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Executive Order

EXECUTIVE ORDER DCT 80-18

WHEREAS, Louisiana's varied cultural resources are unique and irreplaceable; and

WHEREAS, Louisiana's cultural resources provide the citizens of this state with a sense of our history and identity; and

WHEREAS, the state itself must provide leadership in preserving, restoring and maintaining the historic and cultural environment of Louisiana; and

WHEREAS, preservation of Louisiana's cultural resources will also encourage education, recreation, craftsmanship, employment, protection of scarce natural resources and energy conservation,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby issue this order to become effective immediately:

1) All state agencies shall initiate procedures as soon as possible to preserve and maintain when prudent and feasible all state-owned sites under their jurisdiction eligible to be listed on the National Register of Historic Places. The State Historic Preservation Officer shall provide other agencies with advice or assistance as needed, and all agencies shall submit their proposed procedures to the State Historic Preservation Officer for review and comment no later than January 1, 1982.

2) No later than July 1, 1983, state agencies shall inventory all significant historic and cultural sites, structures and objects under their jurisdiction over fifty years of age which may qualify for listing on the National Register of Historic Places. Until such time as this inventory is completed, state agencies shall assure that any property which might qualify for listing is not inadvertently transferred or substantially altered. Questions regarding the eligibility of particular items for listing shall be referred to the State Historic Preservation Officer, who shall also be notified prior to any action which may endanger such items.

3) The State Historic Preservation Officer is directed to advise and assist state agencies in the identification and preservation of their historic properties and provide local governments with information on methods to preserve their historical properties.

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 30th day of October, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-19

WHEREAS, Article 4, Section 5, of the 1974 Constitution of the State of Louisiana vests the executive authority of the State in the Governor; and

WHEREAS, Article 4, Section 5, of the 1974 Constitution of the State of Louisiana provides that the Governor shall be the Chief Executive Officer of the State; and

WHEREAS, Act 691 of the 1980 Regular Session of the Legislature of Louisiana authorized the Governor to prohibit or regulate the filling of vacancies and positions of new employment in the Executive Branch of government; and

WHEREAS, it is the intention of this Executive Order to

implement a program to monitor and supervise the increasing number of state employees at every level and in every agency without reducing the level of services or creating undue hardships,

NOW THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of the State, do hereby direct the following:

1) The Division of Administration develop procedures to effect a reduction in authorized positions in Executive Branch which procedures shall be made available to the Executive Department by December 1, 1980.

2) The Division of Administration is empowered to reduce the Table of Organization of each agency to ensure accomplishment of this reduction.

3) That each agency shall report quarterly in a manner prescribed in the Division of Administration procedures to the Office of the Governor as to the progress in accomplishing this reduction.

This Executive Order shall remain in effect until the General Appropriation Bill for Fiscal Year 1981-82 becomes law.

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 25th day of November, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-20

WHEREAS, the Red River Waterway project will make navigation possible along the Red River for the first time in a century; and

WHEREAS, the State of Louisiana will soon commence construction of the first north-south interstate highway in Louisiana in the Red River Valley; and

WHEREAS, private industry is currently undertaking the first mining and industrial use of Red River Valley lignite coal deposits,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power vested in me by the constitution and laws of this state do hereby create the Red River Valley Area Council to advise the Governor's Rural Development Council and federal, state and local officials of appropriate responses to these developments.

BE IT FURTHER RESOLVED, that the Council shall be composed of all citizens of the Red River Valley, together with state and federal agency representatives, who actively participate in the committees of the Council.

BE IT FURTHER RESOLVED, that the Council shall have a chairman to be appointed by the Governor from among the residents of the Red River Valley, such chairman to serve at the pleasure of the Governor.

BE IT FURTHER RESOLVED, that the Council shall have committees on: (1) Community Development; (2) Economic Development; (3) Employment and Training; (4) Energy Resource Development and (5) Small and Minority Business Development, the chairman of each of which shall be appointed by the Governor to serve at the pleasure of the Governor.

BE IT FURTHER RESOLVED, that the Council shall be governed by an Executive Committee composed of:

- 1) The chairman,
- 2) The chairman of the five Red River Valley Area Council Committees,

- 3) The chairman of the State Red River Valley Task Force who shall serve as the Council co-chairman,
- 4) The chairman of the Federal Red River Valley Task Force, who shall serve as the Council Federal co-chairman,
- 5) Five representatives of federal agencies named by the chairman of the Federal Red River Valley Task Force,
- 6) The Assistant Secretary of DOTD for Public Works,
- 7) The Secretary of Urban and Community Affairs or his designee,
- 8) The Secretary of Labor or her designee,
- 9) The Secretary of Natural Resources or his designee,
- 10) The Assistant Superintendent of Education for Vocational Education,
- 11) Senator from the Red River Valley appointed by the President of the Senate,
- 12) Representative from the Red River Valley appointed by the Speaker of the House of Representatives,
- 13) Mayor from the Red River Valley designated by the President, Louisiana Municipal Association,
- 14) Police Juror from the Red River Valley designated by the President, Louisiana Police Jury Association,
- 15) Elected Official from the Red River Valley designated by the State President, National Association for the Advancement of Colored People,
- 16) A Community Action Agency official from the Red River Valley area designated by the Chairman of the Louisiana Association of Community Action Agencies,
- 17) Representative of a Council on Aging in the Red River Valley designated by the President of the Association of Councils on the Aging,
- 18) Member of the Board of local Tourist Commission in the Red River Valley designated by the President of the Louisiana Hotel-Motel Association,
- 19) Representative of the Economic Planning and Development Commissions in the Red River Valley designated by the Chairman of the Louisiana Association of Planning and Development Districts,
- 20) Representative of an AFL-CIO local having members in the Red River Valley designated by the State President, AFL-CIO
- 21) Representative of a local Chamber of Commerce in the Red River Valley designated by the State President of the Louisiana Association of Business and Industry,
- 22) Representative of the Association of Minority Contractors from the Red River Valley designated by the State President, Association of Minority Contractors,
- 23) Representative of the Red River Valley Association designated by the Chairman of the Red River Valley Association
- 24) Representative of Rural Electric Cooperatives in the Red River Valley designated by the President of the Association of Louisiana Electric Cooperatives, and
- 25) Representatives of agriculture in the Red River Valley designated by the President of the Louisiana Farm Bureau Federation.

BE IT FURTHER RESOLVED, that the Red River Valley Area Council Executive Committee shall propose means of:

- 1) Insuring that residents of the Red River Valley have an opportunity to secure the jobs created by these projects
- 2) Meeting the increased demand for public facilities and services that growth will cause
- 3) Attracting additional economic development to the Red River Valley
- 4) Facilitating the participation of Valley small and minority businesses in the federal construction projects themselves
- 5) Obtaining maximum assistance from the United States government in the achievement of these objectives as promised in

the President's Small Community and Rural Development Policy

BE IT FURTHER RESOLVED, that the Red River Valley Area Council shall meet at the call of its Chairman, but not less often than twice a year, and shall make an annual report to the Governor and legislature of its activities

BE IT FURTHER RESOLVED, that the Chairman of the Council, acting on its behalf in consultation with the Executive Committee, is authorized to appoint such professional and clerical staff as may be necessary for the proper discharge of its duties under this Order and is further authorized to contract for, receive, accept and expend any funds made available from public or private sources to carry out the purposes of this order.

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 8th day of December, A.D., 1980.

David C. Treen
Governor of Louisiana

Policy and Procedure Memoranda

POLICY & PROCEDURE MEMORANDA

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 66

Subject: Miscellaneous Payroll Deductions.

Policy and Procedure Memorandum No. 66, Miscellaneous Payroll Deductions, was published on October 20, 1980, with a proposed publication as a final rule on December 20, 1980. The Attorney General issued Opinion No. 80-1527 on November 11, 1980 which will require additional legal research and interpretation. Consequently, the publication of the final rule has been postponed indefinitely.

In addition, the Commissioner's restriction on the addition of employees to general insurance deductions as outlined in his memorandum of October 30, 1980 is continued indefinitely.

If you have any further questions in this matter, please contact Mr. David M. Bruce, Assistant Commissioner of Administration, (504) 342-7082.

E. L. Henry
Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on November 20, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted as emergency rule Bulletin

746, *Louisiana Standards for State Certification of School Personnel*. This emergency rule was necessary because Bulletin 746 was out of print in the State Department of Education. This bulletin has been in the revision process for the past two years and copies were not available for distribution to the public statewide. Administrators of colleges and schools are in dire need of an updated version in order to prepare programs for the implementation of certain certification requirements for the 1981 school year.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Office of Facility Planning and Control

SUBJECT: Standards for Capital Projects

Pursuant to the authority of the Commissioner of Administration in Act 14 of the Extraordinary Special Session of 1980, the Division of Administration, Office of Facility Planning and Control, proposes to adopt the following Standards for Capital Projects:

I. Source of Authority

The following rules and regulations have been adopted pursuant to R.S. 39:61.

II. Basic Policy

The Division of Administration, (hereafter sometimes referred to as DOA), shall manage state-owned and leased office buildings and administrative space located in the State of Louisiana and shall issue standards and criteria for the use of such space. DOA shall assign and reassign such administrative space to state agencies. The DOA and other state agencies shall be governed by the following policies for the assignment, reassignment, and utilization of office buildings and space.

A. Material consideration shall be given to the efficient performance of the missions and programs of the agencies and the nature of function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees.

B. In providing general purpose space, DOA will establish and maintain a balance between functional efficiency of agencies served and economy in space use.

C. Maximum use shall be made of existing state-owned permanent buildings which are adequate or economically adaptable to the space needs of agencies.

D. Suitable privately-owned space shall be acquired only when satisfactory state-owned space is not available.

E. Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space to improve management and administration.

III. Rules and Regulations

A. Responsibilities

1. Responsibility of the Division of Administration

(a) DOA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of DOA.

(b) DOA may conduct space inspections and space utilization studies to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of DOA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

(c) DOA may plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspec-

tions will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency and those which are planned by DOA.

(d) Space utilization studies are to quantify space needs and/or to ascertain whether a current assignment can be made more efficient and economical. These studies may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or as a result of a space inspection. Agencies will be kept informed of space utilization studies and actions related thereto by the DOA.

(e) DOA will be responsible for the space planning and layout in all new state buildings. DOA will forward layout plans to occupant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

(f) Alteration of state buildings — This part prescribes policies and procedures for the alteration of state buildings:

(1) Maximum use will be made of existing state-owned permanent buildings which are adequate or economically adaptable to the space needs of agencies.

(2) Suitable privately-owned space will be acquired only when satisfactory state-owned space is not available and only at rental charges which are consistent with prevailing rates in the community for comparable facilities.

(3) Space planning and assignments will take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration.

(4) To the maximum extent practical, DOA will plan the alteration of state facilities when such action can be shown to be the most prudent and economic means of meeting state agency space requirements.

(5) DOA will provide technical services and guidance to other agencies in the formulation and development of their programs for alteration of facilities.

(6) In the alteration of existing buildings, DOA will maintain architectural integrity and compatibility with existing structures.

(7) For the purposes of this Section, "Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building.

2. Responsibility of Agencies.

(a) It is the responsibility of the agencies to assist and cooperate with DOA in the assignment and utilization of space, including the furnishing of data relative to the space occupied, and personnel housed or to be housed. It is also the responsibility of the agencies to continuously study and survey space occupied under assignment by DOA, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to DOA any space which is excess to their needs and which might be assigned to other agencies.

(b) Each agency, department, commission, or authority will designate or appoint a person as space coordinator to represent that agency with DOA in all matters of space. This individual will be responsible for, but not limited to, providing criteria for space utilization studies, organizational charts, communications and work flow information, as well as aid in supplying answers to questions of function and requirements of that agency.

(c) Authorized Requesting Official shall:

(1) Cooperate with and assist the DOA in carrying out the official's responsibilities with respect to buildings and space.

(2) Give DOA early notice of new or changing space requirements.

(3) Economize in requirements for space.

(d) Certification of Request — The information requested on the standard Capital Outlay forms shall be certified by an authorized official of the requesting agency.

(e) The space utilization program is designed to effect maximum effective utilization of state-controlled space. Space for which there is no current foreseeable need will be relinquished.

(f) Agencies are responsible for making their needs known to DOA on a timely basis; providing cooperation and assistance if required in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date.

(g) Notice to DOA of relinquishment of assigned space.

(1) DOA shall be notified by an agency occupying space assigned by DOA at least ninety days prior to the date on which the space, or portion thereof, will no longer be needed. Such notification shall be submitted in writing to the DOA, giving a description of the area involved, its location, and the estimated date of release. When a portion of space is released, it must be consolidated and accessible for reassignment.

(2) When an agency is responsible for operation, maintenance, payment of rentals, and protection of state-controlled space to which it has been assigned by DOA, notice must be given at least six months prior to relinquishing the space in the same manner indicated in paragraph (a) of this section. The operation, protection, payment of rentals, maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the next fiscal year.

(3) Reviews and Appeals

(a) Agencies may at any time request a review of the measurement, classification, quality rating, service levels provided, or charges assessed that pertain to the space assignment without resorting to formal procedures. Such requests do not constitute appeals and should be directed to DOA.

(b) An appeal shall initially be filed by agency officials with the DOA office and include all pertinent information and documentation supporting the need for the appeal. The DOA office shall verify the data submitted and perform additional investigation as necessary. All data developed by the appealing agency and DOA shall be forwarded for review and ruling by the Commissioner of Administration.

4. Changes in Rules and Regulations — The Commissioner of Administration is authorized to adopt additional rules, regulations and standards, or to change the aforementioned rules, regulations and standards as may be required to carry out the provisions of the Act efficiently and effectively.

B. Net Space Requirement — The net space requirement represents in total the agency's space requirement based upon administrative space standards and administrative space allowances plus an additional twenty percent for circulation and traffic flow. The amount of space needed for an agency to function in an efficient manner will be derived from application of standards for administrative space, detailed listing of furniture and/or equipment for each employee, detailed listings of furniture, equipment, and supplementary common space used by various employees, and other requirements for which there are no existing standards and that are unique to the agency. The net space requirement represents that amount of space the agency would occupy under ideal circumstances where no portions would be wasted due to structural irregularities of a building, leftover corners of a floor, columns, pilasters or the like. Therefore, the space occupied by the agency

would rarely exactly equal the net space requirement. The standards are used to quantify the total space and are not intended to be literally applied for each employee's individual work station or for a specific area such as a conference room.

1. Administrative Space Standards — The administrative space standards represent the area in square feet which should normally be sufficient to accommodate typical office space. The standards provide the occupant of each work station with space sufficient to conduct his business in an efficient manner and with a reasonable degree of dignity.

(a) Administrative Work Station Standards — The allowable area for administrative work stations shall be 150 square feet for each person occupying the area including management personnel. The apportionment of the total area by individual function is the responsibility of the agency head and careful thought should be given to this apportionment.

(b) Common Function Standards

(1) Conference and Meeting Rooms — twenty square feet per person for first ten persons and fifteen square feet for each additional person based on average number of persons in attendance.

(2) Classrooms and Training Rooms — Desk/arm chair at ten square feet per person. Desk and chair at forty square feet per person.

(3) Reception Areas—Based on average visitor load at ten square feet per person.

(4) Exhibit Areas, Internal Duplicating Libraries, Mailrooms, Supply Rooms — Actual measurements of equipment plus circulation.

2. Administrative Space Allowance — It is recognized that agency functions and needs do vary and cannot always conform to the administrative space standards; therefore, space allowances are derived by DOA from direct input of the agency and from specific studies of the operations of the agency in order to provide that agency with sufficient space to function efficiently. Space allowances are usually applied to the following:

(a) Individual work stations when standards afford too little or too much space for the best utilization of space.

(b) Common office functions such as conference rooms, storage rooms, training rooms, etc., when standards are not applicable or there is no standard.

(c) Areas with specialized functions such as laboratories, printing facilities, warehouses, etc.

3. Appeals — The quantity of space needed as determined by DOA may be appealed by the affected agency as provided in Section III.A.3.

C. Space Planning

Scope of Subpart — This Subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing DOA agency coordination.

1. Space Planning Assistance — DOA shall be responsible for preparing the initial space layout. When an agency requires subsequent space layout assistance, a request for such assistance should be made to the DOA. In consultation with the agency, DOA will determine the scope of assistance required and will provide such service, by use of existing staff or by contract with consultant(s).

2. Use of Contractual Services for Space Planning — No state agency shall, without the written approval of DOA, enter into a contract for interior office design or space layout with any firm or individual, or government entity. When it is determined that a contract is required, DOA will enter into the contract and supervise the contractor's performance.

3. Space Planning of New Buildings — Modern space layout principles, which contribute to good space management

and operational efficiency, are particularly appropriate in the case of the new state buildings. Full coordination, strict observance of space planning procedures, and followup action are required to insure maximum return to the State in terms of efficiency and economy.

D. Space assignment

1. DOA will perform all functions with respect to the assignment and reassignment of space:

(a) In state-controlled buildings which DOA controls for assignment and reassignment purposes.

(b) In state-controlled buildings or space acquired or to be acquired by the state by purchase, condemnation, transfer, lease, permit, rental agreement, or otherwise.

(c) In state-controlled buildings which have been or may be determined to be within the assignment and reassignment authority of DOA.

2. DOA may, after consultation with the agencies affected, assign and reassign space of any agencies after determining that such assignments or reassignments are advantageous to the state in terms of economy, efficiency, or security.

If there are any questions concerning the Standards for Capital Projects they should be referred to Mr. Curtis G. Lee, Box 44095, Capitol Station, Baton Rouge, Louisiana or telephone 342-7000.

E. L. Henry
Commissioner of Administration

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration

Policy and Procedure Memorandum No. 63 (Revised)

Subject: Policy for the Use of State-Owned Vehicles and Mileage Reimbursement and Reporting Requirements

Effective Date: December 20, 1980

Authorization: Title 39, R.S. 1950, Part VI, Section 231;
Title 39, R.S. 1950, Part XIII, Section 361;
Title 39, R.S. 1950, Part II, Section 62.

1. General Information.

1.1 — A uniform policy for the use of state-owned vehicles is herein set forth to provide for the inclusion of more energy efficient vehicles in the state transportation program, the adoption of energy conserving transportation methods, and to require that these measures be promulgated as official policy and procedure effective December 20, 1980.

2. Purpose and Scope.

2.1 — The purpose of this Policy and Procedure Memorandum is to require the implementation of a uniform policy for the use of state-owned vehicles, to provide for the purchase of motor vehicles, and to establish intradepartment motor pools where feasible. The policies and procedures contained herein shall apply to all departments of state government as required by Act 142 of the 1976 Louisiana Legislature and Act 18 of the Second Extraordinary Session of 1980.

3. Policy and Procedures.

3.1 — Policy.

3.1.1 — State-owned vehicles shall be made available on a top priority basis to state employees who travel in excess of fifteen thousand miles annually in the performance of state business. The state-owned vehicle may be stored at the employee's residence when it is determined to be in the best interest of the department.

Use of state-owned vehicles for other than official state business is strictly prohibited.

3.1.2 — Conditions requiring mileage reimbursement must receive written authorization from the Cabinet Secretaries or their designees. Authorization records should be maintained in the appropriate files for reimbursement records or must be submitted by the employee with his or her expense form.

3.1.3 — Where the vehicle is to be used primarily for city-to-city travel, a standard size car may be purchased. Where travel is primarily within a small geographical area, a compact car or economy class vehicle shall be purchased.

3.1.4 — Cases of special need where the performance of official state business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

(1) State-owned vehicles used by employees traveling less than fifteen thousand miles annually.

(2) Privately owned vehicles used by employees traveling in excess of fifteen thousand miles annually.

3.1.5 — Cabinet Secretaries shall establish intradepartment motor pools for use in the performance of official state business by department personnel who are not assigned a state-owned vehicle nor authorized for travel reimbursement. Motor pool vehicles shall be designated as such by the use of appropriate lettering and/or decals. Motor pool overnight storage cities shall be designated by the Cabinet Secretaries.

3.2 Procedures.

3.2.1 — An assessment shall be made by all Cabinet Secretaries of the travel requirements for the performance of their department business.

3.2.2 — An assessment shall be made by all Cabinet Secretaries of the conditions influencing the types of vehicles required. Assignments of vehicle types shall correlate to any special transportation requirements (e.g., the use of Cushman cars for transportation within the confines of an institutional complex). Transportation type vehicles for assignment to individual employees or to motor pools shall include all automobiles, station wagons, carryalls, trucks and any other vehicle assigned for the purpose of transporting employees. Purchase release orders shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such detail as intended use in motor pool, intercity travel, city-to-city travel, etc.

3.2.3 — An assessment shall be made of employee travel requirements and assignment of state-owned vehicles will be made to those employees who travel in excess of fifteen thousand miles annually on state business. Necessary exceptions must be defined, justified and submitted to the Commissioner of Administration for approval.

3.2.4 — State-owned vehicles anticipated to be operated less than fifteen thousand miles annually which will not be incorporated into intradepartment motor pools shall be turned over to the Division of Administration, Proper Control Section.

3.2.5 — An assessment shall be made of the feasibility of operating intradepartmental motor pools. Where a significant number of state employees could benefit from such a pool one shall be established.

3.2.6 — An annual report shall be submitted by each department to the Commissioner of Administration by December 31, 1980 and each succeeding year to include the following:

(1) Total number of state-owned vehicles as of November 30, listed by license number, type, make, model, year, primary user (if not a pool vehicle), and annual mileage traveled (Use attached format).

(2) Total number of leased or rented vehicles as of November 30, listed by license number, type, make, model, year,

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953 B) to adopt effective January 1, 1981, a rule to implement the Cuban/Haitian Entrants Program. This program, provided for by P.L. 96-422, covers the Cuban and Haitian immigrants who began arriving in the United States in the Spring of 1980 and who were given the special "entrants" status. These immigrants, due to their entrants status, are not eligible under the currently funded Refugee Resettlement Program.

Within the limits of available appropriations the Department of Health and Human Resources through the Office of Refugee Resettlement will provide special Federal funding to states for one hundred percent of the costs of cash and medical assistance and related administrative program costs for Cuban/Haitian Entrants. Funds will also be available to provide services for unaccompanied minors and an appropriation will be made for social services and the related administrative program costs.

The Cuban/Haitian Entrants Program must be implemented by December 1, 1980 and will extend through the month of September, 1981.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution: Emergency Doe Season Morganza Area

WHEREAS, Biologists with the Louisiana State University Cooperative Wildlife Research Unit under the heading of Mr. John D. Newsom have made continuous checks on deer herd conditions in the Morganza Spillway Area; and

WHEREAS, Due to the 1980 summer drought and continuous deer herd population build-up in this area; and

WHEREAS, Due to this deer population build-up, the deer herds are in a very serious condition due to the lack of food plants that will be needed to sustain this herd during late winter months; and

WHEREAS, on an emergency basis, it is recommended that one doe deer per one hundred acres of land be harvested in 1980-81 season in this area, this number to include the does taken during regular season on club areas; and

WHEREAS, Personnel of the Louisiana State University Cooperative Wildlife Research Unit and the Louisiana Department of Wildlife and Fisheries will distribute to each club a supply of self-locking tags for the taking of one doe deer per one hundred acres including the does taken during the regular doe season; and

WHEREAS, The Emergency Doe Deer Area is described as that area in the Morganza Spillway, south of Morganza Control Structure to U.S. Highway 190, east of Atchafalaya River to East Guide Levee all land inclusive; and

WHEREAS, The recommended dates for the harvesting of doe deer for the purpose of relieving the food (vegetation) situation will be December 20, 1980—January 13, 1981, and now

THEREFORE BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission has taken the recommendation of Mr. John D. Newsom and approves the any sex season December 20, 1980 — January 12, 1981, on the above described area in the Morganza Spillway Area.

Joseph V. Colson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Provide additional taking of antlerless deer in a portion of Atchafalaya Basin.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation costs will be minimal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated that there will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs are expected for affected groups. Benefits will be in the form of improved food conditions for deer and resulting improvement in the quality of the animals. Monetary benefits cannot be estimated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is estimated that there will be no effect on competition and employment.

Mary Mitchell
Administrative Assistant

Mark C. Drennen
Legislative Fiscal Officer

Rules

RULE

Department of Agriculture Office of Animal Health Services

The Commissioner of Agriculture, pursuant to the authority granted under LSA 40:2282 and in accordance with Notice of Intent published on November 20, 1980, has adopted the Rules and Regulations for the administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program shown below through a series of public hearings, as follows: November 10, 1980, Alexandria; November 17, 1980, Ruston; November 20, 1980, Lafayette; December 3, 1980, New Orleans; and December 8, 1980, Baton Rouge.

Copies of the Federal Meat and Poultry Inspection Regulations and Handbook 191 of the U.S. Department of Agriculture, adopted by reference in Rules 1.1 and 1.2 below, are available upon request from the following: C. T. Raby, DVM, Assistant Commissioner of Animal Health Services, Box 1951 or 12055 Airline Highway, Baton Rouge, 70821.

The rules and regulations for the administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program are as follows:

Department of Agriculture Rules and Regulations For the Administration of The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program

- 1.0 Adoption of Federal Meat and Poultry Inspection Regulations
- 2.0 Definitions
- 3.0 Establishments Required to Register
- 4.0 Permits for Establishments Coming under Registration
- 5.0 Application for Approval of Addition and/or Renovation of Previously Approved Establishments
- 6.0 Change of Ownership of Previously Approved Establishment

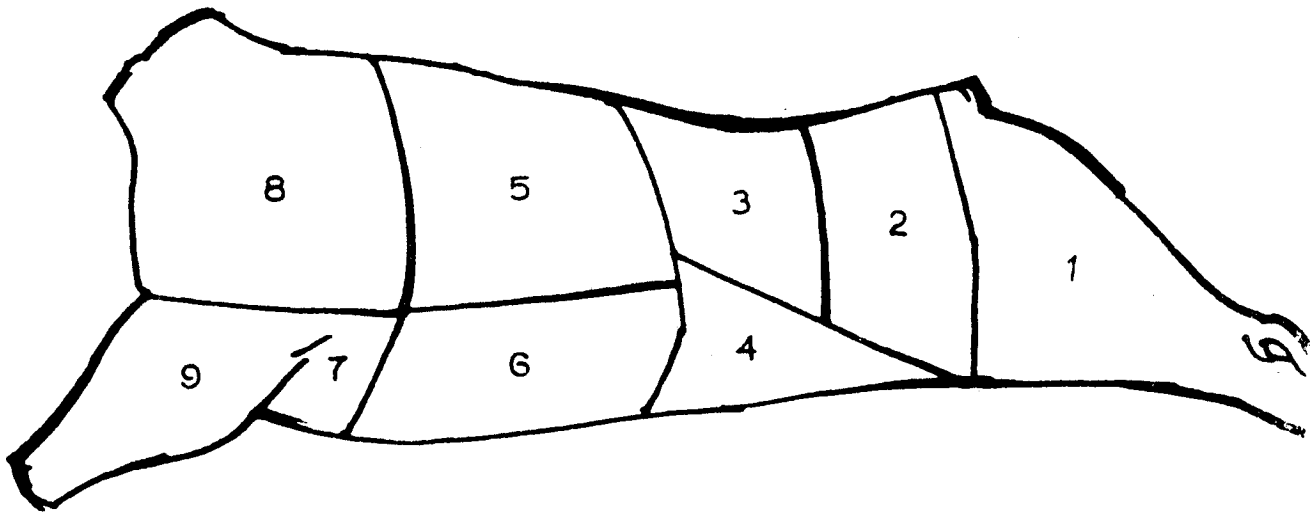
- 7.0 Exemptions
- 8.0 Custom Slaughter Facility, Combination Custom Slaughter and Processing Facility, and Custom Processing Facility
- 9.0 Retail Stores and/or Outlets and Restaurants
- 10.0 Removal of Inspection Services
- 11.0 Inspection Brands; Hot Brands; Replacement Brands
- 12.0 Stamping of Carcasses
- 13.0 Inspection Upon Movement of Meat and Meat Products
- 14.0 Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program
- 15.0 Hearings on Alleged Violations of Law and/or Regulations
- 16.0 Taking of Blood Samples

- 1.0 Adoption of Federal Meat and Poultry Inspection Regulations
 - 1.1 The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program will be governed by the rules and regulations contained in the "Meat and Poultry Inspection Regulations" of the Meat and Poultry Inspection Program of the U.S. Department of Agriculture, in effect as of the effective date of these regulations, as follows:
 - (a) Meat Inspection Regulations: Title 9, Chapter III, Subchapter A, Code of Federal Regulations
 - (b) Poultry Inspection Regulations: Title 9, Chapter III, Subchapter C, Code of Federal Regulations
 - (c) Humane Slaughter of Livestock Regulations: Title 9,

Exhibit "A"

PRACTICAL MEAT CUTTING AND MERCHANDISING—VOL. 1—BEEF

Location of Primal and Subprimal Beef Cuts¹



Primal and Subprimal Cuts

- 1. Round
- 2. Short hip
- 3. Short loin
- 4. Flank
- 5. Rib
- 6. Short plate
- 7. Brisket
- 8. Square cut chuck
- 9. Foreshank

Combination Cuts

- Hindquarter: 1 + 2 + 3 + 4
- Sirloin round: 1 + 2
- Loin: 2 + 3
- Forequarter: 5 + 6 + 7 + 8 + 9
- Wing: 5 + 6
- Full plate: 6 + 7
- Armbone chuck: 8 + 9
- Cross-cut chuck: 7 + 8 + 9
- Triangle: 6 + 7 + 8 + 9
- Back: 5 + 8

Identification of Beef Cuts by Geographical Location and Trade

	New York Area	New England Area	Restaurant and Institutional Trade
Beef round No. 1	Cross-cut round Beef round Round across primal round	Beef round Primal round	Beef round (a) Primal round (b) Primal round with rump on or off, shank on or off, bone-in or boneless (c) Round, three-way boneless
Knuckle No. 1 (Taken from beef round)	Knuckle face Top sirloin	Sirloin tip	Knuckle (a) Knuckle steaks

Code III, Subchapter D, Code of Federal Regulations

1.2 The Louisiana Cooperative Federal/State Meat and Poultry Inspection Program will be governed by the requirements in the June 1975 edition of the U.S. Department of Agriculture Handbook 191. Copies of Handbook 191 may be obtained from the Superintendent of Documents, U.S. Printing Office, Washington, D. C. 20204.

2.0 Definitions

2.1 "Primal cut" means the first or main cut. See Exhibit "A."

2.2 "Intrastate Commerce", with respect to these Rules and Regulations, means any type of business in which meat and/or meat food products are prepared and/or transported in Louisiana and such products are sold only in the State of Louisiana.

2.3 "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

2.4 "Adulterated" means any carcass, part of a carcass, meat or meat food product which:

- (a) contains any substance injurious to health;
- (b) contains any pesticide or pesticide residue, food additive or color additive which the Commissioner of Agriculture deems unsafe or which the Commissioner of Agriculture prohibits by regulations;
- (c) has been prepared, packed, or held under unsanitary conditions;
- (d) is, in whole or in part, the product of an animal which has died other than by slaughter;
- (e) is held in any container which is composed, in whole or in part, of any poisonous or deleterious substance;
- (f) has been subjected to radiation at tolerances which exceed the tolerances established in regulations of the Commissioner of Agriculture;
- (g) was prepared with a valuable constituent omitted or taken out;
- (h) was prepared with any substitute for a required constituent;
- (i) has been damaged, and the damage or inferior quality is or has been concealed;
- (j) contains any substance which has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is.

2.5 "Establishment" means the principal place of business of a permit holder or a business subject to inspection.

2.6 "USDA" means the United States Department of Agriculture.

2.7 "Meat broker" means a person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, who receives a commission or other financial reimbursement; who negotiates such purchases or sales on behalf of some person, firm, or corporation other than himself or a firm or corporation in which he has a financial interest; and who does not personally handle the product in any manner, either personally or through activities of others under his control, or change the form of such product in any manner.

2.8 "Meat jobber" means a person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, who receives a commission or other financial reimbursement; who negotiates such purchases or sales on behalf of some person, firm, or corporation other than himself or a firm or corporation in which he has a financial interest; who attains physical custody of the

product by receiving, retaining, and subsequently shipping out, but who receives the product intact and who does not subsequently change the form of the product in any manner.

2.9 "Meat processor" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, or other equines at the wholesale level; who receives the product intact, and who changes the form of the product before shipping out again.

2.10 "Custom slaughterer" means any person, firm, corporation, educational program, or association which offers to the public the service of slaughtering cattle, sheep, poultry, swine, goats, horses, mules or other equines for the owners thereof.

2.11 "Custom processor" means any person, firm, association, educational program, or corporation which prepares, processes, and/ or transports intrastate the meat of animals slaughtered for the owners of such animals.

2.12 "Combination custom slaughtering and processing facility" means a person, firm, corporation, association, or educational program which provides both slaughter and processing services solely for the owners of animals.

2.13 "Retail outlet" means any place of business operated in the traditional or usual manner of operation or a retail store, with sales across-the-counter only in normal retail quantities. The term "retail outlet" applies solely to businesses with a single location.

2.14 "Traditional or usual manner" of operation includes:

- (a) cutting up, slicing and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops and roasts, and freezing such cuts;
- (b) grinding and freezing products made from meat;
- (c) curing, cooking, smoking, rendering or refining of livestock fat or other preparation of products, except slaughtering or retort processing of canned products;
- (d) breaking bulk shipments of products;
- (e) wrapping or re-wrapping of products.

2.15 "Normal retail quantities" is defined as sales to a single customer not exceeding the amounts shown below (see also Section 303.1 (d) (2) (ii), Federal Meat and Poultry Inspection Regulations):

- (a) cattle, 300 pounds
- (b) calves, 37.5 pounds
- (c) sheep, 27.5 pounds
- (d) swine, 100 pounds
- (e) goats, 25 pounds

2.16 "Restaurant" shall mean any place of business (1) where products are prepared solely for sale or service, as meals or entrees, directly to individual consumers at such establishments, and (2) where only Federally or State inspected and passed products or products prepared in a retail store or outlet are used.

3.0 Establishments Required to Register.

3. The following types of persons, firms, associations, corporations, or educational programs must register with the Meat and Poultry Inspection Program prior to conducting intrastate commerce:

- (a) Meat brokers, renderers, and animal food manufacturers;
- (b) Wholesalers of any carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules, or other equines, whether the product is intended for human consumption or not;
- (c) Public warehousemen who store carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines;
- (d) Any persons, firms, associations, and/or corporations which buy, sell or transport any dead, dying, disabled or diseased

animals or parts of carcasses of such animals;

- (e) Meat brokers;
- (f) Meat jobbers;
- (g) Meat processors;
- (h) Slaughter plants, including custom slaughter plants;
- (i) Processing plants, including custom processing plants;
- (j) Custom plants, including educational programs where carcasses or parts of carcasses are slaughtered and/or processed;
- (k) Any combination of the above.

3.2 All persons, firms, corporation, associations, or educational programs listed in Rule 3.1 must apply for registration within ninety days of the effective date of these Rules. Any person, firm, corporation, association, or educational program entering into any of the business activities listed in Rule 3.1 after the effective date of these Rules shall apply for registration prior to engaging in such business. All persons, firms, corporations, association, or educational programs shall be registered by category as shown in Rule 3.1 above.

3.3 All applicants shall pay an initial registration fee of twenty-five dollars to cover the costs of processing of registrations and issuance of certificates of registration.

3.4 All persons, firms, associations, corporations, or educational programs listed in Rule 3.1 must submit the following information in their applications for registration:

- (a) Names and addresses of each place of business;
- (b) Names and addresses of owner(s) and principal stockholder(s) and/or names and addresses of members of boards of directors;
- (c) All trade names under which the person, firm, association, corporation, or educational program conducts business.

3.5 All registrations required in Rule 3.1 must be renewed on or before April 1 of each year. The fee for renewal of registrations shall be the same as for the initial registration, i. e., twenty-five dollars.

3.6 Each registrant shall receive a certificate of registration within thirty days after registration is filed.

3.7 Penalties for failure to register and/or renew registration annually shall be assessed in accordance with R.S. 40:2296.

3.8 Any person, firm, association, corporation, or educational program registering in accordance with Rule 3.0 shall be subject to investigation.

4.0 Permits for Establishments Coming Under Inspection.

4.1 All slaughter, processing, custom, and combination establishments must obtain a permit from the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program prior to conducting intrastate commerce.

4.2 All establishments applying for permits shall meet the basic minimum facility requirements outlined in USDA Handbook 191.

4.3 All new applications for permits shall consist of a completed Form 401 (available on request from the State Office (Baton Rouge) of the Federal/State Meat and Poultry Inspection Program).

4.4 All new applications for permit must include three copies of plant blueprints and three copies of construction specifications as part of the initial application.

4.5 The applicant's name and address must be shown on each page of the blueprints and each page of the specifications.

4.6 Applications for permits, including blueprints and specifications, shall be submitted to the Federal/State Meat and Poultry Inspection Program, Office of Animal Health Services, State Department of Agriculture, Box 1951 (or 12055 Airline Highway), Baton Rouge, Louisiana 70821.

4.7 A permit number shall be assigned to each establishment upon approval and the permit shall be issued to the establish-

ment within thirty days of final approval, in one of the following categories:

- (a) Slaughter
- (b) Processing
- (c) Custom
- (d) Combination of (a), (b), and/or (c) above

4.8 All establishments receiving permits shall display the permit at a prominent location in the principal place of business.

5.0 Application for Approval of Addition and/or Renovation of Previously Approved Establishments.

5.1 Additions and/or renovations of previously approved establishments must be in conformance with the requirements of USDA Handbook 191.

5.2 Applicants for approval of an addition and/or renovation to a previously approved establishment must submit:

- (a) plot plan of entire premises;
- (b) floor plan, identifying each department as to use;
- (c) plan of plumbing system for entire establishment, particularly the point of discharge into the main sewer lines;
- (d) three copies of blueprints for the addition and/or renovation, which must be drawn to scale with the blueprints of the existing facility and labeled on each page with the applicant's name and address;
- (e) three copies of specifications for the addition and/or renovation, which must be labeled on each page with the applicant's name and address.

6.0 Change of Ownership of Previously Approved Establishments.

6.1 Whenever the ownership of a previously approved establishment changes, the new owner must submit an application for a permit to the State Department of Agriculture at least thirty days prior to the scheduled sale date.

6.2 New owners are required to meet all of the requirements of USDA Handbook 191.

6.3 Applicants for a permit after change of ownership must submit the following:

- (a) certified copy of Act of Sale;
- (b) three copies of blueprints and specifications if any changes are made to the physical plant of the establishment, submitted in accordance with the requirements of Rule 5.0 hereof;
- (c) evidence that sanitary conditions are or have been maintained throughout the interim during the change of ownership.

7.0 Exemptions.

7.1 The following persons, firms, associations, or corporations are exempt from these regulations, except as provided in Rules 8.0 and 9.0 hereof:

(a) Any owner of cattle, sheep, swine, or goats who slaughters, prepares and/or transports intrastate any animal or parts of animals for the sole use of himself, his family, or his non-paying guests or employees;

(b) Any person, firm, association, or corporation which slaughters, prepares and/or transports intrastate any cattle, sheep, poultry, swine, goats, horses, mules or other equines, or parts thereof, for the owners of such animals, provided that such person, firm, association, or corporation meets all of the requirements set forth in Rule 8.0 hereof;

(c) Operators of retail stores or outlets and/or restaurants when sale or service is made in normal retail quantities to customers at such establishments (i.e., across-the-counter, or at a dining facility located at the establishment), provided that such retail stores or outlets meet all of the requirements set forth in Rule 9.0 hereof;

(d) Poultry owners who slaughter sound and healthy poultry on their own premises for distribution directly to household

consumers, restaurants, hotels and/or boarding houses, provided that such products must be identified with the name and address of the producer. This exception shall not apply to poultry producers who buy and/or sell poultry, or to those who slaughter more than five thousand turkeys or more than twenty thousand other types of poultry per annum, or to farmers who slaughter more than two hundred fifty turkeys or more than one thousand other types of poultry per annum.

8.0 Custom Slaughter Facility, Combination Custom Slaughter and Processing Facility, and Custom Processing Facility.

8.1 To assure the continuing certification of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program, all custom facilities defined in Rules 2.10, 2.11 and 2.12 hereof must meet the applicable requirements of Handbook 191 and the applicable requirements of the Federal Meat and Poultry Inspection Regulations, provided that custom facilities are not required to provide an inspector's office.

8.2 All custom facilities are subject to periodic review by inspectors of the Federal/State Meat and Poultry Inspection Program.

8.3 All custom establishments must be operated in a sanitary manner and kept free of objectionable odors. Outside premises must be kept clean and free of harborage for rodents and vermin. Sanitary dressing procedures must be followed to avoid adulteration of any product.

8.4 All products must be protected from contamination from any source during handling, storage, loading and unloading at the custom facility.

8.5 The custom slaughterer must take a blood sample from any cattle which are not accompanied by an official Department of Agriculture document proving that a blood sample has been taken within the thirty day period immediately preceding the slaughter date. The custom slaughterer must properly affix an official backtag, to be provided by the Department of Agriculture, on any cattle which is received at the slaughter establishment without a backtag. Each blood sample must be clearly identified by backtag number, name and address of owner, and such additional information as may from time to time be required by the Department of Agriculture. Records of such samples shall be on forms provided by the Department of Agriculture. The custom slaughterer shall maintain and transmit the blood samples and completed forms as instructed by the Department of Agriculture. In any situation not clearly described by this Rule, the custom slaughterer shall contact the State Office of the Meat and Poultry Inspection Program prior to slaughter.

8.6 Fresh pork shall be kept separated, in coolers, and handled and/or stored so as to prevent any direct contact with any other meat or meat products.

8.7 Equipment (i.e., grinders, saws, tables, knives, pans, hooks, etc.) which is used to handle and/or process fresh pork and/or wild animals must be broken down, thoroughly cleaned and sterilized before any other meat or meat products are processed with or come into contact with the equipment.

9.0 Retail Stores and/or Outlets and Restaurants.

9.1 In order to assure the continuing certification of the Cooperative Federal/State Meat and Poultry Inspection Program, retail outlets and restaurants must qualify as such under the definitions set forth in the applicable sections of the Federal Meat and Poultry Inspection Regulations.

9.2 Retail outlets or stores which do not qualify as such under the Federal Meat and Poultry Inspection Regulations will be subject to investigation or review.

9.3 Meat processors which supply retail stores or outlets must be under inspection.

9.4 Retail sales must be made directly to the consumer at

the location where the product is processed.

10.0 Removal of Inspection Services.

10.1 An assigned inspector may, upon proper justification, withhold inspection services for an inspected plant for a period not to exceed six hours, but may not withhold inspection services for a period longer than six hours. If for any reason the assigned inspector leaves the plant during the period when inspection services are withheld, he shall be available to the plant within one hour of notification of correction of the problem.

10.2 An area supervisor may, upon proper justification, withhold inspection services for a period not to exceed a total of twelve hours from the time when inspection services were first withheld.

10.3 The State Office of the Meat and Poultry Inspection Program may withhold inspection services for an indefinite period of time upon proper justification.

10.4 An informal public hearing shall be held on the next working day following the initial withholding of inspection services upon the request of the establishment.

10.5 Inspection services may not be permanently withdrawn by the Meat and Poultry Inspection Program except following a public hearing on the matter conducted in accordance with Rule 14.0 hereof.

11.0 Inspection Brands; Hot Brands; Replacement Brands.

11.1 The Meat and Poultry Inspection Program shall furnish an appropriate number of inspection brands to the establishment upon initial approval for inspection.

11.2 The establishment shall furnish the required number of hot brands and the number provided shall be registered in the State Office of the Meat and Poultry Inspection Program.

11.3 The establishment shall notify the assigned inspector when replacement brands are needed, providing the following information to the assigned inspector:

(a) the name and address of the brand manufacturer preferred by the establishment, and

(b) the number and kind of brands needed.

11.4 Upon receipt of the information required in Rule 11.3, the inspector shall immediately notify the State Office, which shall place the official order with instructions for the brands to be shipped direct to the establishment.

11.5 Upon receipt of the replacement brands, the establishment must deliver all unserviceable brands to the assigned inspector for transmittal to the State Office for destruction.

12.0 Stamping of Carcasses.

12.1 All beef, calf, and veal carcasses must be stamped with not less than seven stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Exhibit "B" attached immediately following.

12.2 All swine carcasses must be stamped with not less than five stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Exhibit "C."

13.0 Inspection Upon Movement of Meat and Meat Products.

13.1 All carcasses, parts of carcasses, meat and meat products brought into any slaughtering, meat canning, salting, packing, rendering or similar establishment must originate from an establishment under inspection.

13.2 All carcasses, parts of carcasses, meat or meat products which are inspected and passed at any slaughtering, meat canning, salting, packing, rendering or similar establishment before movement therefrom, which is later returned to the same establishment, must be re-inspected upon return before further treatment or processing.

14.0 Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program.

EXHIBIT "B"

A. Hind Shank

B. Fore Shank

A and B to be stamped on kill floor prior to shrouding or placing in cooler.

1. Round
2. Loin
3. Plate
4. Rib
5. Chuck

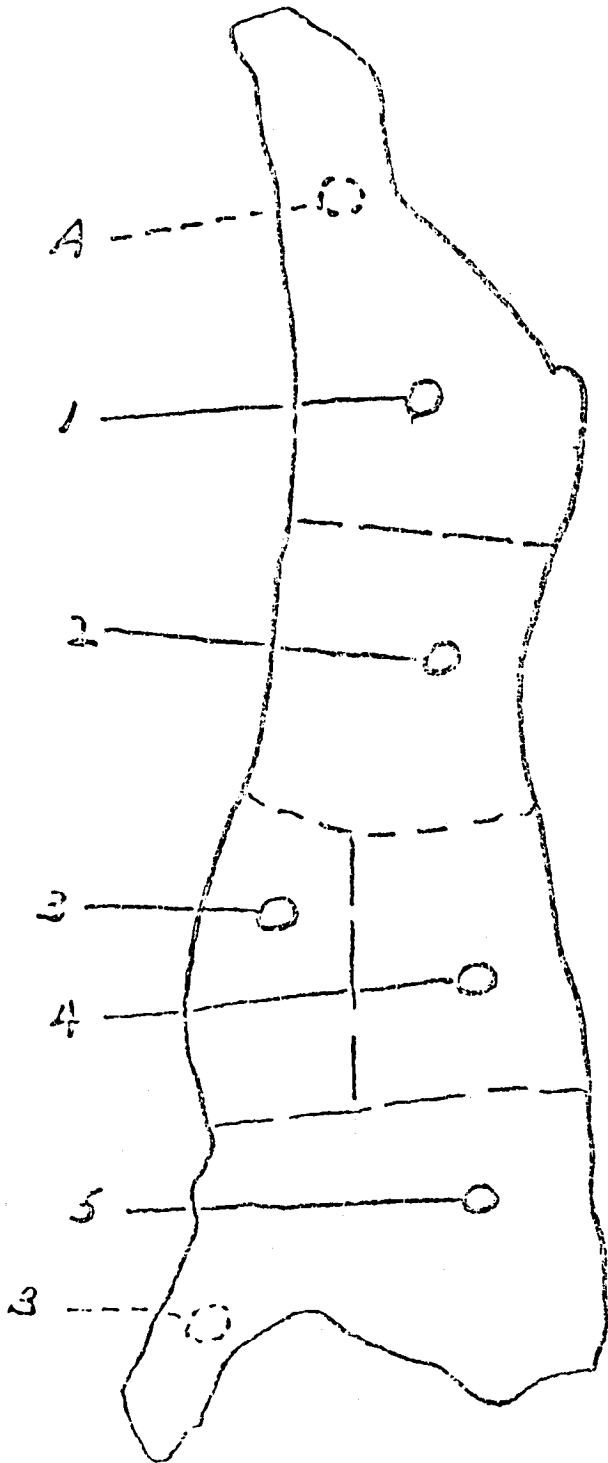


Exhibit "C"

1. Outer surface of ham hock
2. Skin side of each loin
3. Skin side of each belly
4. Outer surface of shoulder hock
5. Skin surface of each jowl or head

