



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

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

April 2, 2020

Honorable Randal L. Gaines
Chairman, House Judiciary Committee

Honorable Gary Smith, Jr.
Chairman, Senate Judiciary B Committee

Re: Summary Report per Administrative Rules Proposed by the Department of Public Safety & Corrections, Public Safety Services, Office of Management & Finance (LAC 55:XI.Chapter 5)

Dear Chairman Gaines and Chairman Smith,

The Department of Public Safety, Office of Management & Finance, hereby submits the following summary report, in accordance with La. R.S. 49:968(D)(1)(b), and asserts its intentions to proceed with rule-making procedures by finalizing the Notice of Intent which was published in the February 2020 edition of the *Louisiana Register* (Vol.46, No. 02). A copy of the Notice of Intent is attached hereto and labeled as Exhibit "A". The deadline to submit comments or request a public hearing was March 12, 2020 at 4:30 p.m. Pursuant to R.S. 49:953(A)(2)(a), there were no comments submitted nor was there a request for a public hearing. Therefore, a hearing was not held.

Please advise if you have any questions or concerns. Subject to legislative oversight by either committee, the Department of Public Safety, Office of Management & Finance, intends to submit a final Rule to the Office of State Register for publication in the May 2020 edition of the *Louisiana Register*.

Thank you for your attention to this matter. With professional regards, I remain

Sincerely,

MELINDA L. LONG, Attorney
Department of Public Safety & Corrections
Public Safety Services
Office of Management & Finance

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P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

written comments are required to be signed by the person submitting the comments, dated, and received on or before March 12, 2020 at 4:30 p.m.

Public Hearing

A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if statutorily mandated.

John W. Alario
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rulemaking Petitions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no expected implementation costs or savings to the state or local governmental units as a result of this proposed rule. The proposed rule simply codifies the current practices of agencies within Department of Public Safety and Corrections, Public Safety Services, Liquefied Petroleum Gas Commission for submission and consideration of rulemaking petitions. In accordance with the provisions of Act 454 of the 2018 Regular Session, the proposed rule amends and reenacts R.S. 49:953(C)(1), which sets forth a process by which an interested person may petition the Liquefied Petroleum Gas Commission for the adoption, amendment or repeal of any existing administrative rule.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

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

The proposed rule is not expected to create costs or economic benefits for directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not expected to affect competition or employment.

Lt. Col. Jason Starnes
Chief Administrative Officer
2002#026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Management and Finance

Rulemaking Petitions (LAC 55:X1.Chapter 5)

In accordance with the Administrative Procedures Act, R.S. 49:950, et seq., specifically R.S. 49:953(C)(1), the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, proposes to adopt a Rule outlining the process for considering rulemaking petitions.

Title 55

PUBLIC SAFETY

Part XI. Management and Finance

Chapter 5. Rulemaking Petitions

§501. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition the Office of Management and Finance for the adoption, amending or repeal of any rule, an interested person shall submit in writing the Department of Public Safety's petition for rulemaking form to Department of Public Safety, Office of Management and Finance at 7919 Independence Boulevard, Baton Rouge, LA 70806, Attn: Rulemaking Petition, which contains the following basic information organized and captioned:

1. the petitioner's name and address;
2. the specific rulemaking agency to be petitioned within the Department of Public Safety as listed on the form;
3. a brief description of the facts or justification supporting the petitioner's request for the adoption of a rule or the amending of a rule that has already been adopted;
4. suggested specific language or language setting forth the substance of the proposed rule or rule change that is being requested, which may be attached to, or in addition to, the petition for rulemaking form;
5. a copy of each and every document upon which the petitioner bases the petitioner's request for a rule or a citation of the information and where it can be easily obtained for review by the rulemaking agency;
6. the petitioner's signature and date of signature.

C. The Department of Public Safety's petition for rulemaking form can be found on the official website of the Department of Public Safety, Office of Management and Finance.

AUTHORITY NOTE: Promulgated in accordance with Act 454 of the 2018 Regular Legislative Session and R.S. 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Management and Finance LR 46:

§503. Consideration of a Rulemaking Petition

A. Upon receipt of a petition for rulemaking form, the chief administrative officer shall forward the petition to his agency designee. The agency designee shall review the petition for completeness pursuant to the requirements listed in LAC 55:X1.501.B. If the petition is found to be complete, the agency designee shall consider the petition.

B. Within 90 days of receipt of the petition, the chief administrative officer or his agency designee shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend an existing rule; or
2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

C. Whenever the chief administrative officer or his agency designee determines that a public hearing should be held prior to the adoption of any rule or rule change, a notice of the meeting date, time and place will be published in the *Louisiana Register*.



AUTHORITY NOTE: Promulgated in accordance with Act 454 of the 2018 Regular Legislative Session and R.S. 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Management and Finance, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in the R.S. 49:973.

Small Business Analysis

In compliance with Act 820, of the 2008 Regular Legislative Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.6.

Provider Impact Statement

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, P.O. Box 66614, Slip B-4, Baton Rouge, LA 70896. Written comments may also be hand-delivered to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, 7979 Independence Boulevard, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before March 12, 2020 at 4:30 p.m.

Public Hearing

A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if statutorily mandated.

Lt. Colonel Jason Starnes
Deputy Superintendent
Chief Administrative Officer

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The proposed rule is not expected to create costs or economic benefits for directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not expected to affect competition or employment.

Lt. Col. Jason Starnes
Chief Administrative Officer
2002#024

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:1.583)

In accordance with the provisions of La. R.S. 32:663 relative to the authority of Department of Public Safety to promulgate and enforce rules pursuant to approval of testing methods, the Department of Public Safety, Office of State Police hereby proposes to amend rules under Title 55:1.583, in relation to breath and blood alcohol analysis to make a distinction between types of mass spectrometers used in toxicology analyses and provide identification criteria in addition to criteria already listed.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances

§583. Analytical Procedures

A. ...

B. Positive identification of an analyte shall at a minimum be based on the possible presence of the analyte or the analyte class in the screening test and its presence in the confirmatory test. Confirmation shall be based on the identification of at least three major ions with that of a reference analyte, unless otherwise specified below. When confirmation is made by selective ion monitoring in either gas or liquid chromatography procedures, correlation