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DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

February 2, 2016

House Judiciary Committee

Representative Katrina R. Jackson, Chairwoman

Senate Judiciary B Committee

Senator Gary Smith, Chairman

Re: Summary Report per Rule proposed by the Liquefied Petroleum Gas Commission to Amend LAC 55:IX. 107, 133, 143, 155, 183.

Dear Chairwoman Jackson and Chairman Smith,

The Department of Public Safety, Liquefied Petroleum Gas Commission, hereafter referred to as the "Commission", hereby submits the following summary report pursuant to La. R.S. 49:968(D)(1)(b) and asserts its intentions to proceed with rule-making by finalizing the December 20, 2015 Notice of Intent. The Notice of Intent may be found on pages 2739 and 2740 of the December 2015 Louisiana Register, Vol. 1, No. 12. A copy of the promulgated Notice of Intent, as published in the Louisiana Register, is attached hereto and labeled as Exhibit "A".

As authorized by La. R.S. 40:1846 (A)-(C), the Notice of Intent proposes amendments to Sections 107, 133, 143, 155, and 183 in LAC 55:IX.Chapter 1. Below is a summary of each change:

The proposed amendment to Rule 107(A)(3) regarding proof of insurance makes only technical changes.

The proposed amendment to Rule 107(A)(6) repeals the provision allowing applicants for permits to the Commission to pay only \$50 per permit if permitting 2-11 locations and \$25 per permit for applicants permitting 12 or more locations. The associated permit fee for each location will be \$75 regardless of the number of locations.

The proposed amendment to Rule 107(A)(8)(e) is a technical change repealing the requirement of liquid petroleum gas dealers to certify with the Commission completion of a Certified Employee Training Program (CETP) by an employee. Dealers must still maintain records of completion of the CETP program by employees. This proposed rule change is technical in nature.

The proposed amendment to Rule 107(A)(15) repeals a provisions requiring permit holders to have a "Reject and Do Not Fill" sign approved by the Commission at each filling location. The proposed rule change replaces the provision with a requirement that permit holders must display their permit in a prominent area at all locations utilizing said permit. This proposed rule change is technical in nature.

The proposed amendment to Rule 133(A) removes a provision requiring the Commission to provide a list of acceptable manufacturers of liquefied petroleum gas containers upon request. According to the Commission, this list can be found online and therefore the proposed rule change is technical in nature.

The proposed amendment to Rule 143 repeals the provisions requiring the Commission to conduct inspections at least once every three years and gives the commission authority to conduct inspections without prior notice. This proposed rule change is technical in nature.

The proposed rule change to Rule 155 repeals and reserves mailing requirements for data reports from liquefied petroleum gas container manufacturers. These data reports are now sent online. This proposed rule change is technical in nature.

The proposed rule change to Rule 183 prohibits the sale, indoor storage, and use of hydrocarbon refrigerants containing liquefied petroleum gas in Louisiana. Currently no permitted dealers in Louisiana sell hydrocarbon refrigerants containing liquefied petroleum gas. This proposed rule change is technical in nature.

The Commission reports that no public hearing has been or will be held as to the proposed amended regulations concerning the amendments to LAC 55:IX: 107, 133, 143, 155 and 183. The deadline to submit comments or request a public hearing for the proposed rule was January 11, 2016. Pursuant to R.S. 49:953(A)(2)(a), there were no comments submitted nor was there a request for a public hearing.

Please advise if you have any questions or concerns or if you intend to conduct a hearing on this matter. Subject to legislative oversight by either the House Judiciary Committee or the Senate Judiciary B Committee, the Commission intends to submit a Rule to the Office of the State Register for publication next month. Please contact me at (225) 925-6103 if I may be of any assistance to you. With best regards, I remain

Sincerely yours,



MELINDA L. LONG
Attorney at Law
LP Gas Commission

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II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The cost associated chemical castration is the responsibility of the parolee or probationer. The estimated average costs to directly affected persons is between \$30 to \$75 per physical visit. The clinical visits for treatment vary depending on the amount of time spent. The medication cost for treatment is between \$2.70 per month (or \$32.40 annually) up to \$234.16 annually depending on the dosing and if the medication is an injection or taken by mouth. The fee schedule for services provided will be based on the prevailing Medicaid rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III
Undersecretary
1512#086
Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Correction
Liquefied Petroleum Gas Commission**

Liquefied Petroleum Gas
(LAC 55:IX.Chapter I)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, in accordance with R.S. 40:1846 and with the Administrative Procedure Act., R.S. 49:950 et seq., hereby gives notice of its intent to amend the following Sections: 107 with regard to general requirements of permit holders to include a change to permit fees, 133 which eliminates the commission's obligation to provide a list of acceptable manufacturers, 143 which eliminates the Commission's obligation to perform a facility inspection every three years, 155 which deletes the need for a data report, and 183 which regulates the sale and storage of hydrocarbon refrigerants containing liquefied petroleum gasses.

**Title 55
PUBLIC SAFETY
Part IX. Liquefied Petroleum Gas Commission
Chapter I. General Requirements
Subchapter A. New Dealers
§107. Requirements**

A. Before any permit or registration may be issued from the office of the director, all applicants shall have complied with or agree to comply with the applicable requirements as follows:

1. - 2. ...
3. Shall have proof of insurance on file in the office of the director on a commission proprietary certificate of insurance or one substantially equivalent issued by a Louisiana licensed agent in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This certificate of insurance shall indicate the type and amount of coverage. This policy of insurance shall

meet the proof of insurance as required by the commission. Said certificate shall be considered evidence of liability insurance coverage; said certificate shall state that in the event the insurance company cancels the insurance policy, the insurance company shall notify the office of the director 10 days prior to the date of cancellation. A binder of insurance coverage shall be acceptable as proof of insurance until the policy is issued and a certificate of insurance is issued. The \$1,000,000 requirement shall be effective on the first proof of insurance required after November 1, 2003. The commission shall provide the proprietary certificate of insurance form on its public web site for downloading or shall provide copies of the proprietary certificate of insurance form via facsimile or via U.S. mail upon request. In lieu of the certificate of insurance for automobile liability, the commission may accept a certificate of self-insurance issued by the office of motor vehicles.

3.a. - 5.c. ...

6. Applicants shall have paid a permit fee in the amount of \$75, except for Class VII-E, which shall be \$100, and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$75 for each location For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$75, except in the case of Class VI-X for which the minimum permit fee shall be \$75 for the first each location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations; or 0.1369 of 1 percent of annual gross sales of liquefied petroleum gases of all locations whichever is greater. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$75, except registrations shall be \$37.50 per year.

6.a. - 8.f.ii.(d). ...

(e). Proof of a passing grade, for purposes of certification, shall be maintained in dealer employee file. The employer shall maintain this record until 1 year after the employment has terminated.

9. - 14. ...

15. All classes of permit or registration holders shall display a copy of their permit in a prominent area at all locations utilizing said permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201 (October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 42:

§133. Shall Purchase Containers Made by Manufacturers Acceptable to Having Jurisdiction

A. All liquefied petroleum gas containers shall be manufactured by a manufacturer acceptable to the commission.



B. A manufacturer of liquefied petroleum gas containers shall be listed by the commission as acceptable when it has met or exceeded the requirements of Chapter 5, NFPA 58, 2008 edition and provided documentation acceptable to the commission of the same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998), LR 38:1263 (May 2012), LR 42:

§143. Inspections

A. Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 38:1264 (May 2012), LR 42:

Subchapter C. Manufacturers of Liquefied Petroleum

Gas Containers

§155. Data Reports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 38:1265 (May 2012), repealed LR 42:

Subchapter I. Adoption of Standards

§183. Use of Liquefied Petroleum Gas as a Refrigerant Prohibited

A. ...

B. Hydrocarbon refrigerants containing liquefied petroleum gasses is strictly prohibited for sale, storage inside buildings and use in refrigeration systems within the borders of the state of Louisiana. Specific exceptions to this regulation can be found in the United States Environmental Protection Agency (EPA) regulations 40 CFR Part 82.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 23:990 (August 1997), amended LR 29:2511 (November 2003), amended LR 38:1271 (May 2012), LR 42:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the LA R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Impact

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule does not impact or affect a "provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed rules have no effect or impact on a "provider" in regards to:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the provider to provide the same level of service;
3. the ability of the provider to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than January 11, 2016 at 4:30 p.m. to Melinda L. Long, 7979 Independence Boulevard, Suite 307, Baton Rouge, LA 70806, (225) 925-6103 Fax:(225) 925-4624, or melinda.long@la.gov. A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if needed.

John W. Alario
Executive Director