

Rules

RULE

Department of Agriculture and Forestry Office of Agro-Consumer Services Weights and Measures Commission

Commercial Weights and Measuring Devices
(LAC 7:XXXV.101 and 129)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Commission is substituting the National Institute of Standards for National Bureau of Standards in LAC 7:XXXV.101 and 129 to reflect the new name of that federal agency. These rules comply with and are enabled by R.S. 3:4606 and R.S. 3:4608.

No preamble concerning the rules is available.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§101. Specifications, Tolerances and Regulation for Commercial Weighing and Measuring Devices

The commissioner of Agriculture and Forestry, under authority conferred by the Louisiana Revised Statutes of 1950, Title 3, Section 4608, and for the enforcement of requirements applicable to the equipment therein referred to, hereby adopts by reference all rules, regulations, standards, specifications and tolerances as contained in the National Institute of Standards and Technology Handbook H-44, and amendments thereto, entitled *Specifications, Tolerances, and Regulations for Commercial Weighing and Measuring Devices*, and as contained in the National Conference on Weights and Measures Publication 19 entitled *Examination Procedure for Price Verification*, but only insofar as the Louisiana Revised Statutes of 1950, as amended, may provide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4606 and R.S. 3:4608 (formerly R.S. 55:4 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended and promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1530 (December 1993), amended LR 23:857 (July 1997), amended by the Weights and Measures Commission, LR 24:1495 (August 1998).

§129. Standards

A. - B.1. ...

2. has been tested by the National Institute of Standards and shown to comply with Handbook 44 criteria by the issuance of a Report of Test (Prior to 1985) or a Certificate of Conformance (1985, Forward); or

3. ...

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended by the Division of Weights and Measures, LR 19:1535 (December 1993), amended by the Weights and Measures Commission, LR 24:1495 (August 1998).

Bob Odom
Commissioner

9808#075

RULE

Board of Elementary and Secondary Education

Bulletin 741—GED Requirements

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, Standard 1.124.02. Bulletin 741 is referenced in LAC 28:I.901.A. The amendment allows local superintendents to issue age waivers for 16 year olds to take the GED in certain instances without approval from BESE and provides due process for adults to appeal to BESE if their request for a waiver is denied at the local level.

1.124.02 A student shall be 17 years of age or older in order to be authorized to be administered the General Educational Development (GED) test. A married or emancipated individual may be permitted to take the GED test at 16 years of age and above. A student who has attained the age of 16 and qualified to take the GED test may request an age waiver from the local school superintendent if one or more of the following hardships exist and appropriate documentation is on file at the local school board office:

- pregnant or actively parenting;
- incarcerated;
- institutionalized or living in a residential facility;
- chronic physical or mental illness.

The local school superintendent or his/her designee may approve the request without requesting action from the Board of Elementary and Secondary Education (BESE). Such local action must occur prior to a qualified 16 year old student taking the GED test. If the request for an age waiver is denied at the local level, a student may request the waiver from the Department of Education for approval by BESE with documentation of reason for denial at the local level. All other requests for age waivers due to hardships not listed above, must be approved by BESE prior to taking the GED test. Individuals 15 years of age and below shall not be permitted to take the GED test under any circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:1495 (August 1998).

Weegie Peabody
Executive Director

9808#071

RULE

Board of Elementary and Secondary Education

Restructure of Board Committees (LAC 28:I.103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved the following revision to the structure of the standing committees of the board. The amendment reduces the standing committees from 14 to 10.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 1. Organization

§103. Board Committees

A. As a means of assisting the board in the exercise of its powers and responsibilities as defined in the Constitution and by law, standing and special committees are created.

B. Standing committees composed of not less than three members of the board and appointed by the president are:

1. Board Relations/Strategic Planning/Administration Committee;
2. 8(g) Committee;
3. Finance/Audit Review Committee;
4. Legal/Due Process Committee;
5. Legislative/Policy Oversight Committee;
6. School and Community Support Committee;
7. School Standards/Accountability Committee;
8. Student Standards/Assessment Committee;
9. Quality Educators Committee;
10. Vocational-Technical Committee;
11. - 14. Repealed.

B. Becomes Subsection C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(D) and R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16:297 (April 1990), amended LR 24:1496 (August 1998).

Weegie Peabody
Executive Director

9808#078

RULE

**Department of Environmental Quality
Office of Waste Services
Hazardous Waste Division**

Small Quantity Generator Emissions
(LAC 33:V.3801 and 3915)(HW065)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste Division regulations, LAC 33:V.3801 and 3915 (HW065).

This rule seeks to make Louisiana's Hazardous Waste regulations on universal wastes, small quantity generators, equivalent to federal regulations for Conditionally Exempt Small Quantity Generators. A review of state regulations concerning universal wastes, small quantity generators, added for the RCRA V authorization package showed an inconsistency with the equivalent federal regulations for universal wastes (Conditionally Exempt Small Quantity Generators). The basis and rationale for this rule are to mirror the federal regulations despite the fact that we have only two categories of hazardous waste generators.

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental
Quality—Hazardous Waste
Chapter 38. Universal Wastes
Subchapter A. General
§3801. Scope and Applicability**

[See Prior Text in A - C]

D. Small quantity generator wastes that are regulated under LAC 33:V.Chapter 39 and are also of the same type as the universal wastes defined in LAC 33:V.3813 may, at their option, manage these wastes under the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998).

Chapter 39. Small Quantity Generators

§3915. Requirements

The small quantity generator must:

* * *

[See Prior Text in A - C]

1. the date on which each accumulation period began shall be clearly marked and visible for inspection, as specified in LAC 33:V.1109.E.1.e;

* * *

[See Prior Text in C.2 - C.7.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 16:220 (March 1990), repromulgated LR 18:1256 (November 1992), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1497 (August 1998).

H.M. "Mike" Strong
Assistant Secretary

9808#039

RULE

Department of Health and Hospitals Board of Dentistry

Mobile Dental Clinics (LAC 46:XXXIII.312)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry hereby enacts LAC 46:XXXIII.312, Mobile Dental Clinics. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§312. Mobile Dental Clinics

A. Definition. *Mobile Dental Clinic* or *Mobile Dental Unit* means any self-contained facility in which dentistry will be practiced which may be moved, towed, or transported from one location to another.

B. Application for Permit. A licensed dentist who wishes to operate a mobile dental clinic shall apply to the board for a permit on an application form to be provided by the board and by providing evidence of compliance with the requirements of this section and paying all appropriate fees.

C. Exempt from the requirements of this rule are all federal, state, or local governmental agencies.

D. Requirements

1. The applicant shall certify that:

a. there is a written agreement for emergency follow-up care for patients treated in the mobile dental clinic and that such agreement includes identification of and arrangements for treatment in a dental facility which is permanently established

in the immediate area. Such agreement shall be filed with the initial application and all subsequent renewals thereof;

b. the mobile dental clinic has communication facilities which will enable the operator thereof to contact necessary parties in the event of a medical or dental emergency;

c. the mobile dental clinic conforms to all applicable federal, state, and local laws, regulations, and ordinances dealing with radiographic equipment, flammability, construction, sanitation, zoning, and Federal Centers for Disease Control Guidelines and the applicant possesses all applicable parish and city licenses or permits to operate the unit.

2. The applicant shall maintain an official business or mailing address of record which shall not be a post office box and which shall be filed with the board. The board shall be notified within 30 days of any change in the address of record. All written or printed documents available from or issued by the mobile dental clinic shall contain the official address of record for the mobile dental clinic. When not in transit, all dental and official records shall be maintained at the official office address of record.

3. Each mobile dental clinic shall:

a. have ready access to a ramp or lift;

b. have a properly functioning sterilization system;

c. have ready access to an adequate supply of potable water, including hot water;

d. have ready access to toilet facilities;

e. have a covered galvanized, stainless steel, or other non-corrosive metal container for deposit of refuse and waste materials;

f. prominently display all applicable licenses and permits in compliance with LAC 46:XXXIII.104.

4. The applicant shall identify and advise the board within 30 days of any personnel change relative to all licensed dentists, dental hygienists, laboratory technicians, and auxiliary personnel associated with the mobile dental clinic by providing their full name, address, telephone numbers, and license numbers where applicable.

5. The applicant shall provide the exact street address or location of each and every place within this state where the mobile or movable dental office will provide dental services, and the dates and times such services will be provided at each location. This notification shall be updated within 10 days of any addition or deletion of a location and shall be sent to the board in writing.

E. Transferability. A permit to operate a mobile dental clinic is not transferable.

F. Renewal. A permit to operate a mobile dental clinic expires at the same time as the permit holder's dental license. The permit holder may apply for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1497 (August 1998).

C. Barry Ogden
Executive Director

9808#015

RULE

**Department of Health and Hospitals
Board of Medical Examiners**

Clinical Exercise Physiologists—Licensure
(LAC 46:XLV.3741, 3743, and 3763)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board) pursuant to the authority vested in the Board by the Louisiana Clinical Exercise Physiologists Licensing Act, R.S. 37:3421-3433, the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and in accordance with applicable provisions of the Administrative Procedure Act, has amended its rules governing the licensure of clinical exercise physiologists, LAC 46:XLV.3741, 3743 and 3763, to implement and provide for the annual renewal of licensure on or before the first day of month in which the licensee was born. The rule amendments are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 37. Clinical Exercise Physiologists

**Subchapter E. Licensure Issuance, Expiration, Renewal
and Termination**

§3741. Expiration of License

A. ...

B. Notwithstanding the provisions of §3741.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of month in which the licensee was born.

C. The timely submission of an application for renewal of license shall operate to continue the expiring license in full force and effect pending the board's issuance or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:1498 (August 1998).

§3743. Renewal of License

A. ...

B. Notwithstanding the provisions of §3743.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license shall be mailed by the board to each person holding a license at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:1498 (August 1998).

**Subchapter G. Continuing Professional Education
§3763. Failure to Satisfy Continuing Professional
Education Requirements**

A. ...

1. - 3. ...

B. The license of a clinical exercise physiologist which has expired by nonrenewal or has been revoked for failure to satisfy continuing professional education requirements of these rules may be reinstated by the board upon written application to the Board, accompanied by payment of the reinstatement fee prescribed by §3745.B hereof, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license lapsed, expired or was revoked, completed an aggregate of 10 contact hours (1.0 CEU) of qualifying continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:1498 (August 1998).

Delmar Rorison
Executive Director

9808#025

RULE

**Department of Health and Hospitals
Board of Medical Examiners**

Licensing and Certification of Physician Assistants
(LAC 46:XLV.1517)

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), the Physician Assistants Practice Act, R.S. 37:1360.23(B) and (F), and in accordance with applicable provisions of the Administrative Procedure Act, has amended its rules governing the licensure of physician assistants, LAC 46:XLV, Subpart 2, Chapter 15, §1517, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The rule amendments are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 15. Physician Assistants

**§1517. Expiration of Licensure; Renewals; Modification;
Notification of Intent to Practice**

A. ...

B. Notwithstanding the provisions of §1517.A, every license issued under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born. Every license issued under this Chapter shall be renewed on or before December 31, 1998 for the year 1999, as well as through the first day of the month in which the licensee was born in the year 2000, and each year thereafter, by submitting to the board an application for renewal upon forms supplied by the board, together with satisfactory documentation of current certification or recertification by the National Commission on Certification of Physicians' Assistants. Each application for renewal shall be accompanied by a fee of \$100. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1360.23(B), (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:201 (March 1996), LR 24:1498 (August 1998).

Delmar Rorison
Executive Director

9808#028

RULE

Department of Health and Hospitals Board of Medical Examiners

Occupational Therapists and Occupational
Therapy Assistants—Licensure
(LAC 46:XLV.1945, 1947, and 1975)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Occupational Therapy Practice Act and the Medical Practice Act, R.S. 37:3012(A), (B) and 37:1270(B)(6), and the provisions of the Administrative Procedure Act, has amended its rules governing the licensure of occupational therapists and occupational therapy assistants, LAC 46:XLV, Subpart 2, Chapter 19, §§1945, 1947 and 1975, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The rule amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 19. Occupational Therapists and Occupational Therapy Assistants

Subchapter F. License Issuance, Termination, Renewal and Reinstatement

§1945. Expiration of License

A. ...

B. Notwithstanding the provisions of §1945.A, every

license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of an application for renewal of a license shall operate to continue the expiring license in full force and effect pending issuance of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:1499 (August 1998).

§1947. Renewal of License

A. ...

B. Notwithstanding the provisions of §1947.A, every license issued by the board under this Subchapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license at least thirty days prior to the expiration date of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

D. The renewal of a license which has expired for 60 days or less may be renewed by submitting to the board an application for renewal upon forms supplied by the board together with the late renewal fee prescribed in Chapter 81 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:1499 (August 1998).

Subchapter H. Continuing Professional Education

§1975. Failure to Satisfy Continuing Professional Education Requirements

A. ...

1. - 3. ...

B. The license of an occupational therapist or occupational therapy assistant whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs, of Fifty Dollars (\$50.00), together with documentation and certification that:

1. the applicant has, during each year since the date on which the applicant's license lapsed, expired, or was revoked, completed 12 contact hours (1.2 CEUs) of qualifying continuing professional education and the following additional continuing professional education, as applicable:

B.1.a. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended LR 24:1499 (August 1998).

Delmar Rorison
Executive Director

9808#027

RULE

Department of Health and Hospitals Board of Medical Examiners

Physicians and Surgeons—Licensure
(LAC 46:XLV.415 and 417)

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and the provisions of the Administrative Procedure Act, has amended its rules governing the licensure of physicians and surgeons, LAC 46:XLV, Subpart 2, Chapter 3, §§415 and 417, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The rule amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians and Surgeons

Subchapter I. License Issuance, Termination, Renewal and Reinstatement

§415. Expiration of Licenses and Permits

A. ...

B. Notwithstanding the provisions of §415.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by §417 of this Chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996 [withdrawn LR 22:280 April 1996]), LR 24:1500 (August 1998).

§417. Renewal of License

A. ...

B. Notwithstanding the provisions of §417.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998).

Delmar Rorison
Executive Director

9808#030

RULE

Department of Health and Hospitals Board of Medical Examiners

Podiatrists—Licensure
(LAC 46:XLV.1359 and 1361)

Notice is hereby given, in accordance with R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the Louisiana Podiatry Practice Act, R.S. 37:621, and the provisions of the Administrative Procedure Act, has adopted rules governing the licensure and certification of podiatrists, LAC 46:XLV, Subpart 2, Chapter 13, §§1359 and 1361, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

Subchapter A. General Provisions

§1301. Scope of Chapter [Reserved]

§1303. Definitions [Reserved]

Subchapter B. Requirements and Qualifications for Licensure

§1305. Scope of Subchapter [Reserved]

§1307. Qualifications for Licensure [Reserved]

§1309. Procedural Requirements [Reserved]

§1311. Waiver of Examination Requirements [Reserved]

Subchapter C. Board Approval of Podiatry Schools and Colleges

§1313. Scope of Subchapter [Reserved]

§1315. Applicability of Approval [Reserved]

§1317. List of Approved Schools [Reserved]

Subchapter H. Licensure Issuance, Termination, Renewal, Reinstatement

§1357. Issuance of License [Reserved]

§1359. Expiration of License or Permit

A. Every license or permit issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void and to no effect, on the last day of the year in which such license or permit was issued.

B. Notwithstanding the provisions of §1359.A, every license, but not a permit, issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year, on the first day of the month in which the licensee was born.

C. The timely submission of a properly completed application for renewal of a license, as provided in §1361, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:621.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1501 (August 1998).

§1361. Renewal of License

A. Every license issued by the board under this Chapter shall be renewed annually on or before its date of expiration by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee prescribed by the Board.

B. Notwithstanding the provisions of §1361.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:621.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1501 (August 1998).

Delmar Rorison
Executive Director

9808#029

RULE

**Department of Health and Hospitals
Board of Medical Examiners**

**Registered Dispensing Physicians—Registration
Renewal/Expiration (LAC 46:XLV.6523 and 6525)**

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and R.S. 37:1204, and the provisions of the Administrative Procedure Act, has amended its existing rules governing the licensure of registered dispensing physicians, LAC 46:XLV, Subpart 3, Chapter 65, §§6523 and 6525, to implement and provide for the annual renewal of registration on or before the first day of the month in which the registrant was born. The rule amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 3. Practice

Chapter 65. Dispensation of Medications

Subchapter C. Registration

§6523. Expiration of Registration

A. ...

B. Notwithstanding the provisions of §6523.A, every registration issued by the board under this Chapter, to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the registrant was born.

C. The timely submission of an application for renewal of registration as a dispensing physician, as provided by §6525 of this Chapter, shall operate to continue the expiring registration in effect pending certification of renewal registration or other final action by the board on such application for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 37:1204.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1501 (August 1998).

§6525. Renewal of Registration

A. ...

B. Notwithstanding the provisions of §6525.A, every registration issued by the board under this Chapter to be effective on or after January 1, 1999 shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the registrant was born. Renewal fees shall be prorated if the registration is to be effective for more than one year.

C. An application for registration renewal form shall be mailed by the board to each registrant at least 30 days prior to the expiration of the registration each year. Such form shall be mailed to the most recent address of each registrant as reflected in the official records of the board.

D. Registration as a dispensing physician which has expired by virtue of nonrenewal shall not be reinstated by the board except upon the applicant's satisfaction of the qualifications, requirements and procedures prescribed by this Chapter for original application for registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 37:1204.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1501 (August 1998).

Delmar Rorison
Executive Director

9808#024

RULE

Department of Health and Hospitals Board of Medical Examiners

Respiratory Therapists and Respiratory
Therapy Technicians—Licensure
(LAC 46:XLV.2541, 2543 and 2565)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Respiratory Act, R.S. 37:3351-3361, and particularly 37:3355(3) and 37:3357, the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and the provisions of the Louisiana Administrative Procedure Act, has amended its rules governing the licensure of respiratory therapists and respiratory therapy technicians, LAC 46:XLV, Subpart 2, Chapter 25, §§2541, 2543 and 2565, to implement and provide for the annual renewal of licensure on the first day of the month in which the licensee was born. The rule amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 25. Respiratory Therapists and Respiratory Therapy Technicians

Subchapter E. Licensure, Issuance, Termination, Renewal, Temporary Issuance and Reinstatement

§2541. Expiration of License

A. ...

B. Notwithstanding the provisions of §2541.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of an application for renewal of a license, as provided by §2543 hereof, shall operate to continue the expiring license in force and effect pending the

board's issuance, or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:1502 (August 1998).

§2543. Renewal of License

A. ...

B. Notwithstanding the provisions of §2543.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year. An application for renewal of license shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensed respiratory therapist or licensed respiratory therapy technician as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:1502 (August 1998).

Subchapter G. Continuing Professional Education

§2565. Failure to Satisfy Continuing Professional Education Requirements

A. ...

1. - 3. ...

B. The license of a respiratory therapist or respiratory therapy technician whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board, made not more than two years from the date of expiration or revocation, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs, of fifty dollars (\$50.00), together with documentation and certification that:

1. the applicant has, for each year since the date on which the applicant's license lapsed, expired or was revoked, completed eight (8) hours (0.8 CEU) of qualifying continuing professional education, and if the application for reinstatement is made more than one year following the date on which such license lapsed, expired or was revoked, the applicant shall evidence completion of an additional four (4) hours of qualifying continuing professional education since the date on which the applicant's license lapsed, expired or was revoked; or

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health

Delmar Rorison
Executive Director

9808#026

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Medicaid—Electric Wheelchair Repairs

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule as authorized by LA R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Bureau of Health Services Financing replaces previous criteria governing repairs of electric wheelchairs with the following:

(1) repairs for electric wheelchairs may be considered if the recipient is in an educational or training program or is employed; or

(2) repairs of electric wheelchairs may also be considered for recipients who already own an electric wheelchair, even if they are not currently enrolled in an educational or training program, or not employed, if the following conditions are met:

(a) the electric wheelchair is the recipient's only wheelchair;

(b) the only alternative to the repairs is replacement by a new manual type wheelchair;

(c) the repairs do not cost more than the estimated replacement cost of a new appropriate, manual type chair; and

(d) only basic repairs, not major modifications or reconstruction, of the chair is being requested.

David W. Hood
Secretary

9808#079

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

**Riverboat Gaming—Internal Controls;
Tips or Gratuities (LAC 42:XIII.2721)**

The Gaming Control Board hereby amends LAC 42:XIII.2721 in accordance with R.S. 27:1 et seq. and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part XIII. Riverboat Gaming

Chapter 27. Accounting Regulations

§2721. Internal Controls; Tips or Gratuities

A. - B. ...

C. All tips and gratuities given to gaming employees other than slot machine gaming employees shall be:

1. - 3. ...

4. the licensee may elect to handle tips generated in its poker room separately from the pro rata distribution pool. Tips or gratuities may be assigned to the dealer generating the tip or gratuity, and the following procedures shall be used.

a. Each dealer shall have a locked transparent box marked with the dealer's name or otherwise coded for identification. Keys to these boxes shall be maintained by the cage department. When not in use, these boxes shall be stored in a locked storage cabinet or other approved lockable storage medium in the poker room itself. Keys to the storage cabinet shall be maintained by someone other than a dealer, hereinafter referred to as the keyholder.

b. When a poker dealer arrives at his assigned poker table, the dealer and the keyholder shall obtain the dealer's marked transparent locked box from the locked storage cabinet. The box shall be placed at the poker table in the same manner as any other dealer token box. If the dealer leaves the poker table for any reason, the dealer's marked box shall be removed from the table by the dealer and the keyholder and returned to the storage cabinet.

c. At the end of the dealer's shift, the dealer along with an independent verifier (an employee independent of the table games and cage departments), shall take that dealer's marked transparent locked box to the cage for counting. The cage employee shall unlock, empty, and relock the box. The cage employee shall count the contents of the box in the presence of the dealer and the independent verifier. The amount shall be recorded on a three-part voucher, and signed by the cage employee, the dealer, and the independent verifier. The three parts of the voucher shall be distributed as follows:

i. one part shall be given to the dealer;

ii. one part shall be maintained by the cage; and

iii. one part shall be forwarded to the payroll department.

d. Tips or gratuities counted above shall be deposited into the licensee's payroll account. Distribution to the dealer for the tips or gratuities earned by the dealer at poker tables shall be made in accordance with the licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes and regulations. No distributions shall be made to the dealer in any other manner.

e. A poker room dealer may tip any cashier working as the poker room cashier during the poker room dealer's shift. Any such tip shall be handled when the poker room dealer's tips are counted as defined above. A section of the dealer's tip voucher shall be marked to allow the dealer to

indicate which cashier the dealer wishes to tip and the amount of the tip. The tip shall be deducted from the dealer's total tips at the time of the count. Tips given to a cashier in this manner shall be distributed to the cashier in accordance with the licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes and regulations. No tips from a poker room dealer shall be made to a cashier in any other manner.

f. The licensee shall maintain a minimum level of supervision, as approved by the Division, over the poker room tables. Surveillance shall be required to continuously monitor and record open poker tables.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Gaming Control Board, LR 24:1315 (July 1998), LR 24:1503 (August 1998).

Hillary J. Crain
Chairman

9808#007

RULE

Department of Public Safety and Corrections Gaming Control Board

Video Draw Poker—Gaming
Establishments (LAC 42:XI.2415)

The Gaming Control Board hereby adopts LAC 42:XI.2415.C.3 in accordance with R.S. 27:1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2415. Gaming Establishments

A. - C.1. - 2. ...

3. No video draw poker devices which a qualified truck stop facility is licensed to operate on the premises shall be located or operated in the convenience store, trucker lounges, laundry rooms, shower rooms, and/or hallway areas of the truck stop facility. Video draw poker devices shall be located and operated in areas designated primarily for gaming, as defined in R.S. 27:301 et seq., and/or in lounges/bars and restaurants that meet the criteria of R.S. 27:301 et seq., and Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950. In areas legally accessible to minors the device areas shall comply with the provisions of R.S. 27:302(D)(2) and LAC 42:XI.2415.D.2.

D. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq. and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of

Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:1504 (August 1998).

Hillary J. Crain
Chairman

9808#006

RULE

Department of Transportation and Development Division of Aviation

Aviation Project Needs and Project
Priority Process (LAC 70:IX.Chapter 9)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends LAC 70:IX.Chapter 9 in accordance with R.S. 2:6 and Senate Concurrent Resolution No. 67 of the 1997 Session of the Legislature.

Title 70

TRANSPORTATION

Part IX. Aviation and Public Transportation

Chapter 9. Aviation Program Needs and Project Priority Process

§901. Introduction

The Louisiana Department of Transportation, Aviation Division is responsible for the development of public aviation facilities in the state. Assistance with the planning, design, and construction of facilities is provided to local governments which own the public airports. In addition, state funding is used in many cases to provide all or a portion of the local match requirement if the improvement is federally funded or if most or all of the total funding is previously approved by the Legislature. The aviation portion of the Louisiana Transportation Trust Fund is the only source of state funds for airport capital improvements or matching funds for federal airport improvement grants.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1504 (August 1998).

§903. Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grants

Federal funding for projects is received through grants from the Federal Aviation Administration directly to the recipient airport. Under the current program, 90 percent of project funds are federal and 10 percent are provided by the local sponsor. Occasionally, the FAA or other federal agencies may offer a grant requiring a local match of more than 10 percent. For example, terminal building projects are offered as 75 percent federal, 25 percent local match. When the local sponsor requests state funding assistance for the local share, the project is evaluated through the priority system because of the use of state dollars. The local sponsor must coordinate the development of the required documents with the Aviation Division for submittal to the FAA in order to receive the 10 percent matching funds through the priority system. When

the local match is greater than 10 percent, the state will participate in no more than 10 percent of the project cost and the local sponsor must provide the additional matching funds. The FAA provides the AIP grants directly to the airport sponsor who is responsible for administering the grant.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1504 (August 1998).

§905. Project Identification and Development

A. The primary objective of the priority system is to prioritize facility improvement projects. Planning projects, navigational aid projects, and engineering design are not included in the priority system. Differences in the criteria for assessing these types of projects and the relatively small amount of state funding available make them impractical to include in the same process with facility improvement projects. Specific funds are provided for planning and navigation aid projects, but engineering design is included as a necessary part of a construction project.

B. Potential projects for inclusion in the priority system are initiated by the local community that the airport serves (through the airport owner) or by the State Aviation Division. The need for the project may be identified in a master plan, action plan, system planning document, or as a result of a change in conditions or facilities at the airport. Generally, projects initiated by the local community address a specific need from the local perspective. Projects initiated by the Aviation Division address a need from a statewide or system perspective.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1505 (August 1998).

§907. Project Prioritization Process

A. The prioritization of a project is a two-step process. The first step is to determine whether the project should be included in the priority process. The second step is to determine whether the information necessary for prioritization is available. Support documentation includes a project resolution from the local airport owner (received prior to November 1) requesting state assistance for that project, a request for FAA/AIP funding (if eligible), planning data including scope and estimated cost, justification of the immediate need, any environmental clearance documentation (if necessary), and information from the local sponsor necessary for prioritization of the project. Height limitation and land use zoning ordinances, operations manual, documentation that Part 139 and 5010 inspection discrepancies have been corrected, pavement maintenance plan, and a certified copy of the legal document creating the airport district or authority must also be received before the process can continue. If any pertinent documentation is missing, the review process will cease and not continue until all information is made available to the Aviation Division. If all of the necessary documents are not received by the Aviation Division by November 1, the proposed project cannot compete for funding for that fiscal year being prioritized but will be

considered for the following fiscal year.

B. Those projects which qualify for prioritization are then assigned point values to determine their relative priority. Those determined to be ineligible and those with insufficient information are returned to the airport owner with an explanation as to why their proposed project did not qualify for inclusion in the airport needs and priority program or with a request for additional information.

C. The project components are also reviewed to determine if the project can be prioritized as one project or requires restructuring into more than one project. The project will be restructured into usable units if necessary. An example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway so these would be considered as two projects in the priority system. On the other hand, the extension of the runway's lighting system would be included with the runway extension as one project because the additional runway length cannot be used at night without the extended lighting.

D. The structure of the priority rating system is based on an evaluation of the type of project, the aviation activity at the airport where the project is located, the management of the airport by the owner, and consideration for special types of projects.

E. There are four categories of evaluation, each addressing one of the general areas outlined above. The categories are as follows:

1. Category I—Project Type:
 - a. Safety;
 - b. Preservation of Existing System;
 - c. Upgrade to Standards;
 - d. Capacity Increases;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category IV—Special Considerations.

F. Points are awarded to a project based on evaluation criteria in each category and the total evaluation score for the project is the sum of points in each category. Based on priority ratings of projects, a program of projects is developed by the Aviation Division and submitted to the Joint Legislative Committee for Transportation, Highways and Public Works. This committee approves a program of projects which become the capital improvement projects that will be implemented by the Aviation Division in the next fiscal year. A project submitted after this approval with a ranking high enough to place the project on the program of projects cannot be added until a new program of projects is submitted to the committee the following year.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1505 (August 1998).

§909. Nonprioritized Programs

A. The nonprioritized programs projects developed by the Aviation Division vary by type and origin of development. There are three nonprioritized programs:

1. Planning;

2. Navigational Aids; and
3. Discretionary Projects.

B. Planning, navigational aids, and discretionary projects are an integral element of the state's aviation program. Projects cannot reach the facility improvement stage without going through the planning phase. Navigational aid projects enhance use of the overall state system. Discretionary projects provide the Aviation Division with the latitude to fund emergency or safety related projects on a real-time basis and to undertake projects which are too small to be eligible for funding through the priority program. The state's airport system would be stagnated without these types of projects.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1505 (August 1998).

§911. Planning Projects

A. Although the priority system addresses facility improvements, the development of the state's aviation program requires planning projects. The majority of facility projects originate with the development of a master plan or an action plan for an airport. The master plan or action plan identifies the local need for the project and identifies and describes facilities required to meet the need. System-wide planning studies such as the Louisiana Airport System Plan also play a role in identification of needs and development of projects for the entire state. One of the most important aspects of the planning program is that it directly supports the prioritization process. To ensure timely development of airport facility improvement projects which meet objectives of the state's aviation program, it is essential that the Aviation Division allocate a set-aside amount of funding to support various types of planning efforts.

B. Because of the 90 percent federal, 10 percent local match requirement for the current FAA airports grant program, a relatively large amount of planning can be done by the state with a modest expenditure. Utilized judiciously, the annual set-aside for aviation planning efforts supports a planning program that maintains the state's priority and planning processes on a continuing basis. A funding set-aside is established each budget year to support projected planning projects and these funds are used exclusively for planning efforts. One hundred thousand dollars are allocated for planning projects each year.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998).

§913. Navigational Aid Projects

Navigational aids are essential to the state's airport system. An airport system without navigational aids would be analogous to a four-lane highway without traffic signals at major intersections. The development of navigational aids makes the system more usable by providing visual or electronic clues for visual and instrument flights and by increasing use of the system during instrument flight

conditions. This is accomplished by providing basic instrument approaches to smaller airports and by lowering the minimum approach standards at larger airports having multiple approaches so that the airport is usable more days of the year. Navigational aids needs in the state are not documented to the extent that facility requirements are documented by master plans, action plans, and the state system plan. This is an area in which the state develops a system-wide plan to identify and evaluate needs for navigational aids in the state. Without a system-wide assessment, it is difficult to develop and prioritize navigational aids projects on a consistent basis. If an objective assessment of navigational needs were available, it would still be difficult to prioritize these projects in the same process as facility improvement projects because of differences in criteria for assessing the need for the projects. Also, costs of a navigational aid development program are usually smaller than facility development because the construction required for a navigational aid is significantly less than that required for a runway or apron project. For these reasons, the navigational aid development program does not compete with the facility development type projects in the prioritization process. To meet navigational aid requirements, a yearly fund of \$500,000 is set aside.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998).

§915. Discretionary Projects

The aviation director has the discretion to fund nonfederal aid projects requiring \$25,000 or less in state funds without these projects being prioritized. This amount may be increased to \$50,000 when safety may be compromised or an emergency is deemed to exist. This enables the Aviation Division to assist airports with minor projects, emergencies, and safety needs in an expeditious manner. For a project to be eligible to receive discretionary funds, it must meet the same eligibility requirements as any other project. To meet these needs, an annual fund of \$250,000 is set aside as a discretionary fund.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998).

§917. Project Prioritization Process

A. The Transportation Trust Fund legislation requires a priority system to prioritize projects in some logical order for addressing documented needs in the state's public airport system. The priority system is a process that has been developed to allocate state aviation funding to address these needs. The system reflects the state's development policy for the airport system, assigning higher values to projects which are consistent with the policy.

B. As discussed in §915, only facility development projects are subject to prioritization. Airport administration, operations, upkeep, and maintenance are not included since they are the responsibility of the airport owner and are not

within the purview of this program. Potential projects for prioritization undergo a two-step evaluation:

1. are they eligible to be included in the process?
2. has the required supporting documentation been provided?

C. Once it has been determined that the project is eligible and all documentation has been provided, the next step is the assignment of point values. When point values are finalized, the project is placed in the automated priority system where it is ranked in relation to all other projects in the system.

D. The only projects that should appear on the prioritization list are those that have a chance of being implemented in the foreseeable future. Ideally, this would be within a three-year period from the time the project appears on the priority list. Prioritized projects which have been approved for state funding but which, for lack of federal matching funds or other reasons, do not have a signed construction contract within three fiscal years may be deleted from the program. Funds which had been approved for a deleted project will be reallocated to any other prioritized project. Normally such funds will be used to cover project overruns, "up front" engineering costs (FAA reimbursable engineering costs incurred by the airport owner prior to the issuance of a federal grant in aid), or "up front" land purchase costs (FAA reimbursable costs associated with survey, real estate and title fees, and purchase of land by the airport owner prior to the issuance of a federal grant-in-aid).

E. These funds may also be used to fund the next-in-line project on the four-year unfunded portion of the priority list. As a general rule, funds originally allocated to commercial service airports will, whenever practical, be used to fund projects on the commercial service airport four-year unfunded list. Funds allocated to general aviation airports will likewise be used to fund projects on the general aviation airport four-year unfunded list. In the event there are insufficient projects on either four-year unfunded list, funds originally allocated to one class of airport may be reallocated to the other class of airport.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998).

§919. Commercial Service Versus General Aviation Airports

A. One of the basic objectives of a priority process is to identify projects that benefit the highest number of aviation system users. When airports are compared on the basis of persons served, airports offering scheduled or unscheduled commercial air service to the public serve more persons than airports that support general aviation activity. Differences in the size, revenue generation capability, and usage of commercial service airports (those airports which enplane 2,500 or more passengers annually) as compared to general aviation airports make it difficult to compare the need for projects between the commercial service and general aviation airports.

B. Because of aircraft size, weight, speed, operational characteristics, and FAA design standards, facilities at commercial service airports have more demanding standards

and thus more costly engineering and construction. Because of the significant differences between commercial service and general aviation airports project standards, each group's projects are prioritized separately.

C. The commercial service airports priority projects must have an established funding level, just as the general aviation priority projects must have an established funding level. To accomplish this, the total funds available for facility improvement projects in a given year are allocated between air carrier and general aviation airport projects in a ratio of 65 percent for commercial service airports and 35 percent for general aviation airports. This balance is adjusted, however, if there are insufficient projects in either category to fully utilize available funding. This 65 percent/35 percent allocation is based on past experience in the state's aviation program and the levels of state funding allocated to each type of airport. It also reflects the fact that commercial service airports have a far greater capability of generating revenue through means unavailable to general aviation airports such as: vendor leases, landing fees, airline contracts, passenger facility charges, and rental car lease agreements.

D. The division of projects by commercial service or general aviation airport categories results in two project priority lists, one for each of the two types of airports. Each step of the prioritization process is identical for both commercial service and general aviation airport projects.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1507 (August 1998).

§921. Preliminary Evaluation

A. The preliminary evaluation is used to screen potential projects and determine those which can realistically be implemented, assuming available funding.

1. The first step is to determine whether the project should be included in the priority process.
2. The second step is to determine whether the information necessary for prioritization is available.

B. In determining whether a project should have a priority evaluation, there are three basic criteria:

1. project type;
2. project size;
3. eligibility for federal matching funds.

C. A review committee consisting of, at a minimum, the aviation director, grants manager, and aviation program manager for the airport concerned will make an initial determination of whether there is sufficient information to prioritize a project when a project request is received. Some of the information considered by the committee is required by either Title 2 of the Louisiana Revised Statutes, the Louisiana Aviation Needs and Project Priority System, or DOTD and Aviation Division policy.

D. The DOTD Aviation Division is responsible for assigning priority values to projects and determining if they are consistent with development plans in the master plan or action plan for the airport. If insufficient data is sent to the Aviation Division, correct prioritization of the project will not be possible. When insufficient data is provided, the entire document package will be returned to the initiator of the

project with a request for the additional information needed. Therefore, resolutions and project requests should be sent to the Aviation Division well in advance of the mandatory November 1 cut off date to allow time for processing and possible return for additional information. Any document package not meeting all requirements or not in Aviation Division hands by November 1 will not be prioritized or included in the upcoming fiscal year's program.

E. Project Type. Generally, only facility improvement or preservation projects are included in the priority program. Some exceptions are:

1. land acquisition for obstruction removal or airport expansion;
2. Aircraft Rescue and Firefighting (ARFF) vehicles and equipment;
3. airport noise studies; and
4. FAA AID eligible projects when FAA is providing funding.

F. Some projects may be of a type in which the Aviation Division might not participate. For example, construction of roads and utilities for an air industrial park development and revenue-generating projects such as fuel systems, hangars, buildings for lease, and portions of terminal buildings are not undertaken by the priority system and will not be funded by the Aviation Trust Fund.

G. Project Size. To be included in the priority system, a project must require the use of \$25,000 or more in state funding. The \$25,000 requirement only applies to projects which receive no federal funding. Some projects may be too costly to be funded from a single year's budget without denying funding to other needed projects at other airports. Therefore, no more than \$1,000,000 in state funding may be programmed to a single commercial service airport and no more than \$250,000 in state funding may be programmed to a single general aviation airport through the aviation priority program per fiscal year. Projects in excess of these amounts may be funded more than two or more funding years. For example, a project for a commercial service airport may have a total cost of \$2,500,000. The project may be prioritized in the upcoming budget cycle for no more than \$1,000,000 but the remaining \$1,500,000 will receive top priority in the following two yearly budgets to insure project completion. The same is true for a general aviation airport project except that the project maximum cost is \$250,000 per budget year. This does not include projects that are prioritized as 90 percent FAA-funded and 10 percent state-funded unless it is known that the FAA will use a multi year funding approach. Regardless of project size, if the FAA uses multi year funding, the state will also use a multi year approach.

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§923. Project Support Documentation

A. Once it has been determined that a project is of the type and size to be considered in the priority system, an evaluation of required supporting documentation will be made. The project support documentation is a combination of a documents and information necessary for the Aviation Division

to determine if the project is developed sufficiently for inclusion in the priority listing. Documentation includes the following items:

1. Project Resolution. The initials document the Aviation Division needs for consideration of any project is a resolution from the public body operating the airport requesting assistance in the development of the project. Generally, the assistance requested would be for both funding and technical assistance. Any commitment from the local owner to participate in the cost of the project is also documented in the resolution. The resolution from the owner of the airport initiates an agreement between the two parties for joint sponsorship of the project and authorizes state participation in a local project pursuant to applicable provisions of state law. It is also a written commitment of support for the project by the owner. The Aviation Division requires a resolution (except from state-owned airports) from the airport owner before a project can receive further consideration in the evaluation process. This eliminates the needless evaluation of a project which cannot be implemented because of local opposition or nonsupport.

2. Since available state funding historically falls far short of the requested airport needs, it is especially important to use every opportunity to take advantage of the FAA/AIP program which provides funding grants of up to 90 percent for eligible projects at eligible airports. Therefore, if the project is eligible to compete for federal AIP funds through the FAA, the document requesting federal AIP funds must accompany the resolution requesting state funding assistance if state funding through the priority program is anticipated. The aviation director will, if the state will participate in the project, endorse the airport owner's request for federal assistance and forward the document package to the appropriate FAA office. A request for 100 percent state funding will not be processed for a project that is eligible for AIP funding until it has been approved and prioritized in the state system as an FAA/state matching funds project and competed unsuccessfully in the federal system for at least three fiscal years. The three years in the federal priority system may be waived if the FAA verifies in writing that the proposed project will not receive AIP funding. On the other hand, if the FAA indicates that the project will be funded at some reasonable time beyond the initial three years, the project will remain in the system awaiting FAA matching funds rather than receiving 100 percent state funding which could deprive other airports of receiving funding assistance.

B. Project Components. In the priority system, projects are prioritized on a generic basis. For example, projects that affect the primary runway are all considered under the heading "primary runway." This could include lengthening, widening, lighting, grooving, etc., of the primary runway. Projects are defined on a usable basis or unit. This means that, if a runway is widened, the relocation of runway lighting and striping are all included in the project. Another example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway, so these are considered as two projects in the priority system.

C. Development of projects as a usable unit prevents

projects of a lower priority being tagged onto a high priority project so they will be ranked higher. This focuses the priority system on those projects with the highest priority ranking, maximizing the effectiveness of aviation program funds. However, it is sometimes advantageous in terms of safety, operational effectiveness, and fiscal responsibility to include lower ranking projects along with otherwise unrelated higher projects. For instance, if there is a high priority project to overlay a runway, it may be appropriate to include a stub taxiway leading from the runway to a parking apron, or the apron itself if it is in especially poor condition. This can prevent damage to aircraft, provide a safe operational area for the necessary movement of aircraft, and take advantage of significant cost reductions for the lesser priority projects. This blending of otherwise nonrelated projects is an exception which will be authorized only in exceptional cases. The aviation director is responsible for the organization of projects into usable units when projects are developed and for determining if special circumstances exist which would warrant combining unrelated projects.

D. **Planning Data.** The priority process depends heavily on planning data to evaluate the relative merits of a project. Usually the justification for a project is found in the master plan or action plan for the airport, but there are exceptions. Engineering inspections may identify the need for reconstruction of a runway, or a 5010 inspection may reveal a safety problem. Regardless of the means by which a project is identified, written documentation describing the need for the project and the justification for the action to be taken must be provided. The justification for the project should be brief and to the point.

E. Submitting a master plan or action plan document as sole justification is unacceptable. The pertinent section of the master plan or action plan should be submitted with narrative to explain the project and demonstrate that it is consistent with the master plan or action plan recommendations.

F. The planning data for a project, at a minimum, must:

1. document the need for the project;
2. explain how the project meets the need;
3. give the estimated cost; and
4. include a sketch of the project on the airport's approved layout plan.

G. The documentation need not be lengthy but should focus on what is generating the need. For example, if an aircraft parking apron is to be expanded, the number of existing parking spaces versus the number of aircraft that need to be parked on the apron would be adequate documentation. A description of how large an apron expansion is proposed and how many additional parking spaces the expansion would create should be submitted. The expansion should also be shown on the airport's approved layout plan to illustrate how it fits in the overall master plan or action plan development recommended for the airport. If the expansion of the apron is not consistent with that shown in the master plan or action plan, an explanation for the proposed deviation is necessary.

H. **Environmental Requirements.** Some proposed projects, because of their potential environmental impact, may require environmental clearance before they can be constructed. During the preliminary evaluation of a project, a determination

should be made whether or not environmental clearance is required. If the FAA Airports District Office or DOTD Aviation Division indicates environmental clearance is required, any documents that are available to show that environmental requirements have been met should be provided. If some type of environmental document needs to be developed for the project, this should be done before the project is placed in the priority system. Environmental clearance of projects can be a lengthy process and allowing a project to be dormant in the priority system while waiting for clearance could preclude another project or projects from being implemented.

I. **Local Sponsor Requirements.** The priority system recognizes the responsibility of the local government owners of the airport to operate the airport in a safe, professional manner. A category is included in the rating system that assigns a value for sponsor responsibility. To be able to assign this value, certain information is required from the owner of the airport.

J. Two of the evaluation criteria in the "sponsor responsibility" category are whether the airport has height limitation zoning and land use zoning in effect at the airport. If the Aviation Division does not have a copy of the airport's zoning ordinances on file, the local owner is required to provide this. The lack of zoning at the airport will cause a lower ranking of the proposed project. A third area of local sponsor responsibility is utilization of the airport's operations manual. All publicly-owned airports in the state should have an operations manual to guide in the management of the airport. Documentation of compliance with key provisions in the manual will be requested if it is unknown whether airport management is complying with provisions of the manual described later in this Section. Items which are particularly critical and especially looked for are:

1. published traffic patterns;
2. lease agreements with tenants;
3. uniform fuel flowage fees;
4. Notice to Airmen (NOTAM) filing procedures; and
5. maintenance inspections.

K. The most important and costly physical asset of any airport is the paved aircraft movement surfaces (runways, taxiways, and aprons). Regular inspection and maintenance of these surfaces are critical to insuring aviation and public safety and reducing the frequency and cost of pavement rehabilitation. To this end, FAA regulations and Aviation Division policy require that all airports have a written Pavement Maintenance Plan which, at a minimum, includes regularly scheduled inspections, written procedures for carrying out maintenance, appropriate equipment and material, and documentation verifying that appropriate maintenance has been conducted.

L. Compliance with FAA and Aviation Division safety, maintenance, and operational requirements is required. For the purposes of the priority program, an error free 5010 Safety and Compliance inspection or Part 139 inspection, or the satisfactory correction of all deficiencies from the most recent 5010 or 139 inspection will insure that full points are awarded.

M. No airport may receive state funding from the DOTD,

Aviation Division if officially declared in noncompliance with federal or state laws, regulations, rules, or policies by the FAA or DOTD, Aviation Division.

N. The presence of zoning ordinances, an implemented pavement maintenance plan, compliance with the airport operations manual, and adequate airport maintenance are evaluated in the preliminary evaluation of a project because if they are not being done at an airport, the local sponsor should be given an opportunity to rectify the situation before his project is prioritized. The airport owner will be advised of the corrective actions that can be taken to improve his project score. If the owner does not initiate and document corrective action that clearly shows that action is being taken to address these items and correct deficiencies in these areas, the project will not receive points in this category.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

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§925. Project Priority Rating System

A. The structure of the priority rating system is based on:

1. an evaluation of the type of project;
2. the aviation activity at the airport where the project is located;
3. the management of the airport by the owner; and
4. consideration for special types of projects.

B. The point values are designed to award points in a weighted manner. Each area of evaluation receives points in proportion to the relative importance as determined by Aviation Division policy.

C. There are four categories of evaluation, each addressing one of the general areas in §925.A.1-4. The categories are as follows:

1. Category I—Project Type:
 - a. Safety;
 - b. Preservation of Existing System;
 - c. Upgrade to Standards;
 - d. Capacity Increases;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category IV—Special Considerations.

D. Points are awarded to a project based on evaluation criteria in each category, and the total evaluation score for the project is the sum of the points in each category. The relative percentage of each category in determining the total evaluation score is 50 percent for Category I, Type of Project; 20 percent for Category II, Facility Usage; and 30 percent for Category III, Sponsor Compliance. Category IV, Bonus Points, awards additional points above those in the other categories for special types of projects.

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§927. Category I—Project Type

A. This category is designed to segregate projects by type defined by the primary purpose of the project. To accomplish this, four subcategories have been designated for project type.

These subcategories are:

1. Safety;
2. Preservation of Existing System;
3. Upgrade to Standards;
4. Capacity Increases.

B. The subcategories are listed in order of descending importance and point values have been assigned accordingly. Development of projects directly related to safety of aircraft operations is considered the highest priority because of the potential for loss of life and property should safety needs not be addressed. Preserving the existing airport system is next in importance because the existing facilities represent an investment of public dollars and there is a commitment to maintain those facilities that are in use. The upgrade to standards type of project is the next project priority and reflects a policy by the Aviation Division to develop facilities to the design standards established by DOTD and FAA to accommodate existing aviation activity at an airport. Projects for capacity increases at an airport are last in the project type priority because they represent a need in the future and not one presently existing.

C. Except for the "safety" subcategory, the general approach to assigning points to projects within these subcategories is to give highest priority to addressing needs of the primary runway first and then decreasing priorities the farther the project is removed from the primary airside facilities. As an example, a project on a primary runway has a higher priority than an apron project, but the apron project has a higher priority than a vehicle parking lot project. Safety projects, because of their importance, are addressed equally regardless of what area of the airport they impact.

D. It should be noted that project types listed are generic. For example, any project dealing with the primary runway that is designed to preserve its integrity falls under the "preservation of existing system" subcategory. This means that overlaying of the primary runway receives the same number of points as reconstructing the primary runway because both are designed to preserve the integrity of the runway. The subcategories in the "project type" category are shown in Exhibit 1. The type of project within each subcategory and its corresponding point value are displayed.

E. The Aviation Division does not participate in revenue-generating projects such as fueling systems and hangars. As a general rule, the program does not support terminal or other landside buildings except in a limited way (e.g., maximum \$25,000 for a terminal) and then usually to support or protect state-installed electronic equipment such as electronic weather or flight planning equipment. If, however, the FAA declares a terminal building or other landside project eligible for AIP funding, the Aviation Division will participate up to a maximum of 10 percent of project cost after legislative approval.

F. Safety. Projects in this subcategory are limited to those that only affect aircraft operational safety. These are projects such as obstruction removal, runway grooving, Aircraft Rescue and Firefighting (ARFF) equipment, and lighting. It can be argued that most aviation improvement projects increase safety at an airport, but caution is used to place only those projects in this subcategory that specifically affect the safety of aircraft

using the airport. For example, lengthening of a runway improves safety, but its primary purpose is to allow utilization by larger or faster aircraft. Projects in the "safety" category are those developed specifically to address an unsafe condition and thus receive the highest evaluation points possible.

G. Preservation of Existing System. Projects that are required to maintain the functional integrity of existing facilities are evaluated in this subcategory. Projects such as reconstruction of a runway or taxiway or rehabilitation of an existing lighting system are the types of projects included under this subcategory. The point values are assigned with the highest value to projects that maintain the integrity of the primary runway and decrease in value as the facility being maintained moves from the primary airside facilities toward the landside support facilities. The program does not fund preservation projects which are covered by routine maintenance. Preservation of most landside items and routine maintenance are the responsibility of the airport owner.

H. Upgrade to Standards. Projects evaluated in this category are those the purpose of which is to upgrade a facility to a design standard based on current needs. The required design standards for facilities are determined by the role the airport plays in the state airport system and the Aviation Division facility development standards. The airport role and standards are found in the Louisiana Airport System Plan and in appropriate FAA and state airport design manuals and advisories. In the prioritization of projects, it is important to note that projects receiving points in the "upgrade to standards" subcategory are based on a current need. Projects designed to accommodate future (forecast) needs do not receive points in this subcategory.

I. Capacity Increases. Projects in this subcategory are those that are designed to facilitate the handling of more operations or aircraft, improve operations, and/or handle new critical aircraft using the airport regularly. Most of these will be projects to address a future need versus an immediate need. An example of this type of project is the lengthening of a runway that currently meets existing design standards but needs to be lengthened based on forecast of operations or aircraft types. An apron expansion, when adequate apron space is available for current based aircraft, is another example of this type of project. If a project does not qualify for evaluation in the first three subcategories, it is evaluated using the point values in the "capacity increase" subcategory. It is important to note, however, that forecast needs are not simply a wish list. Forecasts must be professionally studied and prepared, founded on supportable factual data, and well documented.

J. The construction of new airports ranks low in this category for three reasons.

1. First, it is difficult to justify the high cost of a new airport. To construct a new general aviation airport using 100 percent state aviation program money would require the entire general aviation budget for five to eight years.

2. Second, almost without exception, Louisiana's existing airports are underutilized.

3. Third, many existing airports are in need of extensive rehabilitation to be brought up to federal and state safety and

operational standards. It is hard to justify prioritizing the construction of a new airport when we do not have sufficient funds to adequately care for the ones we already have.

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HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1510 (August 1998).

§929. Facility Usage

A. This category weighs the use of an airport relative to the use of other airports in the system. The basic objective is to support projects that serve the most aviation users. This objective has to be balanced, however, with the Aviation Division's goal of maintaining a viable statewide system of public use airports and maintaining aviation and public safety.

B. In terms of total number of persons served by an airport, it is generally the case that commercial service airports serve more individuals than general aviation airports with no commercial service. If points in this category were assigned relative to the number of passengers flying into and out of an airport, the commercial service airports would far outdistance the smaller general aviation airports in points and project priority ranking. As previously discussed, for this reason commercial service and general aviation airports are prioritized separately.

C. Points are awarded based on the number of aircraft based at the airport and/or the number of commercial enplanements. The point values have been developed to attempt to recognize higher use of an airport while not eliminating a low use airport from consideration for projects. Exhibit 2 shows the point rating structure for this category.

D. The number of based aircraft at an airport, as indicated in the latest 5010 inspection report, is used to determine the relative level of use at an airport by general aviation interests. There are some drawbacks to this approach. The number of operations for each based aircraft is not accounted for by using only the based aircraft numbers. Itinerant operations, which are very important to an airport, are not recognized by counting based aircraft. Other operations by aircraft not based on the field, such as agricultural and military aircraft, are also missed. All of these factors affect the overall number of operations at an airport which is a much more accurate measure of airport use than based aircraft, but reliable operations counts at all nontowered airports are not available for general aviation airports. Should the Aviation Division develop a systematic program for counting operations at nontowered airports, the relative number of operations at an airport may replace based aircraft as the indicator of facility use. Until such a system is developed, counts of based aircraft are the only consistent way to measure general aviation use at the airports.

E. For commercial service airports, points are also awarded in this category for the number of commercial service enplanements. The number of enplanements is taken from the FAA's annual enplanement data.

F. Airports that do not have enplanements, but are designated as reliever airports, receive points in this category also. Reliever airports are important in the system for diverting general aviation operations from commercial service airports with operational capacity problems and thus receive points in

the category. The sum of points awarded for general aviation-based aircraft, air carrier passenger enplanements (commercial service airports), and reliever airports status constitutes an airport's score for the "facility usage" category of the priority rating system.

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§931. Category III—Sponsor Compliance

A. The "sponsor compliance" category evaluates how effectively the airport owners are operating the airport with respect to established standards and good management practices. Several areas are evaluated in this category that are critical to providing safe and efficient public services. Exhibit 3 shows the evaluation criteria and point values for this category.

B. Airports are affected by the use of the land surrounding them. Certain land uses in the vicinity of an airport can result in restrictions on use of the airport and, in extreme cases, in the total closure of the airport. Restrictions to prevent the penetration of tall objects into the approach surfaces for aircraft at an airport are very important. Generally referred to as "height hazard zoning," this type of zoning prevents tall objects that affect the safety of aircraft operations from being built around the airport. Tall objects can cause the displacement of thresholds and the raising of "minimums" for instrument approaches at an airport, thus decreasing the utilization of the airport. The airport represents a substantial public investment and implementation of height hazard zoning by the appropriate local governing body protects the investment by allowing the airport to be used to its full capacity. Points are awarded in this category for having height hazard zoning ordinances in effect at an airport.

C. A related area evaluated in this category is compatible land use zoning. Height hazard zoning controls the height of objects but has no impact on the actual use of the land. Certain land uses around an airport are incompatible with airport operations because of safety considerations or impacts on landside activities. Noncompatible uses can create conflicts between the community and the airport which may create pressures to restrict use of the airport. Compatible land use zoning is necessary to protect the airport from restrictions placed on it when aviation uses conflict with surrounding land uses. For this reason, the presence of land use zoning is evaluated in this category.

D. Another evaluation area in the "sponsor responsibility" category is the use of the airport's operations manual by the local management. Each airport should have an operations manual which establishes the objectives, policies, standards, rules, regulations, and procedures necessary for the proper management and operation of the airport. Adherence to the manual insures compliance with the legal and regulatory requirements of the State of Louisiana and the Federal Aviation Administration. The manual covers a number of areas of management and operations, but for purposes of the priority evaluation there are five items of focus.

1. Establishment and Publication of a Traffic Pattern for Each Runway. A set traffic pattern adhered to by all pilots

using an airport is absolutely essential for the safe operation of an airport. Publication of traffic patterns notifies users of the airport of the proper procedures for approaching and departing the airport.

2. Written Lease Agreements with All Tenants. A written lease agreement with tenants is necessary to document the fees and charges; the rights, privileges and obligations; and other relevant covenants for the respective parties. The airport is a resource to the community and the owner must insure that tenant operations are conducted in a manner that enhances the airport and that the airport is fairly compensated for the use of its facilities. Revenues from tenant leases are an important source of development, maintenance, and operating funds for the airport. Lease agreements must conform to FAA and state requirements and be approved by the Aviation Division.

3. Establishment of Uniform Fuel Flowage Fees. Generally, the funds required to support the maintenance and operation of a publicly-owned airport have to be generated by the airport. One source of funding is the rental fee charged to airport tenants, and another is the use of a fuel flowage fee.

4. Establishment of NOTAM Filing Procedure. Issuance of a Notice to Airmen (NOTAM) is essential when there is any change in the facilities, services, or operations at an airport or when hazardous conditions exist. Nonissuance of a NOTAM can exacerbate a safety hazard at the airport for which the owners could be held liable. The establishment of a procedure and the identification of the individual responsible for filing a NOTAM with the FAA is an essential safety procedure at all airports.

5. Evidence of Pavement, Drainage, and Lighting Equipment Regular Inspections. Regular inspections to identify potential or existing problem areas at the airport are essential to an effective maintenance program. The facilities at the airport represent a public investment; and regular inspection and maintenance are necessary to maintain the facilities in good condition. Poor maintenance is expensive to correct and may cause a safety problem if not addressed in a timely manner.

E. It is the local airport owner's responsibility to provide the Aviation Division with documentation of compliance with these provisions of the manual. Lack of documentation is reason for the airport to lose points in this area of evaluation.

F. The final evaluation area in the "sponsor responsibility" category is maintenance. The local owners of the airport are responsible for routine maintenance such as cutting the grass, changing light bulbs, maintaining proper drainage, sealing or filling pavement cracks, and refurbishing marking and painting stripes. If regular maintenance is not done, the airport will not receive full points in this category. If maintenance is cited as a problem, the airport will be notified by letter of the problem and the corrective action to be taken. Until the airport corrects the problem, all projects evaluated in the priority system for the airport will lose points.

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§933. Category IV—Special Considerations

A. The first three evaluation categories cover those evaluation areas (project type, facility use, and sponsor compliance) for which all projects prioritized will receive an evaluation score. The "special considerations" category allows projects of special significance to receive additional evaluation points when being prioritized. The items evaluated in this category bear no relationship to one another and thus each project is evaluated with respect to each item to determine if it should receive bonus points in its prioritization score. Exhibit 4 shows the criteria and point values for bonus point evaluation.

B. The first area of evaluation is "special programs". At times, certain improvements at an airport may be mandated by federal or state law and thus require a higher prioritization. Also, as a matter of policy, the Aviation Division may determine that special emphasis should be placed on a certain type of project. All projects of the designated type will receive additional bonus points under these evaluation criteria.

C. Economic development potential is another evaluation area under the "special considerations" category. While it is acknowledged that any construction project generates economic development, there are some projects that are designed to address a specific economic need at the airport or in the community. To receive points in this area, the economic development aspects of the project must be well documented and clearly demonstrate the potential economic impact of the project. Facilities developed to accommodate the aviation needs of a business moving to the community is an example of an economic development type of project. The facilities would have to constitute a major factor in the business' decision to locate in the community. To receive bonus points in this area may require an economic impact study, the cost of which is the responsibility of the airport owner.

D. Commercial air service to a community is an important element in the community's overall economic development. Under the "special considerations" category, projects are evaluated to determine if their primary justification is to maintain or attract commercial air service to the airport. For a project to receive points under this category, it must be directly responsible for affecting commercial air service at the airport. Documentation of the project justification is essential for prioritization rating points to be awarded under this evaluation criteria.

E. The last evaluation criterion under the "special considerations" category is the provision of local matching funds in excess of Aviation Division match requirements. Any project for which local funds are provided will receive two bonus points in this category for every 5 percent contribution of the airport owner up to a total of 20 bonus points for 50 percent matching funds. This is designed to give higher preference to projects that are financially supported by the local owner in excess of that which is required; therefore, no matching funds from other state sources will qualify for bonus points. Commitment for local funding support should be included in the resolution submitted by the local owner requesting assistance from the Aviation Division for the project.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1513 (August 1998).

§935. New Airports

A. An airport that is constructed on a new site presents some different prioritization issues than improvements to existing airports. Generally, a new airport will fall into either of two categories.

1. The first is an airport that is proposed for an area of the state not served by a public airport.

2. The second is a new airport proposed to replace an existing public airport which, for any number of reasons, is not considered a suitable public airport.

B. Prioritization of projects for the development of a new airport requires a process slightly different than that for an existing airport. There are some special considerations that must be made in each of the four prioritization categories.

C. Initially, it must be determined if the project under consideration is for a "new" airport. At some point during its development, a new airport becomes an existing airport. For purposes of the priority process, an airport is considered "new" until land is purchased for the airport, a primary runway is constructed, and an apron for aircraft parking is constructed. This includes clearing of runway approaches. The completion of these elements allows aircraft to operate at the airport and thus, at this point, the airport is no longer considered "new" and future projects are prioritized using the standard prioritization process. Before this point is reached, however, the land acquisition, runway, and apron construction will be prioritized using the following special considerations in each category.

D. Under the "project type" category, new airport projects will be categorized in either of two project type categories. Those new airports that are replacing an existing airport are categorized as upgrade to standards type projects. This type of new airport allows construction of an airport that meets all DOTD design standards and allows for future expansion to meet these standards. It should be noted that land purchased for a new airport is often funded with state funds, but when the FAA begins funding other improvements such as the primary runway, the state is reimbursed for land acquisition costs. If this is the case, land acquisition should be treated as a federally-funded project and prioritized accordingly.

E. New airports constructed in areas of the state not being served by a public airport should be prioritized under the project type "capacity increases" subcategory. These airports are primarily to increase the capacity of the Louisiana public airports system and thus are prioritized in the "capacity increases" subcategory. As previously discussed, land acquisition costs are usually reimbursed by the FAA and these projects should be prioritized accordingly.

F. For the "facility usage" category, the based aircraft and enplanements numbers that determine the points awarded for the new airport project will be those cited in the supporting planning document for the first planning phase. This will usually be the numbers cited for the first year of operation.

G. Under the "sponsor responsibility" category, there are two areas that can be included in the prioritization process.

The presence of height limitation zoning and land use zoning should be determined and points assigned accordingly. Most new airports will not have developed an operations manual for the airport. In cases where the airport has not developed an operations manual, the airport will be awarded five points based on the assumption that the elements of an operations manual will be in place when the airport is opened for operations.

H. In the "special considerations" category, a new airport can be assigned points in the same manner as an existing airport. If an airport is the first public airport in an area, a strong case can be made that the airport should receive bonus points for its economic development potential. The airport represents a totally new mode to the local transportation system and thus should have a significant long-term economic impact on the area served. The remaining bonus point areas can be assigned in the same manner they are assigned for existing airports.

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HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1513 (August 1998).

§937. Prioritization of Projects

A. Once a determination has been made by the Aviation Division that a project is eligible to be included in the prioritization system, the project will be prioritized using the rating system. The preliminary evaluation of the project should provide the information necessary to complete the process. If adequate information is not available, it will be requested before the project is prioritized. Prioritizing a project without sufficient information may cause a project to receive a higher or lower ranking than it deserves. Subsequent questions about why the project received the evaluation score may be difficult to answer without the documentation to support the points assigned in each category.

B. Point values are assigned in each category using the worksheet that is included as Exhibit 5. The worksheet follows the priority rating system and provides the documentation of how the total score for a project was derived. The worksheet is maintained with the project file so that documentation of the value assigned in each category is available.

C. Occasionally, a change in a project or at the airport might occur requiring the point values for a project to be modified. The new values are put on the same worksheet with a note explaining the reasons for the change.

D. As part of the evaluation of the project, the eligibility of the project for federal funding is noted on the worksheet. If federal funds are already committed, this is also included on the worksheet. When the project is entered in the automated priority system, the eligibility or commitment of federal funding for the project is noted.

E. Some projects will have equal scores after they are evaluated. If these projects fall at a point in the ranking list where a break is necessary (funded program versus four-year unfunded program), projects with the same score will be ranked based on the highest score in Category I. The project with the higher score in Category I will be ranked higher. If the projects are tied in Category I, Category III is used to break the

tie and, if still tied, Category II is used, etc. Should the projects still be tied after examining all four categories, the project at the airport with the largest number of based aircraft will be ranked higher.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998).

§939. Automated Priority Ranking System

After the total evaluation score for a project is determined, it is entered into the automated priority ranking system and its relative ranking is determined. This system automatically ranks projects by descending score in the commercial service airport or general aviation airport priority program as appropriate.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998).

§941. Program of Projects

A. The lists of projects for commercial service and general aviation airports prioritized by evaluation score represent the program of projects that the Aviation Division will seek to implement through its development program. The actual number of projects from each list that will ultimately be constructed is primarily dependent upon the level of funding that the Aviation Division receives each year.

B. The automated priority system has been designed to allow inclusion of a cost estimate for each project. The estimate is broken down by federal share, state share, and local sponsor share. Since the system is designed to prioritize the use of state monies, the state funds required for a project are the key to developing a program of projects. The automated priority ranking system includes a column that maintains a cumulative total of state funds required for projects as they are listed by priority ranking. The figures in this column are used to determine a program of projects based on the state funds available. For example, if five million dollars are available for commercial service airport projects, a person would look down the cumulative state fund column until \$5,000,000 of project cost has accumulated. All projects above this point will be funded during the time this amount was available.

C. Most projects will require more than one year to design, acquire land (if necessary), and construct. When a project that is programmed to be funded over two or more fiscal years is included in the program, the phase of work (design, construction phase I, construction phase II, etc.) will be noted along with the cost of that phase. Subsequent phases may be shown at the top of the four-year unfunded list. As projects are constructed and more funding becomes available, remaining projects with the highest scores will be placed in the construction program to the extent that funding is available. This group of projects for which funding is available will not be changed until more funds become available. However, projects on the four-year unfunded list do not automatically move up to the funded list in the succeeding fiscal year. Rather, unfunded projects recompile for funding each fiscal year until

they are either funded or dropped from the list after three years. Because needs, cost estimates, airport situation, and other data change regularly, after three years all projects which have not been started are dropped from the program and must be resubmitted with updated information. They will then be reviewed and re-entered into the priority system.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998).

§943. Projects Eligible for FAA Funding

A. Special consideration for projects that will receive FAA funding is not included in the priority system. The priority system is a listing of the projects in the order that the state considers implementation desirable based on the state's overall aviation development policies. Utilization of the FAA's priorities to set state priorities is inconsistent with a state prioritization process. This does not mean that the state should ignore potential FAA funding in its development program.

B. There are two decisions that the Aviation Division makes when seeking FAA funding for its program. Projects that are planned at National Plan of Integrated Airport Systems (NPIAS) airports and that are types in which FAA will participate are noted. This enables the Aviation Division to present a proposed program of projects to the FAA that are eligible for FAA funding and that reflect state priorities. The Aviation Division then negotiates with the FAA to secure federal funding for top ranked projects. The second consideration for FAA funding is that there will be projects the FAA will fund that do not appear in the implementation program based on priority rankings. Realistically, the Aviation Division cannot reject a project that will receive 90 percent of its funding from the FAA. In these cases, a project that has received a commitment for federal funds is to be automatically included in the list of projects for implementation in the current year. If the current year program is already developed, the project is given top priority in the next year program. Therefore, it is important that airports seeking federal funding for projects that are eligible for matching funds from the aviation program apply for federal funds through the Aviation Division and apply for state matching funds by resolution at the same time.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1515 (August 1998).

§945. Exhibits

A. Exhibit 1

Exhibit 1	
Category I—Project Type (50% of total score)	
A. Safety—Projects directly affecting operational safety.	
Points	
50	Correction of runway failures severe enough to be an obvious safety problem. Runway friction surface or grooving or other action directly related to safety.

49	Repair of primary runway lighting system or approach lighting system which is not functional and is deemed to be a safety hazard.
48	Obstruction removal which is requiring the displacement of the runway threshold and relocation of runway lighting.
47	Obstruction removal to meet FAA Part 152 clear zone and FAR Part 77 imaginary surface requirements.
46	ARFF vehicles and equipment required at commercial service airports or minimum safety equipment at GA airports. Security fencing to correct a specific safety problem (does not include general perimeter fencing).
45	Safety condition identified by professional evaluation or accident statistics.
B. Preservation of Existing System—Work required to maintain the functional integrity of the existing system. Examples are overlaying of runway, taxiway, or apron; drainage to prevent pavement failure; joint sealing; or pavement rejuvenation.	
40	Completion or continuation of previously approved and funded multi year project
39	Primary runway
38	Taxiway serving primary runway
37	Apron
36	Secondary runway
35	Taxiway serving secondary runway
34	Stub taxiways and taxilanes
33	Primary vehicle access road
32	Nonrevenue-generating vehicle parking
C. Upgrade to Standards—Upgrading of facilities to DOTD or FAA design standards based on current use. (Any project which requires the acquisition of additional land must include the cost of the land and the cost of all services and fees associated with acquiring the land).	
30	Primary runway
29	Primary taxiway
28	Apron
27	Perimeter fencing
26	Secondary runway
25	Secondary taxiway
24	Agricultural loading area
23	Primary vehicle access road
22	Primary vehicle non-revenue generating parking
21	Terminal (not more than 50% of the cost and not to exceed \$25,000 unless matching an FAA grant in which case the state will provide a 10% matching share without a cost ceiling)
20	Other landside items (may not include fuel facilities, hangars, or revenue-generating items and not more than 50% of the cost and not to exceed \$25,000 unless matching an FAA grant in which case the state will provide a 10% matching share without a cost ceiling).
19	Land for noise control or noise control required project and land acquisition in clear zones other than for obstruction removal.

D. Capacity Increases—Improvements to facilitate handling more aircraft or improving operations and improvements designed for the handling of new, larger, or heavier critical aircraft. (Any project which requires the acquisition of additional land must include the cost of the land and the cost of all services and fees associated with acquiring the land).

17	Landing area improvements to handle operations capacity problems such as additional taxiways or a parallel runway.
16	Landing area improvements for larger critical aircraft such as runway lengthening and strengthening.
15	Taxiway construction or strengthening.
14	Apron expansion for number of aircraft capacity reasons.
13	Apron expansion or strengthening because of critical aircraft considerations.
12	Taxiway to new apron or apron construction to open new area of airport.
11	Primary vehicle access road capacity increase (additional lanes or to new area of airport).
10	Primary vehicle nonrevenue-generating parking.
9	New airport construction including runway, taxiway, and apron.
8	Land acquisition for future expansion unrelated to any immediate project needs.

B. Exhibit 2

Exhibit 2	
Category II—Facility Usage (20% of total score)	
Based Aircraft*	Points
100 or more	12
50 to 99	9
20 to 49	6
0 to 19	3
Additional points for Air Carrier and Commercial Service Enplanements**	Points
500,000 or more	8
250,000 to 499,999	6
50,000 to 249,999	4
2,500 to 49,999 ***	2
If noncommercial reliever airport	2

* Taken from latest 5010 Inspection
 ** Taken from Annual FAA Enplanement Data
 *** Less than 2,500 enplanement do not receive points

C. Exhibit 3

Exhibit 3	
Category III—Sponsor Compliance (39% of total score)	Points
Height Limitation Zoning	4
Land Use Zoning	4
Operations Manual*	2
Pavement Maintenance Plan**	5
Annual Part 139 or 5010 Inspection***	10
Airport Maintenance other than pavement	5

* Operations manual points awarded one half point each for:
 Publishing of Traffic Pattern
 Approved Lease Agreements with Tenants
 Uniform Fuel Flowage Fee
 NOTAM Filing Procedure
 ** Documentation of implementation is required. Points may be awarded on a sliding scale relative to quality of the plan and degree of implementation.
 *** Points are not awarded based solely on the number of deficiencies. Also taken into consideration are the timeliness and appropriateness of corrective actions. Points may be awarded on a sliding scale relative to the progress toward correcting deficiencies.

D. Exhibit 4

Exhibit 4	
Category IV—Special Considerations	Points
Designated as Special Program*	15
Economic Development Potential**	10
Maintain or Attract Commercial Service	10
Local Funding in Excess of Requirements***	2 - 20

* Special Program—Certain types of projects mandated by Federal or State law or identified in a policy decision by DOTD. For example, if the EPA requires a certain kind of wash down facility, it could be given added priority with bonus points. If DOTD wishes to place emphasis on a particular type of project, e.g., hazard removal around the state, these types of projects could receive Special Program points.
 ** Economic Development— Clearly demonstrated impact on economic development in an industrial airpark or around the airport locale. For example, a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business. To receive bonus points in this category an economic impact study may be required, the cost of which is the responsibility of the airport owner.
 *** Two points will be awarded for each 5% of matching funds provided by the airport owner up to a maximum of 20 points (50% matching funds). Funds may not come from other state sources.

E. Exhibit 5

Project Priority Evaluation Worksheet

Project Number _____ Date Evaluated _____
 Airport Name _____
 Airport Code _____
 Description of Work _____

Category I: Project Type	Score
Safety	_____
Preservation of Existing System	_____
Upgrade to Standards	_____
Capacity Increases	_____
Total	_____

Category II: Facility Usage	
Based Aircraft	_____
Enplanements	_____
Reliever Airport	_____
Total	_____

Category III: Sponsor Responsibility	
Height Limitation Zoning	_____
Land Use Zoning	_____
Operations Manual Use	_____
Pavement Maintenance	_____
Part 139/5010 Inspection	_____
Total	_____

Category IV: Special Considerations	
Special Program	_____
Economic Development	_____
Commercial Service	_____
Local Funding	_____
Total	_____

PROJECT TOTAL EVALUATION SCORE **TOTAL** _____

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1515 (August 1998).

Frank M. Denton
 Secretary

9808#017

RULE

**Department of Transportation and Development
 Weights and Standards Section**

**Shifting of Vehicle Loads
 (LAC 73:I.103 and 1103)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development, Weights and Standards Section hereby amends LAC 73:I.103 and 1103 in accordance with R.S. 32:2 and 32:386.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 1. Policy and Procedures for Weight Enforcement Field Personnel

§103. Field Procedures for Enforcing Weight and Size Limitations

* * *

B. Procedures for Enforcing the Weight Law and Impounding Vehicles

1. Shifting the Load. In order to conform with the policy of Louisiana State Police (Mobile Weight Enforcement Police), drivers will not be allowed to shift the loads carried by their vehicles after being weighed in order to qualify for a second weighing and a lesser fine amount. The loads may be required to be shifted by weight enforcement police after weighing and before proceeding.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:28 (February 1979), amended by the Weights and Standards Section, LR 24:1517 (August 1998).

Chapter 11. Enforcement Procedures and Penalties

§1103. Legal Limitation Violations

A. In order to conform with the policy of Louisiana State Police (Mobile Weight Enforcement Police), drivers will not be allowed to shift the loads carried by their vehicles after being weighed in order to qualify for a second weighing and a lesser fine amount. The loads may be required to be shifted by weight enforcement police after weighing and before proceeding.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Weights and Standards Section, LR 22:120 (February 1996), LR 24:1517 (August 1998).

Frank M. Denton
 Secretary

9808#018

RULE

**Department of Treasury
 Board of Review of Deputy Sheriffs' Supplemental Pay**

**Supplemental Pay Requirements and Board Operations
 (LAC 55:XIX.101)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Review of Deputy Sheriffs' Supplemental Pay Program

("Board of Review") has amended the following rule of the Board of Review of Deputy Sheriffs' Supplemental Pay.

The Board of Review approved a motion, at its meeting on March 5, 1997, to amend the rule for the administration and regulation of the Deputy Sheriffs' Supplemental Pay Program.

The purpose of this rule change is to recognize, within the rule, the "Sheriff's Guide to Departmental Policies and Statutory Specifications for the Administration of the Supplemental Pay Program" ("the guide") which was adopted by the Board of Review of Deputy Sheriffs' Supplemental Pay.

The guide had been printed and sent to the sheriffs in October 1994, in response to their request for a working guide for the day-to-day administration of the Deputy Sheriffs' Supplemental Pay Program.

The guide contains the statutory requirements for the Deputy Sheriffs' Supplemental Pay Program and the administrative requirements of the Board of Review of Deputy Sheriffs' Supplemental Pay.

Title 55

PUBLIC SAFETY

Part XIX. Deputy Sheriffs' Supplemental Pay

Chapter 1. General Provisions

§101. Supplemental Pay Requirements and Board Operations

A. "The Sheriff's Guide to Departmental Policies and Statutory Specifications for the Administration of the Supplemental Pay Program" is hereby identified as the official guide to the administration of the Deputy Sheriffs' Supplemental Pay Program. Revisions to "The Sheriff's Guide" shall be approved by the Board of Review.

B. - D. ...

E. The board shall have semiannual regular meetings each fiscal year, and the chairman may call additional regular meetings, as required. The meetings will be held in the office of the state treasurer.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.8.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Review of Deputy Sheriffs' Supplemental Pay, LR 6:517 (August 1980), amended LR 24:1518 (August 1998).

Carl V. Berthelot
First Assistant State Treasurer

9808#019

RULE

Department of Treasury Office of the Treasurer

State Tax Revenue Limit (LAC 71:I.301-305)

In accordance with the legislature's directive contained in R.S. 47:5010, the state treasurer, acting through the Department of the Treasury, has adopted the following rule to establish the value of the State Tax Revenue Limit; to define "self-generated funds" as that term is used in R.S. 47:5003, in

order to permit the annual computation and declaration by the Department of the Treasury of state tax revenue for each fiscal year; and to provide for the administration of the Tax Surplus Fund provided by R.S. 47:5008.

Title 71

TREASURY

Part I. Treasurer

Chapter 3. State Tax Revenue Limit

§301. Determination of the State Tax Revenue Limit

A. Basis of Calculation of State Tax Revenue Limit. Pursuant to 47:5002, the state tax revenue limit is the percentage formed by dividing state tax revenue for the 1978-79 fiscal year by state personal income for 1977. The State Tax Revenue Limit shall be rounded to the nearest tenth of 1 percent.

1. The state tax revenue for the 1978-79 fiscal year is \$1,755,114,254.11.

2. The state personal income for 1977 is \$23,187,000,000.

B. Value for State Tax Revenue Limit. The State Tax Revenue Limit is hereby established as 7.6 percent.

C. Definition of Self-Generated Funds to Permit Determination of State Tax Revenue for a Fiscal Year

1. *Self-Generated Funds*—for purposes of calculation of state tax revenue:

a. those monies the state receives which are classified by the department receiving the funds in "means of financing" group codes 05, 06, and 11 and in the following object codes:

- i. 1435 Interest on Investments;
- ii. 1440 Interest Income 8(g) Settlement;
- iii. 1445 Gain from Sales of Securities;
- iv. 1450 Loss from Sales of Securities;
- v. 1455 Dividends on Investments;
- vi. 1460 Other—Investment Income;
- vii. 1730 Tuition—Vo-Techs;
- viii. 1735 Ineligible Patient Fees;
- ix. 1775 Sales to Non-State Agencies—Merch & Comm;

x. 1780 Sales to Non-State Agencies—AEF;

xi. 1785 Sales to Non-State Agencies—Services;

xii. 1790 Sales to Non-State Agencies—Timber;

xiii. 1795 Miscellaneous Receipts—Conversion of Property.

b. this listing shall be modified, as appropriate, to reflect changes made to self-generated object codes in the State's Chart of Accounts which is maintained by the Office of Statewide Reporting and Accounting Policy within the Division of Administration;

c. at the end of each fiscal year, no later than August 30, the State Treasurer shall submit to the House Appropriations Committee and the Senate Finance Committee (State Treasury oversight committees) a listing of self-generated object codes that are to be utilized in the determination of state tax revenue for the fiscal year previously ended.

2. *State Tax Revenue*—as defined by R.S. 47:5003, excludes federal funds, royalties, interagency transfers, proceeds from the First Use Tax, severance taxes, and self-generated funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:5010.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Office of the Treasurer, LR 24:1518 (August 1998).

§303. Declaration of Maximum State Tax Revenue

Within six months after the close of the previous fiscal year, the state treasurer shall declare maximum state tax revenue for the year then ended, by a letter addressed to the commissioner of Administration, the president of the Senate and the speaker of the House of Representatives of the Louisiana State Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:5010.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Office of the Treasurer, LR 24:1519 (August 1998).

§305. Administration of Tax Surplus Fund

Monies classified to the Tax Surplus Fund shall be invested in the same manner as monies classified to the state general fund. Disbursements from the Tax Surplus Fund shall only be made pursuant to an appropriation by the legislature for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:5010.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Office of the Treasurer, LR 24:1519 (August 1998).

Carl V. Berthelot
First Assistant State Treasurer

9808#020

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Commercial Fisherman's Sales
Card (LAC 76:VII.201 and 203)

The Wildlife and Fisheries Commission does hereby amend a rule (LAC 76:VII.201) implementing dealer receipt forms, and repeal a rule (LAC 76:VII.203) implementing the commercial fisherman's sales report form. Authority for adoption of the rule is included in R.S. 56:303.7(B), 56:306.4(E) and 56:345.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

§201. Commercial Fisherman's Sales Card; Dealer Receipt Form Design and Use

A. The "Commercial Fisherman's Sales Card" shall be provided by the department in lieu of the commercial fisherman's license. The card will be embossed with the following information:

1. commercial fisherman's name;
2. commercial license number;
3. commercial fisherman's social security number;
4. expiration date;
5. residency status.

B. The card shall be presented by the commercial fisherman to the dealer at the time of sale or transfer of possession of the catch.

C. The dealer receipt form shall be a three-part numbered form provided by the department. The dealer receipt form shall be completed when fish are purchased or received from commercial fishermen. The receipt form shall represent the actual transaction between the commercial fisherman and the dealer. The dealer shall fill out the receipt form in its entirety containing all of the information required in §201.D and E with the exception of the commercial fisherman's signature that shall be recorded by the fisherman. The "Dealer's Copy" of the receipt shall be maintained on file at the dealer's place of business or where the fish are received. The dealer shall maintain the receipts for a period of three years. The "Department Copy" portion of the dealer receipt form shall be returned to the department by the dealer by the tenth of each month to include purchases made during the previous month. Along with the receipts for each month, the dealer shall submit a "Monthly Submission Sheet" provided by the department that certifies that the transactions submitted represent all of the transactions by that dealer from commercial fishermen for that particular month. The "Monthly Submission Sheet" shall fulfill the reporting requirements in R.S. 56:345. The dealer shall mail completed receipt forms to a predetermined address designated by the department. Dealers are responsible for obtaining dealer receipt forms from the department by calling a predetermined phone number.

D. The commercial fisherman is responsible for providing the following information to the dealer at the time of sale or transfer of possession of the catch:

1. commercial fisherman's name;
2. commercial fisherman's license number;
3. information on commercial gear used;
4. information on vessel used;
5. information on location fished;
6. permit numbers for species requiring a permit to harvest;
7. commercial fisherman's signature;
8. duration of trip.

E. The dealer is responsible for recording on the dealer receipt form that information provided by the commercial fisherman in §201.D and is responsible for the following information at the time of sale or transfer of possession of the catch:

1. dealer's name;
2. dealer's license number;
3. commercial fisherman's name;
4. commercial fisherman's license number;
5. species purchased;
6. quantity and units of each species purchased;
7. size and condition of each species purchased;
8. transaction date;
9. unit price of each species purchased;
10. dealer's signature;
11. permit numbers for species requiring a permit to harvest;

12. commercial fisherman's signature.

F. Dealers may designate an agent to sign the dealer receipt form for them however, in all cases the dealer shall remain responsible for the actions of their agent.

G. All records and receipt forms shall be available and produced upon demand to any duly authorized agent of the Department of Wildlife and Fisheries Law Enforcement Division or department auditor.

H. Effective date of §201.A and B is upon publication in the *Louisiana Register*. Effective date for §201.C-G will be January 1, 1999.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.7(B), 56:306.4(E) and 56:345.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:81 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended by the Office of Fisheries, LR 21:477 (May 1995), LR 22:373 (May 1996), amended by the Wildlife and Fisheries Commission, LR 24:1519 (August 1998).

§203. Commercial Fisherman's Sales Report Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:345(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:82 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended by the Office of Fisheries, LR 21:477 (May 1995), LR 22:373 (May 1996), repealed by the Wildlife and Fisheries Commission, LR 24:1520 (August 1998).

Thomas M. Gattle, Jr.
Chairman

9808#072

RULE

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

Netting Prohibition—John K. Kelly-Grand
Bayou Reservoir (LAC 76:VII.185)

The Wildlife and Fisheries Commission hereby adopts a rule prohibiting commercial netting in the John K. Kelly-Grand Bayou Reservoir.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§185. Netting Prohibition—John K. Kelly-Grand Bayou Reservoir

The Louisiana Wildlife and Fisheries Commission hereby prohibits the possession and/or use of commercial nets, including, but not limited to, gill nets, trammel nets, flagg nets, hoop nets, wire nets and fish seines in John K. Kelly-Grand Bayou Reservoir located in Red River Parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:1520 (August 1998).

Thomas M. Gattle, Jr.
Chairman

9808#074