



LOUISIANA DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY OF STATE

LEGISLATIVE OVERSIGHT REPORT

**NOTICE OF INTENT**  
*(Intended Action)*

TITLE 4  
ADMINISTRATION

PART I. GENERAL PROVISIONS  
CHAPTER 4. SECRETARY OF STATE (AMENDMENT #1)

(LAC 4:I.CHAPTER4)

**DEPARTMENT OF STATE NON-STATUTORY FEES**  
*(Brief Description)*

**INITIAL REPORT**

**COPY OF THE RULE AS IT IS PROPOSED FOR ADOPTION, AMENDMENT, OR REPEAL AND STATEMENT OF THE AMOUNT OF THE FEE TO BE ADOPTED OR THE AMOUNT OF THE PROPOSED INCREASE OR DECREASE** *(The rule shall be coded with any new rule or language that is to be added to an existing agency rule underscored and any language that is to be deleted from an existing agency rule in struck-through type.)*

Attached is a copy of Amendment #1 to the Notice of Intent as it is proposed for the Department of State Non-Statutory Fees. This Notice of Intent amends the fee schedule that was published on December 20, 2017. The proposed amendment to the rule change clarifies language to reflect current fee assessments. However, these changes do not modify the existing fee structure. A coded copy of the Notice of Intent is attached.

**STATEMENT OF THE PROPOSED ACTION** *(Whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.)*

This amendment to the rule will update non-statutory fees for the Election Services – Publication Section and the State Archives Division – Archives Reproduction and Research Section.

**SPECIFIC CITATION OF THE ENABLING LEGISLATION PURPORTING TO AUTHORIZE THE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR PURPORTING TO AUTHORIZE THE ADOPTION, INCREASING, OR DECREASING THE FEE**

Under the authority of R.S. 18:1293; R.S. 36:742, and R.S 49:222(A), the department is proposing to amend and update the department's non-statutory fees in Chapter 4 of the LAC Title 4 Administration.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR THE ADOPTION, INCREASING, OR DECREASING OF THE FEE**

Under the provisions of R.S. 49:222(A), the department is required to adopt fees that are not provided by statute or fees that are already included in another rule.

**STATEMENT OF FISCAL IMPACT OF THE PROPOSED ACTION AND STATEMENT OF THE ECONOMIC IMPACT OF THE PROPOSED ACTION, BOTH APPROVED BY THE LEGISLATIVE FISCAL OFFICE**

Attached is a copy of the approved Fiscal and Economic Impact Statement for Administrative Rules.

## NOTICE OF INTENT

### Department of State Office of the Secretary of State

#### Non-Statutory Departmental Fees (LAC 4:I.Chapter 4)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:1293, R.S. 36:742, and R.S. 49:222(A), the Department of State is proposing to amend the non-statutory fee schedule for the Department of State.

#### Title 4

#### ADMINISTRATION

#### Part I. General Provisions

#### Chapter 4. Department of State

#### §401. Department of State Non-Statutory Fee Schedule

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

\* \* \*

#### 4. Election Services – Publications

ITEM	FEE
Bond Registration Certificate (Municipal Bonds) (Optional)	\$10.00
Certified Copy (Per Document) (In Addition to \$0.25 Per Page Fee)	\$20.00
Certified Copy of "Living Will" Declaration Registration	\$20.00
"Living Will" Replacement of Identification Card	\$5.00
Proces Verbal	
Recordation	\$10.00
Proces Verbal (Cost Per Page)	\$2.00
Public Officials Signature Registration Certificate	\$10.00
Publications	
Ballot Box	\$5.00
Buckram Bound Acts of Legislature	
2010/I, II and III (2010 Regular Session)	\$172.00
2011/I and II (2011 Regular and 1 <sup>st</sup> Extraordinary Sessions)	\$120.00
2012/I, II and III (2012 Regular Session)	\$174.00
2013/I and II (2013 Regular Session)	\$120.00
2014/I, II and III (2014 Regular Session)	\$170.00
2015/I and II (2015 Regular Session)	\$205.00

2016/I, II and III (2016 Regular Session and 1 <sup>st</sup> and 2 <sup>nd</sup> Extraordinary Sessions)	\$340.00
2017/I and II (2017 Regular Session and 1 <sup>st</sup> and 2 <sup>nd</sup> Extraordinary Sessions)	\$250.00
Future Issues (Printed Annually) *	Varies
Code of Governmental Ethics	\$5.00
Corporation Law	\$25.00
Election Code	\$20.00
Lawrason Act	\$5.00
Legislative Calendar of the Legislature	\$25.00
Official Journal of the Proceedings of the House of Representatives	\$25.00
Official Journal of the Proceedings of the Senate	\$25.00
Report of Secretary of State CY 2009 and CY 2010	\$63.00
Report of Secretary of State CY 2011 and CY 2012	\$60.00
Report of Secretary of State CY 2013 and CY 2014	\$70.00
Report of Secretary of State CY 2015 and CY 2016	\$40.00
Report of Secretary of State (Future Issues) (Printed Bi-Annually) **	Varies
Roster of Officials 2012	\$25.00
Roster of Officials 2016	\$30.00
Roster of Officials (Future Issues) (Printed Every 4 Years) **	Varies

The department shall publish the cost in *The Advocate* annually for these publications and will post the costs on the department's website after the cost for each publication is determined.

\*Pursuant to R.S. 43:22, the formula for the cost for publishing the Buckram Bound Acts of Legislature is as follows: Printing Estimate + 10 Percent of the Printing Cost + Postage/Quantity of Books Ordered.

\*\*The cost for these publications may vary and is based upon the following: Printing Estimate + Department Staff Costs + Postage/Quantity of Books Ordered.

#### 5. State Archives Division – Archives Reproduction and Research Section <sup>1</sup>

ITEM	FEE
Digital Imaging --	
600 Pixels Per Inch .TIFF Digital Image (Not for Commercial Use) (For Existing Original Photograph Collections Only) (See Reproduction Rights Fee) <sup>3</sup>	\$10.00
Reproduction Rights Fee (Commercial Use Only) (Per Image) <sup>4</sup>	\$100.00
Legislative Committee Audio Tapes Reproduction --	
For Public (Archives Provides Tape) (Cost Per Tape or Digital Recording)	\$20.00
For State Agency (Archives Provides Tape) (Cost Per Tape or Digital Recording)	\$10.00
Photocopy Reproduction --	
Confederate Pension Records Applications (Per Individual) (Cost Per One Application)	\$20.00

Military Service Records (Confederate Soldiers Military Records From Louisiana and World War I Discharge Records) (Cost Per Individual)	\$15.00
Other Historical Documents (Per Act 602 of the 2006 Regular Legislative Session) (Louisiana Governmental Agencies Only) (Cost Per Set)	\$10.00
Proces Verbal (Archived Records Only)	
Certification	\$20.00
Proces Verbal (Cost Per Page)	\$2.00
Self-Service Copy Charges --	
Book Scanner Prints (Cost Per Page)	\$0.25
Computer Printouts (Cost Per Page)	\$0.25
Microfilm Prints (Cost Per Page)	\$0.50
Photocopies (Cost Per Page)	\$0.25
Staff Reproduction of Archival Material –	
Document Certification (Cost Per Record)	\$20.00
Public Vital Records (Certified) (Cost Per Record)	\$10.00
Public Vital Records (Certified Letter of “No Record After Reasonable Search”) (Per Individual) (Vital Records Only)	\$20.00
Public Vital Records, Photocopy (Non-Certified) (Cost Per Record)	\$5.00

<sup>1</sup> Fees are for research and must be collected for both successful and unsuccessful searches. No research will be conducted until payment is received. As such, email requests will only be taken with approved bankcard prepayment.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 43:22, R.S. 44:1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR 96).

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 43:2537 (December 2017), amended LR 44:

\* \* \*

### **Family Impact Statement**

The proposed Rule regarding non-statutory fees for the Department of State should not have any known or foreseeable impact on any family as defined by R.S. 49:927 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 children; and
6. the ability of the family or a local government to perform the function as contained in the proposed amendments to the Rule.

### **Poverty Impact Statement**

The proposed Rule regarding non-statutory fees for the Department of State should not have any known or foreseeable impact on poverty as defined by R.S. 49:973. Specifically, there should be no known or foreseeable effect on:

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

### **Small Business Statement**

The proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business 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 business.

### **Provider Impact Statement**

The proposed Rule does not have any known or unforeseeable impact on providers as defined by 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 Steve Hawkland, Deputy General Counsel, Legal Division, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. He will be responsible for responding to inquiries regarding the proposed Rule. The deadline for

the Department of State to receive written comments is 4:30 p.m. on Tuesday, July 31, 2018 after the public hearing.

### **Public Hearing**

A public hearing on the proposed Rule is scheduled for Monday, July 30, 2018 at 10:00 a.m. in the Auditorium at the State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time, all interested persons will be afforded the opportunity to submit data, views, or arguments, either orally or in writing.



R. Kyle Ardoin  
Secretary of State

**NOTICE OF INTENT**

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Office of the Secretary of State**

**Non-Statutory Departmental Fees (LAC 4:I.Chapter 4)**

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the Department of State to receive written comments is 4:30 p.m. on Tuesday, July 31, 2018 after the public hearing.

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R. Kyle Ardoin  
Secretary of State

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Carol H. Guidry  
Phone: (225) 229-8085  
Return Address: P. O. Box 94125  
Baton Rouge, LA 70804-9125  
Dept.: Department of State  
Office: Office of the Secretary  
Rule Title: Non-Statutory Fees  
Date Rule Takes Effect: 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)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change clarifies language to reflect current fee assessments. However, these changes do not modify the existing fee structure.

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

There are no anticipated effects on revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated effects on costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

The proposed rule change will not result in any costs or benefits for directly affected persons or non-governmental entities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of the proposed rule change.

  
Signature of Agency Head or Designee

Joe Salter, 1<sup>st</sup> Asst. Sec. of State

Typed Name & Title of Agency Head or Designee  
06/05/2018

Date of Signature

  
Legislative Fiscal Officer or Designee

6/6/18  
Date of Signature

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

The following information is required in order to assist the Legislative 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 amends and clarifies some sections of the existing rule. The following changes are being proposed:

- 1) Both the Elections Services - Publications Section and the State Archives Division - Archives Reproduction and Research Section handle process verbals; however, the Publications Section handles the original recordation and certification of process verbals and the Archives Reproduction and Research Section handles only certification of proces verbals that have been archived.
- 2) In the Election Services - Publications Section, the *Roster of Officials* is published every four years rather than bi-annually if funds are available.
- 3) In the Archives Reproduction and Research Section, photocopies of public vital records should be listed as non-certified rather than uncertified.
- 4) In the Election Services - Publications Section, the certified copy (in addition to per page fee) should also include "or document" fee.

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

See A above.

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.

N/A

- (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

**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 18	FY 19	FY 20
Personal Services			
Operating Expenses			
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

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.

The proposed rule will not result in any costs or savings to state or local governmental units.

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

SOURCE	FY 18	FY 19	FY 20
State General Fund			
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

N/A

**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 change will not result in any costs or savings to state or local governmental units.

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

N/A

**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?

<b>REVENUE INCREASE/DECREASE</b>	<b>FY 18</b>	<b>FY 19</b>	<b>FY 20</b>
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Specify the particular fund being impacted.

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.

The proposed rule change will not affect revenue collections for state and local governmental units.



**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.

The proposed rule change will not result in any costs or benefits for directly affected persons or non-governmental entities.

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

See A above.

**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.

The proposed rule change will not affect competition and employment.