



JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, COLONEL
DEPUTY SECRETARY

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

JULY 28, 2022

Honorable Randal L. Gaines
Chairman, House Judiciary Committee

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

Honorable Jean-Paul Coussan, Chairman
House Committee on Natural Resources and
Environment

Honorable Eddie J. Lambert, Chairman
Senate Committee on Environmental Quality

Re: Summary Report relating to Administrative Rules Proposed by the Department of Public Safety & Corrections, Public Safety Services, Office of State Police
(LAC 33:V.10105) VIA EMAIL ONLY

Dear Sirs:

The Department of Public Safety and Corrections, Public Safety Services, Office of State Police, hereby submits the following summary report, in accordance with La. R.S. 49:968(D)(1)(b), and asserts its intention to proceed with rule-making procedures by finalizing the Notice of Intent which was published in the June 2022 edition of the *Louisiana Register* (Vol.48, No. 06, pages 1687-1689). A copy of the Notice of Intent is attached hereto and labeled as Exhibit "A". The proposed rule amends LAC 33:V:10105 to redefine the terms "facility" and "owner or operator" to reflect amendments to these terms in R.S. 30:2363 made by Act 246 of the 2021 Regular Legislative Session.

The deadline to submit comments or request a public hearing has passed. 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.

Subject to legislative committee oversight, the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, intends to submit a final Rule to the Office of State Register for publication in the September 2022 edition of the *Louisiana Register*.

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July 28, 2022

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If you have any questions or concerns, you may email me at michele.giroir@la.gov, or call me at (225) 922-2312. Thank you for your attention to this matter. With kindest professional regards, I am,

Sincerely,



MICHELE M. GIROIR, Attorney Supervisor
Department of Public Safety & Corrections,
Public Safety Services, Office of Legal Affairs

Cc: Honorable Clay Schexnayder
Speaker of the House

Honorable Page Cortez
President of the Senate

positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5 p.m. on July 27, 2022.

Public Hearing

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5 p.m. on July 27, 2022. A public hearing is not currently scheduled, but if requested will be held on the afternoon of Tuesday, July 26, 2022.

Richard P. Ieyoub
Commissioner



FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hydrocarbon Storage Wells in Salt Dome Cavities

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

This proposed rule change is not anticipated to result in changes in costs or savings to state or local governmental units. The proposed rule makes technical and consistency changes to the existing rule that governs the operation of salt storage caverns as a result of the passage of House Bill 572 (Act 326) of the 2021 Regular Session.

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

This rule change is not anticipated to have any effect revenue collections for state or local governmental units.

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

This rule change includes consistency changes and minor updates to reflect changes in operational best practices for the operators of salt cavern storage wells. Some of these changes may result in additional costs to these operators. Any increase will be based on the particular status of their site and salt cavern(s), so quantification of any incremental increase in costs is indeterminable. In pre-discussions with salt cavern operators, companies did not indicate that there would be any substantial increase in expenditures in order to comply with the proposed changes to the rule. Operators may expend additional resources to comply with enhanced timelines for some technical tests. These resources will generally be paid to technical and engineering companies that provide services to Louisiana salt cavern operators.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule promulgation is not anticipated to have any impact on competition or employment.

Richard P. Ieyoub
Commissioner
2206#040

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Hazardous Material Information Development,
Preparedness, and Response Act
(LAC 33:V.10105)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Department of Public Safety and Corrections, Office of State Police, proposes to amend LAC 33:V, Subpart 2, Hazardous Materials, Chapter 101, Hazardous Material Information Development, Preparedness, and Response Act, Section 10105, to redefine the terms "facility" and "owner or operator" to reflect changes made by Act 246 of the 2021 Regular Legislative Session to the enabling statute.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections—Hazardous Materials

Chapter 101. Hazardous Material Information Development, Preparedness, and Response Act

§10105. Definitions

A. The following terms, as used in this Chapter shall have the following meanings.

* * *

Facility—the physical premises used by the owner or operator in which the hazardous materials are manufactured, used, or stored. A natural gas pipeline, including but not limited to transmission and distribution assets, shall be considered a facility and subject to reporting requirements for facilities under this Chapter. A natural gas pipeline shall not be considered a transport vehicle or otherwise subject to the reporting requirements under Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950 regarding hazardous materials transportation and motor carrier safety. A natural gas pipeline shall not be classified as a compressed natural gas facility.

* * *

Owner or Operator—any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, department, bureaus, or instrumentalities engaged in business or research operations which use, handle, manufacture, release or store hazardous materials in a facility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361, et seq.

HISTORICAL NOTE: Adopted by the Department of Public Safety and Corrections, Office of State Police, LR 12:237 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December 1987), LR 14:801 (November 1988), LR 16:974 (November 1990), LR 27:858 (June 2001), LR 36:545 (March 2010).

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 40:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses, unless they are subject to the Right-to-Know laws, violate the laws, and are assessed a civil penalty.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments on the proposed Rule via U.S. Mail addressed to Commander John Porter, Louisiana State Police Emergency Services Unit, c/o Mr. Gene Dunegan, P.O. Box 66168 (A-16), Baton Rouge, LA 70896. Written comments may also be hand-delivered to John Porter, 7919 Independence Blvd., Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before June 10, 2022.

Public Hearing

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

Colonel Lamar A. Davis
Superintendent

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hazardous Material Information Development, Preparedness, and Response Act

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

The proposed rule changes are not anticipated to result in additional costs or savings for the state or local governmental units. The proposed rule changes amend current definitions of "facility" and "owner or operator" in rule to reflect changes in the enabling legislation made by Act 246 of the 2021 Regular Session of the Louisiana Legislature.

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

The proposed rule changes may result in an indeterminable impact on collections of civil penalties levied against "owners or operators" or "facilities" that experience a violation of the rules, which funds are deposited into the Right-to-Know Fund. The amounts are indeterminable because it is unknown how many instances of reportable releases will occur and noncompliance with reporting requirements will occur by owners or operators or facilities.

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

There are no direct costs or economic benefits estimated with regard to the proposed rule changes. The proposed rule changes will make definitions provided in the rule consistent with definitions in statute.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and employment. The proposed rule changes amend definitions of terms as used in the existing rules.

Colonel Lamar A. Davis
Superintendent
2206#007

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs—COVID-19 Exceptions
(LAC 28:IV.2103)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking extends the end-date for the applicability of COVID-19 as an objective circumstance for which an exception may be granted from the fall semester/winter quarter of 2021 through the summer semester/quarter of 2022. (SG22203NI)

Title 28
EDUCATION

Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs
Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements

A. - E.14.b.iv. ...

c. Length of Exception. Available for the fall semester/quarter of 2020 through the summer semester/quarter of 2022.

F. - H.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), LR 47:862 (July 2021), LR 47:867 (July 2021), LR 47:871 (July 2021), LR 48:

Family Impact Statement

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

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Business Analysis Statement

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG22203NI) until 4:30 p.m., July 11, 2022, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Scholarship/Grant Programs
COVID-19 Exceptions

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

The proposed rule change may result in an indeterminable increase in Taylor Opportunity Program for Students (TOPS) expenditures in future fiscal years by shifting costs to a later term or, in a few cases, allowing a student who would have been cancelled under normal conditions to retain their award. Since 2020, 201 students have been granted a COVID 19 exception, with the number of requests for exceptions dwindling over time. It is estimated that 20 to 30 students may apply and be eligible for the COVID-19 exception for the Spring or Summer 2022 terms authorized under this rulemaking. Students who apply and qualify for the exception for these terms will regain or maintain their TOPS award eligibility for the Fall 2022 term at an estimated cost of \$170,000 or less (30 students times the average award payment), with any subsequent TOPS payments dependent on terms of eligibility remaining and student performance in the subsequent terms. Restoring a student's TOPS award will reduce any program cost savings resulting from student attrition or non-enrollment and will increase TOPS expenditures in future fiscal years by shifting some costs to a later term.

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

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

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

The proposed rulemaking will benefit students impacted by the COVID-19 health emergency by providing them TOPS funding to enable them to pursue postsecondary education and thus gain educational benefits and access to higher paying jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from this rule change.

Robyn Rhea Lively
Senior Attorney
2206#062

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office