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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	5 ½ 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

(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.)

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