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# Executive Orders

## EXECUTIVE ORDER MJF 97-29

### Bond Allocation—Town of Arcadia

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

WHEREAS: the Town of Arcadia has requested an allocation from the 1997 Ceiling to be used to finance the acquisition and renovation of a chicken processing plant owned by Randall Farms, in accordance with the provisions of Section 143 of the *Internal Revenue Code of 1986*, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$8,200,000	Town of Arcadia	Randall Farms, L.L.C.

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

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before November 17, 1997.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 19th day of August, 1997.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9709#024

## EXECUTIVE ORDER MJF 97-30

### Bond Allocation—Village of Choudrant

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

WHEREAS: the Village of Choudrant has requested an allocation from the 1997 Ceiling to be used to upgrade and equip a feed mill owned by Randall Farms and located at 3969 Elm Street, Choudrant, Louisiana, in accordance with the provisions of Section 143 of the *Internal Revenue Code of 1986*, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$575,000	Village of Choudrant	Randall Farms, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general

purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before November 17, 1997.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 19th day of August, 1997.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9709#025

#### EXECUTIVE ORDER MJF 97-31

##### Royal Street Project Advisory Board

WHEREAS: the New Orleans Court Building, which occupies the 400 block of Royal in the French Quarter, was constructed as a joint project between the City of New Orleans and State of Louisiana during the period of 1907 to 1910;

WHEREAS: in October of 1910, the Louisiana Supreme Court moved from the Cabildo to join the Orleans Court of Appeal and various state and city offices in the New Orleans Court Building, where it stayed until the 1950's;

WHEREAS: when the Louisiana Supreme Court began to outgrow its present location on Loyola Avenue, the court began studying the feasibility of returning to the New Orleans Court Building (hereafter the "Royal Street Project");

WHEREAS: the Royal Street Project is the proposed future site of the Louisiana Supreme Court, the Louisiana Fourth Circuit Court of Appeal, the Law Library of Louisiana, the Louisiana Judicial Administrator's Office, a satellite office of the Louisiana Attorney General, and a museum or tourist information center;

WHEREAS: more than \$7 million has been expended to date on planning, renovations, and construction since the

Royal Street Project received its first legislative appropriation in 1981;

WHEREAS: considering the historical significance of the building, the high cost of renovation projects, the project's fast-approaching completion date, and the complications that can normally arise in a project of this size and nature, the interests of the citizens of the State of Louisiana would be best served by the creation of an advisory board, composed of local businessmen and attorneys who have earned the public's confidence as experienced developers, to advise the Louisiana Supreme Court and Division of Administration with regard to all plans and contracts for the project; and

WHEREAS: the Speaker of the Louisiana House of Representatives and President of the Louisiana Senate, as representatives of the legislative branch, have indicated their agreement to representatives of the judicial and executive branches, that they find the creation of an advisory board serves the best interests of the citizens of this state, and they approve of the proposed objectives and membership of the advisory board for the Royal Street Project;

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

SECTION 1: The Royal Street Project Advisory Board (hereafter "advisory board") is created and established within the Executive Department, Office of the Governor.

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

A. providing advice to the Division of Administration and the Louisiana Supreme Court regarding the expenditure of all funds and all contracts, bids, proposals, and plans associated with the Royal Street Project;

B. providing consulting advice for all planning, development, and/or construction associated with the Royal Street Project; and

C. preparing the documentation for all future requests for legislative appropriations for the Royal Street Project and presenting the appropriation requests to the commissioner of Administration and the legislative committees and/or leadership of the Louisiana Legislature.

SECTION 3: The advisory board shall consist of at least five members appointed by and serving at the pleasure of the Governor, four of whom shall be well known and respected within the New Orleans business community for possessing an expertise in historical renovations and/or the development and management of significant building construction projects. The membership of the advisory board shall be composed as follows:

A. the Chief Justice of the Louisiana Supreme Court, or the designee of the Chief Justice; and

B. at least four members selected from the New Orleans business community.

SECTION 4: The chair and vice-chair of the advisory board shall be appointed by the Governor from its membership.

SECTION 5: The advisory board shall meet at the call of the chair.

SECTION 6: Support staff for the advisory board and facilities for their meeting shall be provided by the Division of Administration and/or the Louisiana Supreme Court.

SECTION 7: Advisory board members shall not receive compensation or a per diem. Nonetheless, contingent on the availability of funds, advisory board members who are not employed by the state or an elected official may receive reimbursement for actual travel expenses, in accordance with state guidelines and procedures, upon the approval of the commissioner of Administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the advisory board in implementing the provisions of the Order.

SECTION 9: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the City of Baton Rouge, on this 19th day of August, 1997.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9709#026

#### EXECUTIVE ORDER MJF 97-32

##### Coordinating Council on Domestic Violence

WHEREAS: domestic violence is a pervasive social evil that potentially can devastate its direct and indirect victims physically, emotionally, spiritually, and financially;

WHEREAS: the stability and success of the family unit is threatened by domestic violence as it victimizes the entire family, including the children, who learn through example that violence is an acceptable mode of coping with problems, dealing with stress, and asserting control over others;

WHEREAS: domestic violence has a negative impact on society in general, necessitating that millions of dollars be annually expended due to absenteeism and a loss of productivity at work and school, mental health and medical expenses, and the prosecution and/or administrative costs of criminal, quasi-criminal, and civil cases;

WHEREAS: the goal of eradicating domestic violence throughout Louisiana may only be achieved by increasing public awareness about the prevalence and harmfulness of domestic violence, implementing a firm public policy against domestic violence, and instituting an effective means of enforcement that encompasses law enforcement, social service agencies, and the courts; and

WHEREAS: to obtain this goal, the State of Louisiana must implement consistent, coordinated, and nonvictim

blaming responses to incidents of domestic violence throughout the response process, beginning with law enforcement and continuing through victim protection and assistance services and the administration of justice process; therefore, the leadership of the State of Louisiana, including members of the Louisiana Legislature, the Executive Branch, and the Louisiana Supreme Court, together with representatives from law enforcement agencies, social service agencies, and special interest organizations that deal with domestic violence, must join together to develop a comprehensive coordinated response to domestic violence within the State of Louisiana;

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

SECTION 1: The Louisiana Coordinating Council on Domestic Violence (hereafter "council") is established within the Executive Department, Office of the Governor.

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

A. examining the current responses of public agencies, the courts, and private organizations to situations of domestic violence;

B. identifying barriers, breakdowns, or areas for improvement among those who are charged with the public duty of responding to domestic violence;

C. making recommendations for improved cooperation and coordination between public agencies and those entities which volunteer or offer assistance and services;

D. identifying various means of promoting public awareness, and educating the public about domestic violence;

E. evaluating the effectiveness of Louisiana's statutory and jurisprudential laws on domestic violence; and

F. evaluating the model code on domestic and family violence prepared by the National Council of Juvenile and Family Court Judges.

SECTION 3: The council shall submit to the Governor a detailed written report containing the council's findings and recommendations on or before December 31, 1998.

SECTION 4: The council shall consist of 20 members who shall be appointed by and serve at the pleasure of the Governor. The membership of the council shall be selected as follows:

A. the president of the Louisiana Senate, or the president's designee chosen from the membership of the Senate;

B. the speaker of the House of Representatives, or the speaker's designee chosen from the membership of the House;

C. the executive director of the Office of Women's Services, Office of the Governor, or the executive director's designee;

D. the secretary of the Department of Social Services, or the secretary's designee;

E. the secretary of the Department of Corrections, or the secretary's designee;

F. a member of the Louisiana Supreme Court;

G. two district court judges, one who presides over a criminal docket and one who presides over a family/domestic docket;

H. three members of the Louisiana Coalition Against Domestic Violence;

I. a member of the Louisiana District Attorneys Association;

J. a member of the Family Law Committee of the Louisiana State Bar Association;

K. a member of the Louisiana Association of Criminal Defense Lawyers;

L. a member of the Louisiana Council on Child Abuse;

M. a member of the Louisiana Trial Lawyers Association;

N. a member of the Louisiana Clerks of Court Association;

O. a member of the Louisiana Sheriff's Association;

P. a member of the Chiefs of Police Association; and

Q. a member of the Louisiana Commission on Law Enforcement.

SECTION 5: The chair shall be selected by the Governor from its membership.

SECTION 6: The council shall meet at regularly scheduled intervals and at the call of the chair. A majority of the membership present shall constitute a quorum.

SECTION 7: Support staff for the council shall be provided by the Department of Social Services.

SECTION 8: Council members shall not receive compensation or a per diem. Nonetheless, contingent upon the

availability of funds, members who are not an employee of the State of Louisiana or one of its political subdivisions, or an elected or appointed public official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of Administration.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

SECTION 10: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 26th of August, 1997.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
9709#027



# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of the Commissioner

#### Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer (LAC 7:XXI.1501-1523)

*Editor's Note:* All Agriculture and Forestry rules, found at LAC, Title 7, will be renumbered during the next few months, so that each Part (I through XLIII) will begin with a Chapter 1 and continue with sequential chapters (through Chapter 99), as needed. A revised *Louisiana Administrative Code*, Title 7, is scheduled for publication during Fall, 1997. As shown below, the *Louisiana Register* is promulgating all Title 7 emergency, proposed, and final rules under the new numbering system.

In accordance with the Administrative Procedure Act, specifically R.S. 49:953(B), and R.S. 3:3101, the commissioner of Agriculture and Forestry finds that these emergency rules regulating the raising, slaughtering, and sale of imported exotic deer and antelope, elk, and farm-raised white-tailed deer for commercial purposes in the state of Louisiana are necessary to prevent imminent peril to the health, safety, and welfare of the citizens of Louisiana.

Without regulations in place, diseased or contaminated animals may be brought into the state of Louisiana or slaughtered and sold as food to be consumed by Louisiana citizens. Louisiana is certified by the United States Department of Agriculture (USDA) as a tuberculosis- and brucellosis-free state. The introduction of any imported exotic deer and antelope, elk, and farm-raised white-tailed deer infected with either of these diseases or other diseases will subject Louisiana cattle and other livestock to infection. Any infection of cattle or other livestock will cause the owner of such livestock to lose the commercial value of such animals. In addition, introduction of these diseases into the state will jeopardize Louisiana's certifications from the USDA. The loss of the commercial value of infected livestock, as well as the loss of USDA certification, will cause a substantial adverse economic impact on the agricultural economy of this state. Permanent regulations are being promulgated; however, the time delay required by the Administrative Procedure Act precludes adoption of permanent regulations before the first set of emergency rules expire. It is, therefore, necessary to readopt emergency rules to avoid a hiatus in the law.

For these reasons, the commissioner has determined that these emergency rules are necessary in order to immediately regulate the raising, slaughtering, and sale of imported exotic deer, and antelope, elk, and farm-raised white-tailed deer for commercial purposes in the state of Louisiana.

These emergency rules are effective at 6 p.m. on September 3, 1997 and shall remain in effect 120 days or until the final rules become effective, whichever occurs first.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XXI. Diseases of Animals

#### Chapter 15. Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer

##### §1501. Statement of Authority and Purpose

The commissioner of Agriculture and Forestry heads and directs the Department of Agriculture and Forestry and exercises all functions of the state relating to the promotion, protection, and advancement of agriculture and forestry. The commissioner is authorized by law and does hereby adopt these rules and regulations for the purposes of promoting, protecting, and advancing agriculture and to implement the laws adopted by the legislature, including those in Part I of Chapter 19-A of Title 3 of the Revised Statutes, giving the commissioner the specific power to regulate farm-raised exotic animals, including imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3101.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

##### §1503. Definitions

For purposes of these rules and regulations the following words and phrases shall have the meaning given herein:

*Alternative Livestock*—any imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

*Commercial Purpose*—the keeping, breeding, raising, containing, harvesting, killing, slaughtering, buying, selling, trading, or transferring ownership of alternative livestock, any alternative livestock carcass or part thereof, with the intent to receive money, goods, services, livestock, or any other type of compensation in connection therewith.

*Commissioner*—The commissioner of Agriculture and Forestry.

*Department*—the Louisiana Department of Agriculture and Forestry.

*Elk*—any animal of the species and genus *Cervus canadensis*.

*Farm*—any area of land or water, regardless of size, used to breed, raise, or keep farm-raised alternative livestock for a commercial purpose, including but not limited to, breeding farms or propagating preserves. This definition does not include areas of land or water which are part of a zoo, game park, or wildlife exhibit where the primary purpose is the exhibition of alternative livestock or other animals.

*Farm-Raised*—any alternative livestock born, raised, or kept within a closed circumscribed fenced area for a commercial purpose. This definition does not include alternative livestock which are part of a zoo, game park, or wildlife exhibit where the primary purpose is the exhibition of the alternative livestock or other animals.

*Farm-Raised White-Tailed Deer*—any animal of species and genus *Odocoileus virginianus* which is bred, born, raised, and/or kept within a closed circumscribed fenced area for the purpose of buying, selling, or trading in commerce. Farm-raised white-tailed deer does not include any white-tailed deer which is part of any zoo, game park, or wildlife exhibit where the primary purpose of the same is the exhibition of white-tailed deer and/or other animals.

*Imported Exotic Antelope*—any animal of the family *Bovidae* which is not indigenous to North America, except animals of the tribes *Bovine* (cattle) and *Caprine* (sheep and goats).

*Imported Exotic Deer*—any animal of the family *Cervidae* which is not indigenous to North America, including but not limited to, red deer, seika deer and fallow deer.

*Person*—any individual, corporation, partnership, or other legal entity.

*Quarantine*—the requirement, resulting from an order of the department or the state veterinarian, to secure and physically isolate an animal, or animals, in a specified confined area to prevent the spread of contagious disease.

*White-Tailed Deer*—any animal of the species and genus *Odocoileus virginianus*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1505. Issuance of Farm-Raising License; Renewals**

A. Any person who keeps, breeds, raises, contains, harvests, kills, slaughters, buys, sells, trades, or transfers ownership of any type of farm-raised alternative livestock for commercial purposes shall obtain a farm-raising license from the department prior to engaging in such activity.

B. The department shall not issue any farm-raising license until the application for the farm-raising license and the information requested, including the required plan for the operation of the farm, is approved by the department and the proposed farm passes the department's inspection.

C. Any changes in any information submitted in the original application, occurring during or after the application process, shall be submitted in writing to the department. The department must approve, in writing, any change or modification, which shall be in writing, in the written farm operation plan submitted with the original application before such change or modification may go into effect.

D. A farm-raising license shall be valid for the period beginning with the date of issuance and ending the following June 30 or from July 1 of the year of renewal through the following June 30.

E. A farm-raising license may be renewed each year by the department. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification, which shall be in writing, of the written farm operation plan previously submitted to and approved by the department and any proof requested by the department of compliance by the licensee with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine. If either the written request for renewal or the renewal fee is received by the department after July 31,

the farm-raising license shall be deemed expired, *ipso facto*, retroactive to June 30.

F. In the event that the department determines that a farm does not meet the requirements of or was not complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine, the farm-raising license may not be renewed by the department.

G. The licensee may contest the department's decision not to renew a farm-raising license by filing a written request for an adjudicatory hearing with the department within 15 days from receipt of the notice of nonrenewal. Such a hearing is to be held in accordance with the provisions of the Administrative Procedure Act. Any such hearing shall be held within 30 days of the request, unless continued for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1507. Fees**

##### **A. Farm-Raising License Fees**

1. The fee for a new farm-raising license shall be \$50.
2. The farm-raising license renewal fee shall be \$50.
3. The department shall waive the farm-raising license fee for any person who obtains a farm-raising license from this department, and who holds a valid game breeders license issued by the Department of Wildlife and Fisheries for the possession of any alternative livestock at the time these rules and regulations become effective, and who submits a written application within the calendar year that these rules and regulations become effective.
4. The waiver granted in §1507.A.3 applies only to a new farm-raising license and shall not apply to any renewal of a farm-raising license issued by the department under these rules and regulations.

##### **B. Harvesting Permit Fee**

1. Each individual intending to harvest or kill any farm-raised alternative livestock at any farm licensed by the department shall obtain a harvesting permit from the department, before harvesting or killing any farm-raised alternative livestock, except as provided by §1507.A.3, herein.
2. The fee for each harvesting permit shall be \$50.
3. No licensee or those persons employed by or assisting such licensee harvesting farm-raised alternative livestock to be taken directly to a state- or federally-approved slaughter facility or capturing farm-raised alternative livestock to be sold or traded for breeding or stocking purposes shall be required to obtain a harvesting permit or pay a fee.

##### **C. Farm-Raised Alternative Livestock Tag Fee**

1. Each farm-raised alternative livestock harvested or killed shall have a farm-raised tag attached to the carcass before it leaves the farm, except as provided in §1507.A.3.
2. The farm-raised alternative livestock tag shall be provided by the department at a cost of \$5 per tag.
3. No farm-raised tag shall be required for farm-raised alternative livestock which are to be taken directly to a

state- or federally-approved slaughter facility or which are sold or traded alive for breeding or stocking purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1509. Farm-Raising Licensing Requirements**

A. Written Application. Each applicant for a farm-raising license shall submit a completed written application on a form supplied by the department. In addition to any other information that may be requested by the department, the applicant shall provide the following information:

1. name, physical address, mailing address, and telephone number of the applicant and whether the applicant will own or lease the land. If the land is leased, then a copy of the lease shall be provided to the department;

2. the name under which the business will operate, the physical address, mailing address, and telephone number of the business, if different than the information provided in §1509.A.1 of this provision;

3. the business structure (sole proprietorship, partnership, corporation, limited liability company, joint venture, or otherwise);

4. the name of the person or persons in charge, position, (e.g., owner, manager, etc.), residence address, and phone number;

5. the physical location and size of the farm;

6. a topographical map of the farm if 50 acres or more;

7. the species of alternative livestock to be farm-raised;

8. the approximate number of animals to be farm-raised;

9. the complete plan for the operation of the farm, including:

a. an enclosure system, including fencing the farm, indicating the location, size, nature, and extent of the fencing material and of any right-of-way related to the farm property;

b. systematic inspection of the enclosure system, including the fence, maintenance, repair, and replacement of the fence, keeping the fence and any clearance along either side of the fence clear, and verification to the department of compliance with this provision;

c. the capture of any farm-raised alternative livestock that may escape from or wild white-tailed deer that may enter the farm through a breach or opening in the enclosure system or fence;

d. removal of white-tailed deer from the farm prior to completion of the enclosure of the farm;

e. controlling farm-raised alternative livestock population;

f. identification by means of an electronic implant of all white-tailed deer born, bought, sold, traded, or which otherwise become farm-raised white-tailed deer, which shall include the systematic capture of farm-raised white-tailed deer for implantation purposes;

g. the removal and disposal of all alternative livestock in the event that the farm ceases operation for any reason or upon revocation or nonrenewal of the farm-raising

license, including a provision for written notice to the department prior to cessation of farming operation;

h. the type of farming operation records that will be kept;

10. a statement that the applicant shall abide by the requirements of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine;

11. a certified statement that all representations contained in the application, the farm operation plan, and attachments are true and correct.

B. Farm Inspection. An applicant shall have the proposed farm physically inspected and approved by the department before a farm-raising license may be issued by the department. To obtain department approval a proposed farm shall:

1. be located in a rural area of the state;

2. be securely enclosed by an enclosure system, including fencing, that meets the following specifications:

a. a minimum height, above the relevant ground, of 8 feet. Fences or enclosure systems installed prior to April 22, 1997, which have a minimum height of 7 feet, may remain at that height until replaced;

b. a minimum gauge wire of 12½;

c. fencing material of chain link, woven wire, solid panel, or welded panel or, if made with any other material, approved in writing by the department. Welded wire fences shall not be used unless they were approved by the Department of Wildlife and Fisheries and installed prior to April 22, 1997. Such welded wire fences, when replaced or partially replaced, shall be replaced by fencing required by these rules and regulations;

3. have drainage sufficient to leave a majority of the farm free from extended periods of standing water;

4. have adequate space, and if the total enclosed area of the farm is less than 50 acres, allow at least 5,000 square feet for the first elk or farm-raised white-tailed deer placed on the farm and at least 2,500 square feet for each subsequent elk or farm-raised white-tailed deer;

5. have no condition which may cause noncompliance with or substantial difficulty in complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

C. Any person who has completely finished fencing the proposed farm prior to April 22, 1997 shall be exempt only from the requirement to submit a plan for the removal of white-tailed deer from the farm due to, and in accordance with, the provisions of Article 3415 of the *Louisiana Civil Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1511. Grounds for Refusal to Issue or Renew a Farm-Raising License**

The commissioner may refuse to issue or renew a farm-raising license for any of the following circumstances:

1. the applicant cannot demonstrate, to the satisfaction of the commissioner, a competency to operate an alternative livestock farm;

2. the applicant has failed to provide all of the information required in or with the farm-raising license or renewal application, or has provided false information to the department;

3. the applicant has previously refused to permit the department to inspect the farm or to inspect farm records, or the applicant has otherwise failed to comply with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine;

4. the department does not approve the farm operation plan;

5. the proposed farm does not pass the department's inspection;

6. the applicant has previously been found in violation of either Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1513. Obligations of the Farm-Raising Licensee**

##### **A. Identification of Farm-Raised Alternative Livestock**

1. All farm-raised white-tailed deer shall be identified by means of an electronic implant implanted as follows:

a. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

b. all farm-raised white-tailed deer being brought into Louisiana shall have the electronic implant implanted before or upon arrival at the farm and prior to being released on the farm;

c. farm-raised white-tailed deer born in this state shall have an electronic implant implanted the first time the farm-raised white-tailed deer is captured alive and before the farm-raised white-tailed deer leaves the farm;

d. each electronic implant code shall be listed on the farm-raised white-tailed deer's health certificate and on the bill of sale or certificate of transfer.

2. All farm-raised alternative livestock other than farm-raised white-tailed deer shall be permanently and individually identified as follows:

a. by means of an electronic implant or by a permanent ear tattoo and ear tag;

b. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

c. prior to entering the state, alternative livestock, other than farm-raised white-tailed deer, shall be identified as required herein;

d. alternative livestock born in this state, other than farm-raised white-tailed deer, shall be identified, as required herein, the first time any such animal is captured alive and before any such animal leaves the farm;

e. the identification number or electronic implant code shall be listed on the health certificate and on the bill of sale or certificate of transfer.

3. Farm-raised alternative livestock, other than farm-raised white-tailed deer, that will be transported directly to a state- or federally-approved slaughter facility are exempt from this identification requirement.

4. Farm-raised alternative livestock placed on a farm prior to the effective date of these regulations, other than farm-raised white-tailed deer, are not required to be identified by a permanent ear tattoo and ear tag or electronic implant unless removed alive from the farm.

##### **B. Record Keeping**

1. Each licensee shall maintain records, for not less than 36 months, of all sales, deaths, kills, trades, purchases, or transfers of any farm-raised alternative livestock. The records shall include:

a. the total number of farm-raised alternative livestock, carcasses, or parts thereof, killed, sold, traded, purchased, or transported;

b. the name and address of the person to whom each farm-raised alternative livestock, or any carcass, or parts thereof, was sold, traded, delivered, presented, or transported to;

c. the electronic implant code or identification number of the farm-raised alternative livestock;

d. copies of any health certificates issued;

e. accurate records showing all inspections, maintenance, repairs, and replacement to the enclosure system, including the fence; and such records shall include the dates and times of each, names of the persons performing services, the location of any breaches of the enclosure system, including the fence, and nature and location of any repairs or replacements made to the fence.

f. records customarily kept in the normal course of conducting business and those records required by these rules and regulations.

2. Sellers, traders, or transferors of farm-raised alternative livestock, any carcass, or any part thereof, shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of the farm-raised status.

3. The furnishing of any false information shall be a violation of these rules and regulations.

##### **C. Enclosure System and Fence Inspection and Maintenance**

1. Any licensee shall conduct or shall have conducted a visual ground inspection of the enclosure system, including the fence, along the entire perimeter of the fenced area of the farm no less than weekly. An inspection shall be conducted immediately after any major storm or occurrence of any other force of nature that would cause a reasonable person to be concerned about the integrity of the enclosure system, including the fence.

2. Any licensee shall maintain the enclosure system, including the fence, in good repair at all times. Good repair means that farm-raised alternative livestock are not able to leave and wild white-tailed deer are not able to enter through the enclosure system, including the fence, or otherwise.

3. Any licensee who discovers a breach or opening in the enclosure system or fence that would allow farm-raised

alternative livestock to leave from or wild white-tailed deer to enter into the enclosed area shall notify the department, orally and in writing, of the breach or opening.

4. In the event of such a breach or opening, the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised alternative livestock left from or wild white-tailed deer entered into the area enclosed by the fence.

D. Other Obligations of the Farm Licensee

1. A licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm, unless the fencing and enclosure system was completed prior to April 22, 1997. Removal of the white-tailed deer shall be accomplished to the satisfaction of the department. The department's judgment as to whether the removal of the white-tailed deer has been satisfactorily accomplished shall be the exclusive determinative factor and shall be final.

2. A licensee shall control the population of farm-raised alternative livestock on the farm.

3. A licensee shall make all efforts that a reasonable licensee would make to capture any farm-raised alternative livestock that escapes from the fenced area of the farm and to remove wild white-tailed deer that enter the fenced area of the farm.

4. A licensee shall notify the department, in writing, at least 10 days prior to placing any alternative livestock on the farm if such alternative livestock was not listed on the original application or on any modification previously approved, in writing, by the department.

5. A licensee, upon cessation of operations or upon revocation or nonrenewal of the farm-raising license, shall remove and dispose of all farm-raised alternative livestock on the farm in accordance with the farm operation plan submitted to and approved by the department or in accordance with specific written instructions issued by the department in the event that circumstances warrant removal and disposal of the farm-raised alternative livestock in a manner different from the farm operation plan.

6. A licensee shall be responsible for ensuring that any individual who harvests or kills any farm-raised alternative livestock on the licensee's farm does so in accordance with these rules and regulations.

7. A licensee shall harvest or kill farm-raised alternative livestock in accordance with these rules and regulations.

8. A licensee shall provide that all farm-raised alternative livestock have the necessary health certificates and that the farm-raised alternative livestock meet all applicable health requirements.

9. A licensee shall allow authorized representatives of the department to inspect the farm at any time, and all books and records at any reasonable time.

10. A licensee shall comply with all provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

**§1515. Health Certificates and Health Requirements**

A. Prior to entering Louisiana, all alternative livestock, except those being transported directly to a state- or federally-approved slaughter facility, shall:

1. meet the general health requirements promulgated at LAC 7:XXI.107;

2. have an entry permit number issued by the State Veterinarian's Office no more than 15 days before entry into Louisiana, which entry number shall be included on the certificate of veterinary inspection;

3. have written proof of a negative test for brucellosis in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules*, as and when published by the United States Department of Agriculture, Animal and Plant Health Inspection Service. Until such time as the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* are published, all alternative livestock 6 months of age and older entering Louisiana, except those being transported directly to a state- or federally-approved slaughter facility, shall be tested negative for brucellosis within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the alternative livestock originate from a herd which has been officially declared a certified brucellosis-free herd by the state of origin;

4. have written proof of a negative test for tuberculosis in accordance with the *Tuberculosis Eradication in Cervidae Uniform Methods and Rules*, as published by the United States Department of Agriculture, Animal and Plant Health Inspection Service.

B. Any alternative livestock which has been exposed to brucellosis or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within 60 days of the date of the quarantine. The quarantine shall remain in effect until removed, in writing, by the State Veterinarian's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

**§1517. Harvesting or Killing of Farm-Raised Alternative Livestock**

A. Farm-raised white-tailed deer shall be harvested by killing only during the period of October 1 through January 31 of the following year, unless otherwise specifically authorized, in writing, by the department.

B. Except for farm-raised white-tailed deer, farm-raised alternative livestock may be harvested or killed at any time unless the commissioner provides otherwise in accordance with the provisions of §1517.C.

C. The commissioner may establish, by written order, other dates and conditions for the harvesting or killing of farm-raised alternative livestock as the commissioner deems necessary to carry out the purposes of Part I of Chapter 19-A of Title 3 of the Revised Statutes. Such orders shall be issued by the commissioner in January of each year or as soon thereafter as is practical and published in the January issue of the *Louisiana Register* or in the first available issue after any such order is issued.

D. Prior to harvesting or killing farm-raised alternative livestock, any person, except as provided by §1507.B.3, shall

first apply for and obtain a harvesting permit to do so by submitting an application on a form supplied by the department.

1. Any harvesting permit issued by the department shall be valid only for the time periods stated on the face of the permit.

2. The department may issue a harvesting permit upon written application by any individual or by any farm licensee making application on behalf of the individual and upon receipt of the harvesting permit fee.

E. Except as provided by §1507.C.3 of these regulations, any farm-raised alternative livestock harvested or killed, shall have a farm-raised tag attached to each carcass.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1519. Prohibitions**

A. No farm-raised alternative livestock shall be released into the wild without express written permission from both the department and the Department of Wildlife and Fisheries.

B. Farm-raised white-tailed deer meat shall not be bought, sold, traded, or moved in commerce in any way.

C. Farm-raised alternative livestock sold for slaughter, except farm-raised white-tailed deer, the sale of which is prohibited, shall be handled in accordance with state and federal meat inspection laws and regulations.

D. It is a violation of these regulations to sell, purchase, trade, transport, or otherwise transfer any farm-raised alternative livestock for any purpose other than immediate slaughter at a state- or federally-approved slaughter facility if such farm-raised alternative livestock originates from a herd which is under quarantine for brucellosis or tuberculosis.

E. Failure to comply with any provision of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine is prohibited, and each act or omission or each day of a continuing violation shall constitute a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1521. Enforcement**

A. The department's authorized representatives may, at any time, enter and inspect all farms on which farm-raised alternative livestock are located for the purposes of issuing, renewing, or reviewing farm-raising licenses and to insure compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

B. Authorized representatives of the department may inspect, during any reasonable hours, any records regarding or relating to any farm-raised alternative livestock.

C. Farm-raised alternative livestock which escape from the enclosure system of the farm, if not captured by a licensee within 96 hours of the escape, may be captured by authorized representatives of the department or by any law enforcement agency by whatever means deemed necessary by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

#### **§1523. Penalties**

A. The commissioner may suspend or revoke the farm-raising license of any licensee and the harvesting permit issued to any person found guilty of violating Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

B. The commissioner may, in addition to suspending or revoking any farm-raising license or harvesting permit, impose upon any person charged with violating any provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine, a fine for up to \$100 per violation for each violation of which such person is found guilty.

C. These civil penalties may be assessed only by a ruling of the commissioner based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

D. The commissioner may seek a restraining order, injunctive relief, or other relief in a proper court of law to restrain violations of or to compel compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or and any quarantine or to enforce any order or ruling made by him in an adjudicatory proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

Bob Odom  
Commissioner

9709#019

### **DECLARATION OF EMERGENCY**

#### **Department of Economic Development Racing Commission**

Blanks and Envelopes  
(LAC 35:XI.9937)

The Racing Commission is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule, effective August 29, 1997.

This emergency rule shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever occurs first.

The Racing Commission finds it necessary to amend this rule to further clarify its intent and to prevent future discrepancies and voided claims due to the spelling of horses' names.

**Title 35**

**HORSE RACING**

**Part XI. Claiming Rules and Engagements**

**Chapter 99. Claiming Rule**

**§9937. Blanks and Envelopes**

All claims shall be on blanks and in envelopes furnished by the association and approved by the commission. Both blanks and envelopes must be filled out completely, and the horse's name must be spelled accurately to identify the claim, otherwise the claim shall be void. The horse's name shall be spelled as it appears in the official racing program of the association, otherwise the claim shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:286 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 23:

Paul D. Burgess  
Executive Director

9709#018

**DECLARATION OF EMERGENCY**

**Department of Economic Development  
Racing Commission**

Pari-Mutuel Tickets  
(LAC 35:XV.12341)

The Racing Commission is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule effective August 29, 1997; and it shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever comes first.

Due to extensive national simulcasting, the potential problem of failed communication has increased. Paying track odds, instead of refunding nontransmitted wagers, will avert potential litigation. Therefore, the Racing Commission finds it necessary to amend this rule.

**Title 35**

**HORSE RACING**

**Part XV. Off-track Wagering**

**Chapter 123. General Rules**

**§12341. Pari-Mutuel Tickets**

A. - B. ...

C. When wagers are accepted by a host track, guest track, or off-track wagering facility and pari-mutuel tickets are issued therefore, such wagers are to be considered enforceable contracts, evidenced by possession of winning tickets, and such tickets shall be honored by all cashiers of the host track and the off-track wagering facility where such wagers are placed. Refunds of wagers shall be made only:

1. on a horse that is scratched; or
2. if a race is declared off; or

3. if a manual merge is rendered impossible because of an act or event beyond the control of a host track and/or the host track's off-track wagering facility, including but not limited to, a catastrophe or acts of God.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:176 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 17:261 (March 1991), amended LR 23:

Paul D. Burgess  
Executive Director

9709#017

**DECLARATION OF EMERGENCY**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Scholarship and Grant Policy Manual—Tuition  
Assistance Program (TAP) and Honors Scholarship

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act in adopting the following changes to the Scholarship and Grant Policy and Procedure Manual.

Acts 287, 1283, and 1375 of the 1997 Regular Legislative Session affect continuing and new recipients of both the Louisiana Tuition Assistance Plan (TAP) and Honors Scholarship. A delay in promulgating rules to address student eligibility would disrupt the lives of affected students and adversely impact their financial condition and that of their families. The agency has, therefore, determined that these emergency rules are necessary in order to prevent imminent peril to the welfare of the affected TAP and Honors Scholarship recipients.

This emergency rule is effective August 15, 1997, and will remain in effect 120 days.

**IV. LOUISIANA TUITION ASSISTANCE PLAN (TAP)**

AMEND PARAGRAPHS IV.A. AND IV.B. TO READ AS FOLLOWS:

**A. Program Description, History and Purpose**

The Louisiana Tuition Assistance Plan (TAP) Program, formerly referred to as the Louisiana College Tuition Plan, was first awarded in the fall of 1989, and provides tuition reimbursement for Louisiana residents who enroll in public colleges and universities to pursue an academic undergraduate degree and who meet specific academic standards and financial need criteria. The annual award amount for TAP varies, since it is the actual tuition charged by individual state institutions.

A maximum cumulative award amount is not established; however, there is a five-year limitation on the number of academic years (10 semesters or 15 quarters) a recipient may receive this entitlement. Institutions, after submitting invoices to LASFAC, are reimbursed each term for the tuition and fees awarded for TAP recipients. Effective for academic year 1998-99, the program will be terminated and students