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Executive Orders

EXECUTIVE ORDER EWE-78-12

WHEREAS, in the absence of further action by me, the Governor's Pardon, Parole and Rehabilitation Commission will terminate on August 1, 1978; and

WHEREAS, such Commission was originally created by Senate Concurrent Resolution No. 3 of the 1976 First Extraordinary Session of the Louisiana Legislature and has rendered valuable service to the Governor, the Legislature and the public; and

WHEREAS, the Commission was primarily established to study, analyze, and make recommendations to the Legislature with respect to laws, rules, regulations, programs, practices, and procedures in relation to pardons, paroles, furloughs, commutations, work release, and other matters relating to the rehabilitation of persons incarcerated in the correctional institutions of this state; and

WHEREAS, since its inception the Commission has produced meaningful research, reports, and findings and has provided a forum for correctional personnel, legislators, other government officials and the public to examine, consider, and make recommendations relating to the problems of inmates while institutionalized, and thereafter.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby continue, reestablish, and restructure the Governor's Pardon, Parole and Rehabilitation Commission.

The Commission shall, consistent with the purposes mentioned in the said concurrent resolution, continue to make recommendations based upon its studies, research, and determinations to the Governor and to the Legislature as it deems appropriate and may, in addition, bring within its purview and scope of study and action any or all of the following as determined by the Commission:

Support for and aid in implementing legislative recommendations;

Design and construction of a model for assessing the fiscal impact of correctional policy decisions;

Research and analysis of existing and potential barriers to employment of ex-offenders, interagency coordination of services for offenders and their families, community-based correctional programs, local pretrial diversionary programs and State subsidies for local correctional programs; and

Study, describe and prepare an effective and workable prisoner rehabilitation plan for the State of Louisiana and devise a uniform system for formulating and administering policy and procedural decisions regarding prisoners and their release programs.

FURTHER, the Commission shall continue to conduct such examinations and research projects as are necessary to develop rules, regulations, and procedures in the areas under consideration and may revise its priorities to conform to any additional areas requiring study or action as delineated in this order.

The Commission is also authorized to hold hearings, to employ necessary personnel, and to do all other things which it considers necessary and appropriate to accomplish the purposes herein expressed.

FURTHER, the Commission is authorized to utilize the staff, services, and facilities of the Louisiana Legislative Council and the Louisiana State Law Institute and to request and use such other counsel, assistance, personnel, facilities, and advice as may be obtained from any and all other sources, public and private, including but not restricted to, business, labor, and private research agencies, individuals, or organizations.

For purposes of the study herein continued, expanded, and extended, the members of the Commission shall receive, from

available sources, a per diem allowance of not to exceed fifty dollars and mileage.

The Commission's membership shall consist of (1) the Chief Justice of the Supreme Court of the State of Louisiana or a member of the judiciary designated by him, (2) the President of the Louisiana District Judges Association or any other district judge designated by him, (3) a judge from the Criminal District Court of Orleans Parish designated by a majority of the members of said Court, (4) the President of the Louisiana District Attorneys' Association and (5) one member designated by him from among its membership, (6) the President of the Louisiana Sheriffs Association and (7) one member designated by him from among its membership, (8) the Secretary of the Department of Corrections or his designee, (9) the Chairman of the Louisiana Board of Pardons or his designee from among the other members of said Board, (10) the Chairman of the Louisiana Board of Parole or her designee from among the other members of said Board, (11) the Chairman of the Criminal Law Section of the Louisiana State Bar Association or his designee, (12) the Assistant Secretary of the Office of Human Development of the Department of Health and Human Resources, (13) the Executive Counsel to the Governor, (14) an attorney appointed by the Governor who shall be representative of the attorneys who defend persons charged with criminal offenses, and (15) four additional members appointed by the Governor to represent the public. The Chairman of the present Commission shall continue to serve in that capacity at the pleasure of the Governor.

FURTHER, the Governor's Pardon, Parole and Rehabilitation Commission shall make such written reports together with proposals for recommended legislation to the Governor and to the Legislature and its committees as it deems appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton, on this the 31st day of July, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-13

WHEREAS, the Capitol Gardens complement the State Capitol Building in a manner reminiscent of the grand gardens of the South; and

WHEREAS, the gardens add a graceful dimension to the imposing and geometric Art Deco motif of the thirty-four story monument; and

WHEREAS, the recent inclusion of the Capitol Building and Gardens on the National Register of Historic Places signifies the importance and architectural beauty of this building and these grounds; and

WHEREAS, the Gardens have permitted touring visitors, the citizens visiting on governmental business, and downtown workers a place of cool, inviting repose amid spreading oaks and elms; and

WHEREAS, the Gardens are the resting place of former United States Senator Huey P. Long, forty-first Governor since our Statehood; and

WHEREAS, the Gardens need careful, professional and well-planned attention to return them to their former condition as a showplace and a peaceful park.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby create and establish a Special Task Force on the Care of the State Capitol Grounds to study the needs of the green areas surrounding the State Capitol Building, make recommendations for the well-planned and professionally maintained administration of the gardens and propose a workable comprehensive landscape master plan. The Task Force shall be composed of seventeen members as follows: the Presidents of the Baton Rouge Garden Club, the Baton Rouge Men's Garden Club, the Baton Rouge Chapter of the Louisiana Garden Club Federation, the Bonneaire Garden Club, the Community Gardeners, the

Round-the-Clock Club and the Sherwood Forest Garden Club; a representative of the LSU Extension Service, the LSU College of Environmental Design or the LSU College of Horticulture; the Assistant Secretary of the Office of Forestry of the Department of Natural Resources; the Assistant Secretary of the Office of State Parks of the Department of Culture, Recreation and Tourism; the Superintendent of State Buildings and Grounds, Division of Administration, Office of the Governor; the Director of Facilities Planning and Control, Office of the Governor; a member of the Louisiana Horticulture Commission; the President of the Foundation for Historical Louisiana, Inc.; and three members of the general public chosen by the Governor.

The Task Force shall study the plans for the gardens as designed and the records of maintenance of the gardens. It shall assess the present condition of the grounds and the needs of the area for the continued use and enjoyment by the general public. The Task Force shall address the various methods of financing the gardens, personnel, and the methods of maintenance, use and future needs.

FURTHER, the Task Force shall meet on the call of the Chairman, who shall be designated, no later than September 15, 1978. Thereafter, the Task Force shall meet on a regular basis and report its findings, recommendations and alternative proposals to the Governor no later than March 15, 1979. The final report shall be available to the Legislature and the public.

Members shall serve at the pleasure of the Governor; any appointee to fill a vacancy shall be selected in the manner of the original appointment. No member shall receive per diem or reimbursement from public funds.

The Division of Administration, through the Division of Buildings and Grounds and the Facilities Planning and Control, shall provide adequate research and technical and clerical support to the Task Force. All State departments whose heads are appointed by the Governor shall provide whatever assistance is requested by the Task Force to carry out its purpose, duties, and responsibilities.

The meetings of the Task Force shall be open to the public at all times. The Task Force shall be dissolved, and its work shall be completed by June 30, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of August, A.D. 1978.

Edwin Edwards,
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted, effective July 1, 1978, the maximum level (cap rate) for long term care eligibility for an individual to be \$568.20 and for a couple occupying the same room in a long term care facility the double cap rate of \$1,036.40. This revision will allow the Medical Assistance Program to comply with Federal regulation (45 CFR 248.2 (d) and 248.4 (e)).

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Security, 775 Riverside North, Baton Rouge, Louisiana.

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

DECLARATION OF EMERGENCY

Department of Transportation and Development

The Louisiana Department of Transportation and Development has exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1978, the following rules as amendments to the Department of Transportation and Development's "Regulations for Trucks, Vehicles and Loads." These emergency rules will provide for equitable enforcement of Act 113 of the Louisiana Legislature of 1977, which became effective upon the signature of the Governor on June 22, 1977, and are in the best economic welfare of the state:

All vehicles or combination of vehicles, except automobiles, recreational vehicles which are not over-size or overweight, single unit pickup trucks, trucks which have a three-yard capacity or less, wreckers that are not towing trucks, empty garbage trucks, ambulances, fire trucks, buses and vans which are less than one-ton capacity and trucks assigned to law enforcement agencies that are not normally used for load carrying purposes, shall stop at permanent weigh stations for weighing, measuring, and inspection purposes.

Violation of this regulation shall subject the violator to a penalty of \$100.00 in accordance with R.S. 32:388.

George A. Fischer, Secretary
Department of Transportation and Development

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission, having declared the existence of an emergency, on July 27, 1978, adopted the following rules relative to the 1978 alligator season. The nature of the emergency was that September is the latest that a season can be held because the alligators begin to hibernate.

Alligator Season

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

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

Whereas, data collected during the 1972, 1973, 1975, 1976, and 1977 seasons and from aerial inventory during July, 1978, reflects that the seasons were beneficial in all respects, and

Whereas, population levels in Cameron, Vermilion, and Calcasieu parishes now warrant the establishment and continuation of a season in this region of the state, and

Whereas, it has been determined from the past five seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked out extremely well and no evidence was found that the opening of the season encouraged illegal killing of these reptiles, and since alligators are a renewable resource and should be managed on a sustained yield basis to provide economic incentive for preserving marshlands, and

Whereas, sufficient populations estimates in other portions of the coastal marshes of Louisiana do support a controlled harvest of surplus animals, and

Whereas, when the authority is granted to the State of Louisiana to establish a season in these areas an alligator season will be permitted,

Now, therefore be it resolved, that an alligator season be 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 accor-

dance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973:

1. Open Area: Parishes of Calcasieu, Cameron, and Vermilion. Coastal marshes and fringe swamp areas including converted marshland. An estimated 100,000 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 twenty-six day period beginning on September 5, 1978, and continue through September 30, 1978. 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 Department will be considered illegal. Pole hunting is prohibited to protect the nesting female population.

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 resident license is twenty-five dollars per year and for the nonresident, five hundred dollars. These licenses are nontransferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceeding the season. He must complete the application form provided by the Department 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 1 and September 5, 1978. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators 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 Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of five dollars. The tags must be attached in the last six inches of the tail. 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 farmers 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 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 Department. 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 alligator on breeding farms may be killed without such a permit. Tagging validation is required on skins taken.

7. Harvest Rates: A maximum of eight percent of overall population in the open season area may be taken. Tags will be issued on the following basis: Cameron and Calcasieu parishes, brackish marsh, one per three hundred acres; intermediate marsh, one per one hundred twenty-five acres; fresh marsh, one per one hundred twenty-five acres; pump-off districts regardless of marsh type, one per five hundred acres. Vermilion Parish, intermediate marsh, one per one hundred acres; fresh marsh, one per four hundred acres; brackish marsh, one per one hundred fifty acres; pump-off district, one per five hundred 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 Department of Wildlife and Fisheries at the headquarters of the Rockefeller Refuge on October 2, 3, or 4, 1978. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8:00 a.m. and 5:00 p.m. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin in Louisiana.

9. Shipment: All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Department. Forms provided must be filled out completely and returned to the Department within fifteen days following the close of the season. Raw alligator skins transported in the course of a commercial activity, shipped or transported within the state must be labeled with tags issued by the Department describing the number of skins, 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.

Be it further resolved, that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Secretary of the Louisiana Department of Wildlife and Fisheries.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences

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

III. Quarantined Areas.

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

2. In Louisiana:

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

Bienville Parish—that portion of T17N located in R4W and 5W in Lincoln and Bienville Parishes;

Bossier Parish—that portion of R11 and 12W north of Interstate 20 located in T18 and 19N in Bossier Parish;

Caddo Parish—all of Wards 6 and 7;

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

radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

Jackson Parish—that portion of R3 and 4W in T15N and that portion consisting of a one mile radius of and including the property of Mrs. J. A. Hughes, Section 1, R4W, T14N;

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

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

Ouachita Parish—Ward 4; that portion consisting of a one mile radius of and including the property of H. K. Wimberly, Section 4, R2E, T17N; and Ward 5; that portion consisting of a one mile radius of and including the property of J. W. Lea, Section 8, R2E, T18N; and that portion consisting of a one mile radius of and including the property of O. W. Hattaway, Section 18, R2E, T18N;

Red River Parish—that portion of R10W lying north of T12N;

West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; and that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N;

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

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

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after August 20, 1978.

Richard Carlton, State Entomologist
Office of Agricultural and Environmental Sciences

RULE

Department of Commerce Office of Financial Institutions

State-chartered savings and loan associations in their course of business may contract for participation in credit card operations with a State or national-chartered bank domiciled in Louisiana under the following:

1. A Louisiana State savings and loan association can participate only as an agent in a credit card program. It may not be a principal issuer.
2. The contract between the bank and the association, with regard to the issuance of credit cards, must provide for:
 - a. Reasonable fees to be received by the association.
 - b. The bank involved to absorb all chargeoffs and/or losses on all credit card transactions.
3. All credit card participation agreements between a bank and a State savings and loan association must be submitted to the Commissioner for approval.

Kenneth E. Pickering
Commissioner of Financial Institutions

RULES

Department of Commerce Racing Commission

Preface and Foreword

The racing of horses and pari-mutuel betting connection therewith are closely supervised. The main purposes of this close supervision are to assure the public and owners of competing horses:

1. That the association conducting a race meeting is operated by responsible management;

2. That every owner and trainer seeking to enter a horse in competition is a person of good character and of financial responsibility;

3. That every horse appearing in a race is the animal he is represented to be on the program; is carrying the correct weight as assigned by the track handicapper;

4. That every race run will represent a true competitive effort by every participating horse and rider;

5. That no rider during the running of a race commits any act that would unfairly tend to make the race anything other than a true competitive test;

6. That every horse is physically fit to race;

7. That no one responsible for the custody of a competing horse has administered any prescribed medication to the competing animal within a specified time prior to the race;

8. That every racing association is doing its utmost to provide the spectator public, the horses and their attendants the best possible facilities it can afford;

9. That the wagering facilities and the management and clerks in this department are of an order to inspire confidence of the patrons in the way this feature of the sport is conducted.

It is with the foregoing purposes in mind that the legislatures of the states where horse racing is conducted, have, by statute created racing commissions or boards, and vested them with authority to adopt and enforce rules of racing.

Act No. 554 of the Legislature of the State of Louisiana in the year 1968, as amended, created the Louisiana State Racing Commission, and vested said Commission with full powers to prescribe rules, regulations, and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the State of Louisiana.

The rules of racing as adopted and herein set forth are published and declared the Rules and Regulations of Racing for the State of Louisiana. They have been compiled with the hope that they will promote racing on a high plane and encourage breeding and ownership of thoroughbred horses and quarter horses in the state.

The Louisiana State Racing Commission is a member of the National Association of State Racing Commissioners and is bound by the Constitution and by-laws of this organization.

The Louisiana State Racing Commission is an agency within the Department of Commerce of the Executive Branch of the Louisiana State government.

The Commission consists of nine members appointed by the Governor. The Commission is organized by law in such a manner that three appointees have terms which overlap the other six appointees by two years, six years being the actual term of each commissioner.

The Commission is vested with complete supervision over all thoroughbred and quarter horse racing in the state and over all associations conducting race meetings.

No person or association can conduct a race meeting or have anything to do with the conduct of such a meeting, except pursuant to a license granted and issued by the Commission.

The Commission is vested by law with full authority to prescribe the rules, regulations and conditions under which horse racing may be conducted in this state on which pari-mutuel wagering is conducted. These rules apply to all tracks under the Commission's jurisdiction.

Whenever any question, condition or situation arises not covered specifically by any of these rules, the stewards shall make such findings of fact and take such action thereon as they, in the exercise

of sound judgment and discretion shall deem proper. Any person aggrieved by any ruling so made shall have the right of appeal to the Commission and if not satisfied, then to the Courts in the manner provided by law.

For the full text of the laws on racing see Louisiana Revised Statutes 4:141 et seq., as amended.

LAC 11-6:1 Definitions

1.1 The following words and phrases, irrespective of literal meaning as defined in recognized dictionaries, have assumed special meanings and connotations as used in racing, and in the context of these rules shall be construed as having the following special meanings:

1.2 Accredited Louisiana Bred: A Thoroughbred, Quarter Horse, or Appaloosa horse foaled in Louisiana in conformity with the respective breed or breeders association and recognized by the Commission.

1.3 Added Money: Cash, exclusive of trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

1.4 Age: The number of years since a horse was foaled, reckoned as if such horse were foaled on January 1 of the year in which such horse was foaled.

1.5 Arrears: All sums due by a licensee or a permittee as reflected by his account with the horseman's bookkeeper, including subscriptions, jockeys' fees, forfeitures, and any default incident to these rules.

1.6 Association: Any person, or persons, or legal entity, required to be licensed under the Louisiana State Racing Commission to conduct a race meeting, and when used herein, the association conducting a race meeting where such rules are applicable.

1.7 Authorized Agent: Any person currently licensed as an agent for a licensed owner by virtue of notarized appointment of agency lodged with the Commission.

1.8 Betting Interest: A single horse, or more than one horse joined in the "mutuel field," on which a single pari-mutuel wager may be placed.

1.9 Bleeder: Any horse known to have bled from its nostrils during a workout or race.

1.10 Breeder: Rules as set forth by the Jockey Club of New York, American Quarter Horse Association, or Appaloosa Horse Club, Inc.

1.11 Claiming Race: Any race in which every horse running therein may be transferred in conformity with these rules.

1.12 Closing: Time published by the association after which entries or nominations for a race will not be accepted.

1.13 Commission: The Louisiana State Racing Commission. "Commissioner" is a member of the Commission.

1.14 Day: Any twenty-four hour period beginning at 12:01 a.m. and ending at midnight. "Racing day" is a day on which races are conducted. "Calendar days" are those consecutive days counted irrespective of number of racing days.

1.15 Declaration: Withdrawal of a horse entered in a race prior to time of closing of entries therefor in conformance with these rules.

1.16 Disciplinary Action: Action taken by the stewards or the Commission for a rule violation which can include suspension, revocation, voidance of a license, or ejection or exclusion from association grounds, or assessment of a forfeiture, or reprimand, or any combination thereof.

1.17 Disqualification: An order of the stewards or Commission revising the order of finish of a race.

1.18 Entry: The act of nominating a horse for a race in conformance with these rules. See "mutuel entry."

1.19 Equipment: Accouterments other than ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.

1.20 Exhibition Race: A race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

1.21 Field, or Mutuel Field: A single betting interest involving more than one horse formed when the number of horses starting in

a race exceeds the numbering capacity of the totalizator. The highest numbered horse within the numbering capacity of the totalizator and all horses of a higher number are grouped in the mutuel field.

1.22 Forfeit: Money due by a licensee or permittee because of an error, fault, neglect of duty, breach of contract, or alternative order of the stewards or Commission.

1.23 Handbook or Foreign Book: Bets taken illegally outside the pari-mutuel system.

1.24 Handicap Race: A race in which the weights to be carried by the horses therein are assigned by the association handicapper with the intent of equalizing the chances of winning for all horses entered. A "free handicap" is a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting therein.

1.25 Horse: Any Thoroughbred, Quarter Horse, or Appaloosa horse registered as such and when used in these rules to designate any Thoroughbred, Quarter Horse, or Appaloosa irrespective of age or sex designation.

1.26 Ineligible: A horse or person not qualified under these rules or conditions of a race to participate in a specified racing activity.

1.27 Jockey: A rider currently licensed to ride in races as a jockey, or apprentice jockey, or a provisional jockey permitted by the stewards to ride in two races prior to being issued a license.

1.28 Lessee: A licensed owner whose interest in a horse is by virtue of a written lease.

1.29 Lessor: Owner of a horse that is leased.

1.30 Licensee: Any person, partnership, corporation, or business entity receiving a license, permit, or privilege from the Commission to conduct a race meeting or meetings.

1.31 Maiden: A horse which has never won a race on the flat at a recognized meeting in any country. A maiden which was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

1.32 Match Race: A race between two horses, for which no other horses are eligible.

1.33 Meeting (Race Meeting): The entire period of consecutive days granted by the Commission to a licensed association for the conduct of racing.

1.34 Month: A calendar month.

1.35 Mutuel Entry: A single betting interest involving two or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one horse joined in a mutuel entry is a wager on all horses joined in the same mutuel entry.

1.36 Mutuel Field: See "field."

1.37 Nominator: The person in whose name a horse is entered for a race.

1.38 Optional Claiming Race: A race that is restricted to horses entered to be claimed for a stated price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

1.39 Overnight Race: A race for which entries close seventy-two hours or less before the time set for the first race of the day on which such race is to be run.

1.40 Owner: Any person who has, in whole or in part, any right, title, or interest in a horse, or any lessee of a horse, who has been duly issued a valid owner's license for a horse.

1.41 Permittee: Any person, partnership, corporation, or business entity which receives a license, permit, or privilege from the Commission to engage in a business, occupation, or profession on the grounds of an association licensed to conduct a race meeting in Louisiana.

1.42 Place: When used in the context of a single position in the order of finish in a race, "place" means second; when used in the context of pari-mutuel wagering, a place wager is one involving a payoff on a betting interest which finished first or second in a race; when used in the context of multiple positions in the order of finish

in a race, "place or placing" means finishing first, second or third. See "unplaced."

1.43 Post: The starting point of a race.

1.44 Post Position: The relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

1.45 Post Time: The advertised moment scheduled for the arrival of all horses at the starting point for a race.

1.46 Prize: The combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to finish in a race.

1.47 Purse: The gross cash portion of the prize for which a race is run.

1.48 Purse Race: Any race for which entries close less than seventy-two hours prior to its running, and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

1.49 Race: A running contest between Thoroughbred, Quarter Horses, or Appaloosa horses, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

1.50 Racing Official: One of the officials of a race meeting as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary.

1.51 Racing Permit: A license granted by the Louisiana State Racing Commission to a qualified person or persons, associations or corporations, to conduct the business of horse racing in the State of Louisiana with pari-mutuel wagering thereon.

1.52 Recognized Meeting: Any meeting with regularly scheduled races for Thoroughbreds, Quarter Horses, or Appaloosa horses on the flat, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with the Jockey Club of New York, American Quarter Horse Association, or the Appaloosa Horse Club, Inc., and whose race records can be provided an association by the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc.

1.53 Registration Certificate: A document issued by the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, certifying as to the name, age, color, sex, pedigree, and breeder of a horse as registered by number with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc. It shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc. in lieu of a registration certificate when a horse is recognized as a Thoroughbred, Quarter Horse, or Appaloosa for breeding purposes insofar as registering its progeny with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc.

1.54 Ruled Off: Expulsion, exclusion or banishment from a racing premises.

1.55 Rules: When used in the plural, shall be deemed to mean all current rules promulgated by the Commission. When used in the singular, shall be deemed to be confined to the numbered rule, and subparagraphs thereof, wherein such mention is made.

1.56 Rulings: All determinations, decisions, or orders of the stewards or of the Commission duly issued in writing and posted.

1.57 Scratch: Withdrawal of a horse entered for a race after time of closing of entries therefor in conformance with these rules.

1.58 Scratch Time: Time set by the racing secretary as the deadline for a horseman to indicate his intent to scratch out of a race.

1.59 Secretary (Racing): The racing official who writes and publishes the conditions of each race to be run at any race meeting, and also performs such other duties as may be assigned to him in these rules or by the Commission.

1.60 Specimen: Sample of blood, urine, saliva, or other excretion of bodily fluids taken or drawn from a horse for chemical testing.

1.61 Stable: One or more horses under the jurisdiction of a single trainer.

1.62 Stakes: All fees paid by subscribers to an added money or stakes race for nominating, eligibility, entrance, or starting, as may be required by the conditions of such race, such fees to be included in the purse.

1.63 Stakes Race: A race which closes more than seventy-two hours in advance of its running and for which subscribers contribute money towards its purse.

1.64 Stewards: The stewards of the meeting or their duly appointed deputies.

1.65 Starter: A horse in a race when the starting gate doors open in front of it at the moment the starter dispatches the horses for a race.

1.66 Subscription: Nomination or entry of a horse in a stakes race.

1.67 Supplemental Purse: Any amount of money above the amount of the purse offered by an association shall be considered supplemental purse money.

1.68 Thoroughbred, Quarter Horse, and Appaloosa Horse Racing: The conduct of running contest between horses, each of which is registered with the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, and certified as having a Thoroughbred, Quarter Horse, or Appaloosa pedigree, and each of which is ridden by a jockey, such conduct being licensed by a governmental regulatory body.

1.69 Trial: A race, or series of races, run in preparation for, preliminary to, or as an elimination for a future stakes, derby, or handicap.

1.70 Unplaced: Not among the first three horses finishing a race.

1.71 Walkover: A race in which the only starter, or all starters, represent single ownership.

1.72 Weigh In: Presentation of a jockey to the clerk of scales for weighing after a race.

1.73 Weigh Out: Presentation of a jockey to the clerk of scales for weighing prior to a race.

1.74 Weight for Age: A standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to age of the horse as set out in R.S. 4:156.

1.75 Workout: A training exercise of a horse on the training track or main track of an association during which such horse is timed for speed over a specified distance.

1.76 Year: Twelve consecutive months beginning with January and ending with December.

LAC 11-6:2 General Rules

2.1 All owners and trainers of horses and their stable employees are subject to the laws of Louisiana and the rules promulgated by its Commission immediately upon acceptance and occupancy of stabling accommodation from, or approved by, an association. Owners, trainers, and stable employees shall accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Commission.

2.2 No person shall use improper, profane, or indecent language to a racing official. No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association. No person shall make a handbook or a foreign book on the grounds of an association. No person shall solicit for, or bet with, a handbook or a foreign book on the grounds of an association. No person shall be allowed in the stewards' stand unless previous permission is obtained from the stewards. If any owner, trainer, jockey, stable employee, or other personnel solicits bets from the public by correspondence or other methods, they shall be ruled off.

2.3 When a person is ruled off a course or suspended, every horse owned in whole or in part by him, or under his care or supervision, shall be ineligible to be entered or to start unless transferred by a bona fide sale or lease to a person in good standing and approved by the stewards.

2.4 Complaints against a racing official, other than a steward, shall be made to the stewards in writing and be signed by the complainant. Complaints against a steward shall be made in writing to the Commission and be signed by the complainant.

2.5 All persons exercising or schooling horses are compelled to wear protective helmets recommended by the stewards and approved by the Commission. This shall apply to association outriders and pony riders in post parade. Anyone failing to comply with this requirement may be fined or suspended.

2.6 Any horseman, or licensed personnel, or their agents causing, creating, or lending to the incitement of a strike, or who, through compulsion, discourage any horseman from entering horses in regularly scheduled races in order to create a malfunction in the scheduling of a race program, or to harass or embarrass the Commission, track management or any agency connected with racing shall be called before the Commission to show cause why their license should not be revoked.

2.7 No dog, licensed or unlicensed, shall be permitted to run or be at large upon any race grounds of an association licensed by the Commission. Each owner or keeper of a dog shall have such dog securely confined within his premises or enclosure, or secured by a chain therein, at all times, except that a dog may be allowed outside of such enclosure if under a secure leash and accompanied by his owner or keeper. Any owner or keeper found guilty of violating this rule shall be fined not less than twenty-five dollars, first offense; fifty dollars, second offense; and may be ruled off the track for any subsequent offense. In cases where the rules of the association prohibit dogs, the rule will be strictly enforced.

LAC 11-6:3 Health Rules

3.1 All rules set forth by the Livestock Sanitary Board of the State of Louisiana will be strictly enforced.

3.2 No horse will be allowed at the track, or entered, or permitted to start unless a current, valid health certificate covering the horse is on file with the racing secretary.

3.3 A health certificate is valid when it is made by a veterinarian licensed by the State authority which governs licensing veterinarians in the state where the examination and certificate were made. It is current if it is dated not more than ten days prior to the date the horse described on the certificate arrives at a licensed Louisiana race track for the first time in a calendar year. The certificate shall include the temperature of the horse at the time it was examined.

3.4 The association conducting a meet is responsible for compliance with this section.

3.5 When a meet is in progress or imminent, the association veterinarian shall post in a conspicuous place rules guaranteeing approval, systematic, and effective measures to control flies, mosquitoes, and other insects at all times.

3.6 The association veterinarian shall insure that horses are stabled in individual box stalls with separate feeding and watering facilities, and that the stables and immediate surrounding area are maintained in approved sanitary condition at all times, and that satisfactory drainage is provided, and that manure and other refuse is promptly and properly removed. This also applies to off-track facilities.

3.7 Veterinarians practicing veterinary medicine on a race track where a race meeting is in progress, or imminent, shall use one-time, disposable type needles and shall dispose of them in a manner approved by the Commission.

3.8 No one other than a licensed veterinarian may have a needle or syringe of any kind, type or description on his person or in his custody, control or possession, or in the custody, control or possession of any of his employees while on any racing premises.

3.9 Paddocks, starting gates and other equipment subjected to contact by different animals must be kept in a clean condition and free of dangerous surfaces. This is the responsibility of the association.

3.10 Sterile equipment must be used for collecting material for saliva, blood, and urine tests. All types of instruments used on horses, including surgical, tattooing, dental, and similar items, must be properly cleaned and sterilized by boiling for fifteen minutes, or autoclaving fifteen minutes at fifteen pounds pressure before use on any animal.

3.11 The association shall provide isolation facilities where horses ordered isolated by the State Veterinarian must be kept. Approved sanitary measures shall be instituted by the association in cooperation with the Louisiana Livestock Sanitary Board.

LAC 11-6:4 Racing Officials

4.1 Persons nominated by an association to serve as racing officials during a race meeting must first be approved by the Commission. Any proposed person not previously approved by the Commission as an official in the capacity for which he is nominated, shall pass a written examination on the rules and laws of racing before being finally approved and licensed. The test shall be administered under the direction of the Commission. Racing officials shall serve only as long as approved by the Commission, and shall be under the supervision of the stewards.

4.2 No person while serving as a racing official shall own an interest in a horse racing at the meet where he is employed, or a jockey contract, or the association under his supervision. Nor shall he cause to be bought or sold, for himself, or another, any Thoroughbred, Quarter Horse, or Appaloosa under his supervision. Nor shall he wager on any race under his supervision. He shall not write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associations as such. For the purposes of the above, the following racing department employees shall also be deemed racing officials: assistant starter, jockey room custodian, jockey room employees, valets, outriders.

4.3 Racing officials serving in the capacity of stewards, placing and/or patrol judges, clerk of scales, starter, and horse identifier shall take and satisfactory pass an optical examination within one year prior to the race meeting at which they serve, such examination evidencing corrected twenty-twenty vision and ability to distinguish colors correctly.

4.4 Any racing official who desires to leave his employment during the race meeting must first obtain permission from the Commission. In the event a vacancy occurs among racing officials other than stewards, the association shall promptly nominate a successor, subject to approval of the Commission. In the event the association does not nominate a successor in time to permit the orderly conduct of racing, then the stewards shall immediately appoint a temporary successor.

LAC 11-6:5 Stewards

5.1 No person shall qualify for Commission appointment or approval as a steward unless:

5.1.1 He has served as a steward, or racing secretary, or assistant racing secretary, or starter, or placing judge, or patrol judge, or paddock judge, or clerk of scales. However, the Commission may use its discretion if deemed necessary in the appointment or approval of a steward.

5.1.2 He has satisfactorily passed an optical examination evidencing corrected twenty-twenty vision and an ability to distinguish colors correctly within one year prior to approval as a steward.

5.2 There shall be three stewards for each race meeting, one of whom shall be appointed by the Commission and two of whom shall be nominated by the association for approval by the Commission. Names of an association's nominees for steward shall be submitted at the time of application for its association license, if possible. In all cases, the names must be submitted no later than thirty days before commencement of a race meeting and be accompanied by biographical data setting out the experience and qualifications of the nominees. The association shall submit successive nominees until two persons are approved by the Commission as qualified to serve as stewards. No steward shall serve until approved by the Commission, which shall not withhold its approval except for just cause.

5.3 Stewards shall serve from the seventh day before the first racing day until one minute before midnight on the day after the last racing day of the race meeting for which they are appointed. Provided, in the event a dispute or controversy arises during a race meeting which is not settled at the conclusion of the race meeting, then the power of the stewards shall be extended for the period necessary to resolve the matter, or until the matter is referred or appealed to the Commission.

5.4 Stewards shall be responsible to the Commission and may be replaced by the Commission at any time for failure to perform their duties to the satisfaction of the Commission.

5.5 If one or more stewards are absent, the ones present shall appoint a deputy or deputies to act temporarily for those absent.

Should all three be absent the racing secretary shall appoint three deputies.

5.6 The stewards shall have and exercise the powers of supervision, control, and regulation of racing at each licensed race meeting on behalf of the Commission. By way of illustration and without limitation thereof, the powers of the stewards shall include:

A. Authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing.

B. Authority to resolve all questions, disputes, protests, complaints, or objections concerning racing which arise during a race meeting.

C. Authority to suspend the license of a participant in racing, or eject or exclude from association grounds, or any part thereof, licensed or unlicensed persons upon reasonable belief that a violation of these rules has occurred, or is about to occur.

D. The power to interpret and enforce the rules of racing and determine all questions pertaining to a racing matter not specifically covered by these rules in conformity with justice and the customs of the turf, subject to the authority and orders of the Commission.

E. Authority to issue decisions or rulings pertaining to racing which shall supercede orders of the officers, directors, and officials of an association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include without limitation thereof, postponing a race, cancelling a race, or ruling a race run as "no contest."

F. The power to request and receive assistance from racing officials, members of the track security police, State or local police, in the investigation of possible rule infractions.

G. Authority to conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters.

5.7 In the event a regularly named rider, trainer, or racing official, other than a steward, is unable for any reason to perform, the stewards may select a substitute therefor. Upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace any rider, trainer, or racing official other than a steward.

5.8 In addition to their general powers, the stewards shall have certain specific duties and responsibilities, to wit:

A. They shall take cognizance of all misconduct or rule infractions irrespective of whether or not complained of, and cause investigations to be made of all instances of possible rule infractions. They shall take such action as they deem necessary to prevent a rule infraction.

B. At least one steward shall be on association grounds from scratch time, or if not a racing day, when entries are first taken, until entries are closed. At least one steward shall be present for the regular showing of racing films or videotapes. All three stewards shall be on association grounds for a continuous period beginning two hours before post time for the first race until conclusion of the last race.

C. At least one steward, or a designated representative of the stewards, shall be present in the paddock at least twenty minutes before each race and until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and to inspect, with the paddock judge and association and/or State Veterinarian, all horses for fitness.

D. The stewards shall inspect all applications for licenses to participate in racing, and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer's license and jockey agent's license. They shall make recommendations to the Commission as to the qualifications of all applicants for licenses to participate in racing.

E. They shall review all licenses, registration certificates, and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointment of agents, adoption of racing colors or stable name, and determine the eligibility and appropriateness thereof for participation in racing.

F. They shall require proof of eligibility of a horse or person to participate in a race if such is in question, and in absence of sufficient proof to establish eligibility, they may rule such horse or person ineligible.

G. The stewards shall review stall applications and advise the association of undesirable persons, if any, among owners and

trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

H. They shall supervise the taking of entries, receive all declarations and scratches, and determine all questions arising from and pertaining thereto. The stewards may in their discretion refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries in any way.

I. They shall cause the "inquiry" sign to be posted on the infield odds board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward or patrol judge as to the fairness of the running of the race. They shall cause the "objection" sign to be posted on the infield odds board upon the lodging of an objection. And they shall cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of the pari-mutuel payoff.

J. The stewards shall review the patrol films or videotapes of each day's races before commencement of the successive day's races and draw up a list of riders, including all apprentice jockeys who the stewards feel should review such films for instructional purposes, and cause the list to be posted in the jockeys' room.

K. They shall maintain a daily log, reporting all their actions on all controversies which arise during the day. The reports shall show the name of the track, date, weather, track condition, claims, rulings issued, and any other circumstances or condition regarded as unusual. Such reports shall be signed by all three stewards and filed within twenty-four hours at the Commission's general office.

L. They shall make periodic inspections of the barn area and check track security, and make occasional informal visits to the jockey's room and observe and check security at the weighing out. Such inspections and observations made shall be noted in the steward's report.

M. The stewards shall maintain a minute book which shall contain a detailed written record of all questions, disputes, protests, complaints, or objections brought to their attention. The minute book shall also include reports of all investigations undertaken by the stewards, summaries of all related interviews conducted, and the rulings which resulted. If a ruling is not unanimous, the dissenting steward shall record reasons for his dissent. The steward's minute book shall be available to the Commission for inspection at all times.

5.9 Within seven days after the conclusion of a race meeting, the State Steward shall submit to the Commission a written report setting out the condition of the meeting and association grounds, and any recommendations for the improvement thereof which he may deem appropriate.

5.10 The State Steward is the presiding steward at all race tracks under the jurisdiction of the Louisiana State Racing Commission. All other stewards shall report all their actions to the State Steward.

LAC 11-6:6 Racing Secretary

6.1 The racing secretary shall discharge all duties, expressed or implied, required by the rules of racing and he shall report to the stewards all violations of the rules or regulations of the meeting.

6.2 The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations, and scratches. Among the duties for which the racing secretary and his staff are responsible are:

A. Safekeeping of registration certificates and racing permits for horses, recording information required thereon, and returning same to the owner or trainer at the conclusion of the race meeting.

B. Having ownership of each horse current and up to date on foal certificates.

C. Daily posting of entries for the benefit of the public as soon as possible after the entries have been closed and declarations have been made.

D. Assigning stall applicants such stabling as he may deem proper after consultation with the stewards, and maintaining a record of arrival and departure of all horses stabled on association grounds.

E. Publishing the official daily program, insuring the accuracy therein of the following information:

1. Sequence of races to be run and post time for the first race.