

CONTENTS

I. EXECUTIVE ORDERS

EWE-78-18—State Insurance Study Committee	1
EWE-78-19—State agency assistance for the First Use Tax Legal Team	1
EWE-77-10 (Amendment)—Composition of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States (supercedes EWE-76-9)	1

II. EMERGENCY RULES

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Supplement to the Sweet-potato Weevil Quarantine and Regulation	2
Health and Human Resources Department:	
Office of Family Security—Repeal of limitations in the Medical Assistance Program	2
— New method of payment to ICF/MR's	2

III. RULES

Corrections Department:	
Office of Adult Services—Visiting of inmates	2
Office of the Secretary—Inmate mail	4
Education:	
Board of Elementary and Secondary Education—Tuition exemption under Act 718	6
Governor's Office:	
Tax Commission and Office of Forestry (joint rule)—Stumpage market value of timber and pulpwood	7
Health and Human Resources Department:	
Office of Family Security—Limit on emergency room visits	7
Office of Human Development—Increased payment rate for day care centers	7
Natural Resources Department:	
Office of Forestry and Tax Commission (joint rule)—Stumpage market value of timber and pulpwood	7
Division of State Lands—Implementation of Act 645	8
Public Safety Department:	
Office of Alcoholic Beverage Control—Amendments to the rule prohibiting unfair practices in the malt beverage industry	11

IV. NOTICES OF INTENT

Commerce Department:	
Racing Commission—Increase in jockey mount fees	12
Real Estate Commission—Surety bonds and real estate schools	12
Corrections Department:	
Office of the Secretary—Inmate conduct and discipline	12
Education:	
Board of Elementary and Secondary Education—Certification of examiners for special education; use of federal funds; adult education requirements; compliance with building codes; nonpublic school testing guidelines; transportation reimbursement to parents	12
Board of Supervisors of Louisiana State University—Membership of the Athletic Council	13
Governor's Office:	
Tax Commission—Assessment complaints; leased personal property; schedule of assessments of oil and gas property	13
Health and Human Resources Department:	
Office of Family Security—Out-of-state medical claims	13
—New method of payment to ICF/MR's	13
Board of Practical Nurse Examiners—Testing and grades	14
Revenue and Taxation Department:	
Implementation of the First Use Tax on natural gas	14
Petroleum, Beverage and Tobacco Tax Section—Enforcement of the Special Fuels Tax Law	14
Transportation of gasoline	15
Transportation and Development Department:	
Size, weight and load of vehicles	16
Urban and Community Affairs Department:	
Office of Consumer Protection—Deceptive pricing	16

V. POTPOURRI

Agriculture Department:	
Dairy Stabilization Board—Regular monthly meetings	17
Civil Service Department:	
Eligibles reaching the age of seventy	17

Wildlife and Fisheries Department:
Permit request for construction on Bayou Dorcheat17

VI. ERRATA

Board of Elementary and Secondary Education—Standards for State Certification of
Vocational-Technical Personnel (Post Secondary)17

Executive Orders

EXECUTIVE ORDER EWE-78-18

WHEREAS, the state's casualty and property insurance program is one of the largest expenses carried by the state; and

WHEREAS, a general state casualty and property insurance program that is flexible and comprehensive yet affordable is necessary to allow the state to protect its property against casualty loss and deprivation; and

WHEREAS, the Subcommittee on Legislative Oversight of the House Appropriations Committee has determined that in the best interest of the State of Louisiana a study needs to be undertaken to examine and research the state's property and casualty insurance program and its liability exposure; and

WHEREAS, such a study can best be conducted by an impartial panel of insurance experts from across the state.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this state, do hereby create the State Insurance Study Committee to examine Louisiana's present casualty and property insurance coverage, to determine what changes, if any, need to be made to provide Louisiana with up-to-date and economical property and casualty insurance coverage, and to make such recommendations to me and to the Legislature as it deems proper based upon its findings.

FURTHER, the study shall include, but shall not be limited to, the current state program, property and casualty liability exposure, immunity limitation, methods of insuring the state's exposure, the organization and functioning of the Office of Property and Casualty Insurance in the Department of Insurance, and any other matter the Committee may feel pertinent to the state's insurance program.

FURTHER, the Committee shall be composed of the following: W. P. Schell and J. H. Harrell, representing the American Insurance Association, the American Mutual Insurance Alliance and the National Association of Independent Insurers; Leslie McKenzie and Joel P. Ory, Sr., who shall represent the Independent Insurance Agents of Louisiana; Stan Rosenthal, representing the Louisiana Association of Business and Industry; L. G. Morgan, representing the AFL-CIO; Thomas Collins, who shall represent the Louisiana Bar Association; Robert S. Felton, who shall serve as a member at large; the chairman of the Subcommittee on Legislative Oversight of the House Appropriations Committee; and the chairman of the Senate Commerce Committee. The members shall serve at the pleasure of the Governor.

FURTHER, the State Insurance Study Committee shall submit its recommendations and findings to the Governor and to the House Appropriations Committee by April 1, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 12th day of December, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-19

WHEREAS, the law authorizing the First Use Tax in Louisiana is one of the most important and far-reaching pieces of energy and

tax legislation to come from the Louisiana Legislature in recent years; and

WHEREAS, this Administration has a solemn duty to insure that all litigation involving the First Use Tax legislation is supervised, administered, and supported in the most professional way possible and by the most competent counsel available; and

WHEREAS, information and data in all state agencies germane to the issues of energy, taxation, and natural resources of this state must be included in the research files of the First Use Tax Legal Team appointed by the Governor to provide counsel to the State of Louisiana in the First Use Tax litigation; and

WHEREAS, the services and complete cooperation of all state personnel in this legal proceeding are of supreme importance to the success of the proceeding.

NOW, THEREFORE I, EDWIN EDWARDS, governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and the laws of this state, do hereby grant the First Use Tax Legal Team the authority to avail themselves of the use of all personnel, services, and facilities of all public agencies, departments, boards, and commissions of the state that are under my control and direction.

All state personnel who may be in a position to do so are instructed to furnish the Legal Team, upon request, information pertinent to its objectives and otherwise to facilitate the Team's work.

BE IT FURTHER RESOLVED, that the First Use Tax Legal Team is authorized to receive grants, donations, or gifts of money or services from public or private persons and entities to be utilized to accomplish the purpose for which the Team was assembled.

BE IT FURTHER RESOLVED, that any agency, department, board or commission that has any information, data, or questions that are pertinent to the state's objectives may contact the counsel to the Governor in order that proper dissemination to the Legal Team can be accomplished without undue delay.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of December, A.D. 1978.

Edwin Edwards
Governor of Louisiana

AMENDMENT TO EXECUTIVE ORDER EWE-77-10

Paragraph Eleven, designated as VI, and the following paragraphs of Executive Order EWE-77-10, dated July 26, 1977, are hereby amended to read as follows:

VI. The Board shall be composed of attorneys and /or members of the Judiciary in the State of Louisiana, to serve at the pleasure of the Governor and without compensation for their services. The Board shall represent the State of Louisiana on the National Conference of Commissioners on Uniform State Laws.

I further declare that this executive order shall supercede Executive Order EWE-76-9.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on thi the 19th day of December, A.D. 1978.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

Effective December 29, 1978, the Department of Agriculture, Office of Agricultural and Environmental Sciences, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953, et seq., to adopt amendments to the Sweet-potato Weevil Quarantine and Regulations, which were initially adopted under the provisions of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950. This action has been taken to prevent spread of sweet-potato weevil from infested areas, to areas not known to sustain infestations of these pests. This insect is considered to be the most destructive pest of sweet potato and its spread presents an imminent hazard to the sweet potato industry of Louisiana. In connection with these infestations, it has become necessary to promulgate the following emergency rule, by amending Supplement to Sweet-potato Weevil Quarantine and Regulation, Section III, Quarantined Areas, that portion of paragraph 2-A dealing with West Carroll Parish, by adding the following properties:

. . . that portion consisting of a one mile radius of and including the property of Allen Canning Company, section 36, R10E, T22N; that portion consisting of a one mile radius of and including the property of H and A Produce Company, section 31, R11E, T22N.

Richard Carlton, State Entomologist
Office of Agricultural and Environmental Sciences

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

Effective January 1, 1979, the Department of Health and Human Resources, Office of Family Security, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953 B to repeal specified limitations except for the outpatient hospital visit per calendar year limitation in the Medical Assistance Program (MAP). The limitations which appeared in the Louisiana Register, Volume 4, Number 12, of December 20, 1978, on page 473, Column 2 and page 474, Column 1 with the exception of the three outpatient hospital visits per calendar year, are herewith rescinded.

This action is taken to comply with the mandate issued by the Governor of the State of Louisiana and the Budget Committee of the Louisiana Legislature to delay, until further study, the implementation of the proposed program limitation.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

Effective for the November, 1978, payment for October, 1978, services, the Department of Health and Human Resources, Office of Family Security, has exercised those administrative powers conferred by the emergency provision of the Administrative Procedures Act, R.S. 49:953B, to adopt policy that will permit payment to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) on an individual, prospectively determined rate with no provision for retroactive adjustment for over or underpayment; except for overpayments which occur from the inclusion of unallowable costs in the cost report. The ICF/MR facilities, both private and state owned, will file cost reports.

The ICF/MR facilities will be paid a rate equal to their allowable cost, inflated. Private for-profit facilities will have included in their per diem rate a return on net equity capital equal to the Medicare (Title XVIII) rate, using the simplified computation.

New facilities will be paid a rate equal to the weighted average rate paid to facilities in the area. A new facility will be paid an individual, prospectively determined rate when the earlier of the following two events occur: (1) three months of operation when an average occupancy of 80 percent has been achieved; (2) two years of participation in the program have been completed.

If option (1) occurs first, the facility must file a cost report for the three month period. The new rate will be effective when computed not when submitted. The new rate will be set within sixty days of receipt of the cost report by the state agency.

The facility will thereafter file annual cost reports.

Individual prospectively determined rates hereafter shall be computed annually to be effective with the July payment for June services. An individual facility's most current cost document will be appropriately inflated to set a payment rate to be effective for one year.

The Department of Health and Human Resources, Office of Family Security, feels that this change in policy will allow the payment to ICF/MR's to comply with the federal option of recognizing these type facilities as a special group. Until audit problems in some facilities could be overcome, the ICF/MR's were being paid at a retrospective rate. With the adoption of this rule, we are now able to uniformly reimburse these facilities on a prospective rate.

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

Rules

RULE

Department of Corrections Office of Adult Services

Regulation No. 30-19A Visitation: Adult Inmates

1. Purpose. The purpose of this regulation is to establish the Secretary's policy regarding inmate visiting at all adult institutions of the Department of Corrections.

2. Responsibility. It is the responsibility of the Assistant Secretary for Adult Services and all wardens of adult institutions to implement this regulation and convey its contents to all inmates,

affected employees, and persons applying to visit, or persons approved to visit.

3. Legal Authority. R.S. 15:833(A).

4. General. Inmates are to be permitted visitation under reasonable conditions with approved friends, relatives and other persons. Uniform visiting procedures are to be established and adhered to at all institutions under conditions and in a manner which is in keeping with the most recent court decisions on inmate visiting.

An inmate may refuse to see a visitor, but the inmate should sign a statement to that effect or a note placed in his file that he refuses to do so. A person may be removed from the approved visiting list at his own request or at the request of the inmate.

The guidelines set forth herein as to the treatment of visitors are to be strictly followed. The restrictions on visiting set forth herein are the most severe which may apply to any institution. However, the warden may limit the number of visitors which may be approved to visit each inmate, the number of visits, and the duration of the visit in accordance with the provisions of this regulation. Each warden is to promulgate the rules governing visiting at the institution(s) under his control, and such rules shall be in accordance with this regulation.

5. Procedure.

A. Each inmate must apply to the warden or his designee to have a particular person placed on the inmate's approved visiting list. The inmate must supply a correct name, address, birth date and identify the relationship of the person to that inmate. A list shall be kept of those persons approved to visit, and a record may be kept of persons who do visit an inmate.

B. The inmate may not be prohibited, nor limited by number from receiving visits from the following persons except as provided in paragraphs C and D below.

(1) Identifiable parent(s), or if not raised by parents, the person(s) who raised the inmate,

(2) Identifiable grandparent(s), if parent(s) not living,

(3) Identifiable spouse,

(4) Identifiable children,

(5) Identifiable sibling(s), if none of the above are on the visiting list,

(6) Identifiable religious or spiritual counselor,

(7) Identifiable attorney(s), their employee(s) authorized by the attorney to act on his behalf, and law students engaged in approved clinical programs.

C. Restrictions on visiting may only be imposed in accordance with the following:

(1) Any person may be refused approval to visit an inmate until their identity or relationship to the inmate can be established.

(2) Any person may be refused approval to visit an inmate if the visitor refuses to submit to a search and may be refused permission until the visitor will submit to a search.

(3) Any person may be refused approval to visit an inmate and removed from the approved visiting list if the visitor does not comply with the rules of the institution during a visit.

(4) Any person may be permanently refused approval to visit an inmate if the conduct of the visitor amounts to a violation of state law, such as assault, battery, disturbing the peace, introduction or attempted introduction of contraband, etc.

(5) Any person who is an ex-felon and who has not been finally discharged from an institution or from probation or parole for more than two years without an intervening criminal record or who has pending criminal charges, may be refused approval to visit the inmate, unless the person is an identifiable parent(s), spouse, sibling(s), grandparent(s), or child of the inmate, in which case the two year restriction does not apply.

(6) Any person who is incarcerated or on probation or parole at the time of the requested visit may be prohibited from visiting with an inmate.

(7) Any person, except an identifiable religious counselor or attorney, may be refused approval to visit with an inmate if the inmate has had his visiting privileges restricted as a penalty for a rule infraction involving visiting, or if the inmate is in isolation.

(8) No person may be refused approval to visit an inmate solely upon the basis that the person did not know the inmate prior to his incarceration, unless the person applying to visit is also incarcerated.

(9) Any person, except those enumerated in paragraph B above may be refused approval to visit because the inmate has the number of persons permitted by the institution already on his visiting list, or in the case of visits from nonrelated members of the opposite sex, the inmate is married or lists as a spouse, or has as an approved visitor, a girlfriend or boyfriend who is a person other than the applicant.

(10) Any person may be denied permission to visit during the time of a disturbance at the institution, if the Secretary has declared that all visiting is suspended during the emergency.

D. Number, Duration and Conditions of Visits.

(1) Each inmate should be afforded at least two visits per month, preferably on weekends. Each visiting period should be of two hours duration.

(2) The warden of each institution shall promulgate rules governing the number of visitors that may visit an inmate individually at one session, as well as the number of persons which may visit one inmate in a group, and shall submit same to the Secretary for his approval. Family visiting, and orderly contact visits are to be permitted to the extent possible.

(3) Attorneys, their employees, and law students in approved clinical programs may visit their clients at any time during normal working hours (8 a.m. to 5 p.m., Monday through Friday). Special visits may be arranged in accordance with Section 7 of this regulation. Except in emergency cases, visits by attorneys, their employees and law students in approved clinical programs must be scheduled twenty-four hours in advance.

(4) The areas where visiting occurs shall be clean and well lighted. All visitors are to be informed orally or in writing of the rules and regulations governing visiting.

(5) Privacy shall be afforded to the degree security permits when an inmate visits with legal advisors, but in no case will conversations during such visits be monitored.

(6) Any visit may be terminated while in progress if the inmate or visitor violates the rules governing visiting.

6. Treatment of Visitors.

A. There shall be no discrimination in visiting. All visitors and inmates will be provided equal opportunities in visiting, in accordance with the inmates' security class and housing assignment.

B. Visitors shall be treated with courtesy at all times and should not be subjected to unnecessary delay, inconvenience or embarrassment in accomplishing a visit.

C. Any search of a visitor's person shall be done by someone of the same sex, without force, and in a manner that will not cause embarrassment to the visitor.

7. Special Visits.

A. The warden of each institution may approve on a case by case basis, or generally in unusual circumstances, special visits in the following cases:

(1) Approved visitors are unable to visit on regular visiting days,

(2) Longer visits, more visitors or more visiting periods than institutional regulations allow.

B. If the person applying to visit is otherwise restricted from visiting, the warden may approve a special visit, except when the person applying to visit the inmate is also incarcerated, prior approval of the Assistant Secretary of Adult Services is required.

8. Cancellation. This regulation supercedes Department Regulation 30-19, dated August 8, 1978, insofar as that regulation applied to adult visitation. This regulation also supercedes Department Regulation 10-18 dated December 26, 1974, insofar as that regulation applied to visitation of adult inmates by attorneys. This regulation will not operate to remove any person who is currently on an inmate's approved visiting list.

C. Paul Phelps, Secretary
Department of Corrections

RULE

**Department of Corrections
Office of the Secretary**

**Regulation No. 30-19
Correspondence and Packages:
Adult Inmates**

1. Purpose. The purpose of this regulation is to establish the Secretary's policy regarding the receipt of mail and packages at all adult institutions of the Department of Corrections.

2. Responsibility. It is the responsibility of all wardens and mail room supervisors of adult institutions to implement this regulation and convey its contents to the inmate population, affected employees and affected members of the public.

3. Legal Authority. R.S. 15:833(A). *Guajardo v. Estelle*, 580 F.2d.748 (5th Circuit 1978).

4. General. It is the Secretary's policy that the least restrictions possible be placed on an inmate's ability to send and receive letters and publications through the mail. To this end, reading or censorship of incoming and outgoing letters and publications shall be limited only to those items which are detrimental to security, order, or rehabilitation, or if the reading or censorship is necessary to prevent commission of a crime. The receipt of packages through the mail is not to be encouraged and any packages received must conform to the list of approved package items at the institution and are to be inspected and handled strictly in accordance with this regulation.

Before receiving letters, packages, or publications, the inmate must sign the attached form and should be informed that if he does not sign the form, all of his incoming mail will be returned to the post office marked "refused."

I, _____, agree to accept the delivery of mail sent to me through this institution,

(Institution)

Witness Inmate

Witness Date

NOTE: This form is required by federal postal regulations so that inmate mail can be delivered to the institution. (Federal Register, Vol. 43, No. 66, Page 14308, April, 1978).

5. Procedures for letters.

A. Receipt and sending of letters through the mail.

(1) There shall be no restriction on the number of correspondents, number of letters written or received, the length or

language of the letter. Inmates shall be allowed to send to and receive letters through the mail from all persons, including inmates in other institutions.

(2) On the written request of the person receiving correspondence from an inmate, or of a minor's parent or legal guardian, the institution may refuse to mail correspondence addressed to the person so requesting, in which case the letter must be returned to the inmate with a written explanation.

(3) All mail, incoming and outgoing, shall be handled without delay and on a daily basis.

(4) No record shall be kept of whom an inmate corresponds with except for good cause shown, and the keeping of the record is authorized in writing, by the warden.

B. Inspection of letters.

(1) Outgoing letters—All letters are to be posted unsealed and inspected for contraband only except for the following which are to be posted sealed and may not be inspected except with a search warrant.

- a. Courts.
- b. Prosecuting attorneys.
- c. Probation and parole officers.
- d. State and federal departments, agencies and their officials.

e. Identifiable attorneys (the name, address and fact that the addressee is an attorney must appear on the envelope).

f. Identifiable members of the press (the name, address, and identification of the addressee as a member of the press must appear on the envelope).

(2) Incoming letters—Except in the cases enumerated below, incoming letters may be opened and inspected for contraband.

a. Letters from Department of Corrections officials are not to be opened.

b. Letters from the following may be opened and inspected for contraband only when there is good cause to believe contraband is contained therein, and then only in the presence of the inmate-addressee.

- i. Courts.
- ii. Prosecuting attorneys.
- iii. Probation and parole officers.
- iv. Identifiable attorneys (name and address and fact that sender is an attorney must appear on the envelope).
- v. Identifiable member of the press (the name and business address and identification of the sender as a member of the press must appear on the envelope).
- vi. State and federal agencies and officials.

C. Reading of letters. When the warden determines that it is necessary to prevent the commission of the crime or necessary to the maintaining of security, order, or rehabilitation in this institution, he may require the reading of an inmate's mail. In such cases a written record shall be kept in the appropriate office and shall include:

- (1) Inmate's name and number.
- (2) A description of the mail to be read (e.g. outgoing only, from a particular person, etc.).
- (3) The specific reasons it is necessary to read the mail, including all relevant information and the names of the persons supplying information.
- (4) Length of time the mail is to be read.
- (5) Signature of the warden, superintendent, or his representative.
- (6) Notes on the nature of the mail read, but no copies of the mail unless necessary for later use as evidence.

At the termination of the reading period a copy of all but (3) above shall be placed in the inmate's file, with the entire original remaining in the appropriate office.

D. Stationery, envelopes, and stamps. These items shall be available for purchase by the inmates and shall be provided to indigent inmates in sufficient quantity for all legal and official correspondence, and for at least two letters of personal correspondence each week. The institution is not required to provide postage for registered, certified, or special delivery mail.

6. Procedure for Packages. If permitted by the regulations of the individual institution, any person may send approved items through the mail to inmates.

A. Approved items. Subject to the approval of the Secretary, each warden or superintendent will prepare and make available to the inmate population a list of items which may be received in packages.

B. Inspection of packages. All packages shall be inspected for the purpose of discovering contraband. Such inspection shall be done in a manner that will not damage the contents of the package. A list may be kept of the items an inmate has received through the mails.

(1) Discovery of contraband in packages. Upon discovery of unapproved items or contraband in an incoming package, the following procedures are to be implemented:

a. Notice to the inmate of the contents of the package, the date of its receipt, the reason the package is unacceptable, and that the inmate has twenty-one days to provide return postage for the package, or that it will be otherwise disposed of at the end of twenty-one days.

b. If the inmate is without funds to supply postage, and this is verified through Inmate Accounts, the institution shall pay return postage.

c. When postage is provided, the package shall be returned to sender, with a note specifying the reason for its return.

C. Disposal of items received in packages and letters.

(1) Procedures. Unapproved items for which no postage has been provided shall be disposed of in the following manner with documentation of the method of disposal.

a. All perishable items shall be destroyed.

b. Clothing may be used to provide clothing for inmates discharging from custody.

c. When the item received is any of the following, the letter or package, its contents, and any other pertinent information shall be turned over to the district attorney in the parish where the institution is located, with notification to the local Federal Bureau of Investigation agent.

i. Any controlled dangerous substance.

ii. Any weapon, or explosive.

iii. Any escape plans.

iv. Any plans for criminal activity or acts which constitute criminal behavior.

d. If the inmate refuses to provide postage for items having a value of twenty-five dollars or more, except clothing, the institution shall pay for the return postage and the amount shall be charged against the inmate's account.

e. All items returned shall be insured.

f. All other items shall be donated to a charitable organization, upon approval by the Secretary.

g. No unapproved item shall be given to or purchased by an employee of the Department of Corrections.

h. Upon the approval of the warden of the institution, unapproved items, other than those listed in C(1)c(i-iv) above, may be disposed of by turning the item over to an approved visitor and having the visitor sign a receipt for the item.

7. Procedures for publication. Books, magazines, newspapers, pamphlets, leaflets, brochures, and other printed matter are considered publications. Such printed matter may be read and in-

spected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the institution, all printed matter must be received directly from the publisher.

A. Refusal of publications. The Secretary's general policy is to permit any printed matter which has passed through the U.S. Mail to be received by inmates. The presumption is that printed matter received through the mails is acceptable. Therefore, printed material shall only be refused if it constitutes an immediate threat to the security and order of the institution, or would be detrimental to the rehabilitation interests of the institution. In making this determination, the printed matter must fall into one of the following described categories.

(1) The printed matter concerns escape plans.

(2) The printed matter concerns plans to violate prison rules, or disrupt work routine.

(3) The printed matter concerns the introduction, purchase, or instructs in the manufacturing of controlled dangerous substances or alcohol.

(4) The printed material concerns the introduction of, or instruction in the use of or manufacture of weapons, or instructs in the use of martial arts.

(5) The printed matter contains material which reasonably construed, is written solely for the purpose of communicating information designed to achieve the breakdown of prisons through inmate disruption such as strikes or riots or fomentation of inmate unrest.

(6) The printed material contains a graphic presentation of sexual behavior that is in violation of the law (e.g., rape, homosexual acts, or crime against nature, of any degree).

(7) The printed material has been judicially declared obscene.

(8) The printed material contains depictions of actual or simulated sexual intercourse, which is so explicit that it would stimulate inmates to further criminal behavior in the form of homosexual acts.

B. Procedures when publication is refused. If a publication is to be refused, the following procedure shall be followed:

(1) Specific, factual determination by the warden or his designee that the publication is detrimental to security, order, or rehabilitation and in what particular way it is detrimental under the standards in section 7A (1)-(8) above.

(2) Notice to the inmate of the decision to return a publication and the reasons therefore, and informing the inmate that he has seven days to appeal to the warden.

(3) If the appeal to the warden is denied, notice to the inmate of this decision within ten days of receipt of the appeal, and informing him that he has five days to appeal to the Secretary of Corrections who shall review the publication.

(4) Notice to the inmate of the Secretary's decision within ten days of the receipt of the appeal, with written reasons if the appeal is denied.

(5) Return of the publication to the sender if the appeal is denied, or forwarding of the publication to the inmate if the appeal is granted.

(6) All refused publications will be held a minimum of forty-five days to allow for exhaustion of appeals.

8. Restrictions on Mail.

A. All inmates regardless of status shall be allowed to send and receive approved letters. Inmates in isolation may be denied the right to send mail, except to the courts, legal counsel, or the Secretary during the period of isolation.

B. Inmates in administrative lockdown and isolation may be restricted from receiving packages or publications during their stay in administrative lockdown or isolation, but all other mail shall be delivered to them.

C. **Approved packages** or publications shall be held for the inmate and forwarded to him on his release from administrative lockdown or isolation.

9. **Collection and Distribution of Mail.**

A. The collection and distribution of mail is never to be delegated to an inmate. Mail should be given directly to the receiving inmate by an employee.

B. When mail is received for an inmate who has been transferred to another institution or who is on parole, it is the duty of the institution where the mail is received to determine the location of the inmate addressee and forward the mail to him. If the inmate has been finally discharged from custody, the mail shall be returned to sender.

10. **Cancellation.** This regulation supercedes Department Regulation 30-19 dated August 8, 1978, insofar as that regulation dealt with adult inmate correspondence.

C. Paul Phelps, Secretary

RULE

Board of Elementary and Secondary Education

Rule 5.00.80 (1)—Guidelines for implementation of Act 718 of 1978, Tuition Exemption for Teachers. Act 718 supercedes Act 20 of 1977. This policy replaces present policy in effect.

Tuition Exemption

Continuing Education Guidelines (Act 718)

1. The State Department of Education shall prepare an application form for the approval of the "tuition exemption." This form will be sent to local public school boards for distribution to eligible public and nonpublic teachers and vocational-technical instructors.

2. A. Teachers will make application for "tuition exemption" to the Louisiana college or university that they are to attend after receiving continuing education tuition exemption eligibility verification from the appropriate authority:

Public Teachers—Verification from the principal and superintendent or his designee.

Nonpublic Teachers—Verification from the principal and, in cases of parochial schools, the diocesan superintendent or his designee.

Vocational-Technical Instructors—Verification from the vocational-technical director.

B. Applications for "tuition exemption" should be submitted at the time of registration at the college or university in which a student wishes to enroll. (Application for admission to university must be made in compliance with university regulations and deadlines.)

C. Course eligibility will be determined according to these guidelines by the college or university to which application is made.

D. All qualified applicants will be granted only the "tuition exemption." Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

E. Courses for reimbursement shall be limited to those that commence no sooner than the first day of the regular semester or quarter and/or no later than fifteen days after the beginning of the regular semester or quarter. The deadline date for submitting applications for this program shall be the fourteenth class day of the semester or quarter.

F. No student shall be allowed to pursue courses at more than one college or university simultaneously under this program.

G. No student shall be allowed to participate in this program outside the geographical boundaries of the state of Louisiana.

3. **Elementary and Secondary Teachers:** Any certified teacher teaching in, or on approved leave from, a state approved elementary or secondary school, or a degreed teacher eligible to teach in a public school and teaching in an approved nonpublic elementary or secondary school in compliance with nonpublic school standards, shall be eligible for the tuition exemption providing the teacher "attends" a Louisiana college or university. This tuition exemption shall not apply to those teachers holding temporary certificates but will apply to those teachers holding regular certificates with temporary certification in a particular area.

A. Interpretation of "attend": The teachers shall enroll in an on-campus course or an off-campus course for credit. Correspondence courses will not be considered.

B. Interpretation of "teacher": Any employee listed on the annual school report as a member of the faculty of an elementary or secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

C. Interpretation of "approved elementary and secondary school": Any school that is involved in the day-to-day teaching of students in grades kindergarten-12 or any combination thereof that is on the approved list of schools under the direction of the State Board of Elementary and Secondary Education. This shall include only the approved public, nonpublic, alternative, and special schools listed in Bulletin 741.

D. Only full-time teachers who are regularly employed, or those who are on approved leave, are eligible under this act. Day-to-day substitute teachers are not eligible.

4. **Vocational-Technical Instructors:** Teachers teaching in vocational-technical schools under the jurisdiction of the State Board of Elementary and Secondary Education shall be eligible for the tuition exemption, providing the instructor "attends" a Louisiana college or university.

A. Interpretation of "attend": The instructors shall enroll in an on-campus course or an off-campus course for credit. Correspondence courses will not be considered.

B. Interpretation of "vocational-technical instructor":

1. Any employee listed on a composite report listing instructional personnel to be submitted to the State Board of Elementary and Secondary Education by September 1, 1978.

2. All full-time instructors who are required by Bulletin 746 to earn fifteen credit hours in vocational-technical and industrial education (VTIE) courses for certification, or;

3. Any degreed full-time instructor or guidance counselor who desires to further his education in his field of specialization.

C. Only full-time teachers who are regularly employed, or those who are on approved leave, are eligible under this act. Day-to-day substitute teachers are not eligible.

5. Only those courses of instruction in the teacher's field or discipline may be taken under this program. Course load for reimbursement purposes shall not exceed six semester hours per semester while teaching full-time.

6. Interpretation of "field or discipline" for elementary or secondary teachers:

A. Course work in the area of certification endorsed on the applicant's valid Louisiana standard teaching certificate.

B. Methods and professional education courses that deal directly with the area of certification endorsed on the teaching certificate.

C. Course work outside the area of certification endorsed on the teacher's certificate, provided the principal recommends the area of instruction in which the teacher shall enroll. This must be attested to by the principal or immediate supervisor and the local superintendent.

D. Required course work in a Board of Regents approved advanced degree program in an area in which the applicant is presently teaching.

7. The State Superintendent of Education shall reimburse each Louisiana college or university for only the "tuition" funds lost due to this program, for applicants who are eligible according to the guidelines adopted by the State Board of Elementary and Secondary Education. The funds shall be paid from monies appropriated therefor or otherwise made available for this program.

8. Nonpublic universities included in this program are the following: Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, St. Mary's Dominican College, Tulane University, and Xavier University.

A. Tuition paid to the above nonpublic universities shall be equal to but not greater than the highest tuition charged by a public college or university in Louisiana. The difference in the amount of tuition paid by the state and the amount charged by private universities shall be the obligation of the student.

B. State funds may not be used toward tuition courses in theology or divinity.

9. Appeals.

A. Any enrolled student whose tuition expense is not honored by the Department of Education shall have the right to a due process appeal to the State Board of Elementary and Secondary Education.

B. The individual should contact the Director of State Board of Elementary and Secondary Education for procedures to be followed for the appeal.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted policy that limits to three per calendar year the number of outpatient hospital (emergency room) visits that the Medical Assistance Program (MAP) will make vendor payment for on behalf of the program's eligible recipients. This limitation was published as an emergency rule in the December, 1978 *Louisiana Register*, to become effective January 1, 1979.

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

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development (OHD) has increased the monthly rate of payment to licensed vendor payment day care centers and family day care homes. This action was originally taken through a declaration of emergency, effective January 1, 1979. The maximum rate of monthly payment to family day care homes is \$69.30 for each eligible child. OHD increased the maximum rate of monthly payment to licensed day care centers to \$104.72 for each eligible child. However, the payment rate for eligible children in licensed day care centers shall not exceed the amount the center charges for private paying children up to the maximum of \$104.72.

In addition, OHD has revised the eligibility criteria for day care which will result in more children who are Title XX eligible to

receive the service. Specifically, the criteria in regard to provision of day care has been expanded to provide that the service may be utilized in a formerly active protective service case when recommended by the service worker at the time the case is transferred to another OHD service unit. In addition, in former foster care cases the service of day care may be utilized to facilitate child and family adjustment immediately after the child is returned home from placement.

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

RULES

Department of Natural Resources Office of Forestry and Office of the Governor Tax Commission

Timber Stumpage Values Calendar Year 1979

Listed below are the timber stumpage values set by the Louisiana Tax Commission and the Louisiana Forestry Commission on December 11, 1978, as provided by law. These values are for the Calendar Year 1979.

The unit values were determined by the Commissions following an examination of stumpage price information collected directly from sawmills, pulpmills, and pulpwood procurement centers processing more than ninety percent of the wood harvested in Louisiana. The information was gathered by Office of Forestry foresters and other competent personnel.

In accordance with a motion passed by the Louisiana Forestry Commission on September 22, 1977, and as previously agreed upon by the Louisiana Tax Commission and the Severance Tax Division, Louisiana Department of Revenue, all hardwood species and cypress sawtimber values will be combined into a single entity.

The sawtimber values are based on Doyle Log Rule and the pulpwood values are based on a standard cord (128 cubic feet).

Pine Sawtimber	\$160.00 per thousand board feet
All Hardwoods & Cypress Sawtimber	56.00 per thousand board feet
Pine Pulpwood	8.00 per cord
Hardwood Pulpwood	4.40 per cord

The regular severance tax rate is 2¼ percent of the above sawtimber stumpage values and 5 percent of the above pulpwood values.

The severance tax rate on Timber Conservation Contract lands is 6 percent of all above stumpage values, both sawtimber and pulpwood.

Effective date: January 1—December 31, 1979.

All other forest products (fence posts, ties, poles, piling, etc.) to be computed on basis of Doyle Log Rule or standard cords (128 cubic feet) as applicable.

D. L. McFatter, State Forester
Office of Forestry

C. Gordon Johnson, Chairman
Tax Commission

RULES

Department of Natural Resources Division of State Lands

The Department of Natural Resources, Division of State Lands, has adopted rules and regulations to implement Act 645 of 1978 in accordance with R.S. 41:1131 and R.S. 41:1701 through 1714 to read as follows:

Class A Permits Permits to Reclaim or Recover Land Lost Through Erosion

1. Applications must be made to the Secretary of the Department of Natural Resources, in triplicate, and each copy accompanied by the certified deed of present ownership and a certified map or plat of survey prepared by a professional land surveyor qualified and currently registered by the Board of Registration for Professional Engineers and Land Surveyors in accordance with R.S. 37:681, et seq. Applicant shall attach deed, plat of survey, or other evidence supporting his claim as to the extent of erosion.

2. The certified plat or map must show the exact location or alignment of the mean high and low water elevations, all references to mean sea level or mean low gulf as of date of application and show extent of land claimed to be lost through erosion, with reference to documents supporting the claim. If the area claimed to be lost through erosion exceeds one acre, the total acreage, rounded to the nearest one hundredth shall be indicated; if less than one full acre, the area must be shown in square feet. The section, township, and range shall be noted and the name of the body of water on which a permit is sought. If offshore, area and block number must be provided. Unless permission is first obtained from the Secretary of the Department of Natural Resources for noncompliance with any supplemental requirements, the plat must supply the Louisiana grid coordinates of all corners and angle points.

3. Names of adjoining land owners shall not be shown on the plat unless contained in applicant's property description filed for public record, as reflected by the attached deed of ownership.

4. An application for a permit must be accompanied by a letter of intent which shall contain the following information:

a. Extent of the eroded area to be reclaimed.

b. Description of proposed physical work to be performed (including all lateral dimensions and surface elevations), and materials to be used.

c. Detailed drawings of construction including vicinity map, plot plan, and cross section or profile.

5. Within sixty days of completion of the project, the riparian owner shall submit to the Secretary of the Department of Natural Resources, proof of the extent of the land area actually reclaimed, if any, by plat, in the same manner provided in Numbers 1, 2 and 3 above, for showing the eroded area and verifying the information required in Number 4, which map or plat shall be employed for fixing the definitive boundary between the reclaimed land area and the water bottoms.

6. No definitive boundary shall be fixed nor shall title be vested unless and until proof is made that the reclaimed land is raised to a minimum height of six inches above mean high water and is stabilized along the newly created bank or shore by masonry, concrete mats, riprap, sheet piling, bulkheads, or similar constructions to reasonably insure permanence as required by law.

Class B Permits Permits to Construct or Maintain Bulkheads and Flood Protection Structures

1. Permits may be granted for construction or maintenance of bulkheads generally parallel to the bank or shore on any inland navigable water body, which do not involve reclamation or recov-

ery of land, if on the basis of evidence furnished the Secretary of the Department of Natural Resources, such bulkheading will aid in preventing erosion. Permits may be granted for bulkheads which will facilitate or aid in reclamation of eroded lands, or maintain the same, but only upon compliance with those regulations set forth in Class A Permits.

2. Permits may be granted to provide and maintain adequate foundation or flood protection for presently existing structures in proximity to any eroded bank.

3. An application for a permit contemplated in numbers 1 and 2 above must be made to the Secretary of the Department of Natural Resources, on forms provided, in triplicate, and each copy accompanied by a certified deed of ownership and a detailed description of the proposed physical work, bulkhead, foundation, or flood protection structure, with a sketch of the same, indicating dimensions, the body of water adjacent to or in which the construction will be placed, and the distance from the mean high and low water elevations that the structure will be placed over, or in, said water body.

4. Within sixty days of completion of any project proposed under number 3 above, the riparian owner/applicant shall submit an affidavit to the Secretary of the Department of Natural Resources on a form provided, attesting to the extent of the proposed construction completed and the final location of the structure or bulkhead as contemplated in his application.

Class C Permits Permits to Construct Commercial Wharves and Piers

1. Permits may be granted for the construction and/or maintenance of commercial wharves and piers extending over public lands. Exempted from permit requirement are commercial wharves and piers less than fifty linear feet whose surface area does not exceed one hundred fifty square feet, unless part of another encroachment or system or unduly interfering with public interests, navigation, or fishing.

2. Applications must be made to the Secretary of the Department of Natural Resources, in triplicate, and each copy accompanied by a certified deed of ownership (of the lands contiguous to public lands), or if the applicant is not the owner, a certified copy of the deed or other instrument under which the owner holds title plus written permission for the owner to carry out the project.

3. If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Secretary of the Department of Natural Resources shall be accompanied by clear and legible copies of maps, plans, details, and other documentation and correspondence submitted to the United States Army Corps of Engineers. Should the proposed construction not require a U. S. Corps of Engineers permit, the application to the Department of Natural Resources must be accompanied by the following drawings:

a. Vicinity map showing:

1. Location of the activity site including section, township and range.

2. Name of waterway.

3. All applicable political (parish, town, city, etc.) boundary lines.

4. Name of and distance of local town, community, or other identifying location.

5. Names of all roads in the vicinity of the site.

6. Graphic scale.

7. North arrow.

b. Plan view showing:

1. Existing shorelines.

2. Ebb and flood in tidal waters and direction of flow in rivers.

3. North arrow.
4. Graphic or numerical scale.
5. Mean high and low water lines.
6. Water depths around the project.
7. Extent of encroachment beyond the applicable water lines.
8. Waterward dimension from an existing permanent fixed structure or object.
9. Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- c. Elevation and/or section view showing:
 1. Same water elevations as in the plan view.
 2. Depth at waterward face of proposed work.
 3. Dimensions from applicable water lines for proposed float or pile supported platform.
 4. Graphic or numerical scale.
 5. Detailed drawings of construction including plot plan, and cross section and profile.

4. An application for a permit must be accompanied by a letter of intent which shall contain the description of proposed physical work to be performed (including all lateral dimensions and surface elevations), and materials to be used.

5. Owners or occupiers of commercial piers and wharves, constructed pursuant to a permit issued in accordance herewith, and those already existing upon state lands, which are otherwise lawful except for a permit, shall apply to the Secretary of the Department of Natural Resources for a lease for such commercial wharves and piers.

6. Leases entered into for Class C encroachments will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be five percent of the assessed valuation established by the assessor of the parish wherein the property is located. In no instance shall the consideration be less than one hundred dollars per annum.

7. Leases entered into shall be for a term of five years and subject to renewal by lessee for ten successive terms. In no case shall the maximum term of such leases exceed fifty years. At the end of a fifty year maximum period, lessees may apply for a new lease for the subject encroachment.

Class D Permits
Permits to Construct Structures
Other Than Wharves and Piers

1. Permits may be granted for the construction and/or maintenance of structures which are permanently attached to public lands by pilings, or other means, including, but not limited to storage docks, houses, camps, warehouses, residences, bulkheads, business establishments, dams, bridges, etc.

2. Applications must be made to the Secretary of the Department of Natural Resources, in triplicate, and each copy accompanied by a certified deed of ownership (of the lands contiguous to public lands), or if the applicant is not the owner, a certified copy of the deed or other instrument under which the owner holds title plus written permission for the owner to carry out the project. Should the encroachment be located wholly upon state water bottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details for ingress and egress for such structure.

3. If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Secretary of the Department of Natural Resources shall be accompanied by clear and legible copies of maps, plans, details and other documentation and correspondence submitted to the United States Army Corps of Engineers. Should the proposed construction not require a U. S. Corps of Engineers permit, the application to the Department of

Natural Resources must be accompanied by the following drawings:

- a. Vicinity map showing:
 1. Location of the activity site including section, township and range.
 2. Name of waterway.
 3. All applicable political (parish, town, city, etc.) boundary lines.
 4. Name of and distance of local town, community or other identifying location.
 5. Names of all roads in the vicinity of the site.
 6. Graphic scale.
 7. North arrow.
- b. Plan view showing:
 1. Existing shorelines.
 2. Ebb and flood in tidal waters and direction to flow in rivers.
 3. North arrow.
 4. Graphic or numerical scale.
 5. Mean high and low water lines.
 6. Water depths around the project.
 7. Extent of encroachment beyond the applicable water lines.
 8. Waterward dimension from an existing permanent fixed structure or object.
 9. Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- c. Elevation and/or section view showing:
 1. Same water elevations as in the plan view.
 2. Depth at waterward face of proposed work.
 3. Dimensions from applicable water lines for proposed float or pile supported platform.
 4. Graphic or numerical scale.
 5. Detailed drawings of construction including plot plan, and cross section and profile.

4. An application for a permit must be accompanied by a letter of intent which shall contain the description of proposed physical work to be performed (including all lateral dimensions and surface elevations), and materials to be used.

5. Owners or occupiers of structures, constructed pursuant to a permit issued in accordance herewith, and those already existing upon state lands, which are otherwise lawful except for a permit, shall apply to the Secretary of the Department of Natural Resources for a lease for such structures. Such leases shall be limited to an area reasonably required to operate or maintain the encroachment as described in the permit for its construction.

6. Leases entered into for Class D encroachments will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be five percent of the assessed valuation established by the assessor of the parish wherein the property is located. In no instance shall the consideration be less than one hundred dollars per annum.

7. Leases entered into shall be for a term of five years and subject to renewal by lessee for ten successive terms. In no case shall the maximum term of such leases exceed fifty years. At the end of a fifty year maximum period, lessees may apply for a new lease for the subject encroachment.

Class E Permits
Permits to Construct Landfills upon
Noneroded State Lands

1. Applications must be made to the Secretary of the Department of Natural Resources, in triplicate, and each copy accompanied by the certified deed of present ownership and a certified

map or plat of survey prepared by a professional land surveyor qualified and currently registered by the Board of Registration for Professional Engineers and Land Surveyors in accordance with R.S. 37:681, et seq.

2. The certified plat or map must show the exact location or alignment of the mean high and low water elevations, all references to mean sea level or mean low gulf as of date of application. The total acreage, rounded to the nearest one hundredth shall be indicated; if less than one full acre, the area must be shown in square feet. The section, township, and range shall be noted and the name of the body of water on which a permit is sought. If offshore, area and block number must be provided. Unless permission is first obtained from the Secretary of the Department of Natural Resources for noncompliance with any supplemental requirements, the plat must supply the Louisiana grid coordinates of all corners and angle points.

3. Names of adjoining land owners shall not be shown on the plat unless contained in applicant's property description filed for public record, as reflected by the attached deed of ownership.

4. An application for a permit must be accompanied by a letter of intent which shall contain the following information:

a. Extent of the area to be filled.

b. Description of proposed physical work to be performed (including all lateral dimensions and surface elevations), and materials to be used.

c. Detailed drawings of construction including vicinity map, plot plan, and cross section or profile.

5. Within sixty days of completion of the project, the riparian owner shall submit to the Secretary of the Department of Natural Resources, proof of the extent of the land area actually filled, if any, by plat, in the same manner provided in Numbers 1, 2 and 3 above, for showing the filled area and verifying the information required in Number 4.

6. Land fills constructed pursuant to a permit issued in accordance herewith, and those already existing upon state lands, which are otherwise lawful except for a permit, shall apply to the Secretary of the Department of Natural Resources for a lease for such filled areas.

7. Leases entered into for Class E encroachments will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be five percent of the assessed valuation established by the assessor of the parish wherein the property is located. In no instance shall the consideration be less than one hundred dollars per annum.

8. Leases entered into shall be for a term of five years and subject to renewal by lessee for ten successive terms. In no case shall the maximum term of such leases exceed fifty years. At the end of a fifty year maximum period, lessees may apply for a new lease for the subject encroachment.

Regulations Governing all Permits and Leases Issued under Act 645 of 1978

1. No permit or lease shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained, pursuant to Act 645 of 1978. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in *United States vs. Louisiana*, No. 9 Original, may be reclaimed under Class A Permits, out to the coastline.

2. No permit shall be issued nor shall any work commence until the application has been first approved by the governing authority of the parish wherein the property is located, Office of Public Works, the Louisiana Wildlife and Fisheries Department, the State Mineral Board, the Attorney General's Office, and such other parochial or state agencies which may have jurisdiction over such matters. Coordination and dissemination among the several agen-

cies will be performed by the Secretary of the Department of Natural Resources.

3. Where encroachment, activity, or lease thereof would or does obstruct or hinder the navigability of any waters of the state, impose undue or unreasonable restraints on the state or public rights which have vested pursuant to Louisiana law, or result in injury to or interference with the public interest or usage, to that extent the application shall be denied, or the encroachment limited.

4. All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by a new application.

5. If proposed project covers an area under state mineral lease, the applicant will furnish the Secretary of the Department of Natural Resources a copy of the letter of notification (with signed, certified, return receipt attached) which has been sent to the mineral lessees. A permit will be issued subject to and encumbered with any right of way or servitude, or any mineral, geothermal, geopressure, or any other lease acquired or granted by the state for a lawful purpose while the reclaimed land was an eroded area. Nothing in these regulations shall prevent the leasing of state lands or water bottoms for mineral or other purposes.

6. All permits and leases approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit or lease for the same subsequently expires or is revoked.

7. No reclamation or construction shall be allowed if in the determination of the Office of Public Works, the Department of Wildlife and Fisheries, the State Mineral Board, the Secretary of the Department of Natural Resources, or the Attorney General, such activity would obstruct or hinder the navigability of any waters of the state or impose undue or unreasonable restraints on the state or public rights which have vested in such areas pursuant to Louisiana law, and to that extent the land area sought to be reclaimed, or the structure or construction may be limited. In no instance shall a permit be construed to confirm title or rights with respect to the property relative to other claimants of the riparian property or as between riparian owners.

8. All permits shall be subject to the provisions of Act 645 of 1978, and all other applicable Louisiana laws, in addition to these regulations.

9. Fees for permits are as follows:

a. An application for a permit shall be accompanied by an administrative and processing fee of fifty dollars.

b. In the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work, the price of which shall be fixed by the Secretary based on his estimate of the cost of special work to the state. The Secretary shall notify the applicant of the estimated cost of such special work and shall not proceed to perform such special work until the estimated cost of same is paid.

10. A copy of the permit issued, along with the pertinent plats attached, and the documentation required to be submitted sixty days after completion of work shall be filed with the clerk of court of the parish or parishes affected. A copy of the above shall also be furnished the assessor of the parish or parishes for assessment purposes.

11. Procedure. Applicant shall notify the Secretary of the Department of Natural Resources in writing of his intent to apply for a permit for works contemplated. In that letter, applicant shall briefly describe the proposed work, identify the body of water involved,

give the name and address of the owner of record of the land he occupies, or his rights upon, and provide written permission from the owner of record to do the work, if applicant does not hold the land in full ownership. Upon receipt of applicant's letter, the Secretary shall forward the appropriate permit form to applicant with a copy of these regulations. The Secretary shall also send notice, to the governing authority of the parish wherein the proposed construction or works will be done, of the fact of the application together with a copy of applicant's letter.

Upon completion of the appropriate form applicant shall:

a. Send the form together with all required attachments to the governing authority of the parish or parishes within which the works or structures will be located;

b. Apply to the U. S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

c. Cause to have published at least once, notice of the application in the official journal of the parish or parishes, except that an applicant for Class B, C, D and E Permits shall not have to publish notice except upon request by the governing authorities of the parish.

Objections shall be received by the Secretary of the Department of Natural Resources for a period of thirty days from date of published notice, to correspond with the delays established by the U. S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the state, through the Secretary of the Department of Natural Resources, or the U. S. Corps of Engineers, all efforts will be made by the state to accommodate applicant by holding one hearing together with the federal authorities at whatever time and place the latter stipulates.

At the end of the prescribed period for objections or after the public hearing, if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and together with all required attachments and evidence of publication of notice by either the Corps of Engineers or the applicant, forward the approval or objection to the Secretary of the Department of Natural Resources for processing as provided hereinabove.

William C. Huls, Secretary
Department of Natural Resources

RULES

Department of Public Safety Office of Alcoholic Beverage Control

The Rule Prohibiting Certain Unfair Business Practices in the Malt Beverage Industry in Louisiana which was adopted on November 6, 1978, by the Commission and which became effective on November 20, 1978 after publication in the Louisiana Register is hereby amended as follows:

Amendment Number 1

Subsection A of Section IV, Exceptions, is hereby amended and readopted to read as follows:

A. Equipment. In order to provide proper dispensing of draught malt beverages by retail dealers, industry members may provide, without charge, coil cleaning service, tap markers which show brand, and tapping equipment such as rods, tavern heads, vents, taps, hoses, washers, couplings, vent tongues and check valves.

Accessories such as CO₂ tanks, regulators and other draught equipment accessories with a reasonable open market price of more than five dollars but less than one hundred dollars must be

sold to retailers at a price no less than the cost to the wholesaler as defined in R.S. 51:421(G). Such sales shall be made for cash only.

Draught equipment accessories with a reasonable open market price of one hundred dollars or more are not included under this exception.

Amendment Number 2

Subsection B of Section IV, Exceptions, is hereby amended and readopted to read as follows:

B. Inside Signs. Signs, posters, placards, designs, devices, clocks, calendars, decorations or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business or as a brewer, importer, or wholesaler of malt beverages if the total value of such materials does not exceed one hundred fifty dollars during any one calendar year to any one retail establishment, including all expenses incurred directly or indirectly by any industry member in connection with the purchase, manufacture, transportation, assembly, and installation of such materials and of accessories thereto, provided, that the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

Amendment Number 3

Subsection C of Section IV, Exceptions, is hereby amended and readopted to read as follows:

C. Supplies. Carbonic acid gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price thereof in the locality where sold. Industry members may price, stock, shelve and rotate their products and other malt beverage brands at retail premises under the express authority of the retail owner or manager of said establishment.

Amendment Number 4

Subsection D of Section IV, Exceptions, is hereby amended and readopted to read as follows:

D. Retailer Advertising Specialties. Trays, coaster, matches and paper napkins may be sold to retailers by industry members but the price charged for such items must be no less than the cost to the wholesaler as defined in R.S. 51:421(G).

Other retailer advertising specialties, such as beer mats, menu cards, meal checks, foam scrapers, back bar mats, tap markers, thermometers, ash trays, corkscrews, paper bags, blotters, pencils and key rings which bear advertising matter, and which are primarily valuable to the retailer as point of sale advertising media, may be furnished, given, or sold to a retailer if the aggregate cost to any industry member of such retailer advertising specialties furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed twenty-five dollars.

After the delivery of such retailer advertising specialties with an aggregate cost to an industry member of twenty-five dollars has been made by such industry member to a particular retail establishment during any one calendar year, any future deliveries of such items to that particular retail establishment by such respective industry member during the remainder of such calendar year must be effected only by the sale of such items at their reasonable open market price in the locality where sold.

Amendment Number 5

Subsection F of Section IV, Exceptions, is hereby amended and readopted to read as follows:

F. Fairs and Festivals and Special Events. When a retail dealer calls upon an industry member to service a particular limited event where malt beverages will be sold or given away, the industry member must charge the retail dealer a price at least equal to the cost to the wholesaler as defined in R.S. 51:241(G) for the product, and charge for all equipment used and services given in an amount at least equal to that listed as follows:

1. Labor, at a rate equal to that required under the Federal Wage and Hour Law.
2. Self contained electric units in which the beer container is refrigerated within the unit, fifteen dollars per day.
3. Electric unit in which the beer container sits outside the cooling unit, fifteen dollars per day.
4. Picnic pumps, one dollar per day.
5. Tubs, one dollar per day.
6. Cold plates, two dollars per day.
7. Trucks, designed to handle packaged or draught beer, thirty dollars per day.
8. Mobile draught units such as trailers or other vehicles, thirty dollars per day.

Lynn E. Williams
Commissioner of Alcoholic Beverages

11-15:34.54.1 The Louisiana Real Estate Commission may require that a school furnish proof of any of its advertising claims. In accordance with Rule 11-15:34.57 and 11-15:34.58, retractions of advertising claims may be ordered by the Commission, such retractions to be published in the same manner as the claims themselves.

11-15:34.54.2 No advertising claim pertaining to a certified real estate course may be circulated or distributed unless it is first approved by the Louisiana Real Estate Commission. All such advertisements shall contain the following language, prominently displayed in claim: This course has been certified by the Louisiana Real Estate Commission.

Interested persons may present their views, in writing, to Mr. Stanley Passman, Director, Louisiana Real Estate Commission, Box 14785, Baton Rouge, Louisiana 70808, through February 5, 1979.

Stanley Passman, Executive Director
Real Estate Commission

Notices of Intent

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to permanently adopt a rule increasing jockey mount fees. Due notice of this intent was given at the Racing Commission meeting held on November 21, 1978, in New Orleans, Louisiana. A copy of the proposed new jockey mount fees may be obtained by telephoning the Commission at 504-568-5870, or by writing to Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139. The office of the Commission will be open from 9:00 a.m. to 4:00 p.m. and interested persons may call Ms. Rosalie Robinson during this time, holidays and weekends excluded, for a copy of the proposed rule. All interested persons may submit written comments through February 5, 1979, to the above address. Ms. Rosalie Robinson is the person responsible for responding to inquiries about the proposed new jockey mount fees. The Racing Commission intends to adopt the new fees at a meeting to be held at 10:30 a.m. February 6, 1979, in the Versailles Room of the LePavillion Hotel, 833 Poydras Street, New Orleans, Louisiana.

Albert Stall, Chairman
Racing Commission

NOTICE OF INTENT

Department of Commerce Real Estate Commission

Notice is hereby given that the Louisiana Real Estate Commission intend to consider revisions to its rules at a public hearing on February 7, 1979. Specifically, the Commission proposes to delete Rule 11-15:32.1.7 which reads:

11-15:32.1.7 The nonresident must provide, with the application, a \$20,000 surety bond for each nonresident license.

The Commission also intends to add to its rules the following subsections:

NOTICE OF INTENT

Department of Corrections Office of the Secretary

The Department of Corrections intends to amend the disciplinary rules and procedures of its adult correctional units to make certain changes in disciplinary board procedures and in the substantive rules governing inmate conduct.

Interested persons may submit comments on the proposed changes, in writing, through February 5, 1979. Comments should be submitted to Mr. Richard Crane, Chief Legal Counsel, Louisiana Department of Corrections, Box 44304, Baton Rouge, Louisiana 70804.

C. Paul Phelps, Secretary
Department of Corrections

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt at its February 22, 1979, meeting the following:

1. Amendment to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, to include certification standards for qualified examiners for special education, as required by Act 754 of 1977.

2. Policy statement regarding use of federal funds which assures compliance with Section 104.301 of the Vocational Rules and Regulations, *Federal Register*, Volume 38, No. 213, Part 3, Appendix B, Page 30694.

3. Addition to Bulletin 741, *Handbook for School Administrators*, to include adult education requirements.

4. Amendment to Bulletin 741, *Handbook for School Administrators*, page 83, Item 3, last sentence to read as follows: The physical facilities shall conform to current federal, state and local building, fire, safety and health codes.

This proposed statement change is necessary to bring into conformity building and maintenance standards of schools.

5. Adoption of nonpublic school testing guidelines.

6. Adoption of Guidelines for implementation of Act 18 of 1977, Transportation Reimbursement to Parents.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., February 7,

1979, at the following address: James V. Soileau, Executive Director, State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Mr. Soileau is the person responsible for responding to inquiries about the proposals.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

Board of Supervisors of Louisiana State University

The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College intends to amend its *University Regulations*, Chapter 1, Section 1-3.3, The Athletic Council, to read as follows:

B. Membership. The Athletic Council shall consist of five members of the faculty, two members of the student body, two members of the alumni organization, and the chief academic officer of the campus concerned. In addition, at the option of the Chancellor of the campus concerned, one member of the nonacademic staff may be appointed to the Council. The Athletic Director shall serve ex officio and nonvoting as secretary of the Council.

For the Baton Rouge Campus of the University, in addition to the above membership, the President of the National "L" Club, or his designee shall be a member of the Council and the Chancellor shall name an administrative appointee to the Council.

Interested persons may comment on the proposed amendment to the *University Regulations* through February 4, 1979, at the following address: Mrs. Kitty B. Strain, Administrative Secretary, Board of Supervisors Office, Louisiana State University, Box JG, Baton Rouge, Louisiana 70893.

M.D. Woodin, President
Louisiana State University and
Secretary, Board of Supervisors

NOTICE OF INTENT

Office of the Governor Tax Commission

In accordance with the provisions of the Administrative Procedures Act (R.S. 49:951-968), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on February 21, 1979, at 9:00 a.m. in the State Mineral Board Auditorium on the 1st Floor of the Natural Resources Building in Baton Rouge, Louisiana.

The purpose of this meeting is:

1. To hear complaints on the findings of the Tax Commission in regard to the level of appraisals or assessments and the degree of uniformity of assessments for each major class and type of property in Orleans Parish for the year 1979 and the parishes of Acadia, Evangeline, Madison, St. Charles, and Washington for the year 1978.

2. To adopt proposed changes in Rule IV of the Personal Property Rules (leased personal property when the manufacturer is the lessor).

3. To change the schedule of assessment of oil and gas property on Page 13 of the Tax Commission Guidelines to read:

Producing Depths	Assessment Per Foot
0-1250	25 cents
1251-2500	30 cents

Interested persons may comment on the proposed regulations, in writing, through February 20, 1979, at the following address: Mr. C. Gordon Johnson, Chairman, Louisiana Tax Commission, Box 44244, Baton Rouge, Louisiana 70804. Mr. Johnson is the person responsible for responding to inquiries about the proposed rules.

C. Gordon Johnson, Chairman
Tax Commission

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to permanently adopt policy that will only honor out-of-state medical claims for services rendered to individuals eligible for Louisiana's Medical Assistance Program under one of the following circumstances:

1. Where an emergency arises from an accident or illness.
2. Where the health of the individual would be endangered if he undertook travel to return to the State of Louisiana.
3. Where the health of the individual would be endangered if the care and services are postponed until he returns to the state.
4. When it is general practice for residents of a particular locality to use medical resources in the medical marketing areas outside the state.

5. When the medical care and services or needed supplementary resources are not available within the state, prior approval of the Medical Director is required. This limitation does not apply to out-of-state independent laboratories when these services are ordered by a physician residing in the State of Louisiana.

Interested persons may submit written comments on the proposed policy changes through February 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to permanently adopt policy made effective for the November, 1978, payment for October, 1978, services through a declaration of emergency published elsewhere in this issue. The policy will permit payment to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) on an individual, prospectively determined rate with no provision for retroactive adjustment for over or underpayment; except for overpayments which occur from the inclusion of unallowable costs in the cost report. The ICF/MR facilities, both private and state owned, will file cost reports.

The ICF/MR facilities will be paid a rate equal to their allowable cost, inflated. Private for-profit facilities will have included in their per diem rate a return on net equity capital equal to the Medicare (Title XVIII) rate, using the simplified computation.

New facilities will be paid a rate equal to the weighted average rate paid to facilities in the area. A new facility will be paid an individual, prospectively determined rate when the earlier of the

following two events occur: (1) three months of operation when an average occupancy of 80 percent has been achieved; (2) two years of participation in the program have been completed.

If option (1) occurs first, the facility must file a cost report for the three-month period. The new rate will be effective when computed not when submitted. The new rate will be set within sixty days of receipt of the cost report by the state agency.

The facility will thereafter file annual cost reports.

Individual prospectively determined rates hereafter shall be computed annually to be effective with the July payment for June services. An individual facility's most current cost document will be appropriately inflated to set a payment rate to be effective for one year.

Interested persons may comment on the proposed regulation, in writing, through February 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners intends to adopt at its February 9, 1979 meeting the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*:

Section IV, Subsection 7 (1) a. "grade placement of 9.5 in reading, 8.5 in mathematics on the achievement test battery and score satisfactorily on the National League for Nursing preadmission test for practical nursing."

Section IV, Subsection 7 (2) a. (5) "score satisfactorily on the National League for Nursing preadmission and standardized achievement tests for practical nursing."

Section VIII, Subsection 3 (1) j. Delete.

Interested persons may submit written comments through February 6, 1979, to Mrs. Helen W. Sheehan, R.N., Executive Director, Louisiana State Board of Practical Nurse Examiners, 1408 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112.

Helen W. Sheehan, R.N., Executive Director
Board of Practical Nurse Examiners

NOTICE OF INTENT

Department of Revenue and Taxation

The Department of Revenue and Taxation will hold a hearing on Thursday, February 15, 1979, at 9:00 a.m., in the Mineral Board Hearing Room, First Floor, State Land and Natural Resources Building, Riverside at North, Baton Rouge, Louisiana to discuss and adopt rules to implement the First Use Tax on natural gas. Copies of the proposed rules may be obtained from Mr. Kenneth L. Canik, Manager, Severance Tax Section, Room 211, Capitol Annex Building, Baton Rouge, Louisiana, telephone 342-6217. Interested persons may address written comments, suggestions, or

inquiries to Mr. Canik through February 5, 1979, or may make their views known at the hearing.

David L. Dawson, Jr., Undersecretary
Department of Revenue and Taxation

NOTICE OF INTENT

Department of Revenue and Taxation Petroleum, Beverage and Tobacco Tax Section

The Department of Revenue and Taxation, Petroleum, Beverage and Tobacco Tax Section intends to promulgate the following rules by virtue of its authority under Section 811 of Title 47 of the Louisiana Revised Statutes of 1950.

Interested persons may comment on the proposed rules, in writing, through February 3, 1979, at the following address: Mr. Malcolm D. Brumfield, Manager, Department of Revenue and Taxation, Petroleum, Beverage and Tobacco Tax Section, Box 201, Capitol Annex Building, Baton Rouge, Louisiana 70821.

Proposed Rules

By virtue of the authority granted the Secretary of Revenue and Taxation under the provision of R.S. 47:1511, the following rules and regulations relative to the enforcement of the Louisiana Special Fuels Tax Law (R.S. 47:800-815) are hereby promulgated.

I. No interstate user of special fuels who has operations in Louisiana shall commence operations without first procuring a license for that purpose from the Secretary of Revenue and Taxation, together with a surety bond guaranteeing the payment of any and all taxes, penalties, and interest due. The name and address shown on the cab doors must be in agreement with the name and address on the surety bond and the monthly tax report. In a lease agreement, the surety bond and monthly report shall be required of whoever furnishes the fuel. The name and address of the user must be on both cab doors and the vehicle must have a working odometer or hub meter at all times.

II. Every interstate user must keep satisfactory records of:

A. The miles traveled in all operations within and without the State of Louisiana.

B. The fuel purchased and used in propelling motor vehicles both within and without the State of Louisiana.

1. Purchases of special fuels from licensed dealers (service stations and truck stops) must be recorded on special fuels invoices and the original submitted with user report only upon request.

2. Copies of invoices recording bulk purchases from suppliers must be submitted with monthly user report. Gallons purchased from suppliers must be shown by invoice on the user's tax report in addition to total gallons removed from bulk storage facilities and placed in fuel supply tanks of motor vehicles.

3. Special fuels invoices showing odometer reading and license number, together with other required information, must be carried in the cab of the truck as evidence of the source of the tax-paid fuel in the fuel supply tank of the vehicle.

4. The totalizer meter reading on the measuring device of any tax-paid bulk storage tank maintained by all users in the State of Louisiana and the inventory of tax-paid fuel on hand must be recorded at the beginning of operations on the first day of every month.

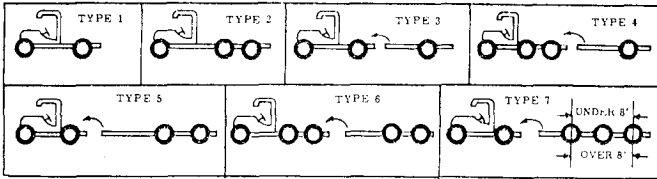
III. Miles per gallon are to be determined by:

A. The total miles traveled divided into the total gallons placed in the fuel supply tanks of the motor vehicles.

1. Entire operations as a whole in all states or
2. Computed by vehicle.

B. Miles per gallon factor will be set by the Secretary of Revenue and Taxation if records are not complete. The factor set by the Secretary is based on the number of axles on the vehicle.

	Diesel	LPG
Type 1	5 MPG	5 MPG
Type 2	5 MPG	5 MPG
Type 3	5 MPG	5 MPG
Type 4	5 MPG	3 MPG
Type 5	5 MPG	3 MPG
Type 6	4 MPG	2½ MPG
Type 7	4 MPG	2½ MPG



IV. Reports and supporting schedules must accurately reflect the miles traveled, gallons put in vehicle, gallons purchased and gallons consumed in all states in which the user operates, together with all other information as follows:

A. Business Master File number must be indicated by user requesting refund or credit.

B. User license number must be shown in proper space.

C. Name and address (must agree with name and address indicated on surety bond and on cab doors of vehicles.)

D. Type of fuel consumed must be indicated and separate reports submitted for diesel fuel and liquefied petroleum gas.

E. Purchase information:

1. Each bulk purchase must be listed and supported by a copy of the purchase invoice.

2. Purchases from service stations or truck stops must be listed in total by station.

3. Gallons removed from tax-paid storage must be shown and added to service station purchases to arrive at gallons placed in fuel supply tanks in Louisiana.

F. Monthly beginning and ending inventories must be shown to determine withdrawals from storage.

G. Any user requesting a refund must furnish complete information concerning other states in which he operates.

H. Tax report must be signed by an authorized agent as being true and accurate. Any evidence of the submission of a refund claim that is fraudulent either by information included on report or any supporting evidence will result in the entire claim for refund being voided at the Secretary's discretion. Any person found guilty of filing a fraudulent claim shall be fined up to one thousand dollars (\$1,000.00), or imprisonment not to exceed two years, or both, at the discretion of the Court.

V. Refunds or credit are permitted whenever a bonded interstate user of special fuels pays tax to another state on fuel exported from Louisiana and is bonded and files reports in all states in which he operates in accordance with the requirements of these states. The user's exportation of tax-paid fuel must exceed the importation in order to qualify for a refund. Refunds will be reduced according to special fuels tax owed, and not remitted to another state as required. Certified copies of user reports to other states must be supplied upon request as supporting evidence of payments to those states.

VI. Users requesting a refund must submit User's Monthly Report of Special Fuels indicating the states in which they operate and where user reports are filed as required. Miles traveled, gallons consumed and gallons purchased for each state in which they operate must be shown, together with copies of fuel purchase

invoices from suppliers and original invoices of fuel purchased from Louisiana dealers to verify tax-paid special fuels purchased in Louisiana. Tax-paid purchases of special fuels must be delivered by a supplier into the properly marked bulk storage facilities of the user or purchased from a licensed dealer (service station or truck stop) of special fuels.

VII. Users requesting a refund must submit the originals of the special fuels invoices which record the purchase of special fuels from a service station or truck stop with the User's Monthly Report of Special Fuels. An "original invoice" means the first or top sheet of an invoice, bearing the original inked imprint, issued by a seller to a purchaser covering the product or products sold, except where the use of a credit card is authorized, the name and address may be carbon-imprinted. Invoices from service stations or truck stops must be submitted within the current month and shall be accepted no later than thirty days from the accounting period during which the purchases were made. Invoices recording purchases of special fuels in bulk must also accompany the User's Monthly Report of Special Fuels as evidence of the source of the tax-paid special fuels. Transactions shall be recorded indelibly without any alterations. Any erasures, changes, or corrections on invoices, such as changes in date, gallonage or name may result in prosecution or in rejection of the entire claim. When corrections are necessary, these shall be certified to by the dealer in an affidavit. Any incomplete invoice will be disallowed. The original invoice shall be dated, serially numbered and provide spaces for the following information:

A. The name and address of the dealer must be preprinted or mechanically imprinted.

B. Name and address of user recorded on invoice must agree with name and address indicated on bond and cab doors of vehicles.

C. Odometer or hub meter reading and license number.

D. Number of gallons of special fuels purchased, together with price per gallon and total price of gallons purchased.

VIII. Properly filed claim for refund must be submitted with the User's Monthly Report of Special Fuels. The claim for refund must be submitted within six months of the date that the report is due. Refund claims for users who have bulk purchases will be approved and returned to the users who in turn will forward the original approved refund certificate to their suppliers for credit. The supplier will attach these approved refund certificates to his Supplier's Monthly Report of Special Fuels as a deduction. Refunds of less than fifty dollars shall be carried forward to the subsequent month's report as a credit. In no case will the refund exceed the gallons paid to other states unless user can prove that some operations in some other states do not affect Louisiana. Refunds or credits may be less than the gallons paid to other states because reports to some states may be computed on a different basis from that required by Louisiana.

Malcolm D. Brumfield, Manager
Petroleum, Beverage and Tobacco Tax Section

NOTICE OF INTENT

Department of Revenue and Taxation Petroleum, Beverage and Tobacco Tax Section

The Department of Revenue and Taxation, Petroleum, Beverage and Tobacco Tax Section intends to promulgate the following rules by virtue of its authority under Section 786 of Title 47 of the Louisiana Revised Statutes of 1950.

Interested persons may comment on the proposed rules, in writing, through February 3, 1979, at the following address: Mr. Malcolm D. Brumfield, Manager, Department of Revenue and

Taxation, Petroleum, Beverage and Tobacco Tax Section, Box 201, Capitol Annex Building, Baton Rouge, Louisiana 70821.

Proposed Rules

By virtue of the authority granted the Secretary of Revenue and Taxation under the provision of R.S. 47:1511, the following rules and regulations relative to the transportation of gasoline as provided for in R.S. 47:711-727 and 771-789 are hereby promulgated.

Anyone, other than common or contract carriers licensed by the Interstate Commerce Commission and who files monthly reports under provision of R.S. 47:783, who transports gasoline upon Louisiana highways into or from a state which has a lower tax rate than Louisiana, may do so only on designated routes authorized by the Secretary.

The interstate transportation of gasoline on highways other than those designated by the Secretary is strictly prohibited unless special authority to use alternate routes has been obtained from the Secretary, who, at his discretion, may deny such requests.

The transportation of gasoline from any state into Louisiana on any highway is prohibited except:

I. When the carrier is bonded in Louisiana as a dealer or jobber of gasoline, or

II. When the payment of the tax has been assumed by the out-of-state supplier who is bonded as a dealer, or

III. When the gasoline being transported by common and contract carrier is consigned to or title is held by a dealer or jobber of gasoline.

Responsibilities of Bulk Carriers of Gasoline

I. Request to transport gasoline on designated routes.

A written request to the Secretary must be made ten days prior to any interstate movements of gasoline. Any request for deviation from assigned designated route must be made five days prior to movement of gasoline. The request is to be sent to the Petroleum, Beverage and Tobacco Tax Section, Box 201, Baton Rouge, Louisiana 70821, and must include the following information:

A. Name and address of the person or company who will be transporting the gasoline.

B. Points of origin of gasoline.

C. Points of destination of gasoline.

D. Number of trucks that will be transporting the gasoline from or into Louisiana.

E. Routes normally used at present time.

Upon receipt of application, if in order, authorization cards will be issued by the Secretary. This authorization is continuous until revoked, withdrawn, or surrendered.

II. Authorization cards.

Authorization cards will be issued for all vehicles transporting gasoline into or from Louisiana. A card must be kept at all times in each vehicle while transporting gasoline into or from Louisiana. This card cannot be transferrable from one transporter to another. If this authorization is revoked, withdrawn, or surrendered, these cards must be returned to the Secretary.

III. Requirements for transporting bulk gasoline on the Louisiana highways by all vehicles other than common or contract carriers.

To properly identify gasoline being transported on Louisiana highways, a person must have in his possession, a currently dated invoice, bill of lading, or manifest which must show the following information:

A. The sellers' and purchasers' name and address.

B. The origin of the gasoline being transported.

C. The destination or destinations of the gasoline.

D. The designated routes to be followed when importing or exporting gasoline.

E. The quantity of gasoline

Also those vehicles involved in the interstate transportation of gasoline from or to a state which has a lower tax rate than does

Louisiana must have authorization cards from the Secretary, designating the route or routes and must be in agreement with the route or routes shown on the invoice, bill of lading, or manifest.

IV. Penalty for failure to comply.

Any person transporting gasoline shall, at the request of the Secretary of Revenue and Taxation or his authorized agents or any weights or standard police officers of the Department of Transportation and Development, produce and offer for investigation, one of the documents referred to in Section III above. Failure to produce one of these documents at the time of inspection or if when produced it fails to disclose the information required, shall be prima facie evidence of a violation.

Any person found to be in violation of the statutory provisions and these regulations shall be fined \$5,000.00 for the first offense, and \$10,000.00 for each succeeding offense, or forfeiture and seizure of the vehicle and its cargo.

Malcolm D. Brumfield, Manager

Petroleum, Beverage and Tobacco Tax Section

NOTICE OF INTENT

Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt revised rules, regulations and policies to implement changes made by legislative Acts 35 and 113 of 1978, Regular Session, to the Department's current rules, regulations and policies governing the size, weight, and load of vehicles operated on the state highway system. The Secretary will accept written comments and requests for a draft of the revised rules, regulations and policies until 4:15 p.m. February 9, 1979, at the following address: Mr. Francis A. Becnel, Enforcement and Truck Permits Administrator, Louisiana Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804.

The substance of the intended rulemaking action and a description of the subjects and issues involved are, as follows:

Weight Enforcement Policy and Procedure Manual. The duties and functions of the Department's weight enforcement section are set forth, and the policies and procedures governing its operation in enforcing state laws within its jurisdiction are presented.

These revised rules and regulations are to be effective February 20, 1979. All interested persons may submit their views through February 9, 1979, at the above address.

George A. Fischer, Secretary
Department of Transportation
and Development

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Consumer Protection

The Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, hereby gives notice of his intention to amend Consumer Protection Rule 3:5007 on February 5, 1979, at 5:00 p.m. at the office, 1885 Wooddale Boulevard, Suite 1218, Baton Rouge, Louisiana 70806. The proposed amendments are as follows:

1. In all instances where the words "and/or" appear, change to "or".

2. Part B (3), add the words "nationally advertised price, NAP," after the words "reg. price,".

3. Part B (5), change the words "Governor's Consumer Protection Division" to "Office of Consumer Protection, Department of Urban and Community Affairs"

4. Delete Part B (5) b in its entirety.

Any interested person may submit, orally or in writing to Charles W. Tapp at the above address, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of amendments to the rules and regulations by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

Potpourri

Department of Agriculture Dairy Stabilization Board

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month facilitate scheduling for the staff;

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month enable Board members to arrange their schedules more easily;

WHEREAS, regular monthly meetings of the Board on a prefixed day of the month enable the public and representatives of the news media to participate;

THEREFORE BE IT RESOLVED, that the Louisiana Dairy Stabilization Board in 1979 will hold its monthly meetings on the fourth Tuesday of each month at its offices located at 2843 Victoria Drive, Baton Rouge, Louisiana at 10:00 a.m.

BE IT FURTHER RESOLVED, that this resolution be published in January, 1979 in accordance with R.S. 42:6 A.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

Department of State Civil Service

Following its public hearing on December 5, 1978, the State Civil Service Commission adopted the following amendment to Civil Service Rule 8.9(b). The amended rule reads as follows:

8.9(b) When a certificate to fill a position by original appointment contains the name of an eligible who has reached his seventieth year, the appointing authority may make an appointment from the three highest ranking available eligibles who have not reached such age.

State and federal law regarding this matter becomes effective January 1, 1979.

George Hamner, Director
Department of State Civil Service

Department of Wildlife and Fisheries

Public Notice

January 9, 1979

Permit Request for a Class B use of a Louisiana Natural and Scenic River Proposed Construction of Intake Structure and Water Withdrawal Bayou Dorcheat (Webster Parish)

The Louisiana Department of Wildlife and Fisheries as Administrator of the Louisiana Natural and Scenic Rivers System has received an application for a permit from the Bossier Parish Police Jury to construct an intake structure and withdraw water from Bayou Dorcheat. A public notice regarding this proposed project was issued on July 11, 1978 with a time extension through October 10, 1978.

Based upon comments received from the public the Administrator has determined that there is significant public interest to require a public hearing.

A public hearing on this subject will be convened at 6:30 p.m., Monday, January 29, 1979, in the Police Jury Meeting Room, Second Floor, Webster Parish Courthouse, Minden, Louisiana. Persons wishing to be heard in favor of granting or denying this permit are invited to attend.

The meeting will be conducted in accordance with provisions of the Louisiana Administrative Procedures Act (R.S. 49:955).

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Errata

Board of Elementary and Secondary Education

The following sections were erroneously omitted from the Standards for State Certification of Vocational-Technical Personnel (Post Secondary) (Bulletin 746, Part X), published by the Board of Elementary and Secondary Education in the *Louisiana Register*, Volume 4, Number 10, October 20, 1978. They should be included as part of those rules.

18. Specialized Extension Courses. Teaching certificates for specialized extension courses may be issued on the recommendation of the Vocational-Technical Director and the State Department of Education. The certificate shall be issued for sixty hours of class instruction subject to renewal upon request of the Director.

19. Curriculum Specialist for a Vocational Curriculum Development and Research Center. Applicant must have a valid vocational-technical and industrial education (VTIE) certificate, plus at least three years teaching experience in a state post secondary vocational-technical or trade school.

INDEX
(Volume 5, Number 1)

Adult Services, Office of (see Corrections Department)
Agricultural and Environmental Sciences, Office of (see Agriculture Department)
Agriculture Department:
 Agricultural and Environmental Sciences, Office of:
 Sweet-potato Weevil Quarantine and Regulation, 2 ER
 Dairy Stabilization Board, 17P
Alcoholic Beverage Control, Office of (see Public Safety Department)
BESE, Board of Elementary and Secondary Education (see Education)
Civil Service Department:
 Rules, 17P
Colleges and universities (see also Education):
 Athletics, 13N
 Tuition exemption, 6R
Commerce Department:
 Racing Commission, 12N
 Real Estate Commission, 12N
Conservation:
 Erosion, 8-11R
Consumer Protection, Office of (see Urban and Community Affairs Department)
Corrections Department:
 Adult Services, Office of, 2R
 Secretary, Office of, 4R, 12N
Dairy Stabilization Board (see Agriculture Department)
Day care, 7R
Diesel, 14N
Education:
 Elementary and Secondary Education, Board of:
 Act 18 (transportation reimbursement), 12N
 Act 718 (tuition exemption), 6R
 Certification of School Personnel, Standards for State (Bulletin 746), 12N
 Vocational-Technical Personnel, Standards for State Certification of, 17E
 Federal funds, 12N
 Nonpublic School Testing Guidelines, 12N
 School Administrators, Handbook for (Bulletin 741):
 Adult education, 12N
 School buildings, 12N
 Louisiana State University, Board of Supervisors of:
 Athletic Council, 13N
 Elementary and Secondary Education, Board of (see Education)
 Engineers, United States Army Corps of, 8-11R
 Environmental protection:
 Water pollution, 17P
 Erosion (see Conservation)
 Errata, 17
 Executive Orders:
 EWE-77-10 (Amendment), Composition of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, 1
 EWE-78-18, State Insurance Study Committee, 1
 EWE-78-19, State agency assistance for the First Use Tax Legal Team, 1
 Family Security, Office of (see Health and Human Resources Department)
 First use tax (see Tax)
 Forestry, Office of (see Natural Resources Department)
 Gas, natural (see Natural gas)
 Gasoline, transporting, 15N
 Governor's Office:
 Insurance Study Committee, State, 1EO
 Legislation, Board of Commissioners for the Promotion of Uniformity of, 1EO
 Tax Commission:
 Assessments, 13N
 Oil and gas property, 13N
 Personal property, 13N
 Timber stumpage, 7R

Health and Human Resources Department:
 Family Security, Office of:
 Intermediate Care Facilities for the Mentally Retarded, 2ER, 13N
 Medical Assistance Program, 2ER, 7 R, 13N
 Human Development, Office of:
 Day care, 7R
 Practical Nurse Examiners, Board of, 14N
Hospitals:
 Outpatient services, 2ER, 7R
Human Development, Office of (see Health and Human Resources Department)
Hydrocarbons (see Oil, see also Natural gas)
ICF (see Intermediate care facilities)
Insurance Department:
 Property and Casualty Insurance, Office of, 1EO
 Insurance Study Committee, State (see Governor's Office)
Intermediate care facilities:
 Mentally retarded, 2ER, 13N
Jockey mount fees, 12N
Lands, Division of State (see Natural Resources Department)
Legislation, Board of Commissioners for the Promotion of Uniformity of (see Governor's Office)
Liquefied petroleum gas, 14N
Louisiana State University, Board of Supervisors of (see Education)
Medicaid (see Health and Human Resources Department, Family Security, Medical Assistance Program)
Mentally retarded:
 Intermediate care facilities, 2 ER, 13N
Natural gas:
 First use tax, 1EO, 14N
Natural Resources Department:
 Forestry, Office of:
 Timber stumpage, 7R
 Lands, Division of State, 8-11R
Nurses:
 Licensed Practical, 14N
Petroleum, Beverage and Tobacco Tax Section (see Revenue and Taxation Department)
Pollution (see Environmental protection)
Practical Nurse Examiners, Board of (see Health and Human Resources Department)
Prisons:
 Inmate regulations, 2R, 4R, 12N
Property and Casualty Insurance, Office of (see Insurance Department)
Public Safety Department:
 Alcoholic Beverage Control, Office of, 11R
 Racing Commission (see Commerce Department)
 Real Estate Commission (see Commerce Department)
 Retarded (see Mentally retarded)
Revenue and Taxation Department:
 Petroleum, Beverage and Tobacco Tax Section, 14N, 15N
 Severance Tax Division, 7R
Schools:
 Buildings, 12N
 Nonpublic, 12N
 Real Estate, 12N
Severance Tax Division (see Revenue and Taxation Department)
Special education, 12N
State employees, 17P
State Lands, Division of (see Natural Resources Department)
Sweet-potato weevil, 2ER
Tax:
 Ad valorem, 13N
 First use, 1EO, 14N
 Severance, 7R
 Special fuels, 14N
Tax Commission (see Governor's Office)

E—Errata *EO*—Executive Order *ER*—Emergency Rule
L—Legislation *N*—Notice of Intent *P*—Potpourri
PPM—Policy and Procedure Memorandum *R*—Rule