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# Executive Orders

## EXECUTIVE ORDER NO. DCT 83-11

WHEREAS, various state agencies are responsible for the implementation of programs that impact economic development; and

WHEREAS, there is a need to establish a mechanism for coordinating the state's programs that impact economic development; and

WHEREAS, the most effective means of coordinating policy implementation is through the cooperation of the cabinet heads of those agencies concerned with economic growth and stability in the state;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Coordinating Panel which shall have the following duties:

a) To implement economic development policies and programs.

b) To coordinate the activities of executive agencies charged with the responsibility of implementing activities associated with economic development for the state of Louisiana, and ensure interdepartmental cooperation in all said endeavors.

II. The Economic Development Coordinating Panel shall be composed of the chief officials of those agencies most actively involved with economic development matters, including but not limited to:

The Department of Commerce, the Secretary of which shall serve as Chairman

The Department of Transportation and Development

The Department of Urban and Community Affairs

The Department of Culture, Recreation and Tourism

The Department of Labor

The State Planning Office

The Department of Natural Resources

The Department of Revenue and Taxation

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 3rd day of June, A.D., 1983.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER NO. DCT 83-12

WHEREAS, it is recognized that fundamental changes are occurring in the worldwide and national economies, and

WHEREAS, economic development can best be effected through a cooperative effort of the public and private sectors;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Advisory Council, which shall have the following duties:

a) To develop recommendations for statewide economic

development policy objectives.

b) To formulate and recommend cost-effective, productive economic development programs (both within state agencies and in the private sector).

c) To identify, rank, and address crucial Louisiana economic development problems and issues.

d) To recommend legislative initiatives pertaining to economic development.

II. That the Economic Development Advisory Council shall be composed of at least the following:

Five members from the Cabinet,

a) The Secretary of the Louisiana Department of Commerce, who shall serve as chairman.

b) The Secretary of the Louisiana Department of Transportation and Development.

c) The Secretary of the Department of Culture, Recreation and Tourism.

d) The Secretary of the Department of Labor.

Members to be appointed by the Governor:

a) Seven private sector business, agriculture, labor and community leaders who are active in economic development pursuits.

b) Two economic development experts from the state's universities.

c) A member of the House of Representatives.

d) A member of the Senate.

e) That appropriate personnel from the Office of Commerce and Industry and the State Planning Office shall serve as staff to the Council.

f) That the Economic Development Advisory Council shall first convene in June of this calendar year.

The Governor may from time to time appoint additional members as appropriate in light of the activities undertaken and the areas of inquiry.

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 3rd day of June, A.D., 1983.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER NO. DCT 83-14

WHEREAS, the purpose of this order is to improve the efficiency of cash management practices in the state; and

WHEREAS, a preliminary cash management review indicated that additional evaluation of cash management practices of state agencies is needed and that the resulting recommendations be instituted; and

WHEREAS, more efficient cash management practices will be beneficial to state agencies and citizens of the state in maximizing the amount of funds available for investment by the State of Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish a Cash Management Task Force to evaluate and recommend changes to improve cash management practices of State agencies.

BE IT FURTHER RESOLVED, that the task force herein created shall be composed of the State Treasurer, the Legislative Auditor, and the Commissioner of Administration. These individuals may designate employees from their offices to represent them on the Task Force, and are authorized to use those resources as necessary to carry out the purposes of this Executive Order. The

task force shall make such studies and gather data from State agencies as it finds necessary to carry out the purpose of this Executive Order.

BE IT FURTHER RESOLVED, that all State agencies shall:

1) Review their respective cash management practices relating to the billing, collecting, recording, depositing, investing, and disbursing of funds.

2) Determine if cash management functions are performed timely for efficient use and investment of funds by the state.

3) Institute changes to improve efficiency and timeliness of cash transactions.

4) Make recommendations to and provide information as requested by the Cash Management Task Force for improving cash management practices.

5) Cooperate with the Cash Management Task Force and assist in implementing changes in statewide cash management practices.

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 3rd day of August, A.D., 1983.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B, readopted four Emergency Rules. LAC 11-6:30.37 and 30.8 on simulcast wagering; LAC 11-6:54 et seq. on permitted medication; and LAC 11-6:14.9 on trainer applicant examinations.

The Commission, at its meeting of July 29, 1983, by unanimous resolution, made the finding that public welfare required the amendment and readoption of said Rules of racing.

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent upon the Louisiana State Racing Commission to readopt said rules of racing so as to place under its control and jurisdiction the specifications and conditions whereby: 1) permitting nationally recognized out-of-state horseraces to be simulcasted at Louisiana racetracks, 2) allowing nationally recognized Louisiana horseraces to be simulcasted in other racing jurisdictions, 3) outlining the procedures and limitations of the use of permitted medication in racehorses, and, also, 4) requiring that horse trainer applicants pass an examination before being granted a trainer's license (a person failing said examination must wait for a 90 day period before reapplying).

Rule LAC 11-6:14.9 currently reads:

"An applicant for a license as trainer must show proof of at

least two years track experience with a racing stable. Application shall be accompanied by the written statements of two reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. An applicant shall be given a thorough examination by the stewards and such other persons as they may appoint."

Amend and readopt LAC 11-6:14.9 by adding the following to the last sentence thereof:

"Failure of applicant to obtain license will automatically require a 90 day waiting period before reapplying."

Gordon A. Burgess  
Chairman

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association's facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held,

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

A. Schedule not more than two such other track wagering events per day,

B. Schedule not more than 12 wagering events per day,

C. Accept wagers not more than 36 hours prior to the racing event,

D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,

E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

Gordon A. Burgess  
Chairman

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq. - Interstate Horseracing Act), and the laws of this State.

Gordon A. Burgess  
Chairman

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

LAC 11-6:54

Permitted Medication

**(Editor's Note: The text of this Emergency Rule is contained under this same topic and number under the Racing Commission in the Rules section of this issue of the Register.)**

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following items as Emergency Rules:

1. Bulletin 1705, *Separate Minimum Standards for Moderately, Severely, and Profoundly Handicapped Students*. (Copy on file in BESE office and Department of State Register). This emergency adoption is necessary because in order to provide the local school systems with enough copies to begin implementation with the opening of the 83-84 school year, the Department of Education must begin printing and distributing immediately.

2. An amendment to the tuition exemption regulations (Bulletin 1533) under *College and University Procedures (VIII-E)* to allow colleges and universities 15 days after the date of commencement to submit tuition exemption invoices and related information to the State Department of Education. (This emergency adoption is necessary because the Department of Education must print and distribute these Regulations in order to allow teachers to return to colleges and universities in the Fall semester of 1983 under this program as provided by the Louisiana Legislature.)

3. Revised Section 459 of Bulletin 1706 (formerly Act 754 Regulations) as amended in Special Education Committee and as follows:

#### PROPOSED REVISIONS OF SECTION 459

A. Prior to any administrative disciplinary action with regard to a student classified as handicapped, the relationship between the behavior of concern, the handicapping condition of the student, and the proposed disciplinary action must be considered.

1. The need for a structured program of behavior therapy should be considered at each IEP meeting for all handicapped students.

2. Any structured program of behavior therapy which is

included in a student's IEP **shall not** be considered disciplinary action.

3. A handicapped student's IEP committee shall be convened to review the appropriateness of the student's program and/or placement following nine days in, or the third assignment to, a structured in-school alternative discipline program.

B. After a pattern of behavior has been established (three occurrences) resulting in any form of disciplinary action(s), the student's IEP committee shall be convened to review the student's program and/or placement.

C. When the behavior of the handicapped student is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises for a period not to exceed three days. Following the third such removal, the IEP committee shall be reconvened to:

1. determine if the behavior is related to the student's handicap, and

2. review the appropriateness of the student's educational program and/or placement.

In addition, a re-evaluation of the student shall be conducted in accordance with Bulletin 1508.

D. Each teacher is authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of the school, on any school bus going to or returning from school, or during recess or intermission. Teachers, principals, and administrators may, subject to any rules as may be adopted by a local parish/city school board, apply reasonable disciplinary and corrective measures to maintain order in the schools. In addition, school principals may suspend from school any student, including an exceptional child, for good cause in accordance with parish/city school board policy and this subpart.

E. A student classified as being handicapped shall be neither suspended nor expelled from school if the behavior for which action is taken is related to the student's handicap.

1. A suspension is defined as:

a) an in-school cessation of educational services for one school day or longer; and/or

b) a temporary removal from school for no more than nine school days.

2. An in-service alternative discipline program which includes educational services **shall not** be considered a suspension.

3. If the suspension being considered is for less than nine school days a determination as to whether the behavior is related to the student's handicapping condition shall be made by at least one person knowledgeable about the student (e.g., teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (certified special education teacher, pupil appraisal staff member). The special education administrator or designee shall be notified within one operational day regarding the student's handicap, the behavior and the disciplinary action being taken.

F. If the determination is made that the student's behavior **is not related** to the student's handicap, the student shall be disciplined in accordance with discipline policies for non-handicapped students.

1. If a suspension or expulsion of more than nine school days is determined to be the appropriate disciplinary action, or if the cumulative number of days of suspension or expulsion exceeds nine school days during any one school year, then an alternative education program shall be provided to the student during the period of suspension or expulsion.

2. The suspension or expulsion or otherwise removal of a student classified as handicapped from his/her educational placement for a period of more than nine cumulative school days in one school year constitutes a significant change in placement and

requires adherence to the procedures established in Section 504 and P.L. 94-142, including:

a) The convening of the IEP committee to:

- 1) Determine if the behavior is related to the student's handicap, and
- 2) Review the appropriateness of the student's educational program and/or placement.

b) A re-evaluation of the student in accordance with Bulletin 1508.

G. If a determination is made that the student's behavior is related to the student's handicap, no suspension or expulsion shall be taken against the student.

(This policy was adopted as an Emergency Rule because the Office of Civil Rights has indicated in formal correspondence to the BESE that the current Section 459 of Bulletin 1706 is out of compliance with the requirements of Section 504 of the Vocational Rehabilitation Act of 1973. Section 459 of Bulletin 1706 was adopted on an emergency basis so that immediate compliance with Section 504 can be achieved.

4. The Board concurred with the recommendations of the Department of Education regarding the NTE Scores as listed below:

Area Examination	Core Battery Exams			
	Area Score	CS	GK	PK
Agriculture	466	645	644	645
Art Education	-	645	644	645
Biology & General Science	575	645	644	645
Business Education	591	645	644	645
Chemistry/Physics/ General Science	530	645	644	645
Early Childhood Education	506	645	644	645
Education in Elementary School	545	645	644	645
Education of Mentally Retarded	541	645	644	645
English Language/Literature	441	645	644	645
French	517	645	644	645
German	496	645	644	645
Home Economics Education	509	645	644	645
Industrial Arts Education	-	645	644	645
Mathematics	617	645	644	645
Media Specialist/Library/A-V	563	645	644	645
Music Education	533	645	644	645
Physical Education	545	645	644	645
Social Studies	563	645	644	645
Spanish	538	645	644	645
Speech Communications	-	645	644	645
CS - Communication Skills Professional Knowledge	GK - General Knowledge	PK		

Since the National Teacher Examinations were revised by the Educational Testing Service, it was necessary to revalidate the exams and set new scores for certification. Emergency adoption is necessary so that individuals can be employed under these provisions for the 1983-84 school year.

5. The Board adopted the following policy regarding issuing a temporary employment permit to those taking the revised NTE:

1. A temporary employment permit, valid for the 1983-84 school year, will be granted to those candidates who met the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

2. When no area examination is required, a temporary employment permit will be granted to candidates who meet

qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above the total score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

3. To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of individuals employed on a temporary employment permit should be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

(The need for the emergency adoption of the above policy is to help local school systems that are experiencing a teacher shortage and cannot employ a regularly certified teacher.)

6. The Board adopted policies on attendance in the proposed revised Bulletin 741 as an Emergency Rule in order that these policies would be effective for the 1983-84 school year as listed below:

Attendance Requirements - (Elementary and Secondary Education)

Students from the seventh to the sixteenth birthday shall attend a public or private day school or participate in an approved home study program.

1. Schools shall administer attendance regulations in accordance with state and locally adopted policies.

2. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

3. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

4. The only exception to the attendance regulation shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance. (Refer to R.S. 17:226.)

#### Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedures established by the LEA.

5. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

6. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

7. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

8. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work.

9. Unexcused Absences — Students shall not be excused for any absence other than those listed and shall be given failing grades in those subjects for those days missed with no make-up work allowed.

10. Students shall not be excused from school to work on any job including agriculture and domestic service, even in their own homes or for their own parents or tutors.

11. Absences Due to Suspensions — Students missing school as a result of any suspension shall be counted as absent and shall be given failing grades for those days suspended with no make-up work allowed.

12. Homebound Instruction — A student enrolled in regular education who, as a result of physical illness, accident or the treatment thereof, is temporarily unable to attend school shall be provided instructional services in the home or hospital environment through special education, when appropriate. Procedures outlined in Act 754 and Bulletin 1508, *Pupil Appraisal Handbook*.

13. Exceptional Students' Attendance — School systems shall provide education and related services to exceptional students in accordance with an Individualized Education Program (IEP) for no less than the normal 180-day school cycle.

14. Entrance Requirements — All students upon entering Louisiana schools for the first time shall present an official birth certificate and a record of immunization.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

15. Age Requirements — Special Education preschool shall be provided to eligible students ages 3-5 years.

16. The school system shall have the option to provide special education preschool to handicapped students aged 0-2 years.

17. The minimum age for kindergarten shall be 4 years, 8 months.

18. Students attaining the age of 6 within 4 months after the beginning of any public school term or session may enter such school at the beginning of the school term or session.

In any parish or municipality, the local educational governing authority may establish the policy that only children attaining the age of 6 on or before December 31 may enter regular school at the beginning of the term or session.

19. Child Welfare and Attendance — A planned program of child welfare and attendance services shall be provided.

20. Unexcused Absences — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be reported to the Visiting Teacher, and/or Supervisor of Child Welfare and Attendance when necessary.

The Visiting Teacher or Supervisor of Child Welfare and Attendance may visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources (DHHR), and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in

person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

21. Parent or Tutor Responsibility — The school system shall require that every parent or tutor or other person having charge of an exceptional student enrolled in the school system shall enforce the attendance of these students at the special schools or classes which may be provided for them by the state or by the local educational governing authority, and to which they have been assigned, and which they are eligible to enter.

Attendance Requirements - (Special Schools)  
Special schools shall administer attendance regulations in accordance with state and locally adopted policies.

1. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

2. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

3. Extenuating Circumstances — The only exception to the above stated standard (3.055.02) shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the educational governing authority.

Special schools not within the jurisdiction of a school system shall provide verification and approval of the extenuating circumstances through the principal of the school and the State Department of Education (SDE). (Refer to R.S. 17:226.)

#### Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedure established by the LEA.

4. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

5. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

6. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

7. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work. Exceptions can be made only through specific provisions in the Individualized Educational Program (IEP).

#### Entrance Requirements

8. All students entering a special school shall present an official birth certificate, a record of a physical examination, and satisfactory evidence of having been immunized against com-

municable diseases according to an approved schedule or shall present evidence of an immunization program in progress.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

9. Age Requirements — Eligible students served by special schools shall be between the ages of 3 through 21.

10. The special school shall have the option to provide special education preschool to handicapped students ages 0-2 years.

11. Special schools with graded programs shall adhere to established age requirements.

12. Unexcused Absence — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be immediately reported to the Visiting Teacher, or Supervisor of Child Welfare and Attendance, or other appropriate authority as designated by the local educational governing authority.

The Visiting Teacher or Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the local educational governing authority shall visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, Visiting Teachers, or Supervisors of Child Welfare and Attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources, and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

13. Parent or Tutor Responsibility — Each special school shall require that every parent or tutor or other person having charge of an exceptional child enforce the attendance of these children at the special schools or classes which may be provided for them.

James V. Soileau  
Executive Director

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

#### EMERGENCY RULE

The flat grant amount that shall be included in the payment budget for all certifications in the General Assistance Program is as follows:

18-922 flat grant amounts to be included in every GA Assistance Payment Budget.

No. of Persons	Flat Grant Amount
1	\$ 91
2	138
3	190
4	234
5	277
6	316
7	352
8	391
9	427
10	462
11	501
12	540
13	580
14	620
15	662
16	707
17	741
18	789

This Emergency Rule which rescinds the Emergency Rule of July 1, 1983, for the General Assistance Program is necessary as the rule regarding Flat Grant Amounts to be included in every General Assistance Payment Budget published in the June 20, 1983, *Louisiana Register* will result in the reduction or termination of General Assistance benefits for some one person households. The termination of benefits would be an imminent peril to the health and welfare of one person households whose General Assistance Benefits are terminated because these individuals would be deprived of the medical benefits which would terminate with the termination of the General Assistance benefits.

Roger P. Guissinger  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

#### EMERGENCY RULE

Effective August 1, 1983, General Assistance Program applicants shall be referred to the Medical Social Review Team of the Office of Family Security rather than the Social Security Administration when incapacity is expected to last no more than six months, and is substantiated by medical evidence which the General Assistant applicant is able to present or readily secure.

The Emergency Rule is necessary as referral of all General Assistance applicants to the Social Security Administration prior to certification for General Assistance benefits would result in excessive delays for those individuals who become incapacitated for six months or less. The delay of benefits to the temporarily incapacitated will imminently imperil the health and welfare of those individuals who would be deprived of the medical benefits which become available upon inclusion in the General Assistance Program.

Roger P. Guissinger  
Secretary



## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the Title XIX State Plan, Method and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities. This Emergency Rule will serve to repeal an Emergency Rule published in the *Louisiana Register* on July 20, 1983, Volume 9, Number 1, page 457, bearing the title "Amendment to methods and standards for payment for medical services", which was never implemented, and will allow the Medical Assistance Program to adopt new policy, as follows:

Effective July 28, 1983, Attachment 4.19-D, page 103 after paragraph 4 and page 114 after paragraph 4 D. will be amended as follows:

#### EMERGENCY RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

This action is necessary to ensure that recipients of Title XIX long term care services continue to be served, thus avoiding an imminent peril to their health and welfare; it ensures that providers of these services are paid adequately and timely; and also provides for effective administration of the Medical Assistance Program in this area.

Roger P. Guissinger  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 10, 1983 the following Rules and Regulations:

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana Laws Pertaining to Wildlife and Fisheries, Revised 1982 Edition, appropriate federal laws; and/or Wildlife and Fisheries Commission regulations.

This is deemed to be an emergency due to the fact the biological data must be obtained up to the last possible moment so that the seasons may be set in the best interest of the renewable resources involved.

1. Open area - Alligator habitat in the State of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season - The open season shall run for a 30-day period beginning on September 10, 1983, and continue through October 9, 1983. Size - no alligators under four feet in length may

be taken.

3. Harvest methods - Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night, or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal and will be confiscated by Department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses - An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided within the state for a period of 90 days immediately preceding the season and established bona fide residence in the state. A hunter must complete application forms provided by the Department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures). Applications must be submitted beginning August 1, 1983. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 16, 1983. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) Buys from an alligator hunter or farmer for the purpose of resale; or (b) Manufactures within the state alligator parts into a finished product; or (c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail. A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or a restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state must do so in accordance with the regulations of that state.

5. Tagging - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5 (one fee charged regardless of the number of tags involved). Alligator tags will not be issued after September 16, 1983. The tags must be attached and locked in the last six inches of the tail. The

tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Failure to properly tag an alligator or skin will result in confiscation of both the alligator or skin and tag. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of Department biologists. Tags issued on public lakes are non-transferable and limited to five per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag numbers issued to each hunter will be recorded. Hunters will be held accountable for all alligator tags issued to them. *Unused tags must be returned by the hunter to the Department no later than 15 days following the close of the season.* Department personnel must be notified, within 15 days following the close of the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders - Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm alligators can be harvested during closed season with Department approval).

7. Sale of Alligator Skins - All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hide Records - All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the Department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the Department within 60 days after the close of the alligator season, or prior to shipping out of state, a complete report as specified on forms provided by the Department.

9. Shipment - All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the Department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25¢ per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a facility approved by the Louisiana Health Department. If a person or firm (corporation) is

cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the Department. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the Department. Hunters, farmers, and alligator parts dealers (must be licensed by the Louisiana Health Department) shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. Nuisance Removal Program - A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the Department will be for one calendar year. This nuisance removal program depends upon close cooperation of state, parish, and local authorities. Tags may be issued by the Department to an approved licensed hunter who has been designated by Department supervisory personnel or officials of a local governing body. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The Commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

12. Hunting on Public Lakes - The Department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by Department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. *Alligator tags issued on public lakes are nontransferable.* Applicants for public lake hunting must be 16 years of age or older. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Applications for public lake hunting must be received at least 10 days prior to the season opening date.

13. Harvest Rates - Tags will be issued on the following basis, with the exception of alligator farmers, breeders and the nuisance complaint program.

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH  
LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Minden	Caddo	Cross Lake	500	20	25	Public Lake (Experimental Harvest)
	Bossier	Flag Lake	500	10	50	Barksdale A.F.B.
		Barksdale A.F.B. Lakes	500	10	50	"
	DeSoto	*Clear Lake	1,500	50	30	Public Lake (Experimental Harvest)
		**Smithport Lake	1,500	50	30	"
		Bayou Pierre Brake	3,000	30	100	Private Lake (Experimental Harvest)
DeSoto-Caddo	Wallace Lake	2,000	5	400	Public Lake (Experimental Harvest)	
Monroe	Ouachita	Calhoun Brake	600	6	100	Private Lake (Experimental Harvest)
		Black Bayou Lake	720	15	50	"
		McGowen Brake	600	6	100	"
		Bartholomew Lake	250	5	50	Public Lake (Experimental Harvest)
	Morehouse	Wham Brake	500	5	100	Private Lake (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Alexandria	Grant	Iatt Lake	3,000	20	150	Public Lake (Experimental Harvest)
	Rapides	Indian Creek	500	5	100	"
		Kincaid Lake	500	5	100	"
	Rapides- Evangeline	Cocodrie Lake	4,000	10	400	"
	Natchitoches	Black Lake	2,400	10	240	"
	Winn	Saline Lake	2,400	10	240	"
	Vernon	Anacoco Lake	1,000	5	200	"
Ferriday	Caldwell	Jones Brake	200	10	20	Boeuf W.M.A. (Experimental Harvest)
		Dizzy Brake	160	10	16	Private Lake (Experimental Harvest)
	Concordia	Lower Sunk Lake	600	5	120	Three Rivers W.M.A. (Experimental Harvest)
		Silver Lakes	400	5	80	"
	Tensas	Lake St. Joseph	800	40	20	Public Lake (Experimental Harvest)
Lake- Charles	Evangeline	Chicot Lake	1,625	16	100	State Parks (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Lake Charles	Evangeline	Miller's Lake	3,000	30	100	Private Lake (Experimental Harvest)
Opelousas	Avoyelles	Grassy Lake W.M.A.	760	8	100	(Experimental Harvest)
		Spring Bayou W.M.A.	3,420	50	70	"
	St. Martin	Bayou des Ourses Brake	1,300	20	65	Private brakes within upper portion of Atchafalaya Basin
	Iberville	Bayou des Glaises Brake	2,000	20	100	(Experimental Harvest)
Lake Region Totals		Lakes	40,105	491	85	Experimental Harvest Rates

Additionally: Any private alligator habitat determined by Dept. personnel to have a reproducing population may be issued tags at the rate of one tag per 85 acres of habitat.

\* North of La. 509 Bridge

\*\* South of La. 509 Bridge

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH  
CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	29,880	93	320	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	Lafayette	1,200	4	320	
	Pointe Coupee	1,000	3	320	
	W. Baton Rouge	7,040	22	320	
Baton Rouge	Acension	40,320	126	320	Alligator harvest within Pearl River W.M.A.
	E. Baton Rouge	2,000	6	320	
	Livingston	66,720	208	320	
	St. Tammany	9,000	28	320	
	Tangipahoa	*36,181	113	320	
New Orleans	St. Charles	39,340	123	320	
	St. James	76,960	241	320	
	St. John	104,320	326	320	
New Iberia-Bourg	Assumption	98,560	308	320	
	Iberia	31,550	99	320	
	LaFourche	112,350	351	320	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH  
 ATCHAFALAYA BASIN REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	35,000	41	850	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	St. Martin	100,000	118	850	
New Iberia	Iberia	39,980	47	850	
	St. Martin	80,000	94	850	
	St. Mary	13,560	16	850	
BASIN TOTAL		268,540	314	850	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH  
CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
	St. Mary	60,190	188	320	
	Terrebonne	43,014	134	320	
SWAMP TOTAL		758,625	2,373	320	

\* 35,000 additional acres of intermediate marsh.



Parish	1983 Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron Calcasieu	1:175	1:100	1:125
Jeff Davis			1:125
Vermilion	1:150	1:100	1:250
Iberia St. Mary	1:250	1:175	1:200
Terrebonne	1:225	1:100	1:150
Lafourche	1:400	1:175	1:100
St. Charles	1:400	1:100	1:100
St. John the Baptist		1:100	1:100
Jefferson	1:300	1:200	1:175
Orleans	1:500	1:225	1:225
Plaquemines	1:350	1:250	1:250
St. Bernard	1:400	1:200	
St. Tammany	1:125	1:125	1:125
Tangipahoa			1:175
Swamp	1:320		
Dewatered Marsh	1:500		
Deteriorating Brackish Marsh*	1:500		

\*Marsh areas which are characterized by a generally declining alligator population caused by degradation of alligator habitat.

This is to certify that the above and foregoing is a true copy of the excerpt of the meetings of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on July 26, 1983.

Jesse J. Guidry  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

WHEREAS, there is a need to define the interior limits of Chandeleur and Breton Sounds for vessels using two trawls in order to conserve and protect small juvenile shrimp in nursery ground areas,

NOW, Therefore, Be It Resolved that the Wildlife and Fisheries Commission at its regular meeting on July 26, 1983 does hereby establish the western limits of Chandeleur and Breton Sounds as being that area extending generally east of a line running south from the Louisiana - Mississippi boundary to the east end of Isle Aux Pitre to Door Point, Brush Island, Point Comfort, Point Chico, Grace Point (Break-in-the-rocks, MR-GO), Mozambique Point, Telegraph Point, California Point, Sable Island Light, Raccoon Point, Coquille Point, Deep Water Point, and the northeastern point of land at Taylor Pass.

Jesse J. Guidry  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 17, 1983 the following Rules and Regulations:

1983-84 Migratory Hunting Season Dates

	Dates	Days
Rails	Sept. 17-25	9
	Nov. 12-Jan. 11	61
		<u>70 Total</u>
Gallinules:	Sept. 17-25	9
	Nov. 12-Jan. 11	61
		<u>70 Total</u>
Snipe:	Nov. 12-Feb. 26	107
Woodcock:	Dec. 10-Feb. 12	65
Doves	North Zone: Sept. 3*-18	16
	Oct. 15*-Nov. 6	23
	Dec. 10*-Jan. 9	31
		<u>70 Total</u>
	South Zone: Oct. 15*-Nov. 27	44
	Dec. 10*-Jan. 4	26
		<u>70 Total</u>
Teal:	Sept. 17-25	9

\*Season opens at 12 noon on these dates.

Shooting Hours:

1. Sept. Teal Season: Sunrise to sunset.
2. Ducks, Geese, Coots, Rails, Gallinules, Woodcock and Snipe: one half hour before sunrise to sunset.
3. Doves: one half hour before sunrise to sunset except on the opening first two days of each season segment (September 3 and 4, October 15 and 16 and December 10 and 11) when shooting hours are 12 noon until sunset.

This is deemed to be an emergency due to the fact that the federal frameworks with the selected dates are not received from the U.S. Fish and Wildlife Service, Department of the Interior until the first week of August. Dates must be selected within this framework by the Wildlife and Fisheries Commission and returned by August 29, 1983.

Jesse J. Guidry  
Secretary

**RULES**

**RULE**

**Department of Commerce  
Motor Vehicle Commission**

The Louisiana Motor Vehicle Commission, in accordance with the authority granted to it by R.S. 1251, et seq., and pursuant to the Administrative Procedure Act, R.S. 49:950, et seq., is adopting the following amendments, in part, of Section 20 of the Rules and Regulations relative to advertising:

1. Every price advertisement shall include all charges except local and/or state sales tax, license and insurance.

2. Full and complete information shall be shown in describing the new motor vehicle so advertised and shall include:

- A. Make and Year.
- B. Series (Manufacturer's name plate).
- C. Number of doors.

D. Equipment included in advertised price. Any illustration used in any advertising media, including television, must be that of the new motor vehicle advertised as outlined above.

E. Any advertised statements, illustrations and offers of motor vehicles as to year, make, model, type, condition, equipment, price, trade-in allowance, terms, etc., shall be clearly set forth and based upon facts.

(a) The use of stock numbers will not preempt the requirements of full disclosures as stated above, except that the listing of equipment is not required when a manufacturer's list price, if an automobile, or manufacturer's suggested retail price, if a truck, is also advertised.

3. CREDIT SALES PLANS advertised must include:

A. The requirements contained in 2 above with regard to description and illustration of the advertised product shall also be adhered to in credit sales plan advertisements.

B. The amount of any required downpayment.

C. The amount to be financed.

D. The number, amount, or period of payments scheduled to repay the debt.

E. The finance charge expressed as an annual percentage rate.

4. DEFERRED PAYMENTS: No advertisement shall of