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Executive Orders

EXECUTIVE ORDER EWE-76-17

WHEREAS, the provisions of Article VII, Sections 10 (D) and 14 (C) of the Louisiana Constitution provide for the appropriation of public funds for public purposes and for cooperative endeavors between the State and its political subdivisions and public or private corporations for public purposes; and

WHEREAS, conditioned upon the creation and State recognition of the Criminal Justice Institute, Act 17 of the 1976 Regular Session of the Louisiana Legislature appropriated to the Criminal Justice Institute an amount not to exceed \$30,000 to be used only for minimum cash match from Federal Safe Streets Act funds on a nine to one match ratio; and

WHEREAS, on April 16, 1975, the Criminal Justice Institute was chartered under the provisions of the Louisiana Nonprofit Corporations Law (Title 12, Chapter 2, Louisiana Revised Statutes of 1950 as revised and codified by Act 105 of 1968, Legislature of Louisiana) for charitable, scientific and educational purposes, to wit:

- A. To promote study and research in the criminal law and related arts and sciences;
- B. To promote training and research which will foster high standards and professionalism among persons working within the criminal justice system;
- C. To promote study and research which will tend to improve methods of rehabilitating persons convicted of crime;
- D. To promote study and research which will tend to improve the criminal law and procedure as it relates to both adults and juveniles;
- E. To engage actively in or sponsor activities which will tend to prevent criminal acts with reference to both adults and juveniles; and
- F. To promote public understanding of the criminal justice system and encourage citizen participation in the prevention of crime and the rehabilitation of offenders; and

WHEREAS, all the activities of the Criminal Justice

Institute are within the contemplation of the aforementioned constitutional provisions and provide a needed public service.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, by virtue of the authority vested in me by the Constitution and statutory laws of this State, hereby create the Criminal Justice Institute for purposes of receiving funds now or hereafter appropriated to it, and recognize it as a nonprofit entity serving the public purposes mentioned hereinabove.

IT IS FURTHER ORDERED that the Criminal Justice Institute is authorized to request the assistance of any State department and to utilize such services in furtherance of the public purposes of the Criminal Justice Institute to promote maximum utilization of Institute resources and the more efficient use of public funds received by the Institute.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 30th day of December, A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

EXECUTIVE ORDER EWE-76-18

WHEREAS, from 1916, until 1964, Major General Raymond H. Fleming served with great honor and universally recognized distinction in the Louisiana National Guard and the United States Army as an enlisted man and as an officer; and

WHEREAS, during his years of service and dedication to the nation and to our State, he distinguished himself by his ability, knowledge and leadership; and

WHEREAS, while serving as an officer of the United States Army and Louisiana National Guard, he held notable positions including Commander of the 141st Field Artillery Regiment, Adjutant General of Louisiana for 28 years, and Assistant Director of the National Selective Service System; and

WHEREAS, General Fleming was the only Louisianian to hold the position of Chief of the National Guard Bureau; and

WHEREAS, this gallant officer has been awarded decorations which include the United States Distinguished Service Medal, the Army Commendation Medal, the Louisiana National Guard Distinguished Service Medal with Fleur de Lis and the Distinguished Service Medal of the National Guard Association of the United States; and

WHEREAS, he was the only Louisiana National Guard officer to have been awarded the service medals of the Mexican Border, World War I, World War II, and the Korean Conflict; and

WHEREAS, this humanitarian is not only acclaimed for his service to his country in the military, but also is recognized as a leader and friend of those who knew him in his community, state and nation.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, in memory of this great and beloved patriot, do hereby designate and proclaim that the Headquarters Building of the Louisiana National Guard at Jackson Barracks in New Orleans, shall be and is hereby named, and shall hereinafter be known as the Major General Raymond H. Fleming Memorial Armory.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 27th day of December, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-77-1

WHEREAS, provision has been made for payment of advance sales tax and such tax has been charged on the sale of all tangible personal property since 1965; and

WHEREAS, exemption identification numbers, known as "W" numbers, have been issued to many Louisiana firms by the Department of Revenue during that period; and

WHEREAS, firms with "W" numbers are exempt from payment of advance sales tax, but do remit total tax when the tangible personal property is sold; and

WHEREAS, the complexity of administering these and related matters have been considered by the House Committee on Ways and Means, by the Department of

Revenue and a significant and representative number of affected tax payers; and

WHEREAS, there is need for study, direction, and clarification of all laws and procedures related to these matters.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of Louisiana, do hereby create and establish the Governor's Study Commission on Advance Payment of Sales Taxes.

BE IT FURTHER ORDERED that the Commission shall consist of the Secretary of the Department of Revenue and Taxation, who shall serve as chairman; the Attorney General or his designee; the Chairman of the House Ways and Means Committee; the Chairman of the Senate Revenue and Fiscal Affairs Committee; the Executive Counsel to the Governor, and ten other persons to be appointed by the Governor, to conduct a comprehensive review and study of the advance sales tax.

BE IT FURTHER ORDERED that this committee is hereby directed to study these problems and to make recommendations to the Governor and the Legislature of Louisiana to correct any unfairness or inequities in the Advance Sales Tax Law, its application, or execution prior to the 1977 Regular Session of the Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 6th day of January, A.D., 1977.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-77-2

WHEREAS, the State imposes a sales or use tax on the lease or rental of tangible personal property; and

WHEREAS, the complexity of administering these and related matters have been considered by the House Committee on Ways and Means, by the Department of Revenue and a significant and representative number of affected tax payers.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of Louisiana, do hereby create and establish the Governor's Study Commission on Sales and Use Tax Law.

BE IT FURTHER ORDERED that this Commission shall consist of the Secretary of the Department of Revenue and Taxation, chairman; the Attorney General or his designee; the Chairman of the House Ways and Means Committee; the Chairman of the Revenue and Fiscal Affairs Committee; Executive Counsel to the Governor; and eight other persons appointed by the Governor, to conduct a comprehensive review and study of the law on the sales and use tax, particularly R.S. 47:302(B) and R.S. 47:321(B).

BE IT FURTHER ORDERED that this committee is hereby directed to make recommendations to the Governor and the Legislature of Louisiana to correct any unfairness and inequity in the State sales and use tax on the lease and rental of tangible personal property, its application, interpretation or execution prior to the 1977 Regular Session of the Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 6th day of January, A.D., 1977.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-77-3

WHEREAS, the Louisiana Legislature by Act No. 9 of the Second Extraordinary Session of 1976, has authorized the Governor to sell, lease or renovate the former residence of the late Huey P. Long in New Orleans; and

WHEREAS, LSU used the house on Audubon Boulevard and has maintained it for the official residence of the chancellor of the LSU School of Medicine; and

WHEREAS, if retained by the State, the building now in serious need of repair and renovation will require extensive attention in order to satisfy health and fire safety standards, and moreover, this building has been

unoccupied for over a year and a half requiring costly security; and

WHEREAS, the present situation has caused concern to neighboring residents who have requested the Governor to take immediate necessary steps to remedy the failing condition of the residence; and

WHEREAS, the Administration has contacted the members of the Long family of the decision of the Legislature authorizing the disposition of this property and they agree to any purpose which will assure continued stable use and maintenance whether as a private residence or as a public house.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me and pursuant to the Constitution and applicable statutory laws of this State, do hereby create and establish a special ad hoc committee to study, review, and make recommendations with regard to the sale, lease, repair and renovation, or other disposition of the New Orleans residence of the former Governor Huey P. Long at No. 14 Audubon Boulevard.

BE IT FURTHER ORDERED that this special committee shall be composed of seven members appointed by me and shall consist of the Lieutenant Governor, chairman; two members of the Senate; two members of the House of Representatives; and two persons from the public at large, all of whom shall serve for no compensation.

BE IT FURTHER ORDERED that this committee shall study and review the possibilities of the most efficient and desirable disposition of this property owned by the State and recommend to me by written report on the feasibility of the options in selling, leasing, renovating or otherwise disposing of the Huey P. Long residence no later than April 15, 1977.

BE IT FURTHER ORDERED that in performing and executing its duties and functions in advising me, this committee shall have available to it the services of my office, the Division of Administration, and any other department or office in the Executive Branch of the State to determine in what manner to dispose of this property or to decide on the merit of its historical or cultural significance to Louisiana, and all such offices of the Executive Branch shall cooperate with and provide the committee the assistance it deems necessary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of

Baton Rouge, on this the 6th day of
January, A.D., 1977.

EDWIN EDWARDS
Governor of Louisiana

Policy and Procedure Memoranda

OFFICE OF THE GOVERNOR
DIVISION OF ADMINISTRATION

Policy and Procedure Memorandum
No. 62 (Revised)

Subject: Printing Procedures
Effective Date: December 1, 1976

This Policy and Procedure Memorandum rescinds, supersedes, and cancels Policy and Procedure Memorandum No. 48, including any and all previous delegation of authority pertaining to PPM No. 48, the addendum of September 21, 1972, and the revision dated November 1, 1975.

All administrative boards, commissions, departments, agencies, institutions, and offices within the Executive Branch of State Government shall purchase all requirements of printing and engraving through Central Purchasing, Division of Administration.

Exceptions: Louisiana State University and Agricultural and Mechanical Colleges, Office of Highways of the Department of Transportation and Development, and the port authorities.

All requisitions for printing, engraving, and binding shall be submitted directly by the agency to Central Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative. Certified library binding should be handled on a release order through the agency's purchasing section using the correct binding contract for certified library binding and rebinding of books.

Requisition: All items of printing, binding, or engraving shall be requisitioned on a Purchase Requisition (Form DA 101 or DA 101 A). If agency is on FACS, use FACS Form 101 and only like items shall be requisitioned on each requisition form.

Example:

- (1) Printed letterheads
- (2) Engraved letterheads
- (3) Flat forms
- (4) Snap sets (same size)
- (5) Continuous forms
- (6) Card forms
- (7) Etc.

Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and a sample or a clean layout. The sample must be a complete original. A Xerox copy or a reference to a previous order will not be acceptable.

When preparing a requisition, the agencies must use a fourteen-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year money is to be encumbered), complete specifications, and include an original sample.

Any and all requisitions received by Central Purchasing, Division of Administration, not meeting the above requirements shall be returned to the agency submitting such requisitions prior to entering the job request.

Suspension

Acts 1972, S.C.R. No. 99 provides for a suspension of all laws or parts of laws requiring printed reports by State boards, commissions, departments, or agencies as follows: "Therefore, be it resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that all laws or parts of laws that require or authorize State boards, commissions, departments, and/or agencies to prepare, print, or publish and distribute annual or biennial reports to the Governor, the Legislature, or both of them, or for public distribution, are hereby suspended to the extent of such requirements or authorizations; provided, however, that said suspension shall not apply to any laws or portions of laws requiring or authorizing reports required by laws or regulations of the United States Government or any of its agencies in order to obtain or continue to receive Federal funds, grants, or assistance."

R.S. 43:31—Printed matter prohibitions; uniform standards; election material

A. No State agency shall print or cause to be printed any bulletin, leaflet, Christmas card, or other similar communication, house organ or circular, except those required by law. All printed matter so required shall be

effected in a uniform manner as to size, quality of paper, and use of color as contained in standards to be established by the Division of Administration and approved by the Legislative Budget Committee. (Note: These are established in the following standard specifications.)

The Division of Administration, with the approval of the Legislative Budget Committee, shall be empowered to make such exceptions that may be in the best interest of the State of Louisiana.

Provided, however, that no provision of this section shall be deemed in any manner to apply to either house of the Legislature or its committees, nor to the Legislative Council, the Office of the Legislative Auditor, or other agency or authority of the Legislature.

Provided further, that this section shall not apply to any laws or portions of laws requiring or authorizing reports required by laws or regulation of the United States Government or any of its agencies in order to obtain or continue to receive Federal funds, grants, or assistance.

When an agency is requisitioning one of the above items, a reference to the State or Federal law should be noted on the requisition. This will speed the processing of the requisition.

Standard Specifications State Publications

- Size:** 6 x 9, 6½ x 8½, 8½ x 11, or 9 x 12
Paper: Text 50 lb. or 60 lb. white offset
Cover 65 lb. No. 1 Antique cover (standard colors)
Ink: Text one color
Cover one color
Binding: On individual basis
Copy:
1. Camera-ready:
Typed, computer printout, or previously printed book, unless it has been copyrighted.
 2. Set-type for 6 x 9 or 5½ x 8½
10-point on 12-point slug by 25 picas wide by 45 picas deep including folio. Agency may select type faces from those available. Smaller type may be used in tabular matter to save on the number of pages.
Set-type for 8½ x 11
10-point on 12-point slug by 42 picas (2 columns with 2-pica gutters) wide by 56 picas deep including folio. Agency may select type face from those available. Smaller type may be used in tabular matter to save on the number of pages.

The method of printing would determine the feasibility of photographs.

- Example:**
Letterpress-(all type) No photographs should be used.
Offset-photographs can be used.

Newsletters, Leaflets, Etc.

- Size:** 8½ x 11 or 17 x 11
Stock: 50 lb. or 60 lb. offset
60 lb. or 70 lb. enamel
Ink: One color (both sides)
Fold: 8½ x 11 size to 8½ x 5½ or to fit no. 10 envelope
17 x 11 size to 8½ x 1 or 8½ x 5½ or to fit no. 10 envelope
Copy:
(a) Camera-ready or
(b) Set type-image area
8½ x 11 size—7½ x 10
17 x 11 size—16 x 10

Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

The Commissioner of Administration, or his designated representative, may be empowered to make certain exceptions that may be in the best interest of the State. However, application for such exceptions must be in writing and must present detailed information in support of such request.

Classes of Printing: The State printing contract covers thirty-one categories of printing and binding. Central Purchasing, Division of Administration, reserves the right to assign each request for printing to the proper contractor, to the Administrative Services Section of the Division of Administration, or to award to a commercial printer as a result of competitive bids taken by the State Printing Agent.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B(3) Delegation of Authority: The Commissioner of Administration may delegate the purchase of printing to any instrumentality whenever the best interests of the State will be served; however, the

delegation of this authority does not preclude the procurement of these items through the Purchasing Section when the Commissioner deems it more desirable or practical to do so.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing offices.

1. Prepublished items specifically limited to:
 - a. Technical or scientific books
 - b. Pamphlets, reports, maps, and charts
 - c. Tax and tariff schedules
 - d. Subscriptions to newspapers, magazines, and periodicals.
2. Art work and similar professional services.
3. College yearbooks and student newspapers.
4. Athletic, cultural or entertainment programs, posters, and tickets.

Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the Commissioner of Administration. Such application must be in writing and must present detailed information in support of the request.

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43:1-31.

Forms Management: Forms that are warehoused by the State for State agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management, 655 Choctaw Drive, Baton Rouge, Louisiana. If you do not have a forms register or the warehouse requisition, you may obtain these by calling Forms Management (389-5546).

Administrative Services: If a State agency is certain their printing will be handled by Administrative Services they can fill out an Administrative Services printing request. This form along with an original sample, may be sent directly to Administrative Services, a DA 101 does not have to be included with this request. If the State agency needs any of these request forms they may call 389-7474.

Information: All requests for information shall be directed to Division of Administration, State Printing Agent, P. O. Box 44095, Baton Rouge, Louisiana. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration and shall not be handled by the agency through representatives or vendors. The facilities of the printing

office are available to any agency and all requests will be handled promptly.

Charles E. Roemer, II
Commissioner of Administration and
Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources
Office of Family Services

The Department of Health and Human Resources, Office of Family Services, is issuing a concise statement of employment and training policy mandated by the U.S. Department of Health, Education and Welfare (HUD) by Social and Rehabilitative Services' Action Transmittal 76-160 published October 22, 1976.

Because this policy is federally mandated, it has been effected immediately. This policy has been followed from the outset of the Indo-Chinese Refugee Program because HEW had indicated that the requirements were the same as those followed in the Aid to Families with Dependent Children (AFDC) program, however, this is the first definite statement on this subject. This action was taken pursuant to R.S. 49:953B and R.S. 49:966C. Copies of the emergency rule are available for public examination at the office of the Department of Health and Human Resources, Office of Family Services, 755 N. Riverside Mall, Room 201, Baton Rouge.

I. Employment or Training Requirements

- A. All employable refugees who apply for or receive cash assistance, and all employable members of the assistance unit of which they are a part, shall register for employment with the Louisiana State Employment Service (LSES), and shall accept an employment or training opportunity from any source, in the same manner as required for each recipient of AFDC. An individual is considered employable unless one of the following exemptions applies:

1. An individual who is under age 16, or who is under age 21 and is attending school or training full time, or who is age 21 or over

and is attending school or training except that training shall be limited to less than one year.

2. A person who is ill, incapacitated, or over 65 (verification of illness or incapacitation is required).
3. A person whose presence in the home is required because of illness or incapacity of another member of the household (verification is required).
4. A mother or other caretaker of a child under the age of 6 who is caring for the child.
5. A mother or other caretaker of a child, when the nonexempt father or other non-exempt adult relative in the home is registered and has not refused to accept employment without good cause.

Inability to communicate in English does not make the refugee "unemployable."

- B.** As an applicant for assistance, an employable refugee shall not, during thirty consecutive calendar days immediately prior to the receipt of aid, have voluntarily quit a job for the purpose of receiving assistance, or refused to apply for or accept an appropriate offer of employment. The dependent family of such an ineligible applicant may, however, apply for and receive cash assistance.
- C.** As a recipient of assistance under the refugee assistance program, an employable refugee shall not, while in receipt of aid, have voluntarily quit for the purpose of receiving assistance, or refused to apply for or accept an appropriate offer of employment or employment-related training meeting any applicable minimum wage requirement.
- D.** Appropriate Work and Training Criteria: The determination of "appropriate work" shall be made in accordance with the following criteria:
1. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work if such work meets the other work standards of this document.
 2. The wage shall meet or exceed the Federal or State minimum wage law, whichever is

applicable, or if such laws are not applicable, the wage shall not be less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate.

3. The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation.
4. No individual shall be required to accept employment if:
 - (i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;
 - (ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate.

In addition to meeting these criteria, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria, as defined in this document.

The following additional standards must be met before an employable adult cash assistance recipient can be required to accept a work or training assignment:

1. The job or training assignment must be related to the physical and mental capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.
2. The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed two hours, not including

the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

3. When child care is required, and provided by this agency, it must meet the standards governing the receipt of such care under the State's Title XX program and must be available during the hours the individual is working or engaged in training or English language instruction plus any additional necessary commuting time. Day care which is obtained by the applicant or recipient is treated as a work-related expense and is not required to meet these standards.

Provision of child care services is limited to those refugees in training, except for such other child care as may be provided in accordance with the Title XX plan. Employed refugees are expected to purchase day care services if needed, and such expenses shall be treated as work-related expenses.

4. The work or training site to which the individual is assigned must not be in violation of applicable Federal, State and local health and safety standards.
5. Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

II. Sanctions

Refusal of an employable adult recipient to register with the Employment Service or to accept or continue an employment or training opportunity without good cause shall result in the following actions:

- A. The service worker shall provide counseling within seven days intended to provide the refugee with an understanding of the implications of his refusal to accept employment or training, and to encourage the refugee's acceptance of such opportunity. Only one such counseling session is required but additional counseling may be provided.
- B. If the employable refugee recipient continues to

refuse an offer of employment or training, assistance will be terminated thirty days after the date of his original refusal. The refugee shall be given at least ten days written notice of the termination of assistance prior to expiration of thirty-day period and the reason therefor. This sanction shall be applied in the following manner:

1. If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. In addition, if the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the assistance unit.
2. If such individual is the only individual in the assistance unit, the grant shall be terminated.
3. The refugee's sponsor, or the voluntary resettlement agency where there is not a sponsor, will be notified of the action taken in Item 1 or 2, above.
4. A decision by the refugee to accept employment or training, made at any time within the thirty-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the income and other requirements for continued assistance.
5. An employable refugee may reapply for assistance thirty days after the termination of assistance because of refusal to accept or continue employment or training. He shall be advised of this right, but he must take the initiative in making the reapplication.

III. Training Requirements for Employed Refugee Recipients

In the instance of a refugee who is employed and receiving supplementary assistance, the following is applicable:

- A. Require part-time training such as English language or skill training, if available and determined appropriate, if the refugee is employed part-time (less than one hundred hours per month), as a condition for continued receipt of assistance.

- B. Encourage, but not require, part-time English language or skill training if the refugee is employed full-time (one hundred or more hours per month).

To determine whether English language training is available to Indo-Chinese refugees, a check shall be made with the parish school board, or if applicable, the local office of Associated Catholic Charities.

IV. Receipt of Assistance While Attending School

- A. All employable refugees not exempt as defined in Section I-A, above, "Employment or Training Requirements," are required to register for work and to accept appropriate work or training with the exception stated in Item B, below.
- B. A full-time student who is 21 years of age or older and who is currently receiving cash assistance at the time of the effective date of this bulletin shall be allowed to finish the current semester.
- C. Full-time attendance in a college program for a person age 21 or over is not considered appropriate training unless:
 - 1. The individual will finish his degree within one year.
 - 2. The program has a definite short-term employment objective (less than one year) and the program is approved by this agency or as part of an employability plan for the refugee.
 - 3. The individual is an Indo-Chinese professional who is attending college to become relicensed in his profession, in which case continued attendance shall be approved up to September 30, 1977, if such course of study is not completed earlier.
- D. A refugee of any age who is otherwise eligible shall not be denied cash assistance while enrolled and participating in a training program which is part of an approved employability plan. Training shall be intended to have a definite short-term employment objective of less than one year. Indo-Chinese refugees enrolled in a training program operated by Asso-

ciated Catholic Charities shall meet the requirement of having an approved employability plan.

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



Rules

RULES

Board of Trustees for Colleges and Universities

Part IX Athletic Policies, and specifically:

The second paragraph of the opening statements is changed to read as follows: The athletic directors of each institution will be responsible for the distribution of the athletic policies to all personnel concerned as well as the purchasing of current National Collegiate Athletic Association (NCAA) manuals for all coaches. Each coach will be personally responsible for his actions regarding the rules of the Board as well as those of the NCAA and National Junior College Athletic Association (NJCAA).

Section 9.1C(3), Faculty Commission is changed to read as follows: The Faculty Commission shall elect a chairman and vice-chairman on an annual basis from its own members. This election shall be held at the first meeting following the NCAA National Convention.

Section 9.2A(1), National Associations is changed to read as follows: Each institution under the jurisdiction of the Board must be a member of the National Collegiate Athletic Association (NCAA) or National Junior College Athletic Association (NJCAA).

Section 9.2A(2), National Associations is changed to read as follows: Any institution under the jurisdiction of the Board may, in addition to membership in NCAA or NJCAA, join other national athletic associations, such as the National Association of Intercollegiate Athletics (NAIA).

Section 9.4A(1), Scholarships-Types and Value is changed to read as follows: Full Athletic Scholarships—These scholarships consist of tuition and fees, room and board, and books, limited to conform with current NCAA policy.

Section 9.4E, Out-of-State Scholarships is changed to read as follows: The maximum number of out-of-state scholarships, from State funds, is sixty, to accommodate

the new NCAA ruling regarding splitting of spring sports scholarships; of which no more than thirty may be used in football. Out-of-state scholarships in excess of sixty may be awarded provided the funds used come from some source other than State funds and are administered by the institution. This does not give permission to exceed the total participation number provided for in the Division of Scholarships, or the maximum one hundred twenty-nine available State-supported scholarships. A university may exempt out-of-state fees for a student-athlete only while he is an active participant, except when said out-of-state student-athlete has completed his eligibility; he may then continue to have his out-of-state fees waived for a period of not more than one year.

Section 9.4F(1), Penalties Related to Scholarships is changed to read as follows: All schools that exceed the out-of-state limit of sixty student-athletes will be required to reduce the total of out-of-state scholarships allowed the following year by that respective number.

Section 9.5A, Eligibility Rules is changed to read as follows: Each institution shall follow the eligibility rules of the NCAA, NJCAA, and its conference (if it is a member of one).

Section 9.5B(3), Eligibility Rules is changed to read as follows: A high school graduate upon his initial matriculation into college who is eligible according to NCAA or NJCAA academic standards to participate in athletics or in any organized athletic practice sessions during the first year in residence becomes eligible after the completion of two semesters or three quarters, and twenty-four hours.

Section 9.5B(3), Eligibility Rules is deleted entirely.

Section 9.6B, Recruiting is changed to read as follows: Each school under the jurisdiction of the Board shall be allowed to spend up to ten thousand dollars of State funds on their athletic recruiting.

Section 9.6D(2), Eligibility Rules, Pre-Enrollment Applications is changed to read as follows: To be valid and binding, a duly signed and dated pre-enrollment application must be forwarded to the Coordinator of College Athletics within fifteen days after a student-athlete and his parent or guardian (if required to sign) have signed same. Failure to forward the form as prescribed will render the student-athlete free to sign with another institution.

Section 9.6D(3), Eligibility Rules, Pre-Enrollment Applications is changed to read as follows: A student-athlete who signs an application for an athletic scholar-

ship (part or full) with one institution under the jurisdiction of the Board, and said application is filed with the Coordinator of College Athletics for the Board within fifteen days of the signing date, may not sign with another institution under said jurisdiction without loss of one year of eligibility, during which time he may not practice with or play for the second institution nor be eligible for any type scholarship award or other financial assistance, unless said student-athlete is released by the signing institution. If released, the migrant or transfer rule will prevail. (This ruling also applies to a student-athlete who participates with one institution and then transfers to another institution. This ruling shall not apply to a student-athlete whose financial assistance was terminated by the original institution in which he is enrolled.)

Section 9.6E, Eligibility Rules is changed to read as follows: Each institution under the jurisdiction of the Board shall follow the NCAA and NJCAA regulations in accordance with its divisional membership as related to academic admission requirements.

Section 9.7B, Supplemental Regulations, Coaches is changed to read as follows: Each school is allowed a total of ten coaches taking part in football, basketball, baseball, and track, and additional part-time coaches not to exceed the present NCAA limitation on athletic staff. The athletic directors and athletic trainers will not be included in this ten unless they are taking part in the coaching activities of the four sports.

Section 9.7D, Supplemental Regulations, Practice Dates is changed to read as follows: All institutions shall be governed by applicable NCAA and NJCAA rules pertaining to practice and playing seasons and dates in all sports in which the institution participates.

Section 9.7E, Supplemental Regulations, Baseball Playing Dates is changed to read as follows: Each school shall follow the NCAA rules regarding the limitations on baseball playing dates.

Section 9.10B, Reports to the Board of Trustees 1. a. 2. (a) is changed to read as follows: "A" full athletic scholarship—These scholarships consist of tuition and fees, room and board, and books, limited to conform with current NCAA policy.

Bill Junkin, Executive Director
Board of Trustees for Colleges and
Universities

RULES

Licensing Board for Contractors

The State Licensing Board for Contractors has amended its Rule No. 4 to provide that "the maximum fee shall not exceed three hundred dollars."

Emery L. Villar, Executive Director
Licensing Board for Contractors

RULES

Dairy Stabilization Board

The following amendments, additions, and deletions to the existing rules and regulations were adopted at the meeting of the Dairy Stabilization Board on December 14, 1976:

Distribution Stabilization Plan No. 1

- Title Page: Delete "Distribution Stabilization Plan No. I" and add "Dairy Stabilization Board Rules and Regulations."
- Page 1: Delete "Distribution Stabilization Plan No. I" and delete "Rule I" in its entirety.
- Page 2: Rule II B (14), delete last three paragraphs beginning with "Rules adopted by " and end with ". distribution stabilization plans."
- Page 3: Delete "Rule III" in its entirety.
- Page 6 & Page 7: Delete "Rule V B" in its entirety. Delete "Rule V C" in its entirety.
- Page 13: Delete "Rule VII A" in its entirety. Delete "Rule VII B" in its entirety. Delete "Rule VII C" in its entirety.
- Page 14: Delete "Rule VIII A (1)" in its entirety.
- Page 15: "Rule VIII A (7)," after "except authorized discounts," add a period and delete "as provided in a Distribution Stabilization Plan." "Rule VIII A (9)," on line five, after "unless authorized by," add "these rules and regulations" and delete "a Distribution Stabilization Plan," and on line ten, delete "(except as authorized by a Distribution Stabilization Plan)." "Rule VIII A (10)" after "(unless authorized by the provisions of," add "these rules and regulations" and delete "a Distribution Stabilization Plan)."
- Page 16: "Rule VIII A, 13 (d)-After the words "faith to meet," delete the word "legal."
- Page 17: "Rule VIII B (b)," delete "(b)" in its entirety.

- Page 17: "Rule VIII B, 2 (a)," delete in its entirety.
- Page 18: "Rule VIII B, 3 (c)," delete in its entirety.
- Page 19: "Rule VIII B, 3 (h)," after the words "in accordance with La. R.S." delete "40:930" and add "40:931.1."
- Page 21: "Rule VIII B, 7 (i)," delete in its entirety.
- Page 26: "Rule IX B, (1), (2), (3)," delete in its entirety.
- Page 26: "Rule X, A (1)," after the words "or repeal of a" delete "distribution stabilization plan" and add the word "rule."
- Page 31: "Rule XI, J," after the words "that the act committed was a violation of the Act, these" add "rules and" and put a period after the word "regulations." Delete the words "or the applicable distribution stabilization plan."
- Page 31: "Rule XII" After the words "ruling by the board concerning the applicability of the Act," delete "a dairy stabilization plan" and add "of these rules and" and before "or of any order," add "s" to regulation."

Loss Leader Permitted

Sales of milk and dairy products below cost at the retail level, sometimes referred to as "loss leaders," shall be permitted and shall not be deemed a sale that would deceive a purchaser, substantially lessen competition, unreasonably restrain trade or tend to create a monopoly where said sale below cost by a licensed retailer is not more than ten percent below cost, is not offered at said price for more than three days consecutively nor more than three times during a calendar quarter and is not offered or sold in such manner with more than one other dairy item also being sold at a loss.

Should any licensed retailer desire to engage in sales below cost in a manner that would exceed the provisions of the preceding section he may apply to the Director of the Dairy Stabilization Board, who is authorized to grant permission for additional sales below cost, and the Director shall grant said permission unless he determines that the request if granted would result in sales which deceive purchasers, substantially lessen competition, unreasonably restrain trade or tend to create a monopoly.

"Cost" as used herein shall be defined as it is defined in R.S. 51:421F.

* * * *

Sales at Less Than Cost Prohibited

A. Any advertising, offer to sell, or sale of any merchandise, either by retailers or wholesalers, at less

than cost plus any State, county or municipal sales tax that is then payable under any existing law or ordinance, with the intent or effect or inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or impairing fair competition and thus injuring public welfare, is unfair competition and contrary to and violative of public policy as expressed in Louisiana law, where the result of such advertising, offer or sale is to tend to deceive any purchaser or prospective purchaser, or to substantially lessen competition, or to unreasonably restrain trade, or to tend to create monopoly in any line of commerce.

B. Any sale, transfer or exchange between wholesale outlets or between retail outlets or between wholesale and retail outlets operating a separate business or under a separate name at a price less than the minimum herein prescribed, either through the allowance of a discount or by the payment of a commission or through any other device used to reduce the minimum price shall constitute a violation of this rule.

C. Any wholesaler or retailer who furnishes labor or services to a purchaser to aid or assist in the conduct of the purchaser's business shall be deemed to be in violation of this rule where the value of the services reduces the selling price of any given commodity below the minimum price as herein established, and this provision shall be effective irrespective of whether or not the person or persons performing such services be in the employ of the seller.

* * * *

Discrimination Prohibited

(a) It shall be prohibited for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade or quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the State of Louisiana and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: Provided, that nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered. Provided that nothing herein contained shall prevent price changes from time to time where in

response to changed conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Board is authorized to issue an order terminating the discrimination: Provided, however, that nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

(c) It shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) It shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) It shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the

processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(f) It shall be unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by this section.

(g) It shall be unlawful for any person engaged in commerce, in the course of such commerce, to be a party to, or assist in, any transaction of sale, or contract to sell, which discriminates to his knowledge against competitors of the purchaser, in that, any discount, allowance, or advertising service charge is granted to the purchaser over and above any discount, rebate, allowance, or advertising service charge available at the time of such transaction to said competitors in respect of a sale of goods of like grade, quality, and quantity; to sell, or contract to sell, goods in any part of Louisiana at prices lower than those exacted by said person elsewhere in Louisiana for the purpose of destroying competition, or eliminating a competitor in such part of Louisiana or, to sell, or contract to sell, goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor.

(h) Nothing in this rule shall prevent a cooperative association from returning to its members, producers, or consumers the whole, or any part of the net earnings or surplus resulting from its trading operations, in proportion to their purchases or sales from, to, or through the association.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULES

Board of Elementary and Secondary Education

(The following rules were duly advertised for consideration, and after the appropriate waiting period, acted upon favorably by the Board at the regularly scheduled meeting of December 16, 1976.)

Rule 3.01.70.u(3)

Certification and Supervision Requirements for Providers of Psychological Services in School Settings

I. School Psychological Assistants

Entry Master's Level

Level E: School Psychological Assistant I: (Three years, nonrenewable)

1. Certification requirements:

- a. Master's degree in psychology, educational psychology, or school psychology of thirty or more graduate semester hours from a regionally accredited college or university.
- b. Course work at the graduate level must include:
 - (1) Six semester hours in diagnostic individual tests and measurements. This must include experience in the administration of individual intelligence tests.
 - (2) A minimum total of fifteen semester hours including course work in at least three of the following six general areas:
 - (a) Developmental psychology
 - (b) Educational psychology or the psychology of learning
 - (c) Theory and construction of tests or statistical methods
 - (d) Behavior modification, motivation, counseling, or intervention
 - (e) Personality, abnormal psychology, or psychodiagnostic techniques
 - (f) Psychology of exceptionality—e.g. of the mentally retarded, of the gifted and talented, of the learning disabled, or of the emotionally disturbed.
 - (3) Six semester hours of supervised practicum or equivalent supervised experience.

2. Supervisory requirements:

The Certified (Level A) School Psychologist must:

- a. Supervise very closely.
- b. Demonstrate, observe, and evaluate work done.
- c. Review work performance on a regular basis.

Level D: School Psychological Assistant II: (Three years, renewable upon verification of twelve semester hours from areas specified under Level E—beyond the forty-two hours required for the initial certificate or twelve hours since the last renewal.)

1. Certification requirements:
 - a. Meet requirements of Level E.
 - b. Show evidence of twelve additional graduate semester hours in the areas specified under Level E from a regionally accredited college or university.
 - c. Have at least two years of supervised experience in the delivery of psychological services in an appropriate setting.
2. Supervisory requirements:
The Certified (Level A) School Psychologist must:
 - a. Hold periodic discussion of cases.
 - b. Consult on special problem cases as needed.
 - c. Review work performance on a regular basis.

Advanced Master's Level

Level C: School Psychological Assistant III:
(Three years, renewable)

1. Certification requirements:
 - a. Meet requirements of Level E.
 - b. Show evidence of thirty additional (to Level E for sixty total) graduate semester hours in the areas specified under Level E from a regionally accredited college or university.
 - c. Have at least five years of supervised experience in the delivery of psychological services in an appropriate setting.
2. Supervisory requirements and functions:
The Certified (Level A) School Psychologist must:
 - a. Hold periodic discussion of cases.
 - b. Consult on special problem cases as needed.
 - c. Periodically review the work of the School Psychological Assistant III.

School Psychological Assistants III may assist the Certified (Level A) School Psychologist in the supervision of School Psychological Assistants I and II.

II. School Psychologists

License-Eligible Psychologist Level

Level B: School Psychologist: (Three years,

nonrenewable. Loss of applicant status with Louisiana State Board of Examiners of Psychologists results in immediate suspension of certification.)

1. Certification Requirements
 - a. Doctoral degree in psychology with a major in School, educational, clinical, counselling, or developmental psychology.
 - b. Applicant status for licensure in psychology in Louisiana.
 - c. Graduate curriculum must include coursework requirements of Level E.
2. Supervisory requirements and functions:
 - a. The Certified (Level A) School Psychologist must carry out the supervision in accordance with the requirements of applicant status for licensure in Louisiana.
 - b. The Level B School Psychologist may assist the Certified (Level A) School Psychologist in the supervision of School Psychological Assistants I, II, and III.

Intermediate Master's Level

Licensed Psychologist Level

Level A: School Psychologist: (Three years, renewable. Revocation or suspension of license as psychologist in Louisiana automatically and immediately suspends certificate.)

1. Certification requirements:
 - a. Licensure as a psychologist in Louisiana.
 - b. Registration and verification of specialty competence with Louisiana State Board of Examiners of Psychologists in school, educational, clinical, counseling, or developmental psychology.
 - c. Two years of appropriate experience in rendering psychological services.
 - d. Graduate curriculum must include coursework requirements of Level E.
2. Supervisory functions and responsibilities:
The Level A School Psychologist must supervise all psychological work done by unlicensed persons in the schools he or she has agreed to supervise and be on record with the State Department of Education as a supervising psychologist with a listing of

the persons whom he or she is supervising, including the level of certification of these supervisees.

Rule 6.03.60e

Prior Experience as it Applies to Vocational-Technical Employees.

Instructors: Teaching experience should be allowed on a year for year basis.

Counselors: Counselors should get year for year credit for previous experience in guidance and counseling.

Assistant Directors: Assistant directors should get year for year credit for previous department head experience and for supervisory experience in all school systems approved by the Board.

Directors: Chief administrative officers experience including elementary, secondary, vocational-technical, universities, and deans of colleges should be used in determining merit increments on a year for year basis.

Experience in the State Department of Education at the level of section chief and above should be used in determining merit increments on a year for year basis.

Existing personnel should be brought on a step according to these recommendations.

Rule 3.01.70 u(4)

Restricted Certification for Speech Therapists.

The individual applying for certification must present to the Bureau of Teacher Certification a statement from the American Speech and Hearing Association (ASHA), or from the Director of an ASHA certified training program in which the applicant has completed his or her master's program, that ASHA requirements for the certificate of clinical competence in speech pathology (with the possible exception of the clinical fellowship year--which, when excepted, shall be noted on the certificate, with encouragement to the person and the school system this be completed) have been met.

Earl Ingram, Director
Board of Elementary and Secondary
Education

RULES

**Forestry Commission
Tax Commission**

**Timber Stumpage Values
Calendar Year 1977**

Listed below are the timber stumpage values set by the Louisiana Tax Commission and the Louisiana Forestry Commission December 13, 1976, as provided by law. These values are for the calendar year 1977.

The unit values were determined by the Commissions following an examination of stumpage price information collected directly from sawmills, pulpmills, and pulpwood procurement centers processing more than 95% of the wood harvested in Louisiana. The information was gathered by Forestry Commission foresters and other competent personnel.

The sawtimber values are based on Doyle Log Rule and the pulpwood values are based on a standard cord (128 cu. ft.).

Cypress	\$ 40.00 per M Bd. Ft.
Pine	100.00 per M Bd. Ft.
All Gums	40.00 per M Bd. Ft.
All Oaks	40.00 per M Bd. Ft.
Cottonwood & Willow	45.00 per M Bd. Ft.
Ash	50.00 per M Bd. Ft.
Other Hardwoods	45.00 per M Bd. Ft.
Pine Pulpwood	6.50 per Cord
Hardwood Pulpwood	3.00 per Cord

The regular severance tax rate is two and one-quarter percent of the above sawtimber stumpage values and five percent of the above pulpwood values.

The severance tax rate on timber conservation contract lands is six percent of all above stumpage values, both sawtimber and pulpwood.

Effective date: January 1st--December 31st, 1977.

The above values are based on Doyle Log Rule for sawtimber and standard cords for pulpwood.

All other forest products (fence posts, ties, poles,