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Executive Orders

EXECUTIVE ORDER NO. 89

EXECUTIVE ORDER NO. 88

WHEREAS, the Louisiana Legislature provided that the provisions of the General Appropriations Bill (Act 16 of 1975) would not apply to the Department of Corrections if an emergency situation were to arise within that department; and

WHEREAS, Elayn Hunt, Director of the Department of Corrections has certified to me as a result of the court order rendered in Hayes Williams, et al, v. John McKeithen, et al, No. 71-98, U.S.D.C. (M.D., LA.) that an emergency situation exists within the Department of Corrections; and

WHEREAS, as a direct result of this emergency, it will be necessary to expend funds in excess of those appropriated to the Department for personnel, services, renovations, and capital improvements, and to hire staff in excess of the number provided by the Legislature;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby declare that a state of emergency exists within the Department of Corrections. I, therefore, order that, subject to the approval of the Commissioner of Administration, the Department of Corrections shall be permitted to expend funds in excess of those appropriated and hire personnel in excess of the number specified by the Legislature. I further order that all State agencies cooperate fully with the Division of Administration and the Department of Corrections so that the problems existing at Louisiana State Penitentiary at Angola can be rectified as expeditiously as possible.

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 24th day of July, A.D., 1975.

EDWIN EDWARDS
Governor of Louisiana

SUBJECT: Uniform Pay Plan for Employees in the Classified State Service

AUTHORITY: This executive order is issued under the authority of Article X, Section 10, paragraph (A)(1) of the new Constitution.

WHEREAS, the classified employees of the State of Louisiana continue to render competent and loyal service; and

WHEREAS, the State of Louisiana must maintain itself in a position to recruit competent and qualified personnel and to retain competent, qualified and trained employees; and

WHEREAS, the cost of living and the cost of services have increased and continue to increase; and

WHEREAS, it is the confirmed desire and policy of the State of Louisiana to offer equitable salaries and wages to its employees to the maintenance of their health, happiness, welfare and dignity; and

WHEREAS, the fisc of the State is presently such as to preclude full implementation of the pay plan to the extent desirable and otherwise justified;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby approve, effective August 2, 1975, the new pay plan adopted by the State Civil Service Commission subject to the following:

1. If minimum implementation would grant an employee less than one-half of a step increase, the employee shall receive the adjustment plus one additional step.
2. If minimum implementation would grant an employee one-half or more of a step increase, the employee shall only receive the adjustment.

These instructions shall apply to all State departments, regardless of the source of their revenue.

The Commissioner of Administration is directed to enforce the instructions contained in this executive 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 6th day of August, A. D., 1975.

EDWIN EDWARDS
Governor of Louisiana

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM NO. 49 (ADDENDUM)

Subject: State General Travel Regulations

Authorization: Act 609 of the 1975 Regular Session of the Legislature

Effective Date: August 11, 1975

According to the intent of Act 609 of the 1975 Regular Session of the Legislature, Section 231C of Title 39 is hereby amended to read as follows:

“The Commissioner of Administration shall not establish meal allowances for State employees at a price below \$2.75 for breakfast; \$3.25 for lunch; and \$5.00 for dinner.”

Therefore, the meal allowances set forth on Page 7 and 8 of the existing State Travel Regulations, for both in-state and out-of-state travel, shall be revised to read as follows:

Breakfast	\$ 2.75
Lunch	3.25
Dinner	5.00
	\$11.00

Charles E. Roemer, II
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Louisiana Health and
Human Resources Administration

Division of Family Services

Public Law 93-647, “Social Services Amendments of

1974,” enacted on January 4, 1975, amends several provisions of Title IV-A of the Social Security Act. These amendments require that effective August 1, 1975, the Louisiana Health and Human Resources Administration, Division of Family Services, include in the Aid to Families With Dependent Children (AFDC) program the following eligibility requirements:

1. Each applicant for or recipient of AFDC is required to furnish a Social Security account number or to apply for a Social Security number if such a number has not been issued or is not known.
2. Each applicant for or recipient of AFDC is required to assign to the Louisiana Health and Human Resources Administration, Division of Family Services, any accrued rights to support from any other person that such applicant or recipient may have; including such rights in his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving.
3. Each applicant for or recipient of AFDC is required to cooperate in identifying and locating the parent of a child with respect to whom aid is claimed, establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed, and obtaining any other payments or property due such applicant or recipient of such child. (If the relative with whom a child is living fails to cooperate in the above, any aid for which the child is eligible will be made in the form of protection and vendor payments.)

A further requirement of the Title IV-A Amendments is that Louisiana must have in effect a plan approved under Title IV-D of the act and operate a child support program in conformity with such plan. This plan has been approved by the Governor and has been submitted to the Secretary of Health, Education and Welfare for approval.

The final Federal Rules and Regulations and the Preprinted State Plan were not published by the Department of Health, Education and Welfare until June 26, 1975. The enabling State legislation was not signed into law until July 7, 1975.

Therefore, in consideration of the general welfare of the citizens of this State, the Louisiana Health and Human Resources Administration has adopted, and will

place into effect on August 1, 1975, an emergency rule which implements amendments to Title IV-A of the Social Security Act. This action was taken pursuant to R.S. 49:953B and R.S. 49:966C. Copies of the emergency rule are available for public examination at the offices of the Louisiana Health and Human Resources Administration, Division of Family Services, Room 201, 755 Riverside North, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

Emergency Rule Effective July 22, 1975

(Editor's Note: The following emergency rule was adopted by the Wildlife and Fisheries Commission on July 22, 1975, pursuant to R.S. 49:953B.)

Alligator Season

Whereas, Louisiana's efforts to manage the resident population of alligators for the past 15 years has substantially increased the total population, and

Whereas, the Louisiana Wildlife and Fisheries Commission has, during 1972 and 1973, successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled, and

Whereas, data collected during the 1972 and 1973 seasons and from aerial inventory during July, 1975, reflects that the seasons were beneficial in all respects, and

Whereas, population levels in the marshes of Cameron, Vermilion, and Calcasieu Parishes now warrant the establishment and continuation of an experimental season in this region of the State, and

Whereas, it has been determined from the past two experimental seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked extremely well, and

Whereas, no evidence was found that the opening of an experimental season encouraged illegal killing of these reptiles, and

Whereas, alligators are a renewable resource and should be managed on a sustained-yield basis thereby providing economic incentive for preserving marshlands, and

Whereas, the Alligator Committee of the South-eastern Association of Game and Fish Commissions has promulgated an alligator recovery plan for Louisiana and the southeastern United States, and

Whereas, the Director, U. S. Fish and Wildlife Service, issued a notice of proposed rule-making to remove the American alligator from endangered or threatened status entirely in Cameron, Vermilion, and Calcasieu Parishes,

Now, therefore, be it resolved that another experimental alligator season is hereby established in accordance with the following regulations: (No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973.)

1. Open area (coastal marshes including converted marshland)—Alligators may be taken in Cameron Parish; in Vermilion Parish south of State Highway 14; in Calcasieu Parish south of Interstate Highway 10 and State Highway 108 to the junction with State Highway 27, then south and west of a line between Highway 27 and Calcasieu Locks, then south of Intercoastal Canal to the Cameron Parish line. An estimated 95,000 alligators are present in this area outside the refuges. No more than eight percent of this population may be taken during the season.

2. Harvest season—The open season shall run for a 30-day period beginning on Saturday, September 20, 1975, and continue through Sunday, October 19, 1975. Size—No alligators under four feet in length may be taken.

3. Harvest methods—Alligators may be taken only during the daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Commission will be considered illegal. Pole hunting is prohibited to protect nesting female populations.

4. Licenses—An alligator hunter must have a valid commercial alligator hunter license to take, transport, or

sell alligators or their skins. The fee for the license is \$25.00 per year and is nontransferable. In order to obtain the license, he must have resided in Louisiana for one year preceeding the season. He must complete application forms provided by the Commission and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted between the dates August 25 and September 19, 1975. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. An exact copy of the approved application form must be carried while in the act of hunting alligators. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators and/or parts in interstate commerce in the course of a commercial activity must be licensed in accordance with State and Federal regulations.

5. Tagging—In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Commission, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags and tagging pliers will be issued to license holders for a sum of \$5.00. The tags must be attached approximately six inches from the tip of the tail end of the skin. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid, official tags attached. Official alligator tags will be issued only to alligator hunters and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on the final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Commission. Lost or stolen tags will not be replaced, but must be reported. Tags can be used only on the lands applied for and approved on the application.

6. Alligator farmers and breeders—Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators. No alligators on breeding farms may be killed without such a permit. Tagging validation is required on skins taken. Alligator farmers and breeders must comply with Federal regulations governing captive raised alligators.

7. Harvest rates—Only eight percent of the overall population in an open season area may be taken. Tags will be issued on the following basis: Cameron and Calcasieu Parishes—brackish marsh, one per 400 acres; intermediate marsh, one per 100 acres; fresh, one per 150 acres; pump-off district (regardless of marsh type), one per 500 acres; Vermilion Parish—intermediate marsh, one per 100 acres; fresh, one per 500 acres; brackish marsh, one per 150 acres; pump-off district, one per 500 acres.

8. Validation of alligator skins—All alligator skins taken during the experimental alligator season shall be checked and a second tag fixed by personnel of the Louisiana Wildlife and Fisheries Commission at the headquarters of the Rockefeller Refuge on October 20, 21, and 22, 1975. Any skin not processed by this validation system on one of these dates shall be considered to be illegal. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8 a.m. and 5 p.m. Special dressing instructions will also be verified, and any skins not prepared according to instructions issued in advance of the season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin until finally processed by the fabricator.

9. Shipment—All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Commission. Forms provided must be filled out completely and returned to the Commission within 15 days following the close of each season. No raw alligator skins may be shipped from the State after 60 days following the close of the season without first obtaining a permit from the Commission. Raw alligator skins and parts transported in the course of a commercial activity, shipped or transported within the State, must be labeled with tags issued by the Commission describing the number of skins/parts, the consignor, shipping point, consignee, and destination. All parts of alligators, other than the raw skins, shipped or transported within or out of the State must be clearly labeled with the license number of the alligator hunter and the number of the official tag which was attached to the alligator skin.

Therefore, be it further resolved that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Director of the Louisiana Wildlife and Fisheries Commission.

J. Burton Angelle, Sr.
Director

Rules

RULE

Louisiana Health and Human Resources Administration

(Editor's Note: The following rule was adopted permanently by the Louisiana Health and Human Resources Administration on August 11, 1975, to be effective September 9, 1975. It has been in effect on an emergency basis since June 1, 1975.)

Listed below are the prescribed medications and/or supplies for which payment will be made under the Louisiana Medical Assistance Program. Either the National Drug Code or Louisiana Drug Code must be shown on each pharmaceutical billing form.

- (1) Legend Drugs. (Those drugs which bear the Federal Legend: "Caution: Federal law prohibits dispensing without a prescription.")
- (2) Nonlegend drugs as follows: Calcium Gluconate, Calcium Lactate, Calcium Phosphate, Contraceptive Supplies, Ferrous Gluconate, Ferrous Sulfate, Nicotinic Acid, and Insulin.
- (3) Benedict's Solution, Clinistix, Clintest, Tes Tape, and Insulin Syringes (not disposable).
- (4) Indwelling Catheters and Catheterization Trays.

William H. Stewart, M.D.
Commissioner

RULES

Livestock Sanitary Board

(Editor's Note: The following rules were adopted by the Livestock Sanitary Board on July 25, 1975, to be effective on September 9, 1975.)

Regulation 1—Health Requirements Governing Admission of Livestock and Poultry

Section 2—Cattle

2. Brucellosis

- (1) No cattle from brucellosis quarantined herds may move into Louisiana except those cattle moving to an approved slaughter establishment or approved livestock market and accompanied by the required Federal document, such as VS 1-27.

- (2) (C) Cattle consigned on and accompanied by a waybill to a recognized slaughter establishment for immediate slaughter only or to an approved livestock auction market.

- (4) Exposed cattle moving into the State will be accompanied with VS 1-27 and move directly to an approved auction market for sale for slaughter or to an approved slaughtering establishment for slaughter.

Section 6—Horses, Mules and Asses

All horses, mules and asses imported into the State must meet the general requirements of Section 1.

1. Venezuelan Equine Encephalomyelitis (VEE)

(A) Repealed

Exceptions:

1. Repealed
2. Repealed

(B) Repealed

Regulation 2—Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks

Section 1—General Requirements

1. All interstate movements of livestock consigned to Louisiana fairs, livestock shows, breeders' association sales, rodeos and racetracks must meet Federal interstate requirements and the requirements of Louisiana Regulation 1 governing the admission of livestock.
2. All livestock to be admitted to fairs, livestock shows, breeders' association sales, rodeos and racetracks must be accompanied by an official health certificate issued by an accredited veterinarian, asserting that the animals are showing no evidence of infectious, contagious or parasitic disease and are apparently healthy and have met all the specific requirements of this regulation.

Section 5—Equine Requirements

1. Repealed
2. It is recommended that all owners have their animals vaccinated against equine encephalomyelitis with bivalent (Eastern and Western type) vaccine within 12 months prior to entry. It is also recommended that owners have their animals vaccinated against Venezuelan Equine Encephalomyelitis (VEE) before entry.
4. Horses moving into the State of Louisiana to fairs, livestock shows, breeders' association sales, rodeos and racetracks must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past 6 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.
5. Horses moving within the State to fairs, livestock shows, breeders' association sales, rodeos and racetracks must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted within the past six months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

Horses reacting to the Coggins test within the State will be rebled, identified and resubmitted, by regulatory personnel, to the laboratory for reconfirmation.

Regulation 3—Governing the Operation of Livestock Auction Markets

Section 10—Cattle Requirements

A. Brucellosis

3. All cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, and including animals under these ages which are parturient or post-parturient that are offered for sale must be further identified by an official metal ear tag and must be tested for brucellosis.

Section 14—Equine Requirements (Added)

A. All horses moving to Louisiana auction markets

must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

Section 15—Penalty (Section number amended)

Section 16—Repeal of Conflicting Regulations (Section number amended)

Regulation 4—Governing the Sale of Livestock in Louisiana by Livestock Dealers

Definition of Terms

2. Breeding-type Cattle—All cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers, offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, and purebred animals.

Section 2—Cattle Requirements

1. Brucellosis

(B) All cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, originating in and moving directly from a modified certified area must be negative to the brucellosis card test within 30 days prior to sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

(D) All untested cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, purchased from herds known not to be infected with brucellosis must be tested within 24 hours of purchase by an accredited veterinarian. Failure to test within 24 hours of assembly will result in all cattle assembled to be considered exposed if brucellosis reactors are found in any of

the cattle. In instances where brucellosis reactors are found and the animals have not been assembled for more than 24 hours, only the cattle originating from the same herd must be identified as exposed cattle by a three inch hot brand on the right jaw with the letter "S". The reactor and exposed cattle shall be separated from all other cattle and placed in quarantine pens identified as such by conspicuously placed signs.

Regulation 5—Governing the Sale and Purchase, within Louisiana, of all Livestock not Governed by Other Regulations of the Livestock Sanitary Board

Definition of Terms

1. **Breeding-type Cattle**—All cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers, offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, and purebred animals.

Regulation 8—Governing the Sale and Use of Brucella Abortus Vaccine

5. Only dairy type calves from two to six months (60 to 179 days) of age and beef type calves from two to ten months (60 to 299 days) of age are eligible to be vaccinated with Brucella Abortus Vaccine.
6. Calves vaccinated with Brucella Abortus Vaccine must be permanently identified as vaccinates by tattoo and individually identified by ear tag in right ear which is applied at time of vaccination. Tattoos must be applied in right ear. The tattoo will include the U.S. Registered Shield and "V" which will be preceded by a number indicating the quarter of the year (1, 2, 3 or 4) and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Registered animals may be identified in lieu of ear tag by individual tattoo of Registered brand number.

Regulation 16—Governing the Movement of Cattle from Brucellosis Quarantined Herds

Section 2—Brucellosis Quarantined Herds

- A. All movements from brucellosis quarantined herds must be accompanied with VS 1—27 issued prior to such movement and accompanying this shipment to an approved slaughter establishment, approved auction market or quarantined feed lot. These permits will be issued by an agent of the Livestock Sanitary Board.

Regulation 20—Governing the Movement of Cattle from Non-modified Certified Brucellosis Areas into Modified Certified Brucellosis Areas or into Brucellosis Free Areas

Section 3—Movement of Cattle from Non-qualified Herds into Modified Certified Brucellosis Areas

- A. Cattle from non-qualified herds shall move:
 - b. To a livestock auction where such animals will be identified with a three inch hot brand on the right jaw with the letter "S", separated from other cattle, placed in separate quarantine pens or stalls identified by quarantine sign and shall be sold to an approved slaughter establishment for immediate slaughter only, or to an approved State-Federal quarantined feed lot.

Regulation 25—To Control Venezuelan Equine Encephalomyelitis

Repeal entire regulation

Forrest E. Henderson, D.V.M.
State Veterinarian

RULES

Louisiana State Parks and Recreation Commission

(Editor's Note: The following rules were adopted by the Louisiana State Parks and Recreation Commission on July 11, 1975, to be effective on September 9, 1975.)

These rules and regulations were enacted by the State Parks and Recreation Commission to govern all State Parks, State Commemorative Areas, State Preservation Areas, State Preservation Sites, State Experimental Sites, and all other holdings under its jurisdiction, pursuant to the authority given in Title 56, Chapter 6 of the Louisiana Revised Statutes of 1950.

Section 1. Park Property and Environment

- 1.1 It is strictly forbidden to destroy, deface, remove, or in any other manner damage any natural feature or plant within a park. (The word "park" is defined for these rules and regulations to mean any holding of the Louisiana State Parks and Recreation Commission.)
- 1.2 It is strictly forbidden to deface, destroy, remove, alter, damage or disturb any building, sign, marker, structure, or other park property.
- 1.3 No timber shall be cut, destroyed, or damaged except as necessary to meet established park management criteria including insect control, public safety, and approved park construction. No timber cutting or removal shall occur without the written permission of the State Parks Director or his authorized agent.
- 1.4 No building, structure, or other park feature shall be altered, erected, or constructed without written consent of the State Parks Director or his authorized agent.
- 1.5 A park superintendent or his agent may close the park to incoming visitors when the maximum use capacity of the park has been reached or when it is determined that additional users may cause damage to the park.

Section 2. Vehicle Use

- 2.1 Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles shall be operated only on those roads, lanes, or byways designated for vehicular park traffic unless otherwise authorized by the park superintendent.
- 2.2 Vehicles, including recreational vehicles, shall be parked only in designated parking areas unless otherwise authorized by the park superintendent.
- 2.3 The vehicular speed limit in parks is 15 miles per hour unless otherwise posted.
- 2.4 The operation of motorcycles, trailbikes, minibikes, motorscooters, or other two-

wheel motor vehicles is prohibited from 6:30 p.m. to 6:30 a.m., except to ingress into or egress out of the park. The operation of any vehicle on public roads in State parks must meet all licensing requirements and be properly licensed for operation on public roads as specified by the Louisiana Department of Public Safety or other regulatory agencies.

- 2.5 The driving of any vehicle, carelessly or heedlessly, disregarding the rights or safety of others, or without due caution and at a speed or manner so as to endanger or be likely to endanger any person or property, is prohibited.
- 2.6 All motor vehicles must be operated with a muffler in good working order and are not to be operated in such a manner as to create excessive or unusual noise or annoying smoke.
- 2.7 No motorist may excessively accelerate the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping point.

Section 3. Boating Use

- 3.1 The operation of all water craft in and on all waters or streams, on or adjacent to park property, shall be done in a careful and reasonable manner, subject to the rules of safety imposed by the laws of Louisiana and by the United States Coast Guard.
- 3.2 It is strictly forbidden to operate or be a passenger in or on any boat, vessel, conveyance, or other water craft on any waters owned by or subject to the supervision of Louisiana State Parks and Recreation Commission without a life jacket, ring, belt, or other device approved by the United States Coast Guard.
- 3.3 Boats shall be launched only from designated boat ramps or launching areas within a park.
- 3.4 Any power boat under way at night must display a white stern light higher than the forward red and green port and starboard running lights. Canoes, pirogues, and other similar craft must carry a white light that

can be flashed at intervals to prevent collisions.

- 3.5 When at anchor, all power boats must display a white light that can be seen by any boat approaching from any direction.

Section 4. Day Use

- 4.1 Day use facilities such as shelters, barbecue pits, tables, etc. which do not require prior reservations shall not be reserved by placing personal articles at these facilities prior to their immediate use. This includes firewood, ice chests, or any other personal property. The use of all such facilities is on a first come, first served basis.
- 4.2 The use of any facility in a park area is subject to certain conditions or policies set down on an individual facility basis by the park superintendent. These conditions or policies must be approved in writing by the Director.

Section 5. Overnight Use

- 5.1 Any overnight use of a park will require a written permit or cash receipt from the park superintendent.
- 5.2 Any permit may be terminated by the Director of the State Parks and Recreation Commission and may be immediately terminated by the park superintendent upon the violation of any established park rule, regulation, or any condition of the permit.
- 5.3 Overnight camping and cabin use is limited to a continuous 14 day period. No campsite may be vacated for longer than a 24 hour continuous period under any permit agreement.
- 5.4 In no case will public residency be allowed in a State park campground.
- 5.5 State parks campgrounds are intended for tents and recreational vehicles only, and in no case will mobile homes be allowed.
- 5.6 Campsite occupancy is limited to one family unit per night or a nonfamily unit not to exceed six persons. Not applicable to areas set aside for special group camping activities, i.e. Scouts, etc. (A family unit is composed

of members of an immediate family group [husband, wife, and/or children].)

- 5.7 Only one camping rig will be allowed in each campsite.
- 5.8 A camper rig is defined as the maximum combination of camping equipment that will be allowed to occupy one campsite. These allowable combinations are:
 - A. One passenger vehicle and one tent.
 - B. One passenger vehicle and one camping trailer.
 - C. One van-type camping vehicle and one tent.
 - D. One van-type camping vehicle and one camping trailer.
 - E. One pickup truck camper and one tent.
 - F. One pickup truck camper and one camping trailer.
 - G. One motorized camper (or bus).
- 5.9 In no case shall a campsite be reserved by payment or other means prior to actual physical occupancy by the permittee.
- 5.10 Permittee shall not transfer or assign any use permit nor sublet any facility or part thereof.
- 5.11 Upon termination of any use permit, the facility shall be delivered up in good repair and in the same condition in which it was found. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittee will be responsible for any and all damages resulting from his use of the facility.
- 5.12 Established time schedules (check-in and check-out) will be strictly enforced. Failure to comply without advanced approval of the park superintendent may result in additional charges and denial of any future use of the facility.
- 5.13 No permittee shall repair or install any park equipment or furnishings unless authorized and supervised by the park superintendent.
- 5.14 Permittee waives and releases all claims against the State of Louisiana for any damage to person or property arising from

the exercise of the privileges granted by any use permit.

- 5.15 No camper shall erect or display unsightly or inappropriate structures or features which, in the opinion of the park superintendent, may create a disturbing or otherwise unpleasant condition detrimental to the general park use.
- 5.16 Tents and/or camping vehicles shall be erected or parked only on designated campsites provided for such purposes.
- 5.17 Campers must maintain a reasonably quiet camp between the hours of 10:00 p.m. and 6:00 a.m.
- 5.18 Beds are arranged under Health Service recommendations and cannot be changed without the permission of the park superintendent.
- 5.19 Keys are issued for the personal use of the permittee and the permittee is prohibited from allowing others to use the key or opening the facilities so that others not covered by the permit may enter or leave any facility or park.

Section 6. Hunting, Trapping, and the Use of Firearms or Fireworks

- 6.1 The wildlife in State parks areas is under strict protection and shall not be hunted, molested, disturbed, destroyed, or removed, except for scientific purposes when approved by the Director.
- 6.2 Bringing or keeping of any hunting dogs on park property for the purpose of hunting inside or adjacent to a park area is prohibited.
- 6.3 The display or discharge of any weapon, including but not limited to shotguns, rifles, pistols, and bow and arrows within a park area is prohibited.
- 6.4 The taking and hunting of frogs with a light after dark on any park property is prohibited.
- 6.5 No fireworks of any type are allowed in a park area.

Section 7. Horses, Cattle, and Pets

- 7.1 Horseback riding is allowed on only those parks with specifically developed areas and/or trails for their use. Under no circumstance may horses be ridden in parks unless authorized by the park superintendent.
- 7.2 Dogs or pets are not allowed to run at liberty in the parks. Any dog or pet brought within the park area must be leashed, caged or crated, and under no circumstances be permitted within buildings or other enclosed structures of the park (the leash is not to exceed five feet in length). Only seeing eye dogs will be permitted near developed swimming areas. Owners of pets causing any damage shall be fully responsible.
- 7.3 Under no circumstances will livestock be allowed to run or graze on park property.

Section 8. Sanitation

- 8.1 Visitors using parks must dispose of all paper, garbage, litter, and other refuse by placing such materials in receptacles provided for that purpose.
- 8.2 Draining or dumping refuse waste from any trailer or other vehicle except in places or receptacles provided for such uses is prohibited.
- 8.3 Cleaning fish or food, or washing clothing or articles of household use at hydrants or at water faucets located in restrooms is prohibited.
- 8.4 Polluting or contaminating water supplies or water used for human consumption or swimming is prohibited.
- 8.5 Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any comfort station or any public structure, or depositing any bottles, cans, cloth, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such stations or structures is prohibited.
- 8.6 Using refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a park as such from private property is prohibited.

Section 9. Fires

- 9.1 Fires shall be built only in places specifically designated for that purpose.

Section 10. Swimming

- 10.1 Swimming is permitted only at designated places, and persons are not permitted to swim unaccompanied.
- 10.2 All children under 12 years of age must be accompanied by an adult at any swimming area not under the supervision of a certified lifeguard.

Section 11. Amplified Sound Equipment

- 11.1 There shall be no playing of amplified musical instruments within or adjacent to designated park camping areas. The use of amplified musical equipment may be allowed within the park day use areas except when, in the judgment of the superintendent, this use adversely affects the use and enjoyment of the park by a majority of other park visitors.
- 11.2 The operation or use of any public address systems, whether fixed, portable, or vehicle mounted, without prior approval of the park superintendent is prohibited.

Section 12. Conduct of Visitors

- 12.1 Disorderly or boisterous conduct is forbidden.
- 12.2 The superintendent and/or his agent is authorized to control the use and consumption of alcoholic beverages in a park. The consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the park by a majority of the park users.

Section 13. Business Activities

- 13.1 No one may sell or offer for sale any merchandise or service in the park area without the written consent of the Director.
- 13.2 No one may distribute, post, place, or erect any advertising device in the park area without the written consent of the Director.

Section 14. Fees, Fines, and Enforcement of the Rules and Regulations

- 14.1 The use of certain parks and/or facilities is subject to charges which will be imposed by the superintendent according to the schedule of fees approved by the State Parks and Recreation Commission. The superintendent or his agents will be responsible for the collection and enforcement of these fees.
- 14.2 Persons violating the rules and regulations of the respective parks will be subject to fines for each violation of not less than \$5.00 nor more than \$100.00, or imprisoned for each violation for not less than 10 days nor more than 30 days, or both, which penalties will be fully executed according to the gravity and severity of the offense and imposed by local judicial authority (L.R.S. 56:1695).
- 14.3 Park superintendents and other park agents, including rangers, watchmen, and guards are fully authorized to administer and enforce the rules and regulations applicable to the park areas and are empowered to issue citations and make arrests for violation of these rules and regulations. The superintendent and his agents are permitted to carry concealed weapons (L.R.S. 56:1689).
- 14.4 The Director or his authorized agent may direct the closing of a park to public use when or if any natural or man-made occurrence has affected or is expected to affect the operation and management of the park to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.
- 14.5 Entering a park when closed or entering a park without proper registration or any effort to avoid payment of user fees is prohibited. Anyone entering a park through the use of a pass key without proper registration shall be subject to a fine of not less than \$25.00.

Gilbert C. Lagasse
Director

RULES

Wildlife and Fisheries Commission

(Editor's Note: The following regulations are exempted by R.S. 49:966(C) from the notice and promulgation requirements of R.S. 49:953-954. They became effective upon adoption, July 22, 1975.)

Migratory Bird Seasons

(Other Than Waterfowl)

DOVES: North Zone—September 6 through September 21 (16 days); October 11 through November 16 (37 days); December 20 through January 5 (17 days).

South Zone—October 11 through November 30 (51 days); December 20 through January 7 (19 days).

WOODCOCK: December 6 through February 8 (65 days).

SNIPE: December 6 through February 8 (65 days).

RAILS: November 1 through January 9 (70 days).

GALLINULES: September 20 through November 28 (70 days).

TEAL: September 20 through September 28 (9 days).

Notices of Intent

NOTICE OF INTENT

Louisiana Department of Agriculture

Milk Division

In accordance with the applicable provisions of the Administrative Procedures Act R.S. 49:951, et seq. of the Louisiana Revised Statutes of 1950, as amended, notice is hereby given of a public hearing to be held at 10:00 a.m., September 11, 1975, in the Audubon Room of the Bellemont Motor Hotel, 7370 Airline Highway, Baton Rouge, Louisiana.

The purpose of this hearing is to consider amend-

ments to Production Marketing Area No. 1 and Production Marketing Area No. 2. These amendments were proposed by the Baton Rouge Area Milk Producers Association, Inc.; Central, West and Southwest Dairy Farmers Association, Inc.; North Louisiana Pure Milk Producers Association, Inc.; Dairymen, Inc.—Southwest Louisiana Division; and Dairymen, Inc.—Gulf Division.

They propose to amend Production Marketing Area No. 1 by reducing the size of the marketing areas and by changing the pooling arrangements from an individual handler pool to a market wide pool. There is also a proposal to eliminate the base plan from Production Marketing Area No. 1. It is also proposed to add the parishes of St. Tammany, Tangipahoa, and Washington to Production Marketing Area No. 2.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments in accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951, et seq. of the Louisiana Revised Statutes of 1950, as amended.

Dave L. Pearce, Commissioner
Louisiana Department of Agriculture

NOTICE OF INTENT

Louisiana Archaeological Survey and Antiquities Commission

Notice is hereby given that the Louisiana Archeological Survey and Antiquities Commission intends to adopt rules and regulations concerning the conservation, salvage, and study of State historic and prehistoric resources. Promulgation of such rules and regulations is in accordance with the provisions of Title 41, Section 1607(1) of Louisiana Revised Statutes, amended by State Act 378 (1974). The Commission will accept written comments and requests for a draft of the rules and regulations until 10:00 a.m., September 10, 1975, at the following address:

Louisiana Archaeological Survey & Antiquities Commission
P. O. Box 18880A, University Station
Baton Rouge, Louisiana 70803

A public hearing for the presentation of verbal comments will be held at 10:00 a.m. on September 10, 1975 at:

The State Archaeologist's Office
4010 Highland Road
Baton Rouge, Louisiana 70803

The opportunity for public input is being held as a part of the rule-making procedures and provisions of R.S. 49:953.

The substance of the intended rule-making action and a description of the subjects and issues involved are as follows:

- A. **Regulations.** The regulations provide guidelines for the study, identification, evaluation, excavation, salvage, recovery, and preservation of historic and prehistoric resources. They identify the requirement for a contract for survey and salvage to investigate archaeological sites on any land, public or private, which has been properly designated a State archaeological landmark. The regulations define the purposes of contracts, a minimum standard of investigation, types of contracts, qualifications of contractors, applications for contracts, a due process procedure pertaining to applications, and the execution of contracts.
- B. **Bylaws.** The bylaws establish a set of provisions which govern the conduct of business by the Commission.
- C. **Registry.** Supplementary regulations define and create a Registry of State Archaeological Landmarks. These regulations explain the purpose of landmarks and the several procedures by which archaeological sites on State owned lands, public lands, and private lands can be designated and established as landmarks.
- D. **Files and Custodianship.** Additional regulations establish the Central State Archaeological Survey Files and define the contents of such files, custodianship, access to the files, and the use of State antiquities.
- E. **Program.** An essential inventory of objectives and actions are proposed to promulgate a coordinated program of archaeology for the State of Louisiana.
- F. **Underwater Investigations.** Special supplements to the regulations pertain to the location and recovery of sunken treasure in Louisiana waters. Additional contract requirements and title to recovered remains are defined and established.

All interested persons will be afforded a reasonable opportunity to submit data, views, and arguments.

William G. Haag
Chairman

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to amend Consumer Protection Rule 3:5006 (prior notification of passengers boarding commercial passenger carrying aircraft), Sections A and B, (subject to the approval of the Consumer Protection Advisory Board and the Attorney General) on September 10, 1975, at 5:00 p.m. at the Division's office, Suite 1218, Wooddale Tower, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806. CPR 3:5006 will be amended to remove the requirement that passengers boarding an aircraft carrying hazardous materials will be issued a written notice by the agent for the airline who is charged with the final validation of the passengers' tickets and will provide for other means of notification.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended amending of CPR 3:5006 by personally visiting the above office during its normal office hours from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

Charles W. Tapp
Director

NOTICE OF INTENT

Governor's Consumer Protection Division

The Director of the Governor's Consumer Protection Division hereby gives notice of his intention to adopt the following rule and regulation (subject to the approval of the Consumer Protection Advisory Board and the Attorney General) on September 10, 1975, at 5:00 p.m., at the Division's office, Suite 1218, Wooddale Tower, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806:

A rule/regulation to amend Chapter II of Title 3 of the Consumer Protection Rules and Regulations to add thereto a new Section 5011 concerning disclosure requirements and prohibitions concerning franchising and prohibiting certain practices as unfair and deceptive practices under R.S. 51:1405 (A), and providing further in respect thereto.

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

Charles W. Tapp
Director

NOTICE OF INTENT

Louisiana Health and Human Resources Administration

The Louisiana Health and Human Resources Administration proposes to adopt amendments to the rules and regulations for the Medical Transportation Services Program in the State of Louisiana. Said rule will amend the rules adopted December 19, 1974, and will be confined solely to an exemption for industry owned and operated ambulances and emergency medical vehicles serving the employees of the given industry, but which vehicles do not serve the general public.

The hearing is scheduled for 10:00 a.m., September 9, 1975, at the Conference Room, 8th Floor, Louisiana State Office Building 150, Riverside Mall, Baton Rouge, Louisiana 70804.

Written comments may be mailed to Louisiana Health and Human Resources Administration, Commissioner's Office, 150 Riverside Mall, Baton Rouge, Louisiana 70804, prior to the meeting.

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Louisiana Health and Human Resources Administration

Division of Family Services

(Editor's Note: The following rules have been in effect on an emergency basis since July 1, 1975.)

The Louisiana Health and Human Resources Administration proposes to adopt in the Louisiana Medical

Assistance Program a limitation of 12 payable physician visits per calendar year with provisions for extensions. This reduction in the medical assistance program is necessary in order to remain within the budget appropriation for fiscal year 1975-76.

For the remainder of this calendar year beginning July 1, 1975, payment will be made for up to 12 visits for the full calendar year. For those who have used from 6 to 12 visits and over, payment will be made for 6 visits between July 1, 1975 through December 31, 1975. Those who have used less than 6 visits will be allowed payment for the appropriate number of visits remaining. For example, those who have used one visit, payment will be made for up to 11 more; 2 visits, 10 more, etc. This will be accomplished by the Data Processing Section counting the number of physician visits already paid for each eligible person and computing the number remaining. The medical eligibility card issued monthly will show on an ongoing basis the number of physician visits for which each client remains eligible.

Form 158-A shall be used by the physicians to request approval of the Division of Family Services for payment of additional physician visits during the calendar year when the 12 payable visits have been exhausted. Request by the physician for additional visits shall be based on his certification of the medical necessity of such visits. The physicians may request a supply of Form 158-A from the Division of Family Services.

Effective January, 1976, the number of payable physician visits will be limited to 12 medically necessary physician visits per calendar year with provisions for extensions as outlined above.

Payment over and above that for a physician's office visit will no longer be made for injections given in his office.

Notice of this change has been mailed to all medical assistance recipients as well as physicians, pharmacists, hospital and nursing home administrators.

Interested persons may submit written comments until 4:30 p.m. on September 9, 1975, to the following address:

Mr. Roy E. Westerfield, Director
Division of Family Services
La. Health and Human Resources Administration
P. O. Box 44065
Baton Rouge, Louisiana 70804

William H. Stewart, M.D.
Commissioner

NOTICE OF INTENT

Department of Highways

Be it known that the Louisiana Department of Highways shall adopt proposed rules and regulations for control of junkyards along Interstate and Federal Aid Primary Highways in Louisiana pursuant to R.S. 48:461, 461.9, and 461.11 (Supp. 1966). Pursuant to R.S. 49:953 (Supp. 1974) notice of this action is hereby given. The public may present its views in writing at the regularly scheduled meeting of the Board of Highways at the Highway Department Building on Capitol Access Road, Baton Rouge, Louisiana, at 10:00 a.m. September 17, 1975. Copies of the proposed rules and regulations may be obtained from Mr. Francis Becnel, Highway Beautification & Permits Engineer, telephone (504) 389-5911 or P. O. Box 44245, Capitol Station, Baton Rouge, Louisiana 70804.

W. T. Taylor, Jr.
Director of Highways

NOTICE OF INTENT

Offshore Terminal Authority

Notice is hereby given, in accordance with R.S. 49:953, that the Offshore Terminal Authority (hereinafter called "the Authority") will consider at a meeting of its Board of Commissioners on Tuesday, September 23, 1975, at 2:00 p.m., in the Executive Suite, Room 2900, International Trade Mart, New Orleans, Louisiana, the following matters:

1. Amendment of the Authority's General Rules and Regulations to make them consistent with Louisiana Act 444 of 1972, as amended by Act 358 of 1974, and the Louisiana Administrative Procedure Act, as amended by Act 284 of 1974, and to eliminate the provisions pertaining to licensing.

2. Adoption of rules and regulations pertaining to licensing by the Authority of the construction and operation of offshore terminal facilities within the Authority's jurisdiction.

3. Amendment of the Authority's Environmental Protection Plan to make its provisions with respect to such matters as definitions, environmental stresses, site selection, design, environmental approval of projects, construction, operation, and coordination consistent with the provisions of the Deepwater Port Act of 1974, P.L. 93-627, Louisiana Act 358 of 1974 (both of which

were enacted subsequent to the initial promulgation of the Authority's Environmental Protection Plan), and other rules and regulations of the Authority, and to make other appropriate changes with respect to the Authority's environmental jurisdiction.

4. Adoption of rules and regulations pertaining to recovery by the Authority of the cost of processing applications with respect to licenses under the Deepwater Port Act of 1974 and Louisiana Act 444 of 1972, as amended by Act 358 of 1974, and imposition of filing fees for applications to the Authority with respect to licenses.

Copies of the proposed rules and regulations may be obtained from, and written comments by interested persons on the proposed rules and regulations may be submitted to, the Offshore Terminal Authority, 1130 International Trade Mart, New Orleans 70130. Oral comments may be presented at the meeting in accordance with the Authority's rules and regulations.

Joseph G. Cocchiara, Jr.
Acting Executive Director

NOTICE OF INTENT

Louisiana State Board of Optometry Examiners

The Louisiana State Board of Optometry Examiners proposes to adopt a rule or regulation, implementing the use of diagnostic drugs by optometrists licensed to practice in the State of Louisiana, in conformity with the provisions of Act 123 of the 1975 Session of the Louisiana State Legislature. This rule will include minimum education requirements from approved schools for certification.

Interested persons may submit written comments until September 5, 1975, at the following address:

Dr. Irby P. Dupont, O.D.
3487 Government Street
Baton Rouge, Louisiana 70806

The meeting of the Louisiana State Board of Optometry Examiners, at which the rule will be considered and adopted, will be held on Friday, September 12, 1975, at Baton Rouge, Louisiana. The time is 3:00 p.m. at the Oak Manor Motor Motel, Airline Highway, Baton Rouge, Louisiana. The room will be posted in the lobby of the motel.

All interested parties are invited to attend and be heard.

Dr. Gerald A. Lemoine
President

NOTICE OF INTENT

Louisiana School Employees Retirement System

The Board of Trustees of the Louisiana School Employees Retirement System at its regular October meeting proposes to adopt the following rules and regulations covering transfers between this system and other public retirement systems and for the purchase of retirement credit.

1. Transfer must first be approved by the system the member is leaving.
2. Transfer of service will not be approved for any service on which Social Security contributions were paid.
3. Transfer of service will not be approved to or from any system except State, municipal, or parochial public retirement systems located within Louisiana.
4. If the employee or employer contributions being transferred are less than the contributions that would have been payable had the same earnings occurred as a member of our system, the member must pay the difference plus five percent interest per annum.
5. No credit for transferred service or for in service, military service, or any other service purchased, will be credited to the member's account until all employee and employer contributions plus all applicable monies payable under Rule 4 (above) have been received by the School Employees Retirement System.
6. Transferred service will be accepted as certified by the transferring system, but will be credited only upon receipt of such certified statement. This certification must also contain earnings data in sufficient detail to permit calculation of employee and employer contributions which would have been payable had such earnings occurred as a member of the School Employees Retirement System and whether such service was full-time or part-time. Only pro rata credit will be given if less than full-time service and such pro rata credit will be

allowed only upon service transferred under Act 548 of 1975.

7. When transferred service is stated in fractions or other than percent (hundredths) of a year, the credit shall be rounded off to the hundredths of a year.

Interested persons may submit written comments until 10:00 a.m., October 27, 1975, to:

Louisiana School Employees
Retirement System
150 Riverside Mall, Suite 201
Baton Rouge, Louisiana 70801

E. A. McCormick
Secretary-Treasurer

NOTICE OF INTENT

State Employees Retirement System

Pursuant to R.S. 49:953 notice is hereby given that the Board of Trustees of the State Employees' Retirement System intends to consider for adoption at its regular September meeting such rules and regulations as are necessary to carry out the provisions and intent of Act 548 of the 1975 Legislature (relating to transfers between public retirement systems).

Interested persons may submit written comments until September 8, 1975, at the following address: Louisiana State Employees' Retirement System, P. O. Box 44213, Baton Rouge, Louisiana 70804.

Roy B. Schaefer, Jr.
Director

Legislation

LOUISIANA ADMINISTRATIVE PROCEDURES ACT

R.S. 49:951-966

(Editor's Note: Act 730 of the 1975 Legislature, amends the Administrative Procedures Act in three main areas. It shortens the notification period from 20 to 15 days; it makes adopted rules effective upon publication in the Register, rather