

## Laura Hopes

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**From:** Laura Hopes  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** apa.h-thpw@legis.la.gov; apa.s-judb@legis.la.gov  
**Cc:** apa.housespeaker@legis.la.gov; apa.senatepresident@legis.la.gov; Catherine Brindley  
**Subject:** Oversight Report on behalf of DPS for LAC 55:III..151  
**Attachments:** 968D1B report on supervision background checks all committees.pdf

Committee Chairpersons:

Please see attached oversight report as required by La. R.S. 49:968(D)(1)(b) for the rules proposed by the Office of Motor Vehicles on the supervision and background check requirement for driving school employees. Thank you,

Laura C. Hopes  
Attorney  
Department of Public Safety & Corrections,  
Office of Legal Affairs  
P.O. Box 66614  
Baton Rouge, LA 70896  
(225) 925-4404  
Fax (225) 925-3974

BOBBY JINDAL  
GOVERNOR



MICHAEL D. EDMONSON, COLONEL  
DEPUTY SECRETARY

State of Louisiana  
Department of Public Safety and Corrections  
Public Safety Services  
December 1, 2014  
OLA-14-LCH-16609

VIA EMAIL ONLY ([apa.h-thpw@legis.la.gov](mailto:apa.h-thpw@legis.la.gov))  
VIA EMAIL ONLY ([apa.s-judb@legis.la.gov](mailto:apa.s-judb@legis.la.gov))

Karen Gaudet St. Germain, Chairman  
House Committee on Transportation  
State Capitol  
Baton Rouge, LA 70804

Jean-Paul J. Morrell  
Senate Judiciary B Committee  
State Capitol  
Baton Rouge, LA 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles, to amend Chapter 1, Sections 151 pertaining to Commercial Driving Schools

Dear Chairpersons:

The Department of Public Safety & Corrections, Office of Motor Vehicles, provides the following report to your committee as required by R.S. 49:968(D)(1)(b) for the proposed Notice of Intent that was published in the October 20, 2014, edition of the Louisiana Register on pages 2159 through 2160, and the declaration of emergency on page 1925, a copy of which is enclosed.

A public hearing was not requested and therefore one was not conducted.

The Office of Motor Vehicles did not receive any public comment on the proposed rules.

As a result, no changes to the proposed rule text are necessary.

Additionally, no technical changes are required.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura C. Hopes".

Laura C. Hopes  
Attorney for the Office of Motor Vehicles  
(225) 925-4404

Enclosures

Cc: [apa.housespeaker@legis.la.gov](mailto:apa.housespeaker@legis.la.gov), [apa.senatepresident@legis.la.gov](mailto:apa.senatepresident@legis.la.gov)

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5. Administrative Interpretation. For purposes of administering the heretofore mentioned paragraphs, it is understood that:

a. a wellbore which is completed in more than one common source of supply (multiple completions) shall not be considered as ceasing to produce and shall not be reported on the inactive well report as long as there is production from or operations in any completion in the wellbore;

b. wells classified as having future utility may be off production or shut-in but are considered to have future utility for producing oil or gas, or for use as a service well;

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (March 1974), amended by the Department of Natural Resources, Office of Conservation, LR 41:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Statement**

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at the public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., December 1, 2014, at Office of Conservation, Engineering Division, P.O. Box 94275, Baton Rouge, LA, 70804-9275; or Office of Conservation, Environmental Division, 617 North Third St., Room 817, Baton Rouge, LA 70802. Reference Docket No. CON ENG 2014-11 on all correspondence. All inquiries should be directed to Daniel Henry at the above addresses or by phone to (225) 342-5570. No preamble was prepared.

#### **Public Hearing**

The commissioner of conservation will conduct a public hearing on Monday, November 24, 2014 at 9 a.m., in the LaBelle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

James H. Welsh  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Plug and Abandonment of Oil and Gas Wells, Financial Security, and Utility Review Status**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no implementation costs to the state or local governmental units. The proposed rule will increase the financial security amounts currently required by the Office of Conservation for plugging and abandoning obligations associated with the drilling of oil and gas wells and

establish timelines for future utility of inactive wells held by operators. The proposed rule will also remove an exception that permitted 48 month compliant operators to not have to provide financial security. There are no costs to the Office of Conservation since the financial security will be able to be documented using existing paperwork and staff.

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

The proposed rule change may effect revenue collections of state governmental units. In the event an unplugged well is abandoned and will require site restoration, the department will access the financial security provided by the company to pay for the costs associated with the abandoned well.

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

The group directly affected by the rule change will be Exploration and Production (E&P) companies. These companies will need to provide larger amounts of financial security if a new well is permitted or if an existing well is transferred, since the compliant operator exemption will be removed.

Currently E&P companies can choose between individual well financial security and blanket well security. The proposed rule change increases the financial security required based on the factors of well depth, well location, and number of wells operated. Amounts for individual well security depend on well location (land, inland water and offshore water) and well depth. Blanket financial security amounts depend on well location and the number or wells operated by the company. The exact financial security that each E&P company that applies for a permit cannot be determined.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition and employment.

Gary Ross  
Assistant Commissioner  
1410#035

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Public Safety and Corrections Office of Motor Vehicles**

#### **Driving Schools (LAC 55:III.151)**

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles hereby proposes to amend Section 151 under Chapter 1, Subchapter A, to require employees of driving schools in direct care or responsibility for minor students to submit and pass a background check. Current regulation only provides for instructors and owners supervising students to submit to and pass a background check. This regulation will ensure compliance with the Child Protection Act.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part III. Motor Vehicles**

#### **Chapter 1. Driver's License**

#### **Subchapter A. General Requirements**

#### **§151. Regulations for All Driver Education Providers**

A. - E.4. ...

5. Any employee of a driving school with direct care or responsibility for minor students or who has access to the student's personal information, shall submit to and successfully pass a background check prior to any contact with minor students. The direct care or responsibility over minor students shall consist of any contact with a minor student, including, but not limited to, picking up students for instruction, monitoring students, or driving students home. This rule applies to all driving school employees, including instructors, owners and administrative staff. Employees of driving schools who are not required to submit to a background check or have not passed a background check shall not be allowed access to minor students or their information. Driving school owners shall be required to submit a list of all employees with direct care or responsibility for minor students to DPS annually, and any time a new employee is hired, by email at [ladrivingschools@dps.la.gov](mailto:ladrivingschools@dps.la.gov). Personal information includes, but is not limited to, any identifying information such as name, address, telephone number, Social Security number, parents' names, name and address of high school attended by student, and emergency contacts.

E.6. - H.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 41:

#### **Family Impact Statement**

The proposed rules will not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;

6. local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23.

#### **Poverty Impact Statement**

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 R.S. 49:973. 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 Statement**

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 any 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 Rules do 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**

Interested persons may submit written comments or requests for public hearing on these proposed rule changes to Laura Hopes, Department of Public Safety and Corrections, Public Safety Services, Office of Legal Affairs, at 7979 Independence Blvd., Suite 307, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6103 (phone); (225) 925-3974 (facsimile); [laura.hopes@la.gov](mailto:laura.hopes@la.gov) (email). Comments will be accepted through close of business November 10, 2014.

#### **Public Hearing**

A public hearing will be held on Wednesday, November 25, 2014 at 10 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, LA 70806. If the requisite number of comments are not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attended.

Jill P. Boudreaux  
Undersecretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Driving Schools**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule change. The previous rule stated that students shall not be supervised by any person who has not undergone a background check. The purpose of the proposed rule change is to require any employee of a driving school with direct care, responsibility, contact with or access to a minor student or that student's personal information to submit to and pass a background check prior to contact with a minor student to ensure compliance with the Child Protection Act.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change may result in an increase in revenue as a result of any employees of a driving school that will now be required to undergo a background check. The background check fee of \$26.50 will be used to cover the cost to perform the background check by the department.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
Persons employed by a driving school that have not undergone a background check and have direct care of minor

c. where flow rate fluctuations or water production difficulties are so severe that the subsurface safety valve would prevent the well from producing at its allowable rate;

d. where mechanical well conditions do not permit the installation of a subsurface safety valve;

e. in such other cases as the district manager may deem necessary to grant an exception.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the Legislature of 1940.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 1, 1961, amended March 15, 1961, amended and promulgated by Department of Natural Resources, Office of Conservation, LR 20:1128 (October 1994), LR 40:

James H. Welsh  
Commissioner

1410#013

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Office of Motor Vehicles

Driving Schools (LAC 55:III.151)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles finds that an imminent peril to the public safety requires adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B), requiring employees of driving schools in direct care or responsibility for minor students to submit and pass a background check, Current regulation only provides for instructors and owners supervising students to submit to and pass a background check. It is necessary to adopt these emergency rules to have this order in place until the corresponding permanent rules can be adopted in order to enforce the Child Protection Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall take effect September 20, 2014, and shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

#### Title 55

#### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 1. Driver's License

#### Subchapter A. General Requirements

#### §151. Regulations for All Driver Education Providers

A. - E.4. ...

5. Any employee of a driving school with direct care or responsibility for minor students or who has access to the student's personal information, shall submit to and successfully pass a background check prior to any contact with minor students. The direct care or responsibility over minor students shall consist of any contact with a minor student, including, but not limited to, picking up students for instruction, monitoring students, or driving students home. This rule applies to all driving school employees, including instructors, owners and administrative staff. Employees of driving schools who are not required to submit to a background check or have not passed a background check shall not be allowed access to minor students or their

information. Driving school owners shall be required to submit a list of all employees with direct care or responsibility for minor students to DPS annually, and any time a new employee is hired, by email at [ladrivingschools@dps.la.gov](mailto:ladrivingschools@dps.la.gov). Personal information includes, but is not limited to, any identifying information such as name, address, telephone number, social security number, parents' names, name and address of high school attended by student, and emergency contacts.

E.6. - H.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:

Jill P. Boudreaux  
Undersecretary

1410#005

## DECLARATION OF EMERGENCY

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

Modification of 2014-15 Commercial Fishing Season for  
Lake Bruin, False River Lake and Lake Providence

The commercial fishing seasons for Lake Bruin (Tensas Parish), False River Lake (Pointe Coupee Parish), and Lake Providence (East Carroll Parish) have previously been set to open at sunrise on November 1, 2014. Additionally, False River Lake is currently undergoing a drawdown and LAC 76:VII.175 provides that all freshwater impoundments shall be closed to use of commercial fish netting during water drawdown periods, unless otherwise specified by the department.

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:22 and R.S. 56:326.3, which provide that the Wildlife and Fisheries Commission may set seasons for freshwater finfish, the secretary hereby declares:

The 2014-15 commercial fishing seasons in Lake Bruin (Tensas Parish), False River Lake (Pointe Coupee Parish), and Lake Providence (East Carroll Parish) will open at sunrise on October 1, 2014 and remain open until sunset on the last day of February, 2015. Further, the Department of Wildlife and Fisheries finds no biological or technical reason to prohibit the commercial netting of fish in False River Lake during the ongoing drawdown of that impoundment and hereby specifies that the prohibition in LAC 76:VII.175 shall not apply.

This Declaration of Emergency shall become effective at sunrise on October 1, 2014 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until rescinded by the secretary.

Robert Barham  
Secretary

1410#033

## Laura Hopes

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**From:** Laura Hopes  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** apa.h-thpw@legis.la.gov; apa.s-judb@legis.la.gov  
**Cc:** apa.housespeaker@legis.la.gov; apa.senatepresident@legis.la.gov; Catherine Brindley  
**Subject:** Oversight Report on behalf of DPS for LAC 55:III..151  
**Attachments:** 968D1B report on supervision background checks all committees.pdf

Committee Chairpersons:

Please see attached oversight report as required by La. R.S. 49:968(D)(1)(b) for the rules proposed by the Office of Motor Vehicles on the supervision and background check requirement for driving school employees. Thank you,

Laura C. Hopes  
Attorney  
Department of Public Safety & Corrections,  
Office of Legal Affairs  
P.O. Box 66614  
Baton Rouge, LA 70896  
(225) 925-4404  
Fax (225) 925-3974

## Laura Hopes

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**From:** APA - President <APA.senatepresident@legis.la.gov>  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** Laura Hopes  
**Cc:** APA - Request Senate  
**Subject:** Request received

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Hopes

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**From:** APA - Senate Jud B <apa.s-judb@legis.la.gov>  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** Laura Hopes  
**Cc:** APA - Senate Jud B  
**Subject:** Request received

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Judiciary B, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Hopes

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**From:** APA - House Transportation <apa.h-thpw@legis.la.gov>  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** Laura Hopes  
**Subject:** Request received

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Transportation, Highways, and Public Works, Louisiana House.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Hopes

---

**From:** APA - Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Monday, December 01, 2014 9:41 AM  
**To:** Laura Hopes  
**Subject:** Request received

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*