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# Policy and Procedure Memoranda

OFFICE OF THE GOVERNOR  
DIVISION OF ADMINISTRATION

POLICY AND PROCEDURE MEMORANDUM  
(NO. 49 ADDENDA)

Subject: State General Travel Regulations

Effective Date: October 4, 1976

This addendum is to amend Section VI-B3, (Lodging-in-State) and Section VI-C3 (Out-of-State Lodging) of the State travel regulations to read as follows:

“Lodging Only: Employees may be reimbursed actual expenses for lodging, at single occupancy rate, not to exceed twenty dollars (plus tax) per day. An exception to this will be for lodging in the City of New Orleans, and adjacent states, where the allowance will not exceed twenty-five dollars (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.”

The increase for in-state lodging from fifteen dollars (plus tax) per day for all areas with the exception of New Orleans and adjacent states where the rates are twenty dollars (plus tax) per day, is based on the language of Senate Concurrent Resolution No. 66 of the 1976 legislative session, and is to be implemented if the adequate funds are available in the State agency's current operating budget.

\* \* \* \*

“Lodging Only: Employees may be reimbursed actual expenses for lodging, at single occupancy rate, not to exceed twenty-five dollars (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to travel voucher.

This increase from twenty-two dollars to twenty-five dollars (plus tax) per day for out-of-state lodging is to be implemented only if adequate funds are available in the State agency's current operating budget.

Requests for approval of out-of-state lodging rates which exceed the allowable rate shall be submitted to

the Commissioner of Administration for approval before date of travel. If it is impossible to obtain approval by the Commissioner before travel commences, requests must be submitted to the Commissioner of Administration for consideration upon return of travel.

Charles E. Roemer, II  
Commissioner of Administration

## Emergency Rules

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

The following emergency policy revision of page 11, Bulletin 741, Program of Studies for Self-Contained Classrooms, and Approximate Time Allotments, was adopted by the State Board of Elementary and Secondary Education on September 23, 1976, as an option for the present school year 1976-77.

Rule 3.01.51g

Grades 6-8, or 7-8

Subject	Periods Per Week	Approx. % of School Day	Length of School Day*		
			5 hr. Approx. Minutes	5½ hr.	6 hr.
Language Arts (Reading, Literature, Oral and Written Communication, English)	5	17%	50	55	60
Mathematics	5	17%	50	55	60
Social Studies	5	17%	50	55	60
Science	5	17%	50	55	60
Health, Physical Education and Safety**	5	17%	50	55	60
Electives*** Reading Agriculture Industrial Arts Home Economics or Home Living Art Foreign Language Instrumental or Vocal Music	5	17%	50	55	60

\*The length of a school day shall not be less than five hours, exclusive of recess and lunch periods; however, a five and one-half to six hour day is recommended.

**\*\*Thirty minutes of the physical education time per week should be devoted to instruction in safety, first aid, and civil defense.**

**\*\*\*Electives may be offered each semester or a different subject each three months. Additional electives may be offered with the approval of the State Department of Education.**

Note:

1. Students in these grades who are in need of remediation in reading shall be required to take reading as an elective.
2. This plan is applicable to departmentalized classes.

Earl Ingram  
Director

# Rules

## RULES

Department of Agriculture  
Fertilizer Commission

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*( Editor's Note: The following rules were adopted pursuant to a notice of intent published in the Louisiana Register, Volume 2, Number 2, dated February 20, 1976.)*

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1. Definitions  
Percentage of deficiency means the percentage of official samples of fertilizer produced by a registrant that are found by the State chemist to be adulterated as defined in R.S. 3:1311(9)(d).
2. Probation  
Any registrant whose percentage of deficiency equals to or exceeds twenty-five percent in any fiscal year beginning July 1 shall be placed on probation as provided for in the following section.
3. Terms of probation
  - A. A registrant located within Louisiana placed on probation shall be subject to intensified sampling of the product offered for sale by an agent of the Bureau of Technical Services, Louisiana Department of Agriculture.
  - B. A registrant located outside Louisiana placed on

probation shall not unload any lot of fertilizer as defined in the Act until said lot has been sampled by an agent of the Bureau of Technical Services, Louisiana Department of Agriculture. The Director of the Bureau of Technical Services may waive sampling of any given lot for good reason.

4. Removal from probation  
The Director of the Bureau of Technical Services shall remove from probationary status any registrant whose percentage of deficiency on that weight of fertilizer equal to twenty percent of his previous year's sales is below twenty-five percent. Provided that, any registrant in his second year of probation shall not be removed from probation until that weight of fertilizer equal to thirty-three per cent of his previous year's sales has been sampled.
5. Notification of probation  
The Director of the Bureau of Technical Services shall notify each registrant of his probationary status within thirty days of classifying the registrant as probationary. Provided that, this period shall not apply to those registrants on probation at the time of adoption of these rules. The Director shall inform the registrant of all procedures and requirements of probationary status. Registrants in the second year of probation shall be invited to a meeting of the Fertilizer Commission for discussion of future action.
6. Revocation or denial of registration  
The Fertilizer Commission shall treat failure of a registrant to reduce his percentage of deficiency to below twenty-five percent by that time in the third year of probation at which a weight of fertilizer has been sampled that is equal to twenty percent of the previous year's sales as "repeated failure of a registrant to meet the guaranteed weight or analysis of a fertilizer" in R.S. 3:1315 and may institute proceedings to revoke or deny renewal of a registration to sell fertilizer in the State of Louisiana under R.S. 3:1313(1).
7. Public hearing and appeal of decision  
No registrant shall have his registration revoked or application for renewal denied without opportunity for a public hearing under R.S. 49:955. Further, any registrant who wishes to appeal his probationary status or any aspect of an order pertaining thereto shall do so by registered mail to the Commissioner of Agriculture within a reasonable period of time.
8. Reduction of the level at which probation is imposed or removed.

As of July 1, 1976, the term twenty-five percent shall be reduced to twenty percent.

Gilbert L. Dozier  
Commissioner

## RULES

### Department of Agriculture Milk Division

#### Amendments to Production Stabilization Plan, Production Marketing Area No. 1

Amend Section 1.06 to read as follows:

1.06 Production Marketing Area No. 1. "Production Marketing Area No. 1" (hereinafter called the marketing area or PMA No. 1) means all territory within the boundaries of the following Louisiana parishes:

Zone I—Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Tensas, Union, Webster, West Carroll, and Winn.

Zone II—Allen, Avoyelles, Beauregard, East Feliciana, Evangeline, Livingston, Rapides, St. Helena, Vernon, and West Feliciana.

Zone III—Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, Iberia, Iberville, Jefferson Davis, Lafayette, Point Coupee, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Vermilion, and West Baton Rouge.

Delete Sections 1.21, 1.22, 1.23 and 1.24 in their entirety.

Delete 1.25A and 1.25B.

Amend 1.27 (i) to read as follows:

- (i) Publicly announce by such means as he deems appropriate:
  - (1) The minimum Class I price for each month pursuant to 1.42(a).
  - (2) The Class II and Class III prices each month pursuant to 1.42 (b) and (c).
  - (3) Butterfat differential pursuant to 1.43.

- (4) On or before the eleventh day of each month the uniform price(s) computed pursuant to 1.50, and the butterfat differential computed pursuant to ss 1.43.

Delete 1.27 (j) (1) (II) in its entirety.

Delete 1.30 (d) in its entirety.

Delete 1.33 (a) (2) and (3), and renumber (4) to (2).

Delete 1.33 (d) in its entirety.

Amend 1.37 (c) to read as follows:

- (c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

Amend 1.42 to read as follows:

1.42 Class Prices Subject to the Provision of 1.43.

- (a) Class I Price. The minimum Class I price for each month shall be determined on the twenty-fifth day of the preceding month, from the latest reported figures available, in accordance with the following procedures:

- (1) Compute index numbers for the following factors:

- (i) Average weekly earnings in manufacturing industries in Louisiana, as calculated and reported monthly in the Louisiana Labor Market, published by the Louisiana Division of Employment Security, Baton Rouge, Louisiana 1974-75 average=\$185.94.
- (ii) Consumer Price Index, United States, city average urban wage earners and clerical workers, all items, as calculated by the Bureau of Labor Statistics, United States Department of Labor using 1967=100, published in the Monthly Labor Review. 1974-75 average=154.6.
- (iii) Wholesale price index, United States, all commodities, as cal-

culated by the Bureau of Labor Statistics, United States Department of Labor using 1967=100, published in the Monthly Labor Review. 1974-75 average=167.9.

- (iv) Prices paid by farmers, United States, commodities and services, including interest, taxes and farm wage rates, as published in Agricultural Prices, monthly. 1974-75 average=176.5.
- (v) Average Prices Paid by farmers for dairy feed, Louisiana 16% Protein, per ton, as calculated by Statistical Reporting Service, United States Department of Agriculture, and published in Agricultural Prices, monthly. 1974 average=\$135.96.
- (vi) Farm wage rates per hour without room and board, Louisiana, seasonally adjusted, as calculated by Statistical Reporting Service, United States Department of Agriculture and published in Farm Labor, quarterly. 1974-75 average=\$1.99.
- (vii) Prices received by farmers for all products, United States, as calculated by Statistical Reporting Service, United States Department of Agriculture, using 1967=100 and published in Agricultural Prices, monthly. 1974-75 average=\$182.0
- (viii) Prices Received by farmers for beef cattle, Louisiana, per hundredweight, as calculated by Statistical Reporting Service, United States Department of Agriculture and published in Agricultural Prices, monthly. 1974-75 average=\$25.63.
- (ix) Prices received by farmers in Minnesota and Wisconsin for manufacturing grade milk containing 3.5% butterfat, as calculated by Statistical Reporting Service, United States Department of Agriculture, Chicago, Illinois, as published in a monthly report. 1974-75 average=\$7.34.
- (x) Average prices received by farmers in the United States for milk wholesale, manufacturing grade,

per hundredweight, as calculated by Statistical Reporting Services, United States Department of Agriculture and published in Agricultural Prices, monthly. 1974-75 average=\$7.42.

- (2) Divide the sum of index numbers computed pursuant to paragraph (a) of this section by ten, the result rounded to the nearest one-tenth of a point shall be known as the composite index for the month.
- (3) Subject to the provisions of 1.5, the minimum Class I price of skim milk and/or butterfat received at a handler's plant shall be as follows:
  - (1) When the results of the composite index computed pursuant to paragraph (2) of this section is the same as or greater than the median point, the Class I price for the month which begins no less than seven days after the date of such computation shall be the price. The Class I price shall not deviate until the composite index is either the same as or greater than the next higher median point or the same as or less than the immediate preceding median point. If the result of the composite index computed pursuant to paragraph (2) of this section is either less than 82.0 or 125.2 or more, a new bracket shall be established which will adjust the Class I price by 18.0 cents per hundredweight for each 3.6 point change in the composite index.

Bracket System for Economic Formula

Composite Index	Adjust By	Announced Price
82.0	-\$ .90	\$10.03
85.6	-\$ .72	\$10.21
89.2	-\$ .54	\$10.39
92.8	-\$ .36	\$10.57
96.4	-\$ .18	\$10.75
100.0	\$ .00	\$10.93
103.6	\$ .18	\$11.11
107.2	\$ .36	\$11.29
110.8	\$ .54	\$11.47
114.4	\$ .72	\$11.65
118.0	\$ .90	\$11.83
121.6	\$1.08	\$12.01
125.2	-\$1.26	\$12.19

- (4) During the months of August through November of each year, the Class I price as determined by the economic formula shall be limited to a price equal to the basic formula (Minnesota and Wisconsin) price for the second preceding month plus \$3.15 for the year 1976 and \$3.35 for each year thereafter, but not less than the basic formula price for the second preceding month plus \$3.00. During all other months, the price determined by the economic formula shall not exceed a price determined by the basic formula price for the second preceding month plus \$3.15 but not less than the basic formula price for the second preceding month plus \$3.00.

Delete 1.42 (b), (c) and (f) and renumber (d) to (b) and (e) to (c).

Delete 1.44 in its entirety.

Amend 1.45 to read as follows:

#### 1.45 Plant Location Adjustments for Handlers

- (a) For milk received at a plant for producers or a handler described in 1.13 (c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price computed pursuant to 1.42 (a) shall be adjusted by an amount determined pursuant to paragraph (a) (1) of this section for the location of such plant.
- (1) For a plant located within one of the zones set forth in 1.06 the adjustment shall be as follows:
- Zone I—Minus \$.38  
Zone II—Minus \$.19  
Zone III—No Adjustment
- (2) For any plant located outside the marketing area, the Class I price and the uniform price will be adjusted according to the location adjustments for handlers set forth in Federal Order No. 1096.

Amend 1.46 to read as follows:

1.46 Announcement of Minimum Class Prices. The Commissioner shall announce publicly on or before the fifth day of each month, the Class I price for

the following month, and the Class II, and Class III prices and butterfat differential for the preceding month.

Delete 1.49 (h) and (i) and renumber (j) to (h).

Amend 1.50 (a) (2) to read as follows:

- (2) Add the aggregate fall minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to 1.62.

Delete 1.50 (b) in its entirety.

Amend 1.56 to read as follows:

#### 1.56 Payments to the Producer-Settlement Fund.

- A. On or before the thirteenth day after the end of the month, each handler shall pay to the Commissioner the amount, if any, by which the amount specified in paragraph (a) (1) of this section exceeds the amount specified in paragraph (a) (2) of this section less payments to Federal Order No. 1096 producer-settlement fund.

Amend 1.57 to read as follows:

1.57 Payments from the producer-settlement fund. On or before the fourteenth day after the end of each month the Commissioner shall pay to each handler the amount, if any, by which the amount computed pursuant to 1.56 (a) (2) exceeds the amount computed pursuant to 1.56 (a) (1), less receipts from Federal Order No. 1096 producer-settlement fund. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the Commissioner shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

Amend 1.61 to read as follows:

1.61 Payments by Handlers Operating a Partially-Regulated Distributing Plant. Each handler who operates a partially-regulated distributing plant shall pay on or before the twenty-fifth day after the end of the month to the Commissioner for the producer settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to 1.28 (b) and 1.29 (b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (c) of this section:

- (a) The partially-regulated handler pays its regular producers an amount equal to or greater than the value of the producer milk at his plant computed as if such plant had been fully regulated under the production stabilization plan, PMA No. 1, taking into consideration any payment made into the producer-settlement fund provided for under Federal Order No. 1096 or any other Federal order or production stabilization plan.
- (b) A partially-regulated plant may purchase a quantity of Class I milk from a plant fully regulated under production stabilization plan, PMA No. 1 equal to their Class I sales in production stabilization plan, PMA No. 1.
- (c) A partially-regulated plant may make payment into the producer-settlement fund of production stabilization plan, PMA No. 1 of a sum equal to the difference between the Federal order Class I price, and the price established under production stabilization plan, PMA No. 1, for any given zone multiplied times the volume of Class I sales made in the marketing area as defined by production stabilization plan, PMA No. 1.
- (d) A partially regulated plant could fulfill the obligation by any combination of paragraph (b) and (c).

Amend 1.62 to read as follows:

**1.62 Plant Location Adjustment for Producers and on Nonpool Milk.**

- (a) The uniform price for producer milk shall be adjusted according to the location of the plant at which the milk was physically received, at the rates set forth in 1.45.
- (b) For purposes of computations pursuant to 1.56 and 1.57 the uniform price shall be adjusted at the rates set forth in 1.45 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

Delete 1.70, 1.71 and 1.72.

Delete 1.79.

**Production Marketing Area No. 2**

The Production Stabilization Plan for Production Marketing Area No. 2 was terminated by a unanimous vote of producers in the marketing area in a referendum held October 8, 1976. The termination date is October 31, 1976.

Gilbert L. Dozier  
Commissioner

**RULES**

**Board of Elementary and Secondary Education**

**4.03.42**

The Board designated authority to the Bureau of Vocational Education, Department of Education, to supervise the vocational-technical schools of this State, which would give them the authority to inquire into the status of the schools under construction.

\* \* \* \*

**4.00.02**

The Board delegates to the Department of Education the supervision of the special schools according to policies prescribed by the Board, with the following stipulations:

- (1) That the Board continue to approve personnel and budget changes upon Department of Education recommendations.
- (2) That the Department of Education continue the third party evaluation of the schools.
- (3) That the Department of Education submit to the Board an annual report of its stewardship.

\* \* \* \*

**3.01.51 h**

Revisions to Bulletin 71 as follows:

Page 15, under "Health and Physical Education," delete paragraph 2, and insert "The required courses in this area should be scheduled in the ninth and tenth grades."

Delete pages 12 and 13.

Earl Ingram  
Director

**RULES**

**Department of Health and Human Resources  
Office of Management**

**Final Amendments to the  
Comprehensive Annual Title XX  
Services Program Plan**

1. Inclusion of room and/or board as a component of the service definition for each of the following services: health related, family counseling, educational and training, employment, home management, protective and recreational to allow for reimbursement under Title XX when room and/or board is an integral but subordinate part of a service.
2. Inclusion of cost of food for home-delivered and/or congregate meals to allow service providers the option of having contracts which include the cost of food.
3. Inclusion of the following services as protective services without regard to income: adoption, day care for adults, day care for children, education and training, employment, family counseling, family planning, foster care, health related, home delivered and/or congregate meals, home management, home-maker and chore, housing improvement, information and referral, maternity, recreational and transportation to provide for protection of eligible children and adults from emotional or physical harm.

These services are available as protective services only under the conditions defined in Federal regulations.

Eligibility for all services will be determined by the Louisiana Department of Health and Human Resources.

4. Inclusion of the revised definition of family to allow for greater flexibility in establishing methods of eligibility determination. Family means the basic family unit consisting of one or more adults and children, if any, related by blood, marriage, or adoption, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each may be considered a separate family. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons may be considered one-person families.
5. Amend component no. 5 under education and

training to read: school social work services to eligibles when not otherwise available without cost, providing individual and group therapy, liaison services to parents, school administration, and other agencies, identification of social problems, etc. This is to allow for clarification of services delivered.

6. Amend component no. 5 under Health Related to read: arrangement for and provision of hospital and/or home sitter services. This is to allow eligible persons to receive the necessary health services in their own homes.
7. Change the current income status eligibility level for all services to comport with the new median income promulgated by the Secretary of the Department of Health, Education and Welfare.

**Income Status**

Persons whose family income is not more than 46.96% of the State's median income for a family of four, adjusted by family size, are eligible for services. Figures promulgated by the Secretary of the Department of Health, Education, and Welfare, applicable to the period October 1, 1976, place Louisiana's annual median income for a family of four at \$12,600. Using the adjustment ratios for family size found in Volume 45, Code of Federal Regulations, Section 228.60(c)(4), persons whose gross monthly income is not more than that listed below will be eligible for free services under this amendment.

Family Size	Ratio	Monthly Income
1	.52	\$256.00
2	.68	335.00
3	.84	414.00
4	1.00	493.00
5	1.16	572.00
6	1.32	651.00

For each additional family member above six persons add three percent to the percentage for a family of six.

The figure of 46.96% of the State's median income was arrived at by using the Office of Economic Opportunity's poverty level for a family of four, adjusted for family size, and adding to this the food stamp bonus for which a family of that income level would be eligible over a period of twelve months. When totaled, this figure equalled 46.96% of Louisiana's median income for a family of four adjusted for family size.



The controlling Federal regulations for this revision in the Louisiana State Plan were promulgated in the Federal Register Vol. 40, No. 125, page 27, 361, June 27, 1975, and Vol. 40, No. 239, page 57, 705, Dec. 11, 1975.

William H. Stewart, M.D.  
Secretary

This formula is submitted in accordance with Article VIII, Section 5-(D)(5) of the Louisiana Constitution of 1974 which mandates the Board of Regents "to formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education." Additionally, there have been repeated requests in the past from the executive and legislative branches of State government and the institutions themselves for the development of an equitable method for determining funding levels for each institution.

**RULES**

**Board of Regents**

**Section II-Introduction**

*(Editor's Note: The following rules were adopted by the Board of Regents on September 9, 1976.)*

State Appropriation Formula  
Revised: 1977

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax-generated funds to State institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurement as input for calculations to derive State appropriations to public colleges and universities. The

**Section I-Authority**

**Section III--Basic Factor Chart**

**A. Dollars Per Student Credit Hour**

Effective for 1976-77 Fiscal Year

Program Area	HEGIS Taxonomy Codes*	Level of Offering				Doctorate
		Lower Level Undergraduate	Upper Level Undergraduate	Master's	Specialist/ Professional	
Agriculture	0101-0199	\$ 24.00	\$ 38.24	\$104.62		\$210.26
Engineering	0901-0999	26.67	44.84	110.78		220.52
Fine Arts & Architecture	0201-0299 1001-1099	31.65	44.61	104.62		220.52
Law	1401-1499				\$ 61.54	
Nursing	1203	123.08	123.08	174.36		
Allied Health & Pharmacy	1208,1211-1215 1220,1223-1225	26.67	44.84	110.78		220.52
Sciences	0401-0499 and 0700-0799 and 1901-1999	22.86	36.93	110.78		220.52
Technology	5300-5399	26.67				
All Other:						
1st 20,000 SCH's		28.84	25.18	104.62	138.47	210.26
All in Excess of 20,000 SCH's		19.24				

\*Higher Education General Information Survey

number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that twenty-five states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of State funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine State appropriations. The formula method results in the accumulation of measurable data from institutions; it permits the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per-student credit hour (SCH) basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains a prerogative of that campus administration and its governing board. It should be explicitly understood that dollar values used in this formula do not in any way correlate to budgetary levels or actual expenditures in any program area.

## B. Definitions and Interpretations

### 1. Values

The values in the chart are based upon assignments for average academic year (nine month) salaries, pupil/teacher ratios (P/T), and definitions of full-time equivalent students in SCH's per academic year. The value for veterinary medicine will not be determined or be effective until after the fiscal year in which a full complement of students has been accepted by the School of Veterinary Medicine. The value in the "all other" program area under the level of "specialist/professional," refers to SCH's produced by education specialist candidates only. The conversion of contact hours to credit hours for those laboratory courses offered in the vocational trades division of Delgado Junior College will be calculated on a 4:1 ratio (contact hours/credit hours).

### 2. Level

The assignments in the chart were stratified by level of offering and by program area. In the

reporting of SCH productivity, the level of offering for a given SCH will be determined by the classification of the student pursuing the course.

## 3. Student Classification Structure

Classification Structure	Earned Credits
Lower Level Undergraduate	0-59 semester hours
Upper Level Undergraduate Masters	60 semester hours— graduation Accepted for Graduate Study; Masters and Masters plus thirty
Specialist	Formally admitted to study toward Education Specialist
Doctorate	Formally admitted to study toward the Doctorate

## 4. Additional Student Classification Definitions

- (a) A post-baccalaureate student enrolled in a State institution of higher learning, but not officially admitted to graduate school, is to be counted as "upper level undergraduate."
- (b) The categories presently recognized as "professional" are law (only those courses taught in a professional school of law), veterinary medicine, dentistry and medicine. Of these, only law is currently included in this formula.
- (c) "Deferred credit" is defined as credit earned by students when credit is granted at a later date, such as graduation from high school. These "deferred credits" may be counted in an institution's SCH production during the period in which the student is officially registered in the class, and must be recorded in the proper classification for that student.
- (d) SCH credit earned in courses taught out-of-state and out of the continental United States are to be counted for student classification purposes and are to be included on the SCH production report for formula purposes also. Records must be kept by course and location indicating the students and the SCH's produced for each such course, and upon completion of that course be reported to the Board of Regents.

- (e) An institution may not count audits in its SCH production report.
- (f) Credit by examination, transfer credit, or correspondence study credit taken at another institution may be used only in the classification of the student and not in an institution's SCH production report. An institution may accept a provisional student's classification on the basis of the best knowledge available during the first semester of enrollment at the institution.
- (g) Credit earned in a cooperative institution (hospital, etc.) by a student enrolled in medical technology (or any curriculum requiring such arrangement) may not be counted in an institution's SCH production report.
- (h) Student classification must be updated each semester.

5. Program Area

The program areas and taxonomy codes used in the basic factor chart have not been expanded for this revision. The areas used are specific ones extracted from the taxonomy developed by the Western Interstate Commission for Higher Education (WICHE) for the United States Office of Education. Future revisions of the formula may utilize more program areas, but not to the extent of having a complicated or unwieldy formula.

**Section IV-Salary Base**

- A. After extensive examination of the levels of operation in Louisiana, a comparison of levels of operation in other states, and an analysis of average faculty salaries in the states comprising the Southern Regional Education Board and the Southern Association of Colleges and Schools, a structure for the assessment of salaries associated with instruction was evolved. It was recognized that the salary base is not supported from State appropriations alone; however, through the solution of some relatively simple algebraic relationships it can be used to derive the required State appropriation to fund the recognized functions of higher education.
- B. To determine the salary base, student credit hours (SCH) that remain scheduled on the fourteenth class day are separated into program areas and levels, using the Higher Education General Information (HEGIS) Survey taxonomy and student classification respectively. At the time legislative budget requests are prepared, summer and fall productivity data are complete. The approaching spring session

production estimate should be based on the experience of the previous spring. Actual spring data will be available prior to the regular legislative session and all institutions must submit adjusted reports by February 23, 1977 (Louisiana Tech—April 7, 1977). The SCH's used for the three sessions shall be net, reflecting all transactions (drops, adds, resignations, etc.), occurring prior to the cutoff date. The resulting net SCH's are multiplied by the appropriate values on the basic factor chart (Section III), and the sum of these products establishes the salary base, which is calculated on State budget request form BRC-1A. (For further details on SCH reporting dates, refer to Appendix A.)

**Section V-State Appropriation**

- A. For 1975-76 State appropriations represented 75.6% for the Louisiana State University System, 80.4% for the Southern University System, and 81.7% for the Board of Trustees System, of Education and General (E & G) expenditures. For 1976-77 the comparable figures are 70.7%, 82.2%, and 79.8% respectively. Previous analysis of a number of other statewide systems indicates corresponding percentages ranging from 49.5% to 75.1% with an average of 63.1%—generally much lower than Louisiana's figures. This formula derives 73% of E & G funds from the State.

In order to relate these factors to the previously determined salary base (Section IV), an additional factor has been established. This factor is the percent of expenditures for resident instruction and related activities (RIRA) represented by faculty salaries (salary base). Analysis of several statewide systems indicated a range from 58.1% to 71.5% with an average of 63.4%. The factor of 66% has been chosen for all institutions in Louisiana.

The solution of a set of relatively simple algebraic equations (Appendix C), simultaneously satisfying all of the relationships advanced in the previous statements, indicates that the formula-generated State appropriation portion of the total budget is related to the salary base (faculty salaries) by the relationship:

$$\text{State Appropriation} = \text{Salary Base Plus } 62.65\% \text{ of the Salary Base}$$

- B. An adjustment factor of ten percent has been established to recognize the existence of certain overhead costs that are disproportionately higher in small two-year institutions. To qualify as small, a

two-year institution shall have a fall full-time equivalent enrollment of 1,500 or less.\* This adjustment factor is to be incorporated into the algebraic equation so that the State appropriation portion of the total budget is related to the salary base (faculty salaries) by the relationship:

$$\text{State Appropriation} = \text{Salary Base Plus } 78.92\% \text{ of the Salary Base}$$

This will effectively recognize the higher overhead cost of small two-year institutions and will allow one percentage level of implementation for all institutions.

### Section VI-Functional Category Distribution

- A. Allocations to Educational and General Expense  
 Dr. John Dale Russell\*\* recommended allocations of expenditures to the eight functional categories of the educational and general function. These categories, in use until recently, were: (1) resident instruction; (2) organized activities related to instruction; (3) organized research; (4) extension and public service; (5) libraries; (6) general administration; (7) general expense; and (8) maintenance and operation of physical plant. If the first four are grouped under one heading his recommendations are reduced to four groups as follows:

Resident Instruction and Related Activities (RIRA)	At least 63%
Libraries	5% to 6%
General Administration	15% or less
Operation and Maintenance of Physical Plant (OMPP)	16% or less

Further analysis in conjunction with Dr. Russell's research led to the selection of the following suggested allocations of total educational and general expenditures:

Resident Instruction and Related Activities (RIRA)	68%
Libraries	5%
General Administration and General Expense (GAGE)	15%
Operations and Maintenance of Physical Plant (OMPP)	12%
	<hr style="width: 20%; margin-left: 0;"/>
	100%

\*One full-time equivalent (FTE) will be fifteen semester credit hours.

\*\*Russell, John Dale, "Budgetary Analysis," *College Self-Study*, Richard Axt and Hall T. Sprague, Eds. (Boulder Colorado: Western Interstate Commission for Higher Education, 1959), p. 106.

Recent developments will have a definite impact on these allocations. Two such developments are: (1) The establishment of new functional categories within the education and general function by the National Association of College and University Business Officers (NACUBO); and (2) the energy crisis has sent utility costs soaring which may change the physical plant allocation. Recognizing these disparities, but not having sufficient data to support new recommended allocations, the old percentages shall be retained as broad guidelines.

The new functional categories as established by NACUBO and how they should be converted for percentage allocation purposes are as follows:

NACUBO New Categories	Conversion to Russell's Percentage Allocations
(1) Instruction	R.I.R.A.
(2) Research	R.I.R.A.
(3) Public Service	R.I.R.A.
(4) Academic Support (Libraries)*	R.I.R.A. Libraries
(5) Student Services	G.A.G.E.
(6) Institutional Support	G.A.G.E.
(7) Scholarships and Fellowships	G.A.G.E.
(8) Operation and Maintenance of Plant	O.M.P.P.

It should be noted that staff benefits (related benefits) costs are to be reported as a cost in the department (category) in which an individual is employed. This is as recommended by NACUBO in the most recent publication of the handbook, *College and University Business Administration*, 1974.

### Section VII-Funding Requests

- A. Because the budgetary process requires considerable planning and effort, it is necessary that the requests be both reasonable and adequate to meet institutional needs and to be within the State's funding capabilities. Therefore, these requests are to be prepared as set forth in this formula document. The

\*For comparative purposes, Libraries are to be extracted from Academic Support.

Regents reserve the prerogative to make the final recommendation for funding levels of all segments of higher education. These recommendations will be based upon a complete evaluation of all requests, projected State revenues and the development of a consolidated budget to be presented to the executive and legislative branches of State government.

- B.1 The 1977-78 budget requests for all institutions subject to the formula are to be based on an implementation rate of one hundred percent. However, no institution has to request less than the 1976-77 amount of State appropriations received for formula purposes.
- 2. Funding requests for areas excluded from the formula shall be reached on an individual basis as set forth in Section X, Exclusions.
- C. Funding requests for management boards and their staff, i.e., the Louisiana State University System, the Southern University System, and the Board of Trustees System will be as set forth in Section X, Exclusions.

The funds for the operations of these management boards are an actual cost allocable to each segment of the respective boards. Therefore, an institution's pro rata share of system costs plus that individual institution's State appropriation shall be used to determine the attainment of the one hundred percent level of implementation.

### Section VIII-Special Requests

Justification for extraordinary expenditures, for a limited, predetermined period, should reference this section. The purpose of this section is to provide a means for requesting funds extraneous to the formula, for items particular and peculiar to a specific situation, e.g., a land purchase, large equipment purchase to meet accreditation requirements, etc. Each request is to be supported by a separate, concise report giving the purpose, the necessity, the expected results, and minimum amount needed, and the method of determining this amount. In addition, if the possibility exists that special funding will be required for more than one year, the expected duration shall be given with a complete explanation. Requests for unending continuous functions, to avoid inclusion in formula funding, will not be granted.

If a special request is granted for a program that will produce SCH's then the funds received will be included in calculating the level of implementation for the recipient institution.

### Section IX-Other Means of Financing

All annually recurring revenues, regardless of source, shall be budgeted by each institution. There are several reasons for this requirement: (1) the 1974 Constitution requires the annual appropriation of all funds for budgetary purposes; (2) budgeting provides responsible fiscal control over funds; and (3) budgeting requires planning in advance which, if properly done, normally results in more efficient and economical use of available resources. Institutions are the recipients of revenues from many varied sources. Some examples of what should be included in the annual budgets, both the request and operating, are tuition and student fees; parking fees and fines; library fines; income from publications; income from sales and services; recurring Federal funds such as George Barden, Vocational Education, McIntire-Stennis, etc.; user fees in continuing education, correspondence study, and extension courses; and auxiliary income, if expenditures are made for auxiliary operations from State appropriations.

### Section X-Exclusions

- A. Two Primary Reasons for this Section Providing Funding Outside Formula-Generated Appropriations
  - 1. A method of measurement has not been devised for those certain institutions or operations that do not utilize student credit hours (SCH) as a determinant of productivity. These are the Louisiana State University Medical Center and the Louisiana State University Center for Agricultural Sciences and Rural Development. Research conducted by the Medical School Formula Study Committee (report on file in Board office) concluded that a funding formula for medical education would not provide a sound analytical approach with which to evaluate the Medical Center's modified program budget approach supported by substantiating statistical and narrative data, will be used by the Medical Center in requesting funds for 1977-78.
  - 2. Other exclusions consist of specific items that do not fall within the normal scope of operations of all institutions. For that reason they are separated from formula consideration to provide a more sound basis of comparison between institutions. Included in this category are bond service and special funds for capital outlay (for those institutions that include these funds in the operating budget), Louisiana State University Fireman Training Program dedicated

funds, organized research and public service performed by Louisiana State University—Baton Rouge, the annual livestock show at Southern University—Baton Rouge, and laboratory schools at Louisiana State University—Baton Rouge and Southern University—Baton Rouge.

#### Method of Determining Recommended Funding Level

1. Funding of these exclusions that are not otherwise provided for will be based upon fully documented and justified need as required to fulfill their duties and responsibilities as set forth in the role, scope and mission charge of the respective units. In the following category are the units for this year:
  - a. Southern University Board and System staff
  - b. Board of Trustees and staff
  - c. Louisiana State University Board and System staff
  - d. Louisiana State University Medical Center
  - e. Center for Agricultural Sciences and Rural Development
  - f. Organized Research and Public Service—Louisiana State University—Baton Rouge Campus
2. The School of Veterinary Medicine is to prepare a budget request consistent with the actual needs for establishing the program, including anticipated costs relative to occupancy of their new facilities.
3. Louisiana State University has received dedicated revenues for a number of years which could be bonded and expended for capital facilities. Capital outlay in the Board of Trustees and Southern University Systems has been handled outside of operating budgets whereas the Louisiana State University System has used a combination approach. Because commitments are already made requiring the expenditures of annual appropriation funds to service these commitments, it is recommended that these funds be received by Louisiana State University above the formula amounts until these commitments are retired. In compliance with the Constitution and laws of this State, additional commitments cannot be made without approval of the Board of Regents.
4. Laboratory Schools—It is recommended that

each public college or university operating a public laboratory school receive the proper allocation of funds based on the minimum foundation formula of the State Department of Education. For Louisiana State University—Baton Rouge and Southern University—Baton Rouge, these funds should be specifically appropriated to the institutions.

5. The Louisiana State University—Baton Rouge Fireman Training Program receives funds dedicated from fire insurance premiums by Act 32 of 1970. This Act provides that one-fourth of one percent of premiums received annually by insurers for fire coverage within Louisiana be used solely for this program. Since this amount is subject to fluctuation, the requested budget amount should be based on the previous year's receipts adjusted for any anticipated changes. These funds are to be received in addition to formula funds.
6. Southern University—Baton Rouge annual livestock show is to be separately funded outside of the formula appropriation.
7. Southern University—Baton Rouge—The allocation for the Scotlandville Fire District is an annual fixed amount charged the campus for the provision of fire department coverage. This is necessary since the campus is not located within the jurisdiction of a municipal fire department. These funds are to be exclusive of formula funding.

#### Section XI—Audit Procedure

The use of a state appropriation formula results in student credit hours (SCH) becoming dollars through the conversion using the basic factor chart. The audit procedure previously established will continue to be used for this revision. This will insure correct and consistent interpretation and application of the procedure for recording and receiving credit for SCH production and will facilitate the use of the State appropriation formula. Every affected institution shall be visited each year to provide any required assistance and to validate the methods and procedures used and the resultant data. The auditors shall use a predetermined audit outline including statistically proven record search patterns and those record areas requiring comparisons. Records to be examined shall include but not be limited to the following: class rolls; final grade reports; drop/add records; transcripts; student schedules; withdrawals and resignations; and any other relevant data sources.

Discrepancies shall be noted and reconciled and the necessary corrective action shall be taken. Should a particular situation warrant it, the audit will be expanded so that the extent of the problem can be determined and the SCH production reports amended to indicate the correct production figures. Official notification of the adjustment shall be given to all concerned parties.

### Appendix A Standardized Reporting Forms

The student credit hour audit procedure as it exists presently takes fourteenth class day data (department, course, section, credit hours, number enrolled, student identification, and SCH's produced) and compares them to final grade reports. Any exceptions must be substantiated with support documentation, i.e., properly prepared drop, add, or resignation forms. This provides a uniform reporting system to put all institutions of higher education in the state on a common base, primarily utilizing four standardized report formats. These reports, the (1) class roster, (2) final grade report, (3) detail formula level report, and (4) summary formula area report, are to be prepared by all institutions.

The reports should be prepared as of the close of the fourteenth class day during the regular semesters and the seventh class day during the summer session (Louisiana Tech--ninth class day). One copy of the summary formula area report should be sent to the Board of Regents by the twenty-fourth class day of each regular semester and the seventeenth class day of the summer session (Louisiana Tech--nineteenth class day). For new classes beginning after the fourteenth, (seventh, ninth) class day, each institution will be required to file a supplementary report of SCH's produced. These classes are to be reported in the session in which they are completed or in the following session if they are conducted totally in an interim period. The SCH production is to be reported in keeping with the two preceding requirements with SCH production being counted on a date that is equivalent to the fourteenth or seventh class day (Louisiana Tech--ninth) of courses offered during a regular semester. These supplemental reports will be due upon issuance of final grades in the reporting session and should include beginning and ending dates and equivalent cutoff dates for each class. A class day is defined as a regular class schedule day; Saturday and Sunday are to be excluded as class days.

A common sequence arrangement of the various reports is to be used by all institutions; this method will simplify the audit procedure and provide for a uniform communication basis. The class roster, detail formula level report, and the final grade report are to all be

arranged in the same sequence, alpha by course name or title/or alpha by course name or title within college.

All exceptions between the fourteenth class day (ninth class day for Louisiana Tech) and the final grade report must be supported by properly prepared and authorized drop, add, or resignation forms which are to be maintained for all courses by semester, filed in alphabetical order by student's last name. The summary formula area report is a summary report and should be arranged in alpha order and course number within each formula area breakdown.

All resident courses taught off the main campus of each institution should be identified by a unique section number or abbreviation and should list the code of the parish in which the course is offered. (See Appendix D)

### Appendix B Reporting of Final SCH Production

To facilitate further research and study for the possible formula revisions, it will be necessary for each institution to furnish end-of-year reports on an annual basis. Information of this nature is necessary in the evaluation of measurement factors to determine effectiveness of programs. It will also point out areas where special formula consideration may be required. These reports, at a minimum, are to consist of recalculated BRC-1 and BRC-1A budget forms reflecting SCH production based on the final grade report.

### Appendix C

#### Simple Algebraic Relationships and Special 10% Factor for Use by Qualifying Institutions Only

- A. Represent Educational and General Expenditures as E & G; Represent Resident Instruction and Related Activities as RIRA

- (1) Salary Base = 66% of RIRA
- (2) RIRA = 68% of E & G
- (3) State appropriation = 73% of E & G

From Statement (2)

$$(4) \quad E \& G = \frac{RIRA}{0.68}$$

From Statement (1)

$$(5) \quad RIRA = \frac{\text{Salary Base}}{0.66}$$

Substituting in Statement (4) from Statement (5)

$$(6) \quad E \ \& \ G = \frac{\left( \frac{\text{Salary Base}}{0.66} \right)}{0.68} = \frac{\text{Salary Base}}{0.4488}$$

Substituting in Statement (3) from Statement (6)

$$(7) \text{ State appropriation} = 0.73 \left( \frac{\text{Salary Base}}{0.4488} \right)$$

State appropriation = 1.6265 salary base

State appropriation = salary base + 62.65% of salary base

**B. Special 10% Factor**

- (1) State appropriation = 1.6265 salary base
- (2) 10% (State appropriation) = special 10% factor
- (3) State appropriation = 110% (1.6265 salary base)
- (4) State appropriation = 1.7892 salary base
- (5) State appropriation = salary base + 78.92 of salary base

**Appendix D**

**Parish Codes**

Acadia	01	Madison	33
Allen	02	Morehouse	34
Ascension	03	Natchitoches	35
Assumption	04	Orleans	36
Avoyelles	05	Ouachita	37
Beauregard	06	Plaquemines	38
Bienville	07	Pointe Coupee	39
Bossier	08	Rapides	40
Caddo	09	Red River	41
Calcasieu	10	Richland	42
Caldwell	11	Sabine	43
Cameron	12	St. Bernard	44
Catahoula	13	St. Charles	45
Claiborne	14	St. Helena	46
Concordia	15	St. James	47
DeSoto	16	St. John	48
E. Baton Rouge	17	St. Landry	49
E. Carroll	18	St. Martin	50
E. Feliciana	19	St. Mary	51
Evangeline	20	St. Tammany	52
Franklin	21	Tangipahoa	53
Grant	22	Tensas	54
Iberia	23	Terrebonne	55
Iberville	24	Union	56

Jackson	25	Vermilion	57
Jefferson	26	Vernon	58
Jefferson Davis	27	Washington	59
Lafayette	28	Webster	60
Lafourche	29	W. Baton Rouge	61
LaSalle	30	W. Carroll	62
Lincoln	31	W. Feliciana	63
Livingston	32	Winn	64

William Arceneaux  
Commissioner of Higher Education

# Notices of Intent

## NOTICE OF INTENT

Department of Agriculture  
Bureau of Entomology and Plant Industry

Notice is hereby given that the Louisiana Department of Agriculture, Bureau of Entomology and Plant Industry, intends to adopt amendments to the Sweet Potato Weevil Quarantine and Regulation under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

The purpose of the amendments is to list revised quarantined areas in the state. Copies of the proposed amendments are available at Room 622, 333 Laurel Street, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before November 10, 1976, to the following address:

Mr. Richard Carlton  
State Entomologist  
Bureau of Entomology and Plant Industry  
Box 44153  
Baton Rouge, Louisiana 70804

Richard Carlton  
State Entomologist

## NOTICE OF INTENT

Department of Agriculture  
Grain Division

Notice is hereby given that the Louisiana Department of Agriculture will hold a public hearing at 10:00



a.m. on Thursday, November 4, 1976 in the conference room on the 1st floor, Watkins Building, 2843 Victoria Drive, Baton Rouge, Louisiana to consider amendments to the rules and regulations set forth by the Department of Agriculture under Act 627 of the 1975 legislative session concerning the bonding and licensing of cotton buyers.

Interested persons may submit written comments until 4:30 p.m. on November 3, 1976 to:

Mr. C.C. Hooper  
Louisiana Department of Agriculture  
Grain Division  
2843 Victoria Drive  
Baton Rouge, Louisiana 70805

Reasonable opportunity for oral comment will be permitted at the hearing.

Gilbert L. Dozier  
Commissioner

## NOTICE OF INTENT

### Department of Civil Service

The Civil Service Commission will hold a public hearing on December 7, 1976, for the purpose of considering changes in, and additions to, the Civil Service Rules as proposed below.

The hearing will begin at 9:00 a.m. and will be held in the Hearing Room of the Civil Service Department on the Seventh Floor of the Land and Natural Resources Building at the corner of North Street and Riverside Mall in Baton Rouge, Louisiana.

The purpose of this hearing is to consider proposed changes to amend Chapters 12, 13, and 16 of the Civil Service Rules to provide the method of filing appeals, the method for delivery of notices of disciplinary actions, to alter the manner in which requests for subpoenas and subpoenas duces tecum are directed to the Department of Civil Service, and to otherwise provide with respect thereto.

The proposals to be considered at this public hearing by the Civil Service Commission are as follows:

#### Proposal A

Chapter 12:

Amend and reenact Rule 12.3 to read as follows:

12.3 Procedure in Adverse Actions for Cause, Except Suspensions.

- (a) In every case of removal, demotion or reduction in pay for cause of a permanent employee, the appointing authority or his authorized agent shall furnish to the employee at the time such action is taken, or prior thereto, a statement in writing giving detailed reasons for such action. The appointing authority shall furnish the Director a copy of such statement within fifteen calendar days of the date the employee is notified.
- (b) A written statement, to which reference is made in the preceding paragraph, shall be deemed furnished to the employee upon manual delivery to, or actual receipt of, the employee or to any resident of suitable age and discretion of the employee's domicile, or on the seventh day subsequent to the depositing of the written statement in the United States Mail, with proper postage affixed, and addressed to the employee at his last known address.

#### Explanation

The purpose of this proposal is to provide a more workable mechanism for the notification to employees of disciplinary action levied against them under circumstances that preclude physical delivery of the notice of disciplinary action.

#### Proposal B

Chapter 13:

13.12 Delay for Making Appeal.

- (a) No appeal shall be effective unless a written notice complying with the requirements of Rule 13.11 is either received in the office of the Director of the State Department of Civil Service at Baton Rouge, Louisiana, or is addressed to the Director of the State Department of Civil Service at Baton Rouge, Louisiana, with proper postage affixed, and is dated by the United States Post Office:
  - (1) Within thirty calendar days after the date on which appellant received written notice of the action on which the appeal is based, when written notice before or after the action is required by these rules; or
  - (2) Within thirty calendar days after the date when appellant learned or was aware that

the action complained of had occurred, when no written notice is required by these rules or, if required, was given tardily or not at all.

**Explanation**

The purpose of this rule is to permit the filing of appeals to the Commission if properly addressed, posted, and timely dated by the United States Post Office.

**Proposal C**

Chapter 13:

13.21 Subpoena of Witnesses; Production of Documents.

- (b) Any party desiring the issuance of a subpoena for any witness at any hearing must file the request in the office of the Director of the Department of Civil Service in writing at least ten days before the date fixed for the hearing. The requestor must give the name and address of the witness to whom the subpoena is to be directed, together with a brief statement of what he intends to prove by such witness.

\* \* \* \*

- (d) Any party desiring the production of books, papers, photographs, or other items at any hearing must file the request in the office of the Director of the Department of Civil Service in writing at least ten days before the date fixed for the hearing. Such application must describe the items to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and must state briefly what is intended to be proved by such books, papers, photographs, or other items. The materiality of their production to the issues must be sworn to by the appellant or his counsel.

**Proposal D**

Chapter 16

16.14 Subpoena of Witnesses; Production of Documents.

- (b) Any respondent desiring the issuance of a subpoena for any witness at an investigation by public hearing must apply for it in writing. The application must be filed in the office of the

Director of the Department of Civil Service at least ten days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed, together with a brief statement of what he intends to prove by such witness.

\* \* \* \*

- (d) Any respondent desiring the production of books, papers, photographs, or other items at any investigation by public hearing must apply for an appropriate order in writing. The application must be filed in the office of the Director of the Department of Civil Service at least ten days before the date fixed for the hearing. Such application must describe the books and papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, must state briefly what is intended to be proved by such books, papers, photographs, or other items. The materiality of their production to the issues must be sworn to by the respondent or his counsel.

**Explanations**

The purpose of proposals CC and D is to provide adequate opportunity for the Department of Civil Service to prepare and issue, and the Department of Public Safety to serve, subpoenas and subpoenas duces tecum issued in connection with appeals and investigations.

Persons interested in making comments relative to these proposals may do so by appearance at the public hearing or by writing to: The Department of Civil Service, P.O. Box 44111, Baton Rouge, Louisiana 70804.

George Hamner  
Director

**NOTICE OF INTENT**

**Board of Trustees for State Colleges  
and Universities**

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950 as amended, a public hearing will be held in the Dauphine Room of the Hyatt-Regency Hotel, 500 Poydras Plaza, New Orleans, Louisiana, beginning at 10:00 a.m. on November 13, 1976.

Under the authority of Article VIII, Section 6, of the 1974 Louisiana Constitution, the Board will, at such hearing consider amendment to:

**A. Part V General Administrative Policies and Procedures, and specifically:**

1. In Section 5.4, Colleges and Universities, B. Sale of Alcoholic Beverages, amend 2. General Conditions (3) to read as follows: "All local ordinances, except proximity, regarding the sale of beer shall be observed."

The Board of Trustees for State Colleges and Universities shall accept written comments until 5:00 p.m., Friday, October 27, 1976, at the following address:

Board of Trustees for State Colleges and Universities  
P.O. Box 44307, Capitol Station  
Baton Rouge, Louisiana 70804

The public is made aware of the proposed policies and procedures in compliance with R.S. 49:951-968.

All interested persons will be afforded reasonable opportunity to submit data, views, comments or arguments at the regular November Board meeting.

Bill Junkin  
Executive Director

## NOTICE OF INTENT

### Department of Corrections

This statement is to give public notice of the following intended changes by the Department of Corrections concerning correspondence with inmates:

1. Inspection of outgoing letters. Letters to courts, prosecuting attorneys, probation or parole officers, identifiable attorneys, State and Federal departments or agencies and their officials, and identifiable members of the press may be sealed and shall not be subject to inspection in any case. All other letters shall be posted unsealed and may be inspected for contraband only.
  - (a) "Identifiable attorney" includes any attorney representing the inmate in any pending or contemplated action, civil or criminal, in any duly constituted local, State or Federal court,

or any attorney that the inmate is attempting to retain for such purpose. It also includes any attorney whom the inmate has retained or contacted, or is attempting to retain or contact, for legal advice concerning any other civil or criminal matter. The term attorney also includes any legal services organization providing legal assistance through employee-attorneys.

- (b) "Identifiable press" includes persons who are substantially employed in the business of gathering or reporting news for a newspaper qualifying as a general circulation newspaper in the community in which it publishes news magazines having a substantially national circulation being sold by newsstands to the general public and by mail circulation, national or international news services, radio and television news programs of stations holding Federal Communication Commission licenses.

2. Inspection of incoming letters.

- (a) All incoming letters, except those from department officials may be opened and inspected for contraband. However, letters from courts, prosecuting attorneys, probation or parole officers, identifiable attorneys, State and Federal agencies and officials, and identifiable members of the press may only be inspected in the presence of the inmate-addressee. Reading of the enclosed letter is not permitted. The attorney's name and address must appear on the letter, and he must have previously identified himself as a member of the bar. Further, he must have previously identified his inmate-client. The press representative's name and business address must appear on the letter and he must have previously identified himself and his status in writing.

- (b) No incoming mail may be read except when there is probable cause to warrant such reading. In such cases subparagraph (3), below, must be strictly complied with.

Interested persons may submit written comments to the Department of Corrections, Attention: Sue Rourich, Attorney for the Secretary, Post Office Box 44304, Capitol Station, Baton Rouge, Louisiana 70804 through November 5, 1976.

C. Paul Phelps  
Secretary

## NOTICE OF INTENT

### Dairy Stabilization Board

Notice is hereby given that the Louisiana Dairy Stabilization Board will hold a public hearing at 10:00 a.m. on the 30th day of November, 1976, and each succeeding day as is necessary in the Fountain Room, Bellemont Motor Hotel, 7370 Airline Highway, Baton Rouge, Louisiana for the purpose of:

1. Rewriting and/or amending Distribution Stabilization Plan No. 1 in such a manner so as to make it in conformity and consistent with R.S. 40:931.1-940.24, as amended in the Regular Session of the Louisiana Legislature of 1976, including the addition of relevant material, the removal of superfluous material and the reorganizing of said plan in an orderly manner.

Copies of Stabilization Plan No. 1 will be mailed to interested parties on request or may be picked up at the Dairy Stabilization Board Office at 2843 Victoria Drive, Baton Rouge, Louisiana.

2. Considering the adoption of a rule or regulation under the authority granted in R.S. 40:931.8 preventing the sale of dairy products at less than costs where the result of such sale is to deceive a purchaser, substantially lessen competition, unreasonably restrain trade or tend to create a monopoly.
3. Considering the adoption of a rule or regulation under the authority granted in R.S. 40:931.8 preventing discrimination in pricing of dairy products of like grade and quality where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly.

All interested persons will be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing and to participate fully in accordance with rules and regulations of the Board and the Louisiana Administrative Procedures Act (R.S. 49:951 et seq.).

Jesse H. Cutrer, Jr.  
Director

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Notice is hereby given that the State Board of

Elementary and Secondary Education intends to adopt at its November, 1976 meeting the following policies, procedures and regulations. Public notification made herein indicates no final approval.

- (a) Certification requirements for school food service supervisors.
- (b) Revision of page 11, Bulletin 741, Program of Studies for Self-Contained Classrooms, and Approximate Time Allotments, (to be optional for the 1976-77 school year and mandatory for the 1977-78 school year).

The Board of Elementary and Secondary Education will accept written comments until 5:00 p.m., November 3, 1976, at the following address:

Board of Elementary and Secondary Education  
P. O. Box 44064  
Baton Rouge, Louisiana 70804

Earl Ingram  
Director

## NOTICE OF INTENT

### Commission on Firefighting Personnel Standards and Education

The Commission on Firefighting Personnel Standards and Education will meet at 9:00 a.m., November 17, 1976 in the Coral Room, Bellemont Motor Hotel, Baton Rouge, Louisiana to consider adoption of the following proposals:

1. Amendments to Fire Fighter III certification requirements.
2. Requirements for for Instructor III certification.
3. Requirements for Fire Apparatus Driver/Operator certification (FADO).
4. Requirements for Fire Investigator I certification.
5. Requirements for Fire Inspector I and II certification.
6. Requirements for Fire Officer I, II and III certification.

All interested persons will be afforded reasonable opportunity to submit views and comments at the meeting.

Jimmy Chapman  
Executive Director

## NOTICE OF INTENT

### Department of Health and Human Resources

Notice is hereby given that the Department of Health and Human Resources intends to adopt rules and regulations to provide for the compensation and benefits of house officers employed by all State hospitals, general and mental, and in all State institutions operated under the authority of the Department of Health and Human Resources. The Secretary, Department of Health and Human Resources, will accept written comments, views and arguments, or request for a hearing, in accordance with the provisions of R.S. 49:953A(2) regarding said rules until 4:00 p.m. on November 4, 1976, at the following address: Dr. William H. Stewart, Secretary, Department of Health and Human Resources, 150 Riverside Mall, P.O. Box 44215, Baton Rouge, Louisiana 70804.

The proposed rules to be considered for adoption are as follows:

#### Scope

The Department of Health and Human Resources is adopting a house officers' compensation policy that is on-going to make it competitive for house officer recruitment purposes. Realization is given to the fact that frequent monitoring of the plan must occur to insure that the State's compensation equals or surpasses that of other states composing the Southern region, College of Teaching Hospitals Committee, Association of the American Medical Colleges, providing that the Legislature appropriates sufficient funds. To assure uniformity of all graduate medical educational training programs in the state, rules will be added and rule changes will be made periodically in the house officers' compensation policy.

#### Purpose

To provide graduated salary increases and fringe benefits for house officers' training in the State's general hospitals, depending on service in grade.

#### 1. House Officers Identified—Definition

Louisiana Act 683 of 1975, Section 1. House officers are any physicians in a medical training program recognized and approved by the Secretary of the Department of Health and Human Resources.

#### 2. Regular Pay

House Officer Level	Salary 1976-77
I	\$10,200
II	\$11,450
III	\$12,080
IV	\$12,710
V	\$13,340
VI	\$13,970

- a. The Southeast regional average of house officer salaries is adopted for the salary levels of house officers working and training in State facilities at the base year of 1974.
- b. The schedule shown above is the initial salary schedule and serves as the base for the fiscal year 1976-77 in accordance with available funds as provided by legislative appropriation and will be revised according to legislative appropriations as of August 1 of each succeeding fiscal year. The rate of increase for the past five years for the Southeastern region has been six percent annually and the rates of the region shall be the objective of the Secretary in making budget request for house officer salaries.
- c. The incremental growth rate will be reviewed after three years use by a committee comprised of the Dean of Tulane University Medical School; Dean of LSU Medical School, New Orleans; Dean of LSU Medical School, Shreveport; the Dean of the LSU School of Dentistry; and the administrators of the five teaching hospitals having some base programs.
- d. Thereafter the review will be made every year. The purpose of this review is to ascertain that the rate is keeping pace with the Southeastern regional average and that the salaries are otherwise appropriate and are remaining competitive for house officer recruitment purposes.
- e. The Dean of the LSU Medical School, New Orleans will have the responsibility to assemble the committee, administer its needs and prepare and submit its report to the Secretary of the Department of Health and Human Resources.

#### 3. Annual Leave

- a. Annual leave shall be provided to House Officer I, a period of two calendar weeks; House Officer II and above shall be provided four calendar weeks per training year.
- b. Carry Over Policy

The training year shall commence July 1 and end June 30. No annual leave shall be carried over to the next training year. All annual leave not taken in the training year earned shall not carry over to the next year, nor will this benefit be paid in money or in any other manner or form whatsoever. In this regard, any or all annual leave not taken in time off from the job or training by any house officer in any of his training years shall be lost to him.

4. Sick Leave

Sick leave shall be granted by department chairman who will keep records of sick leave authorized. Sick leave shall not be governed by a firm policy but shall be the responsibility of each department chairman or director to administer. The basis for this approach is that the house officers are in a training program and time lost from this training materially and adversely affects the house officers' progress toward satisfactory completion of the training program. This in itself is sufficient incentive to prevent abuses in the use of sick leave. The sick leave which a department chairman may approve shall not exceed two weeks in any training year.

5. Educational Leave

Educational leave shall be determined by each department chairman as the efficient utilization of this benefit is in reality a method of instruction and shall be governed accordingly. Educational leave shall be approved by the medical director of the teaching hospital to assure that patient care is not compromised.

6. Hospitalization Insurance and Life Insurance

House Officers may participate in hospitalization and life insurance benefits as provided to all other employees of the teaching hospital with the provision that these benefits shall be subject to the option of each house officer as to his desire to accept and pay for them.

Should a house officer refuse to accept benefits as provided by the teaching hospital, said house officer shall not be eligible to receive, nor shall said officer receive any other thing of value in place of his option not to accept the hospitalization and life insurance.

7. Malpractice Insurance

Malpractice insurance is adopted as part of the

fringe benefit package. Malpractice group policies shall be acquired on behalf of the house officers by the teaching hospital. The premium of this insurance shall be paid in full by the teaching hospital and shall protect the house officer from liability while practicing or training in any State facility or any other hospital facility or training location assigned to him as an approved part of his training program.

Should the State enter into a self insurance program for professional liability insurance, and if adopted, said self insured program shall supercede any group policies or individual policies in effect and it shall be the single method by which State house officers shall receive such protection. The program of self insurance shall offer protection in non-State facilities if house officer is assigned to that installation for training.

8. Meals at State Hospitals

House officers shall be required to pay for meals consumed at all State hospitals in accordance with the uniform employee meals policy of the Department of Health and Human Resources.

William H. Stewart, M.D.  
Secretary, Department of Health  
and Human Resources

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Youth Services**

The Department of Health and Human Resources, through the Office of Youth Services, hereby gives notice of intent to consider for adoption, rules and regulations relative to the payment for care in non-State operated institutions as are necessary to carry out the provisions and intent of Act 536 of the 1976 Legislature.

Interested persons may submit written comments on or before November 8, 1976, at the following address:

Department of Health and Human Resources  
Office of Youth Services  
P.O. Box 44141  
Baton Rouge, Louisiana 70804

William H. Stewart, M.D.  
Secretary

## NOTICE OF INTENT

### Plumbing Board

Pursuant to R.S. 49:951, et seq., notice is hereby given, that the State Plumbing Board of Louisiana proposes to consider adoption of a rule change concerning the renewal of journeyman plumbers' licenses at its next regularly scheduled meeting on November 18, 1976. This proposed action will set forth a statute of limitation of four years on nonrenewals of said licenses. This means that effective January 1, 1977, if a license is not renewed for four consecutive years, an applicant will be required to be reexamined according to the rules and regulations of the Board, before a new license can be issued.

All interested parties may submit their views in writing, no later than November 4, 1976, to:

State Plumbing Board of Louisiana  
512 Colonial Bank Building  
2714 Canal Street  
New Orleans, Louisiana 70119

Lee Roy Gypin  
President

## NOTICE OF INTENT

### Department of Transportation and Development

The Secretary of the Department of Transportation and Development hereby gives notice of intent to adopt policies and guidelines concerning the following areas of administration and operation of the Department:

1. Establishment and scope of policy documents and memoranda.
2. Administration by, and development of the support of, the Office of Secretary.
3. Administration of the boards, commissions, and authorities in the Office of Secretary.
4. Administration and development of the services of the Office of Management and Finance within the Department of Transportation and Development.
5. Administration and development of the functions and operations of the Offices of Highways, Public Works, Aviation, and Public Transit.

6. Contracting and utilization of professional services.

7. Unclassified employees.

Interested persons may submit written comments to:

Roger P. Guissinger, Undersecretary  
Department of Transportation and Development  
P.O. Box 44245  
Baton Rouge, Louisiana 70804

through the close of business on Friday, November 5, 1976.

George A. Fischer  
Secretary

## NOTICE OF INTENT

### Department of Transportation and Development

Notice is hereby given in accordance with the requirements of R.S. 36:954(B), Act 513 of the 1976 Regular Session, of the implementation of the Plan for Reorganization, dated October 1, 1976, for the Department of Transportation and Development.

The agencies and effective dates of transfer or abolition are:

- I. Transfer as provided in R.S. 36:901-909 at 12:01 a.m., November 20, 1976.
  - A. Board of Public Works (R.S. 38:7; 38:16).
  - B. The State Board of Highways (Article VI, Sections 19, 19.2, 19.3, 19.4, 22(1) and 23 of the 1921 Constitution, made statutory by Article XIV, Section 16(A) (3) of the 1974 Constitution, and such provisions of Title 48 of the Louisiana Revised Statutes of 1950 as directly relate to the Board.
  - C. Regional Transit Authority (R.S. 48:1521-R.S. 48:1536).
  - D. Board of Commissioners of the Regional Transit Authority (R.S. 48:1524).
- II. Transfer as provided in R.S. 36:803 at 12:01 a.m., November 20, 1976:

State Board of Registration for Professional Engineers and Land Surveyors (R.S. 37:681-37:704) is transferred to and hereinafter shall be within the Department of Transportation and Development.

III. Transfer as provided in R.S. 36:804 at 12:01 a.m., November 20, 1976:

- A. Louisiana Expressway Authority (R.S. 48:1251-48:1281).
- B. Larose-Lafitte Toll Road Authority (Act No. 335 of 1964 Regular Session).
- C. Mississippi River Bridge Authority (Article VII, Section 14(D) of the Constitution; R.S. 48:1091-48:1106; 48:1151-48:1158).
- D. South Central Louisiana Toll Road Authority (Act No. 35 of the Regular Session, 1969).

IV. Transfer as provided in R.S. 36:802 at 12:01 a.m., January 1, 1977:

- A. Sabine River Authority (Article XIV, Section 45 of 1921 Constitution, made statutory by Article XIV, Section 16(A)(10) of 1974 Constitution; R.S. 38:2321-38:2337).
- B. State Soil and Water Conservation Committee (R.S. 3:1204-3:1219).
- C. Offshore Terminal Authority (R.S. 34:3101-34:3116).
- D. Intrastate Air Carrier Board (R.S. 2:711-2:726).

V. Abolished and transferred as defined in R.S. 36:3 and as provided in R.S. 36:921-926 at 12:01 a.m. January 1, 1977:

- A. Department of Highways (Article VI, Sections 19, 19.2, 19.3, 19.4, 22(1) and 23 of 1921 Constitution, made statutory by Article XIV, Section 16(A)(3) of 1974 Constitution, R.S. 48:1-48:461.17; 48:756; 48:781-48:786; 48:941-48:952; 48:1091-48:1106; 48:1161-48:1167; and any other laws applicable to the Department).
- B. Department of Public Works (R.S. 38:1-38:19; R.S. 2:1-2:17; 2:81-2:87; and any other laws applicable to the Department).

VI. Abolished as defined in R.S. 36:3 and as provided in

R.S. 36:921-926 at 12:01 a.m., November 20, 1976:

- A. Governor's Commission on Intermodal Transportation (Executive Order No. 24 of 1973; Executive Order No. 66 of 1974).
- B. Louisiana Regional Airport Authority (R.S. 2:651-2:659).

The Governor, the Joint Legislative Committee on Reorganization, the Commissioner of Administration and the Secretary of the Department of Transportation and Development have given their approval to this notice of intent and its implementation.

Documents relating to this notice of intent will be available for public inspection beginning November 20, 1976, in the Office of the Undersecretary of Transportation which is located in Room No. 278 of the Highways Headquarters Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

Edwin Edwards, Governor  
State of Louisiana

Edmund Reggie, Chairman  
Joint Legislative Committee  
on Reorganization of the  
Executive Branch

Charles E. Roemer, II, Commissioner  
Division of Administration

George A. Fischer, Secretary  
Department of Transportation  
and Development

## NOTICE OF INTENT

### Department of Wildlife and Fisheries

The Louisiana Department of Wildlife and Fisheries proposes to adopt rules and procedures for the administration of the Natural and Scenic Rivers Act (R.S. 56:1841-49). Interested persons may address written comments to the Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana 70130, through November 5, 1976. Reasonable opportunity for oral comment will be permitted at a meeting of the Wildlife and Fisheries Commission which will begin at 10:00 a.m., November 23, 1976, at the above address.

J. Burton Angelle  
Secretary



# Potpourri

## GOVERNOR'S CONSUMER PROTECTION DIVISION

### Legal Notice

Notice is hereby given to the public and to all interested parties that a public hearing will be held by the Governor's Consumer Protection Division commencing at 9:00 a.m., November 16, 1976, in the Mineral Board Auditorium located on the first floor of the State Land and Natural Resources Building, corner of Fourth and North Streets, Baton Rouge, Louisiana, for the purpose of gathering information relative to mergers, consolidations, and acquisitions in the Louisiana dairy industry; attempted mergers, consolidations, and acquisitions in the Louisiana dairy industry; and related activities of Dairymen, Inc., a foreign corporation licensed to do business in the State of Louisiana, and for the purpose of determining the effects of all such activities of Dairymen, Inc. upon trade and commerce in the State of Louisiana.

Authority to conduct this hearing is provided by R.S. 51:1404(A) of the Louisiana unfair trade practices and consumer protection law. The hearing will be conducted in accordance with the Consumer Protection rules and regulations, including but not limited to, Sections 40 through 50, inclusive of Title 2 thereof, all of which are on file in the Governor's Consumer Protection Division, Suite 1218, Capital Bank Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana, and with the Division of Administration, Department of the State Register, 25th Floor, State Capitol Building, Baton Rouge, Louisiana, and therein open for public inspection and review.

Interested persons may appear and present testimony and other evidence for the record at the above time and place.

Charles W. Tapp  
Director

## OFFSHORE TERMINAL AUTHORITY

### Important Notice

#### Superport Site Approval

At a meeting held on September 28, 1976, the Board of Commissioners of the Offshore Terminal

Authority adopted the recommendations of the Authority's three environmental directors to approve the proposed site of the LOOP, Inc. superport facilities. The Board deferred approval of the location of LOOP's brine diffuser and the source of fresh water for salt dome leaching, as originally recommended by the three directors.

The three directors have made supplementary recommendations, based on further study, that the locations of the deferred elements be approved by the Offshore Terminal Authority, subject to close scrutiny in the superport environmental monitoring program.

The supplementary recommendations, together with any comments received, will be considered by the Board of Commissioners of the Offshore Terminal Authority at a future meeting to be held November 16, 1976, at 2 p.m., in Suite 2900, International Trade Mart, 2 Canal Street, New Orleans, Louisiana.

Comments on the recommendations may be submitted in writing prior to the meeting or presented orally at the meeting. It is requested that a written copy of any oral comments be submitted prior to the meeting, if possible.

A complete copy of the director's original and supplementary recommendations may be obtained from, and written comments may be filed with:

Louisiana Offshore Terminal Authority  
1130 International Trade Mart  
New Orleans, Louisiana 70130  
Tel: (504)568-4678

Shepard F. Perrin, Jr.  
Executive Director

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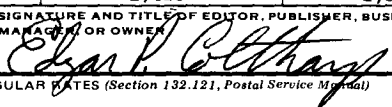
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