office of Family Services.

In addition to the Medicaid group category shown in the proposed CASP published in April, 1977, group eligibility has been established for clients served by the following provider agencies, by identified area served, for the identified services:

- b. Housing Authority of New Orleans, New Orleans, Louisiana—geographic area: St. Thomas, Magnolia, Iberville, Florida, Lafitte, Calliope, St. Bernard, Desire, Guste Homes, Fisher Homes, and Mazant-Royal Streets, services: Transportation, homemaker, health-related, home management.
- c. New Orleans Health Corporation—Clinics, New Orleans, Louisiana—geographic area: Florida-Desire, Lower 9th Ward, Central City, services: transportation, health-related.
- d. Treme Cultural Enrichment Program, New Orleans, Louisiana—geographic area: 6th Ward/Treme, services: recreational.
- e. Kingsley House, New Orleans, Louisiana—geographic area: Irish Channel, Old Algiers, services: recreational (Irish Channel), counseling (Old Algiers).
- f. St. Mark's Community Center, New Orleans, Louisiana—geographic area: 6th Ward/Treme, services: recreational.
- g. Total Community Action, New Orleans, Louisiana—geographic area: Hollygrove, services: counseling.
- h. Office of Mental Retardation, Louisiana Department of Health and Human Resources—geographic area: all geographic areas served by day developmental centers funded in whole or part by Title XX funds, services: day developmental.

Students of certain identified schools are also eligible on a group basis. The following school boards have identified schools with student populations which qualify for group eligibility, for the following services:

- i. Evangeline Parish School Board, Ville Platte, Louisiana—geographic area: identified schools in Evangeline Parish, services: education and training.
- j. Orleans Parish School Board, New Orleans, Louisiana—geographic area: identified schools in Orleans Parish, services: education and training.
- k. Tangipahoa Parish School Board, Amite, Louisiana—geographic area: identified schools in Tangipahoa Parish, services: education and training.

Persons interested in identifying the participating schools in the above parishes should contact the local parish school board office, the local Office of Family Services, or the Louisiana State Office of Family Services, Social Services Program. Current lists will be maintained in each of these offices.

Difference Between Proposed Plan and Final Plan

1. The definition of "family" has been changed so as to concur with the revised Federal definition promulgated in the Federal Register, Volume 42, Number 20, page 5849, January 31, 1977.
2. The percentage of the state's median income used to determine eligibility has been changed from 56.8% to 57.8% to reflect the latest Office of Economic Opportunity Guidelines and Food Stamp Bonus. This increased the monthly income eligibility level for a family of four from \$662.00 to \$674.00.
3. Additional groups as identified in Item (5) above have been made eligible for services on a group basis as a result of sufficient documentation to prove group eligibility.
4. The Title XX Federal allocation for fiscal year 1978 has been changed to \$44,500,000 due to an error made in the Federal Register in computing the Title XX funds available to Louisiana.
5. Foster care services have been revised to clarify that Federal financial participation is available for identified special services provided by foster family homes; and, to clarify that sterilization services will not be provided to any individual who is under the age of twenty-one.

6. Protective Services for Adults have been revised to clarify that only those services which are appropriate to adults shall be considered a protective service.
7. Protective Services for Children have been expanded to inform the public that emergency shelter is available only up to thirty days in any six-month period; and, to clarify that only those services which are appropriate to children shall be considered a protective service.

Additional Information on Final
Amendments and Final CASP

The final amendments to the Title XX State Plan for the program year October 1, 1975, through June 30, 1977, and the Title XX Plan for the program year July 1, 1977, through June 30, 1978, have been published and are available without charge upon written or telephone request to: Public Assistance Line, Division of Administration, P. O. Box 44065, Baton Rouge, Louisiana 70804, telephone 1-800-272-9868.

Complete Plan and amendments are available for public review and/or distribution at each parish office and sub-office of the Office of Family Services, Monday through Friday from 8:30 a.m., to 4:00 p.m. Applications for services will be accepted at the above offices during the same hours.

Public comments are available for public review at the Office of Policy, Planning, and Evaluation, 150 Riverside Mall, State Office Building, 12th Floor, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Mental Retardation**

The Louisiana Department of Health and Human Resources, Office of Mental Retardation, has adopted the following rules and regulations regarding the treatment of resident income in State intermediate care facilities for the mentally retarded.

The rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana, as amended.

Treatment of Resident Income
in State Intermediate Care Facilities
for the Mentally Retarded

A. Definitions.

Resident—Any individual for whom a State residential facility is responsible for ongoing twenty-four hour care and whose primary domicile is considered the State facility.

ICF/MR—Intermediate care facility for the mentally retarded which is certified to meet Federal regulations under Sections 249.12 and 249.13.

ICF/MR Eligible Resident—An individual who meets the State and Federal eligibility criteria for Medicaid benefits and who resides in an ICF/MR under an approved placement plan.

Income—Cash from every source which is actually available, or which can be made available, and which is regular and predictable over the period of eligibility.

Gross Income—The total income received prior to any deductions.

Earned Income—Income which the individual earns by his own efforts; that is, requires ongoing activity on his part and is received as a result of performances of services by him.

Unearned Income—All income which is not considered as earned under these definitions. This includes pensions, allotments, dividends from investments, insurance benefits, alimony payments, etc.

B. Treatment of Income.

All income of an individual resident in a State residential facility is considered in determination of the amount required to be paid to the facility to assist in financing cost of care. All such income, with the exceptions outlined below, shall be paid to the facility as long as the individual is considered a resident of that facility.

C. Residents Eligible for ICF/MR Services.

1. The first twenty dollars of total monthly individual income is reserved for the resident and is not applied against the cost of care.

(a) If there is earned income only, the entire

twenty dollars is subtracted from that income and reserved for the resident.

(b) If there is unearned income only, the entire twenty dollars is subtracted from that income and reserved for the resident.

(c) If there is both earned and unearned income, the twenty dollars is subtracted first from the unearned income.

2. Residents who receive unearned income shall have twenty-five dollars monthly (over, and above the basic twenty dollar exemption) reserved for personal use. Therefore, a resident who receives only unearned income could have a total of forty-five dollars reserved for personal use. Any amount received in excess of forty-five dollars up to the actual cost of care is payable to the facility. Any amount over the actual cost of care shall be reserved for the resident. This applies regardless of who is named as payee of the benefit, allotment, etc., which is intended for the use of the resident.

3. **Earned Income.**

(a) In addition to the basic twenty dollar exemption, the next sixty-five dollars and one-half the remainder of gross monthly earnings shall be reserved for use by the individual resident. All income in excess of this amount up to the actual cost of care shall be paid to the facility. Any amount over the actual cost of care shall be reserved for the resident.

(b) For those individuals who are blind or under an approved plan for achievement of self support as defined by the Social Security Administration, additional earnings may be reserved. These exemptions shall be in keeping with policy of that agency.

D. **Residents Ineligible for ICF/MR Services.**

For those residents who do not qualify for ICF/MR services, the same policies apply as for eligible residents in relation to income. In addition, for those residents under age eighteen, legally responsible relatives shall contribute toward the cost of care in accord with Department of Health and Human Resources policy.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Revenue and Taxation
Tax Commission**

**Guidelines for Application,
Classification and Assessment of
Land Eligible to be Assessed at Use Value**

Adopted by the Louisiana Tax Commission pursuant to the requirements of Act 702 of the 1976 Regular Legislative Session.

**Definitions of Land Eligible
For Use Value Assessment**

Bona fide agricultural land is land devoted to the production for sale, in reasonable commercial quantities, of plants and animals, or their products, useful to man and agricultural land under a contract with a State or Federal agency restricting its use for agricultural production.

Bona fide horticultural land is land devoted to the production for sale, in reasonable commercial quantities, of fruits, vegetables, flowers or ornamental plants, and horticultural land under a contract with a State or Federal agency restricting its use for horticultural production.

Bona fide marsh land is wet land other than bona fide agricultural, horticultural or timber land.

Bona fide timberland is land stocked by forest trees of any size and specie, or formerly having such tree cover within the last three years and not currently developed or being used for nonforest purposes, and devoted to the production, in reasonable commercial quantities, of timber and timber products, and timberland under a contract with a State or Federal agency restricting its use for timber production.

**Eligibility Requirements and Application
for Use Value Assessment**

In order to be classified as bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18(C) of the Louisiana Constitution of 1974, it must: (1) meet the of 1976 and, (2) the owner must file an application with the assessor, in the parish or district where the property is located certifying that the property is eligible for use value assessment. (See Appendix 1 for use value application form.)

In the case of bona fide agricultural, horticultural, or timberland:

- A. The land must be at least ten acres in size, or have produced an average gross annual income of at least two thousand dollars in one or more of the designated classifications for the four preceding years, and,
- B. The landowner must sign an agreement that the land will be devoted to one or more of the designated uses as defined in Section 2 of Act 702 of 1976.

Classification

The Modern Soil Surveys published by the U. S. Department of Agriculture, Soil Conservation Service in cooperation with the Louisiana Agricultural Experiment Station, listed in Map Index, together with the conversion legends prepared and distributed by the Soil Conservation Service shall be used for determining the use value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed are as follows: Acadia, Ascension, *Assumption, Bossier, East Baton Rouge, Evangeline, *Iberia, *Iberville, *Lafayette, Ouachita, *Madison, *Rapides, *Red River, St. James, St. John the Baptist, *St. Martin, St. Mary, Tensas, Terrebonne, *West Carroll.

(*—Modern Soil Survey completed and now being published.)

The General Soil Maps published by the U. S. Department of Agriculture, Soil Conservation Service listed in Map Index, together with the conversion legends prepared and distributed by the Soil Conservation Service shall be used for determining use value classification in all other parishes until the time that the Modern Soil Surveys for such parishes are completed. On January of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classification for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

It is the intent that General Soil Maps are to be used only in the absence of and until Modern Soil Surveys are completed in the future by the U. S. Department of Agriculture, Soil Conservation Service on presently unmapped areas. However, at the option of and by agreement between the assessor and the land owner, Modern Soil Surveys that have been completed on any part of any parish (including individual farms or tracts of land), can be used for determining use value classification until such time as the Modern Soil Survey for that parish is completed.

Map Index

Listing of General Soil Maps and Modern Soil Surveys

Parish	Date	General Soil Map Map No.	Modern Soil Surveys Date Published or Status
Acadia	July,	1972 4-R-14566-A	Sept. 1962 (Series 1959 No. 15)
Allen	Jan.,	1970 4-R-28814-A	(Being mapped on accelerated basis)
Ascension	Sept.,	1972 4-R-16165-B	August 1972
Assumption	July,	1970 4-R-15698-A	Survey completed-being published
Avoyelles	Nov.,	1970 4-R-15240-A	(Being mapped on accelerated basis)
Beauregard	Nov.,	1971 4-R-28744-A	
Bienville	Nov.,	1971 4-R-16791-B	
Bossier	Nov.,	1971 4-R-13994-B	August 1962 (Series 1959 No. 13)
Caddo	Nov.,	1971 4-R-16024-A	(Being mapped on accelerated basis)
Calcasieu	Aug.,	1972 4-R-28741-B	
Caldwell	Dec.,	1970 4-R-15485-A	
Cameron	Nov.,	1971 4-R-28743-A	
Catahoula	June,	1971 4-R-16812-A	
Claiborne	June,	1970 4-R-17132-A	
Concordia	Dec.,	1970 4-R-14761-A	
DeSoto	Nov.,	1971 4-R-29144-A	

Parish	General Soil Map		Modern Soil Surveys
	Date	Map No.	Date Published or Status
East Baton Rouge	May,	1972 4-R-25895-A	September 1968
East Carroll	Jan.,	1970 4-R-28748-A	
East Feliciana	Nov.,	1971 4-R-17441-A	
Evangeline	Nov.,	1971 4-R-28936-A	August 1974
Franklin	Sept.,	1972 4-R-15069-B	(Being mapped on accelerated basis)
Grant	Sept.,	1972 4-R-16051-B	
Iberia	Feb.,	1974 4-R-15681-A	(Survey complete-being published)
Iberville	Nov.,	1971 4-R-16280-A	(Survey complete-being published)
Jackson	Jan.,	1971 4-R-16811-A	
Jefferson	Nov.,	1971 4-R-17344-A	
Jefferson Davis	Jan.,	1970 4-R-28746-A	
Lafayette	Nov.,	1970 4-R-15827-A	(Survey complete-being published)
Lafourche	June,	1969 4-R-16329-A	
LaSalle	Aug.,	1970 4-R-16813-A	
Lincoln	Sept.,	1972 4-R-17131-B	
Livingston	Feb.,	1971 4-R-17440-A	
Madison	Mar.,	1970 4-R-28745-A	(Survey complete-being published)
Morehouse	Aug.,	1972 4-R-15071-B	
Natchitoches	Aug.,	1972 4-R-16790-B	
Orleans	July,	1970 4-R-3865-A	
Ouachita	June,	1971 4-R-15070-A	February 1974
Plaquemines	Dec.,	1969 4-R-28742-A	
Pointe Coupee	Oct.,	1970 4-R-14739-A	(Being mapped on accelerated basis)
Rapides	Sept.,	1975 4-R-15239-A	(Survey complete-being published)
Red River	Nov.,	1971 4-R-16027-A	(Survey complete-being published)
Richland	Oct.,	1971 4-R-14778-A	
Sabine	Apr.,	1970 4-R-29238	
St. Bernard	Aug.,	1970 4-R-17359-A	
St. Charles	Nov.,	1971 4-R-16166-A	
St. Helena	Mar.,	1971 4-R-17438-A	
St. James	Nov.,	1971 4-R-19476-A	August 1973
St. John	Nov.,	1971 4-R-19476-A	August 1973
St. Landry	May,	1970 4-R-29386	
St. Martin	Sept.,	1970 4-R-15484-A	(Survey complete-being published)
St. Mary	May,	1972 4-R-31670	March 1959 (Series 1952 No. 3)
St. Tammany	Aug.,	1972 4-R-17443-B	
Tangipahoa	Nov.,	1971 4-R-17439-A	
Tensas	July,	1972 4-R-13919-A	October 1968
Terrebonne	Aug.,	1972 4-R-31732	February 1960 (Series 1956 No. 1)
Union	Nov.,	1971 4-R-17133-A	
Vermilion	Jan.,	1970 4-R-28747-A	
Vernon	June,	1971 4-R-16053-A	
Washington	Nov.,	1971 4-R-17437-A	
Webster	Nov.,	1971 4-R-27092-A	
West Baton Rouge	July,	1970 4-R-14740-A	(Being mapped on accelerated basis)
West Carroll	Mar.,	1976 4-R-14767-A	(Survey complete-being published)
West Feliciana	Sept.,	1975 4-R-29109-A	
Winn	Dec.,	1970 4-R-16052-A	

**Assessment of Agricultural
and Horticultural Lands**

Use Value Table 1 presents the use value and assessed value of all bona fide agricultural and horticultural lands.

**Classification of Agricultural
and Horticultural Lands**

The first four classification of soils designated by the

U. S. Department of Agriculture, Soil Conservation Service, with such modification as may be required by special circumstances, are hereby established for classification of agricultural and horticultural lands into Class I, II, III, and IV lands, provided that all land subject to regular and periodic flooding may be classified as Class IV lands.

The following is hereby established as the gross returns, production costs, and net income per acre per year of agricultural and horticultural lands:

Commodity	Gross Returns	Production Costs	Net Income
Beef-Calf	\$ 71.19	\$	\$
Beef-Cull Cows	32.94	147.32	- 43.19
Soybeans	155.22	113.72	+ 41.50
Rice	400.46	331.96	+ 68.50
Nonproductive	-0-	-0-	-0-
Cotton-Lint	241.11		
Cotton-Seed	41.82	273.50	+ 9.43
Dairy-Milk	388.58		
Dairy-Cull Cows	8.75		
Dairy-Calves	7.60	374.44	+ 30.49
Sugar Cane	550.12	431.44	+ 118.68
Corn	155.06	147.26	+ 7.80
Sweet Potatoes	480.15	369.75	+ 110.40
Sorgum-Grain	100.53	113.42	- 12.89
Wheat-Grain	73.79		
Wheat-Grazing	16.49	95.67	- 5.39
Oats-Grain	59.06		
Oats-Grazing	16.49	91.66	- 16.11
Irish Potatoes	485.86	345.51	+ 140.35
Bell Peppers	896.64	782.04	+ 114.60
Strawberries	2,857.80	2,706.23	+ 151.57
Tomatoes	2,658.22	1,880.21	+ 778.02

Capitalization Rate: The Federal Reserve Rediscount rate on January 1, 1977 equals five and one-fourth

percent, plus three and one-half percent, equals eight and three-fourths percent. Therefore the minimum rate of ten percent applies.

Use Value Table I
Average Use Value and Assessed Value per Acre of Agricultural and Horticultural Land by Class

Class	Use Value		Assessed Value	
	Upper	Lower	Upper	Lower
Class I	\$393.80	\$330.90	\$39.38	\$33.09
Class II	328.50	244.00	32.85	24.40
Class III	239.20	210.20	23.92	21.02
Class IV	205.30	132.90	20.53	13.29

Assessed value is obtained by multiplying ten percent times use value.

Assessment of Timberland

Use Value Table 2 presents the use value and the assessed value of all bona fide timberland.

Classification of Timberland

Timberland shall be classified into four categories as follows:

Class 1 timberland is timberland capable of producing more than one hundred twenty cubic feet of timber per acre per annum.

Class 2 timberland is timberland capable of producing more than eighty-five but less than one hundred twenty cubic feet of timber per acre per annum.

Class 3 timberland is timberland capable of producing less than eighty-five cubic feet of timber per acre per annum.

Class 4 timberland is timberland capable of produc-

ing less than eighty-five cubic feet of timber per acre per annum and which is subject to periodic overflow from natural or artificial water courses, and which is otherwise considered to be swampland.

Range of Productivity of Timberland: The timber productivity of each of the four classifications of timberland is hereby established to be as follows: Class 1, 80.4 cubic feet of growth/acre/year; Class 2, 71.1 cubic feet of growth/acre/year; Class 3, 50.3 cubic feet of growth/acre/year; Class 4, 50.3 cubic feet of growth/acre/year.

Production Costs of Timberland: The average timberland production costs are hereby established to be \$2.49/acre/year.

Gross Returns of Timberland: The gross value per cubic foot of timber production is hereby established to be \$0.1863/cubic feet.

Capitalization Rate for Timberland: The capitalization rate for determining use value of timberlands is hereby established to be as follows:

	Timberland Class 1, 2, 3	Timberland Class 4
(a) Physical and economic risk	2.50%	5.50%
(b) Effect of relative marketability of timberlands on liquidity of said investments	1.00%	1.00%
(c) Competition with other investments and prevailing interest rates	6.55%	6.55%
(d) Other (management rate)50%	.50%
Total Capitalization Rate	10.55%	13.55%

Use Value Table 2

Average Use Value and Assessed Value per Acre of Timberland by Class

	Use Value	Assessed Value
Class I	\$118.39	\$11.84
Class II	\$101.99	\$10.20
Class III	\$ 65.21	\$ 6.52
Class IV	\$ 50.77	\$ 5.08

Assessed value is obtained by multiplying ten percent times use value.

Assessment of Marsh Land

Use Value Table 3 presents the guidelines for determining the assessed value of all bona fide marsh land.

The assessor of each parish containing bona fide marsh land shall determine the use value of such land as defined in Section 2 of Act 702 of 1976, and shall assess such land on the basis of its use value, in making such determination, each assessor shall consider the following factors:

- (1) Income derived from the traditional use of such marsh land, as such uses are enumerated in Section 1 of Act 702 of 1976. (Use Value of bona fide marsh lands is the highest value of such land for the sole purpose of continuing the traditional use of the marsh lands for hunting, fishing, trapping or various types of aquaculture by a prudent manager of marsh lands. Use value of such land shall be so established without reference to any other criteria of value particularly, but not as a limitation, without reference to fair market value or value to the public in general.

(2) Physical and economic risks attendant thereto.

Use Value Table 3

(3) Prevailing interest rates.

Suggested Assessed Value Per Acre of Marsh Land

(4) Liquidity of investments.

Salt Water Marsh

\$5.00

(5) Federal and State regulatory authority governing use of such marsh land.

Fresh Water Marsh

\$6.00

Appendix 1

Application for Use Value Assessment

Name:

Address:

Description:

Application is hereby made for a Use Value Assessment on the above land, which is at least ten acres in size or has produced an average annual gross income of at least \$2,000 in one or more of the designated classifications for the four (4) preceding years.

I hereby certify that this land is eligible for Use Value Assessment, as provided by Article VII, Section 18 (C) of the Louisiana Constitution and as defined by Act 702 of the Regular Legislative Session of 1976 and that the following acreage is devoted to the indicated use.

Agricultural Land	() _____	Acreage
Horticultural Land	() _____	Acreage
Marsh Land	() _____	Acreage
Timber Land	() _____	Acreage

This application shall apply for the following four year period: _____

In the event this land ceases to meet the requirements for a Use Value Assessment, I will so notify the Assessor of this Parish within sixty days.

Landowner

Approved by:

Assessor

Parish of _____

Date: _____

**Guidelines for Assessor's Loans
Guaranteed by the State of Louisiana**

1. Each assessor shall file an application for a loan not to exceed the maximum amount authorized to be guaranteed by the State of Louisiana pursuant to House Bill 1371 of the Regular Session of the Legislature of 1977 with the Louisiana Tax Commission. The application shall be approved subject to the following limitations and provisions:
 - A. The assessor shall notify the parish governing authority and school board prior to filing the application of his intention to borrow funds sufficient to cover the local share of the costs of reappraisal and reassessment.
 - B. The name of the lending institution shall be contained in the application and such institution shall be a Federal agency, federally insured financial institution or bank authorized to do business in Louisiana.
 - C. The application shall contain a full disclosure of the relationships of the borrower and the proposed lender with all State officials and with employees and members of the Louisiana Tax Commission.
 - D. No loan guaranteed by the State is to be made after June 30, 1978.
 - E. The guarantee of the loan shall not exceed one hundred per centum of the total amount of the loan made to the borrower for any purpose herein authorized or one hundred per centum of the total balance of the loan at the time of the borrower's default, if any, whichever is the lesser.
 - F. The assessor shall state on the application his need for and the amount necessary to complete the task of reappraisal and reassessment in his parish.
 - G. The application shall specify the interest rate and terms of the loan which shall not exceed seven percent per annum. The term of each loan shall not exceed a maximum of four years.
2. The total cost of reappraisal in each parish shall be borne equally by the State and local governments.
3. The Louisiana Tax Commission shall withhold distribution of the additional three million dollars of the State's share until local governments have partici-

pated in an amount equal to the original distribution of three million dollars as provided for in Act 701 of the 1976 Regular Session.

- A. Participation by local governments shall mean that on a parish by parish basis, the assessor has borrowed an amount equal to the pro rata share received by that assessor of the three million dollars under Act 701 of 1976, and
 - B. Thereafter any additional money borrowed by an assessor up to the maximum amount authorized by House Bill 1371 shall be matched by the Louisiana Tax Commission from funds appropriated by the Legislature in House Bill 220 of 1977 to the Louisiana Tax Commission for that purpose.
4. Each assessor borrowing money under this program shall certify the pro rata share of each tax recipient body for the repayment of the loan as provided for in House Bill 1371. This certification shall be forwarded to the Louisiana Tax Commission annually prior to filing the tax rolls with the sheriff.
 5. All funds collected by the assessor from the pro rata share of each tax recipient body shall be used exclusively to repay the loan guaranteed by the State.
 6. The Attorney General of the State of Louisiana shall be notified of all defaulted loans which the State has guaranteed and paid due to default. He shall institute all necessary legal proceedings in order to insure repayment to the State of the defaulted loan. All funds collected by the Attorney General from such proceedings shall be paid into the general fund.

C. Gordon Johnson, Chairman
Tax Commission

RULES

**Department of Urban and Community Affairs
Office of Consumer Protection**

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

Chapter II—Unfair and Deceptive Acts
or Practices

Section 5011. Charitable Solicitations

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

- (1) “Charitable organization” means a group which is or holds itself out to be a benevolent, civic, recreational, educational, voluntary health, social service, philanthropic, fraternal, humane, patriotic, religious or eleemosynary organization, or any person who solicits or obtains contributions solicited from the public for charitable purposes. A chapter, branch, area office, or similar affiliate or any person soliciting contributions within the State for a charitable organization which has its principal place of business outside the State, shall be a charitable organization for the purposes of this rule.
- (2) “Contributions” means the promise or grant of any money or property of any kind or value.
- (3) “Person” means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.
- (4) “Professional solicitor” means any person who, for a financial consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person; or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. A salaried officer or salaried employee of a charitable organization maintaining a permanent establishment within the State shall not be deemed to be a professional solicitor. However, any salaried officer or salaried employee of a charitable organization that engages in the solicitation of contributions in any manner for more than one charitable organization, if a fee is charged for services to the organization other than the one that he is employed by, shall be deemed a professional solicitor.
- (5) “Religious institutions” for the purposes of this rule include ecclesiastical or denominational organizations, churches, or established physical places for worship in this State at which nonprofit religious services and activities are

regularly conducted and carried on and shall also include those bona fide religious groups which do not maintain specific places of worship. “Religious institutions” also include such separate groups or corporations which form an integral part of those institutions which are exempt from Federal income tax as exempt organizations under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954, or of a corresponding section of any subsequently enacted Federal Revenue Act, and which are not primarily supported by funds solicited outside its own membership or congregation. “Religious institutions” for purposes of this rule also include such institutions soliciting contributions for the construction and maintenance of a house of worship or clergyman’s residence.

B. It shall be an unfair and deceptive act or practice for any person or charitable organization utilizing a professional solicitor or solicitors to do any of the following:

- (1) Fail to register the following information with the Office of Consumer Protection at least ten days prior to soliciting for contributions:
 - (a) The name of the charitable organization and the purpose for which it was organized.
 - (b) The principal address of the charitable organization and the address of any offices in this state. If the organization does not maintain an office, the name and address of the person having custody of its financial records.
 - (c) The estimated amount of funds to be raised by professional solicitors and all costs and expenses incidental thereto including all publicity costs, all overhead costs, and all salaries or fees of professional solicitors to be paid out of solicited funds.
 - (d) Whether or not the organization or any professional solicitor associated with the organization has ever been enjoined by any court from soliciting contributions.
 - (e) The purpose or purposes for which the contributions to be solicited shall be used.
 - (f) The name or names under which it intends to solicit contributions.

- (g) The name or names of the individuals or officers of the organization who shall be responsible for the disbursement of any contributions.
- (h) The names and addresses of all professional solicitors to be used in the solicitation drive.
- (i) Whether or not the charitable organization is incorporated and, if so, in what state.
- (j) Whether or not the charitable organization has a Federal income tax exemption under Section 501 of the Internal Revenue Code.
- (k) Whether or not the charitable organization has a tax exempt status in the State of Louisiana.

- (2) Misrepresent to prospective contributors or to the general public the purpose of the organization and the purpose for which funds are solicited or are to be solicited.
- (3) State and/or imply in news releases, brochures, advertisements, pamphlets, or such other means, or when soliciting funds, that the charitable organization is incorporated by the State of Louisiana and/or has a Federal income tax exemption when such is not the case.

C. The provisions of this rule shall not apply to religious institutions as defined in "A (5)," educational institutions recognized and/or approved by the State Department of Education or the appropriate State educational board, any hospital organized under the laws of this State, or any voluntary health organization organized under the laws of this State and/or under Federal laws.

D. Whoever fails to comply with Section B of this rule violates R.S. 51:1405(A), prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.

E. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

RULES

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following Rules and Regulations Governing Mineral Operations on the State Wildlife Refuge.

I. No oil, oily fluids, drilling muds, oil field brine, or other pollutants shall be permitted to be discharged into any canals or marshes from any installation, barge, watercraft, or other fixtures. Any discharge of such fluids shall be directed into disposal wells unless otherwise permitted by the Department of Wildlife and Fisheries and the Department of Natural Resources.

II. Tank batteries shall be constructed on all lands to conform with rules and regulations of the Louisiana Department of Natural Resources and Department of Wildlife and Fisheries, particularly with reference to construction and maintenance of leveed fire walls. Inspection reports on the condition of pipes and pipeline carriers shall be prepared and submitted to the Department of Wildlife and Fisheries and Department of Natural Resources twice annually. All pipelines must be buried at least three feet deep in push ditches that must be back filled upon installation.

III. All rules and regulations of the Louisiana Stream Control Commission shall be strictly observed by the lessee.

IV. Flares may be burned only during daylight hours unless shown to be absolutely necessary at night. All flares shall be burned into a pit. Flares will be burned only with the permission of the Department of Natural Resources and under the supervision of the Department of Wildlife and Fisheries and the Department of Natural Resources.

V. Any damages incurred by lessee, by his operations, to levees, water control structures, bulkheads and other facilities owned and operated by the Louisiana Department of Wildlife and Fisheries shall be restored to original condition by lessee.

VI. Access to or on the leased premises for drilling and production operations shall be by marine equipment in Lake Fearman, Portage Lake and Bayou Fearman and elsewhere on the refuge by road. The dredging of canals through the marshes is prohibited. Access construction plans will be approved by the Department of Wildlife and Fisheries in advance of beginning operations.

VII. All road beds shall be constructed from staggered borrow pits. These shall be evenly alternated on each side of the roadbed and each individual pit shall not exceed three hundred feet in length and forty feet in width. A minimum of fifteen feet of berm shall be maintained between the roadbed and edge of borrow pit. Drainage and water control will be provided for by means of asbestos bonded culverts with drop gates under all roadbeds unless otherwise directed by the Louisiana Department of Wildlife and Fisheries and the Department of Natural Resources. Navigable canals and waterways shall not be blocked on the refuge. All road and canal construction plans must first be approved by the Louisiana Department of Wildlife and Fisheries and the Department of Natural Resources before construction begins.

VIII. In order to prevent excessive access construction in the preserve, lessee agrees that if the Louisiana Department of Wildlife and Fisheries and the Department of Natural Resources determine that an access route shall be used by a third party lessee then said route shall be used jointly upon the payment of a fair and proportionate share of the cost and maintenance by the third party lessee.

IX. Should lessee commit any act which shall be complained of as a violation of the Act of Donation for the State Wildlife Refuge or its transferee or assignee, said lessee shall immediately correct said violation upon being notified.

X. Bank erosion control shall be provided for in using any existing canals. No existing canals shall be used without prior approval of Louisiana Department of Wildlife and Fisheries.

XI. No telephone, telegraph or powerlines shall be constructed above marsh level without prior approval of the Louisiana Department of Wildlife and Fisheries and the Department of Natural Resources. All development sites will be kept clean and free of debris or litter. Abandoned well sites will be restored to original condition.

XII. Lessee shall comply with all rules and regulations of the Louisiana Department of Wildlife and Fisheries and Department of Natural Resources for the protection of game and wildlife, and particularly no hunting, fishing or any other activity harmful to wildlife shall be permitted on any part of the leased land or any other part of the Refuge.

XIII. All requirements and conditions contained in the deed by which the said game preserve area was donated to the State of Louisiana, shall be fully and strictly complied with.

XIV. Unless approval is first obtained from the Department of Wildlife and Fisheries, no tank batteries, rigging or other permanent structure shall be installed within two thousand feet of the main headquarters or within a distance that may prove damaging to any of the wood, concrete or steel water control structures on the area.

XV. The willful or continued violation of any of the aforesaid regulations shall constitute cause for revocation of the lease.

XVI. All developments not otherwise specified above shall be subject to approval of Louisiana Department of Wildlife and Fisheries and the Department of Natural Resources.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Capital Area Groundwater Conservation Commission

Notice is hereby given that the Capitol Area Groundwater Conservation Commission proposes to adopt rules and regulations requiring that the yield of eligible wells producing more than fifty thousand gallons per day and drilled on or after July 20, 1977, be metered, measured, or calculated on the basis of criteria established by the Commission. The proposed effective date of the rules and regulations is July 20, 1977. The Commission also proposes to establish rules and regulations defining (1) the time when pumping charges assessed against a user is delinquent, and (2) the penalties for violation of Act 678, Regular Session of 1974, as amended by Act 213, Regular Session of 1976, by failure to pay pumpage charges within the specified time.

Interested persons may submit their views and opinions, in writing, on or before July 5, 1977, to the following address: Capital Area Groundwater Conservation Commission, Post Office Box 64526, Baton Rouge, Louisiana 70896, telephone (504) 924-7420.

Copies of the proposed rules may be obtained by writing to the above address.

Marie H. Wenger, Chairman
Capital Area Groundwater
Conservation Commission

NOTICE OF INTENT

Department of Commerce
Office of Conservation

In accordance with the laws of the State of Louisiana R.S. 30:1, et seq., R.S. 49:951, et seq., and particularly, R.S. 30:1D, 3(c) (1) and 4C (16), a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m., Tuesday, July 5, 1977.

At such hearing the Commissioner will consider evidence relative to the issuance of a Statewide Order adopting the following proposed rules and regulations to regulate the disposal of waste products in the subsurface by means of a disposal well as well as the regulation of the surface and storage facilities at the injection site, same to be known as Statewide Order No. 29-N.

The proposed rules and regulations represent the views of the Commissioner as of this date; however, the Commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

Comments and views regarding the proposed Statewide Order should be directed in written form to be received not later than 5:00 p.m., July 5, 1977. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to R. T. Sutton, Commissioner of Conservation, Post Office Box 44275, Baton Rouge, Louisiana 70804, Re: Comments 29-N.

Proposed Rules and Regulations for the Subsurface Disposal of Waste

Section 1.0. Purpose and Scope

The rules and regulations as stated herein apply to waste disposal wells used for the injection into the subsurface of waste or waste products as defined below and in R. S. 30:1(D) and 30:3(15), but shall not apply to the disposal of brine fluids associated with the production of oil and gas, to radioactive or nuclear waste disposal activities, storage, or geothermal wells.

Section 2.0. Definitions

The words defined in this Section have the following meaning where used in these rules and regulations:

(1) Aquifer: A formation, group of formations, or a part of a formation that contains sufficient saturated material to yield economically significant quantities of water to wells.

(2) Commissioner: The Commissioner of Conservation of the State of Louisiana or his designated representative.

(3) Contamination: Any introduction into water of microorganisms, chemicals, wastes, or waste-fluid that makes the water unfit for its intended use.

(4) Casing: A tubular retaining structure, generally metal, which is used to isolate strata between the earth's surface and deepest depth at which the base of the casing is set.

(5) Fresh water: Water having total dissolved solids less than one thousand milligrams per liter.

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

(7) Static fluid level: The nonpumping water level in a well as maintained by the defined fluid in the well, which has not been in operation for a stated period of time.

(8) Underground drinking water source: An aquifer which supplies a source of drinking water or an aquifer which contains water having less than ten thousand milligrams per liter total dissolved solids, unless otherwise designated as not requiring protection after public hearing.

(9) Waste or waste product: Any liquid, sludge, effluent, semiliquid, or other substance resulting from any process, whether manufacturing or otherwise.

Section 3.0. Effective Date

Any waste disposal well permitted on and after July 20, 1977, shall be permitted and constructed in accordance with the rules and regulations stated herein and, for the purpose of these regulations, be known as a new well. Waste disposal wells and associated activities, which are permitted before the effective date of the rules and regulations, as stated herein, shall continue to operate in accordance with the provisions of the permit previously

approved by the Commissioner and in accordance with the provisions of Section 4.0. hereof.

Section 4.0. Wells Permitted Prior to Effective Date

Not more than five years after the effective date of these regulations and upon receipt of notification from the Commissioner the owner or operator of a waste disposal well permitted prior to the effective date shall provide, within ninety days, the information required to assure that the well and related facilities are in compliance with the rules and regulations as stated herein for new waste disposal wells. If such assurance cannot be provided by the owner or operator of such wells the owner or operator shall either:

(1) Obtain an approved variance for the well and related facilities as required in Section 16.0.

(2) Submit a compliance implementation schedule acceptable to the Commissioner so as to bring the disposal well and related facilities into compliance with these regulations no later than five years from the effective date of the regulations.

Section 5.0. Application Procedures

(1) The application shall be filed in duplicate with the local district office of the Office of Conservation. At the same time, a copy of the application shall be sent to the Louisiana Office of Health Services and Environmental Quality, Bureau of Environmental Services, whose address is Office of Health Services and Environmental Quality, Bureau of Environmental Services, 325 Loyola Street, Post Office Box 60603, New Orleans, Louisiana 70160.

(2) The application shall be processed by the District Office and if satisfactory, be forwarded to the Commissioner, who shall review the application along with supporting data, obtain an evaluation from the Louisiana Office of Health Services and Environmental Quality, require reasonable security bond or proof of financial security for the construction and operation of a waste disposal well, and take any other action needed to make a decision.

(3) Within forty-five days after the application is received a letter shall be sent by the Commissioner to the district manager indicating approval or disapproval. If disapproved, a reason for denial of application shall be given. The district manager shall immediately notify the applicant of approval or disapproval.

(4) When an application is approved, final approval

for the completion of the well in the injection zone or zones shall be given upon receipt of and review of the electrical or induction log of the waste disposal well, the casing program with packer setting, and initial measured static fluid level, in feet, with respect to land surface datum or mean sea level.

(5) Upon completion and recompletion of a well, Conservation Form WH and Casing Test Form CSG-T shall be filed with the Commissioner of Conservation.

Section 6.0. Application Requirements

An application for a permit for a new well shall include the following information. The requirements for a recompleted well that will inject into a zone that is different than that previously approved are given in Section 11.0., Recompleted Wells.

(1) The name and address of the owner and the operator of the proposed injection facility.

(2) A plan showing the location of (a) the well, (b) all related surface facilities, and (c) property boundaries.

(3) An electrical or induction log of a nearby hole or well showing the proposed injection zone.

(4) Listing of other operating wells, within two miles, injecting waste into the proposed injection zone. (Note: The Commissioner of Conservation may, if necessary, request the construction data for the nearby wells from their operators.)

(5) A description of the hydrology and geology of the area, including information on the vertical and lateral (within a two-mile radius of the injection well) limits of zones containing water with a total dissolved solids of three thousand milligrams per liter and ten thousand milligrams per liter and other information that illustrates the general lithology and geological structural features of the area.

(6) Description of chemical, physical, and biological properties and characteristics of fluid to be injected.

(7) Volume, injection rate, and calculated injection pressure of fluid to be injected.

(8) Contingency plans designed to cope with all shut-ins or well failures in order to prevent contamination of underground drinking water sources and pollution of water courses. These plans shall include a listing of alternative disposal practices.

(9) Well construction data that shall include (a)

diameter of hole and total depth of hole and well, (b) type, size, weight, and strength of all casing and tubing, (c) proposed cementing procedures, (d) proposed formation testing procedures, and (e) proposed injection procedures. (Note: The State of Louisiana's requirements for casing and cementing are in Section 9.0., Well Construction). A schematic drawing of the well shall be submitted with the application.

(10) Where reasonable justification exists, the Commissioner has the option to require additional data that will assist in evaluating the application. Examples of additional data that may be required are a map showing the location of water wells; surface bodies of water; oil, gas, exploratory, or test wells; other waste disposal wells; mines, and quarries and other pertinent surface features, including residences, roads, outcrops, and faults and fractures within a two-mile radius of the injection operation.

(11) A certified copy of public notice as published in parish and State Journals. (See Section 7.0.)

Section 7.0. Public Notices and Hearings

The applicant shall publish in a form prescribed by the Commissioner in the Official State Journal and in the official journal of the parish where the well is located, a notice of the intent to request a permit for a new disposal well, which is a well to be permitted after the effective date of these rules and regulations. Thirty days following the date of the public notice shall be allowed for the submission of written comments to the Commissioner of Conservation, whose address is Post Office Box 44275, Baton Rouge, Louisiana 70804.

The Commissioner shall hold a public hearing on a permit application within thirty days if he finds that there is a significant public interest in holding such a hearing. Any hearing held in accordance with these regulations shall be held in the geographical area of the proposed waste disposal well.

Section 8.0. Change in Ownership or Operation

Any permit granted by the Commissioner under the provisions of these rules and regulations, shall immediately become invalid upon transfer or change of ownership of the waste disposal well or the property upon which it is located, unless said transfer or change has been approved by the Commissioner.

Section 9.0. Well Construction

The waste disposal well shall be constructed to

assure that all underground water sources are protected from contamination using the following casing and cementing requirements:

Conductor casing—The use of conductor is optional.

Surface casing—To be set through and below the maximum depth of fresh water (total dissolved solids less than one thousand milligrams per liter) and also below the deepest sand containing water with a total dissolved solids of three thousand milligrams per liter or less and cemented back to the surface. (This is required because in some areas, some sands above the base of freshwater sands contain water with total dissolved solids in excess of three thousand milligrams per liter).

Long string—(a) If the casing is to be perforated, the casing shall be set below the depth to be used for waste injection and cemented back to the surface; or (b) if an alternate method approved by the Commissioner is used, the casing shall be set to the top of the injection zone and cemented back to the surface.

Injection tubing—To be run and set on a packer, which is to be set above the shallowest injection zone permitted. The packer shall be set and tested to assure there are no leaks in the system.

Annular space—A corrosion resistant fluid shall be placed under pressure in the tubing long string casing annular space. The annulus pressure shall be monitored in accordance with Section 12.0. (5) and (6).

Section 10.0. Surface Facilities

With the application, the applicant or well owner shall provide information and line drawings or flow diagrams of surface facilities showing necessary storage facilities, treatment facilities (if any) and the location of all ponds, pits, lagoons, or other excavations that will be used to store any fluids to be injected. Ponds, pits, lagoons, and excavations shall be so constructed as to prevent contamination of underground drinking water sources, and if so ordered by the Commissioner, shall be lined or treated with an impervious material.

Section 11.0. Recompleted Well

A recompleted well is a disposal well previously permitted under these regulations and one in which the applicant plans to inject fluids into a zone or zones that differ from those previously permitted by the Commissioner of Conservation. The applicant shall provide the information required in Section 6.0. (1), (4), (6), (7), well construction data, if different from original well, and any other information required by the Office of Conservation.