BOBBY JINDAL
GOVERNOR

MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana

Department of Public Safety and Corrections
Public Safety Services

December 10, 2015

Speaker of the House
Charles "Chuck" Kleckley

President of the Senate
John A. Alario, Jr.

House Judiciary Committee
Jeffery "Jeff" Arnold, Chairman

Senate Judiciary B Committee
Jean-Paul J. Morrell, Chairman

Re: Rule proposed by the LP Gas Commission to amend LAC 55:IX: 107, 133, 143, 155, 183.

Dear Mr. President, Mr. Speaker, Chairman Morrell and Chairman Arnold,

Notice is hereby given that the LP Gas Commission (hereafter referred to as the Commission) has exercised the provisions in accordance with R.S. 49:953 et seq. of the Administrative Procedure Act to amend LAC 55:IX: 107, 133, 143, 155,183 as authorized by R.S. 40:1846 (A) – (C).

The Department of Public Safety and Corrections, Public Safety Services, Liquefied Petroleum Gas Commission has found a need to make the following changes:

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 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 following documents are attached for your review:

(1) The text of the Notice of Intent,
(2) The Fiscal Impact & Economic Statement,
(3) A copy of La. R.S. 40:1848- 1849 and
(4) The Insertion Order submitted to the Office of the State Register granting authority to publish the Notice of Intent.

Thank you for your attention to this matter.

Sincerely,

Melinda L. Long
Attorney for LP Gas Commission
(225) 925-6103

Attachments

NOTICE OF INTENT

Department of Public Safety and Correction

Liquefied Petroleum Gas Commission

Miscellaneous Amendments

(LAC 55:IX:107, 133, 143, 155,183)

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

LIQUEFIED PETROLEUM GAS COMMISSION

Part IX

Chapter 1. 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:

A.1.-A.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.

A.3.a.-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.

A.6.a.-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.

A.9.-A.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 41:

§133. Shall Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction

~~A.~~ All liquefied petroleum gas containers purchased 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:41

§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:41:

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); LR 41

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 41:

Family Impact Statement

1. The effect of these rules on the stability of the family.

   These rules should not have any effect on the stability of the family.

2. The effect of these rules on the authority and rights of parents regarding the education and supervision of their children.

These rules should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of these rules on the functioning of the family.

These rules should not have any effect on the functioning of the family.

4. The effect of these rules on family earnings and family budget.

These rules should not have any effect on family earnings and family budget.

5. The effect of these rules on the behavior and personal responsibility of children.

These rules 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 rules.

These rules should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Small Business Impact

1. 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.

2. 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.

Poverty 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.

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.

Interested Persons

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.

§1848. Revocation of permits

A. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked.

B. The commission may suspend or revoke the permit of any person who violates the provisions of R.S. 40:1846.1(C)(2)(a) and (b) or who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 40:1846.1(E) within thirty days after the assessment becomes final.

C. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued.

D. A permit may be revoked or suspended only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

E. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation which gave rise to the suspension or revocation occurred.

Acts 1983, No. 377, §1. Acts 1984, No. 214, §1, eff. June 29, 1984; Acts 1987, No. 552, §1; Acts 1987, No. 857, §1.

§1849. Permit fees; minimum; maximum; transport registration fees; personnel qualification fees; rainy day fund

A. Except as provided for in Subsection E of this Section, every applicant for a permit shall, at the time of the issuance of the permit by the Liquefied Petroleum Gas Commission and annually thereafter pay to the commission a permit fee which shall be fixed by the commission in an amount which shall not exceed four-tenths of one percent of the gross annual sales of liquefied petroleum gas of such dealer or permit holder. The minimum permit fee shall be not less than seventy-five dollars. No permit or renewal permit shall be issued by the commission except upon payment of such fee as herein provided. The commission may formulate and enforce necessary rules and regulations for the renewal of permits and the collection of the fees.

B. No tanker truck with a water capacity of one thousand gallons or more shall be used to transport liquefied petroleum gas, including anhydrous ammonia, in Louisiana until it has been registered with the Liquefied Petroleum Gas Commission and an annual registration fee of fifty dollars for each vehicle has been paid therefor to the Liquefied Petroleum Gas Commission. Upon payment of the fee, the commission shall issue a registration decal valid for the year of issuance. This registration decal shall be permanently affixed to the motor vehicle in a prominent location as provided by the regulations which the commission shall adopt. No dealer shall deliver any liquefied petroleum gas from any transport motor vehicle to which a current registration decal is not permanently affixed.

C.(1)(a) All service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers employed by a dealer shall have successfully taken the personnel competency test administered by the commission and shall possess a current personnel competency card, which must be renewed annually. Each applicant to take the personnel competency test shall pay to the Liquefied Petroleum Gas Commission a personnel qualification fee of twenty dollars, the payment of which shall entitle him to take the test one time and, upon receipt of a satisfactory score, he shall be entitled to a personnel competency card valid for the year in which it is issued. Each applicant to renew his personnel competency card shall pay an annual renewal fee of ten dollars to the Liquefied Petroleum Gas Commission.

(b) The provisions of this Paragraph shall not apply to drivers transporting three hundred gallons or less of liquefied petroleum gas, in twenty-five gallon or more, maximum liquefied petroleum gas capacity containers, which containers conform to United States Department of Transportation specifications, if the driver's normal and routine duties are not the transportation of liquefied petroleum gases.

(2) The commission may adopt rules to provide for reciprocal agreements with other states regarding examination requirements and accept as its own the reciprocal state's examination. The commission shall ensure that the reciprocal state's examination contains substantially equivalent requirements. Each participating state in any such reciprocal agreement shall retain its own fee structure regarding examinations and other applicable fees.

D.(1) Except for the assessment established in R.S. 40:1851, all fees, penalties, and other revenues received by the commission shall be deposited immediately upon receipt in the state treasury.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to the monies being placed in the state general fund, an amount equal to the funds received shall be credited to the special fund hereby created in the state treasury to be known as the "Liquefied Petroleum Gas Commission Rainy Day Fund". The monies in this fund shall be used solely as provided in this Subsection, and only in the amounts appropriated by the legislature. The monies in the fund shall be invested by the state treasurer in the same manner as the monies in the state general fund. Subject to the provisions of, and after compliance with, Article VII, Section 9(B) of the Constitution of Louisiana, all interest earned on the monies in this fund shall be credited to this fund.

(3) At the end of each fiscal year, the unexpended and unencumbered monies which remain in this fund, up to a maximum of two hundred fifty thousand dollars, shall remain in this fund and shall be used by the commission for the purposes set forth in this Subsection.

(4) The monies in this fund shall be used for the following purposes:

(a) For all purposes provided for under this Part.

(b) For covering all reasonable administrative costs, as determined by the deputy secretary of public safety services, of transferring data from the commission to the information system established under the Hazardous Materials Information Development, Preparedness, and Response Act, R.S. 30:2361 et seq. Monies authorized for this purpose shall be transferred through an interagency transfer through the appropriate form and expedited procedures through the budgetary process.

(5) At the end of each fiscal year, the unexpended and unencumbered monies which remain in the fund in excess of the two hundred fifty thousand dollar maximum provided in Paragraph (3) of this Subsection, not to exceed three hundred thousand dollars, shall be deposited in the separate interest-bearing account established under the authority of R.S. 40:1851(D) and shall be used solely for market development purposes as required by R.S. 40:1851.1(B).

E. In order to offset any projected increase in the total fees collected from truck registrations, competency tests, and competency card renewals from Fiscal Year 1999 to Fiscal Year 2000, the Liquefied Petroleum Gas Commission shall, prior to January 1, 2000, promulgate rules to reduce the liquefied petroleum gas permit fees authorized in Subsection A of this Section. The reduction in permit fees shall be in an amount equal to or exceeding the increase in truck registration, competency test, and competency card fees provided for in Subsections B and C of this Section. The actual 1998-1999 Fiscal Year sales dollars for permit fee calculations, number of truck registrations, number of competency tests given, and number of competency cards renewed shall be used in calculating the reduction in permit fees. The reduction in permit fees as well as the increase in truck registration fees, competency test fees, and competency card renewal fees set forth in this Section, shall become effective on January 1, 2000.

Amended by Acts 1997, No. 1446, §1; Acts 1998, 1st Ex. Sess., No. 127, §1, eff. May 5, 1998; Acts 1999, No. 584, §1; Acts 1999, No. 600, §1, eff. July 1, 1999; Acts 2003, No. 798, §1; Acts 2007, No. 273, §1, eff. July 6, 2007.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Melinda L. Long   Dept: Department of Public Safety and Corrections

Phone: (225) 925-6103   Office: LP Gas Commission
Address: P. O. Box 66209
Baton Rouge, Louisiana 70896   Title: Liquefied Petroleum Gas

Date Rule Takes Effect: March 10, 2016 or upon promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal, or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed rule changes will not result in any material costs or savings to state or local governmental units. The proposed amendments reflect changes adopted by the Commission to ensure the rules more accurately reflect the controlling statute, LA R.S.40:1848(A).

The proposed amendement to Rule 107(A)(6) repeals the provision allowing applicants for permits to the LP Gas 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 Rules 107(A)(3), 107(A)(8)(e), 107(A)(15), 133(A), 143, 155, and 183 are all technical in nature, and therefore have no associated fiscal impact.

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

The proposed rule change will increase revenue collections for state governmental units by an indeterminable amount. Present law states that all permit applicants with the LP Gas Commission shall pay a permit fee in the amount of $75 for the first location with the exception of Class VII-E, R-1 and R-2 registrations which carry permit fees of $100 and $37.50, respectively. Present law also states that an applicant shall pay a fee of $50 for each additional 2-11 locations and $25 per location for 12 more locations. The proposed rule changes state the permit fee amount shall be $75 for each location. Based on 160 locations currently receiving payments at the reduced fee amounts, up to an additional $12,000 may be generated if each location pays $75 for permits. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

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

The proposed rule change will affect permitted dealers of liquefied petroleum gas. Previously dealers with 2-11 locations only paid $50 per permit, per location, and dealers with 12 or more locations paid only $25 per permit, per location. The proposed change to Rule 107(A)(6) states that all dealers must pay $75 per permit, per location, regardless of the number of locations. Based on an estimated 160 locations currently receiving permits at the lower fee amount, dealers of liquefied petroleum gas may pay up to additional $12,000 to the LP Gas Commission for permitting annually. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Agency Head or Designee Department of Public Safety and Corrections	Evan Brasseaux, Staff Director Legislative Fiscal Office
12/9/15 Date of Signature	12/9/15 Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Louisiana Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change will not result in any material costs or savings to state or local governmental units. The proposed rule changes reflects changes adopted by the Commission to ensure the rule more accurately reflects the controlling statute, LA R.S.40:1848(A).

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

The proposed amendement to Rule 107(A)(6) repeals the provision allowing applicants for permits to the LP Gas 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 liquid petroleum gas dealers to certify with the LP Gas 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 amendement to Rule 107(A)(15) repeals a provisions requiring permit holders to have a "Reject and Do Not Fill" sign approved by the LP Gas 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 LP Gas Commission to provide a list of of acceptable manufacturers of liquefied petroleum gas containers upon request. According to the LP Gas 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 LP Gas 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 propsed 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.

B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule change is not required by federal regulation. However, a copy of La R.S. 40:1849(A) that is cited above is attached for your reference.

C. Compliance with Act 11 of the 1986 First Extraordinary Session:

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in the expenditure of funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____________ Yes. If yes, attach documentation.

(b) ____________ No. If no, provide justification as to why this rule change should be published at this time.

This question is NOT applicable as a result of the answer to C (1).

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 16-17	FY 17-18	FY 18-19
PERSONAL SERVICES	$0	$0	$0
OPERATING EXPENSES	$0	$0	$0
PROFESSIONAL SERVICES	$0	$0	$0
OTHER CHARGES	$0	$0	$0
EQUIPMENT	$0	$0	$0
MAJOR REPAIR & CONSTR.	$0	$0	$0
TOTAL	$0	$0	$0
POSITION(#)	. $0	$0	$0

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 16-17	FY 17-18	FY 18-19
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED	N/A		
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	$0	$0	$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There will be no new implementation costs as a result of this rule change.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule will have no impact on local governmental units. This law is enforced by the state.

2. Indicate the source of funding of the local governmental unit which will be affected by these costs or savings.

No funding will be necessary as local government will not be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY16-17	FY 17-18	FY 18-19
STATE GENERAL FUND	$0	$0	$0
AGENCY SELF-GENERATED	$0	$0	$0
DEDICATED FUNDS*	INCREASE	INCREASE	INCREASE
FEDERAL FUNDS	$0	$0	$0
LOCAL FUNDS	$0	$0	$0
TOTAL	$0	$0	$0

*Specify the particular fund being impacted.

"Liquefied Petroleum Gas Commission Rainy Day Fund"

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

In FY 15-16, the LP Gas Commission had 160 propane dealers apply for or renew a permit to transport liquefied petroleum gas from a transport motor vehicle on the roadways of Louisiana. These particular160 permits represent applicants of dealer locations who own between 2 and 11 locations and purchased additional discounted permits at $50 for these locations. In addition, this number also indicates the applicants or renewal dealers that bought permits for each of their twelve or more dealer locations at $25 a permit. The proposed rule amendment states that applicants shall pay a permit fee in the amount of $75 for each location. The previous exception remains for Class VII-E, which shall be $100.00, R-1 and R-2 registrations which shall be $37.50. As of FY 16-17, the 160 propane dealers currently paying the discounted $25 and $50 permit fees will pay the $75 permit fee. This will generate an anticipated revenue collection in the amount of $12,000. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Non-governmental groups that are regulated by the LP Gas Commission, in particular, the propane industry will be directly affected by the proposed rules.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income (revenue) resulting from this rule or rule change to these groups.

The proposed rule change will affect permitted dealers of liquefied petroleum gas. Previously dealers with 2-11 locations only paid $50 per permit, per location, and dealers with 12 or more locations paid only $25 per permit, per location. The proposed change to Rule 107(A)(6) states that all dealers must pay $75 per permit, per location, regardless of the number of locations. Based on an estimated 160 locations currently receiving permits at the lower fee amount, dealers of liquefied petroleum gas will pay additional $12,000 to the LP Gas Commission for permitting annually.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no impact upon competition in the public and private sector as a result of this rule change.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Melinda L. Long

Dept: Department of Public Safety and Corrections

Phone: (225) 925-6103

Office: LP Gas Commission

Address: P. O. Box 66209
Baton Rouge, Louisiana 70896

Title: Liquefied Petroleum Gas

Date Rule Takes Effect: March 10, 2016 or upon promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal, or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed rule changes will not result in any material costs or savings to state or local governmental units. The proposed amendments reflect changes adopted by the Commission to ensure the rules more accurately reflect the controlling statute, LA R.S.40:1848(A).

The proposed amendement to Rule 107(A)(6) repeals the provision allowing applicants for permits to the LP Gas 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 Rules 107(A)(3), 107(A)(8)(e), 107(A)(15), 133(A), 143, 155, and 183 are all technical in nature, and therefore have no associated fiscal impact.

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

The proposed rule change will increase revenue collections for state governmental units by an indeterminable amount. Present law states that all permit applicants with the LP Gas Commission shall pay a permit fee in the amount of $75 for the first location with the exception of Class VII-E, R-1 and R-2 registrations which carry permit fees of $100 and $37.50, respectively. Present law also states that an applicant shall pay a fee of $50 for each additional 2-11 locations and $25 per location for 12 more locations. The proposed rule changes state the permit fee amount shall be $75 for each location. Based on 160 locations currently receiving payments at the reduced fee amounts, up to an additional $12,000 may be generated if each location pays $75 for permits. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

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

The proposed rule change will affect permitted dealers of liquefied petroleum gas. Previously dealers with 2-11 locations only paid $50 per permit, per location, and dealers with 12 or more locations paid only $25 per permit, per location. The proposed change to Rule 107(A)(6) states that all dealers must pay $75 per permit, per location, regardless of the number of locations. Based on an estimated 160 locations currently receiving permits at the lower fee amount, dealers of liquefied petroleum gas may pay up to additional $12,000 to the LP Gas Commission for permitting annually. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Agency Head or Designee Department of Public Safety and Corrections	Legislative Fiscal Office
12/9/15 Date of Signature	Date of Signature

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Department under which office/board/commission is classified

John W. Alario Executive Director
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Melinda L. Long 225-925-6103 225-925-4624
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

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