



**LOUISIANA DEPARTMENT OF STATE  
LEGISLATIVE OVERSIGHT REPORT**

**RULE**  
*(Intended Action)*

**TITLE 4**

**OFFICE OF THE SECRETARY OF STATE  
LAC 4:I.Chapters 3 and 4**

**DEPARTMENT OF STATE NON-STATUTORY FEE SCHEDULE  
*(Brief Description)***

**SECOND REPORT**

**ON JUNE 8, 2017, THE DEPARTMENT TRANSMITTED THE ATTACHED INITIAL LEGISLATIVE OVERSIGHT REPORT TO THE LEGISLATIVE OVERSIGHT COMMITTEES.**

**SUMMARY OF ALL TESTIMONY AT ANY HEARING CONDUCTED (If a public hearing is held, attach a copy of the minutes.)**

On September 20, 2017, the Department published the original Notice of Intent in the *Louisiana Register* regarding the repeal of Chapter 3 Department of State Non-Statutory Fee Schedule and adoption of Chapter 4 Department of State Non-Statutory Fee Schedule.

In accordance with the Notice of Intent, the Department held a public hearing on Wednesday, October 25, 2017 at 2:00 p.m. to solicit comments and testimony on the proposed Rule. Attached is a copy of the agenda and minutes of the meeting. No one outside the Department's staff attended the public hearing. Prior to publishing the Notice of Intent in the *Louisiana Register*, the Department asked the Office of State Register if they could provide revisions to the verbiage regarding the methodology used to determine the cost of the Buckram Bound publications and all other remaining publications. According to the Office of State Register, these revisions were not considered substantive because the revisions provided a clarification as to the methodology used to determine the cost of publications and did not impact the Legislative Fiscal and Economic Impact Statement. At the public hearing, the Department noted three revisions that needed to be made since the Notice of Intent was submitted to the Legislative Fiscal Office. The Department requested comments from Colleen Gil with the Legislative Fiscal Office to see if these three revisions would constitute a substantive change and she concurs that this not a substantive change (see attached response). The public had until 4:30 p.m. on

Thursday, October 26, 2017 to submit written comments to the Department; however, the Department did not receive any comments orally or in writing.

**SUMMARY OF ALL COMMENTS RECEIVED BY THE AGENCY, COPY OF THE AGENCY'S RESPONSE TO THE SUMMARIZED COMMENTS, AND STATEMENT OF ANY TENTATIVE OR PROPOSED ACTION OF DEPARTMENT RESULTING FROM ORAL OR WRITTEN COMMENTS RECEIVED**

Prior to the public hearing on Wednesday, October 25, 2017, the Department did not receive any comments. After the public hearing, the deadline for accepting written comments from the public was 4:30 p.m. on Thursday, October 26, 2017; however, the Department did not receive any comments.

Since the Department did not receive any oral or written comments, the Department proposes to adopt the Notice of Intent as published in the *Louisiana Register* and the non-substantive changes. In accordance with the provisions of R.S. 49:969(C)(1), the Department has attached the proposed Rule and a marked copy of the proposed Rule; however, please note that this Rule repealed Chapter 3 Section 301 and adopted a new Chapter 4 Section 401.

**REVISION OF THE PROPOSED RULE, IF ANY CHANGES, TO THE RULE HAVE BEEN MADE SINCE THE INITIAL REPORT SUBMITTED BY THE DEPARTMENT OR A STATEMENT THAT NO CHANGES HAVE BEEN MADE**

After a thorough review and careful consideration by the Department, the Department proposed non-substantive changes. Attached is a summary report of these changes. In addition, a copy of an email from Colleen Gil with the Legislative Fiscal Office stating that these revisions did not constitute a substantive change is attached.

**CONCISE STATEMENT OF THE PRINCIPAL REASONS FOR AND AGAINST ADOPTION OF ANY AMENDMENTS OR CHANGES SUGGESTED**

Since the Department did not receive any written or oral comments to the Notice of Intent published in the September 20, 2017 issue of the *Louisiana Register*, the Department proposes to adopt the attached Rule in the December 20, 2017 issue of the *Louisiana Register* including the proposed non-substantive changes. Under the provisions of R.S. 49:222(A), non-statutory fees detailed in this Rule will be published annually in *The Advocate*.



**LOUISIANA DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY OF STATE**

**LEGISLATIVE OVERSIGHT REPORT**

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

**TITLE 4**

**ADMINISTRATION  
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 the notice of intent as it is proposed for the Department of State Non-Statutory Fees. This rule repeals LAC 4:I.Chapter 3 and establishes a new chapter for the Department of State and provides for an updated non-statutory fee schedule for the Department of State. In addition, the Department of State is proposing to adopt rules and fees for the Louisiana State Archives Facilities. A copy of the coded rule 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.)*

In accordance with the Administrative Procedure Act, the Department of State adopted a fee schedule (LAC 4:I.303) in October, 1986 and amended said fees in March, 2003 (LR 29:372). During the 2008 Regular Session, Act 913 was enacted moving authority for most commercial fees to R.S. 49:222(B). In addition, the Department of State has annually published a list of fees charged by the department in the official journal of the state in accordance with R.S. 49:222(A) and has posted said fees on the department's website. However, the department has

not amended the fee schedule promulgated in the Louisiana Administrative Code (LAC) since 2003. A majority of the fees that were promulgated in LAC 4:I.Chapter 3 have since been adopted as statutory fees. This rule will remove all statutory fees from the non-statutory fees schedule and will update all non-statutory fees assessed by the department in accordance with R.S. 49:222(A).

In addition, the Department of State is proposing to adopt rules and fees for the Louisiana State Archives Facilities.

**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. 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. 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 Legalization 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 Part 96), the department is proposing to 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 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

#### Department Non-Statutory 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. 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. 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 Legalization 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 Part 96), the Department of State is proposing to adopt a non-statutory fee schedule for the Department of State. In addition, the Department of State is proposing to adopt rules and fees for the Louisiana State Archives Facilities.

#### Title 4 ADMINISTRATION Part I. General Provisions

#### Chapter 3. Fees

#### §303. Department of State Non-Statutory Fee Schedule Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 12:689 (October 1986), amended LR 29:372 (March 2003), repealed LR 43:

#### 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.

##### 1. Department of State General Fees

ITEM	FEE
Express Delivery (Cost Per Package)	Actual Cost
Non-Sufficient Funds Charge	\$25.00
Photocopies (Per Page)	\$0.25
Postage (Per Package)	Actual Cost
Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)	\$20.00

Public Records Request Fee (Cost Per Page up to 8 ½" X 14") (Two-sided copy is charged as two pages) (Including Facsimile)	\$0.25
Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)	Actual Cost
Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)	\$0.25
Public Records Request Fee (Cost Per Page for Electronic File Emailed)	\$0.25

## 2. Business Services Division – Commercial

ITEM	FEE
<b>Corporations –</b>	
<b>Complete Corporation Information Computer Data Transfer</b>	
Weekly, Per Initial Load	\$2,500.00
50 Files at \$200 Per Week	\$10,000.00
<b>Total</b>	<b>\$12,500.00</b>
Monthly, Per Initial Load	\$2,500.00
11 Monthly Files at \$400	\$4,400.00
<b>Total</b>	<b>\$6,900.00</b>
Monthly Trade Names Only, 12 Monthly Files	
<b>Total</b>	<b>\$1,725.00</b>
Customized Computer List (Per Page)	\$25 for 1 <sup>st</sup> 40 Records Plus \$0.01 Per Each Additional Record
<b>Miscellaneous Corporations Fees --</b>	
Agent for Service of Process	\$15.00
Certificate for Service of Process	\$20.00
Political Subdivision	\$10.00
Power of Attorney	\$25.00
<b>Uniform Commercial Code –</b>	
Direct Access Fee, Annual Subscription, Unlimited Usage	\$400.00
Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription	\$6,900.00

## 3. Legal Division – Commissions

ITEM	FEE
Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)	\$10.00
Apostille Certificate (Cost Per Certificate)	\$20.00
Certificate of Authentication (Cost Per Certificate)	\$20.00
Certificate of a Pardon (Cost Per Certificate)	\$20.00
Certified Document (Executive Orders or Proclamations) (Per Document)	\$20.00
Replacement Commission Certificate	\$20.00

Replacement Identification Card	\$5.00
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#### 4. Election Services – Publications

ITEM	FEE
Bond Registration Certificate (Municipal Bonds) (Optional)	\$10.00
Certified Copy (In Addition to Per Page Fee)	\$20.00
Certified Copy of “Living Will” Declaration Registration	\$20.00
“Living Will” Replacement of Identification Card	\$5.00
Public Officials Signature Registration Certificate	\$10.00
<b>Publications</b>	
Ballot Box	\$5.00
<b>Buckram Bound Acts of Legislature</b>	
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 and II (2014 Regular Session)	\$170.00
2015/I and II (2015 Regular Session)	\$205.00
2016/I and II (2016 Regular Session)	\$340.00
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 Bi-Annually) *	Varies

\*The cost for publications may vary for annual or bi-annual editions in this table and is based upon the following: the number of legislative sessions held each year; the number of pages; the number of volumes; the number of elections; and/or the outside printing costs. 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.

#### 5. State Archives Division – Archives Reproduction and Research Fees <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
<b>Legislative Committee Audio Tapes Reproduction --</b>	
For Public (Archives Provides Tape) (Cost Per Tape or Digital Image)	\$20.00
For State Agency (Archives Provides Tape) (Cost Per Tape or Digital Image)	\$10.00
<b>Photocopy Reproduction --</b>	
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
<b>Proces Verbal</b>	
Certification or Recordation	\$20.00
Proces Verbal (Cost Per Page)	\$2.00
<b>Self-Service Copy Charges --</b>	
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
<b>Staff Reproduction of Archival Material --</b>	
Document Certification (Cost Per Record)	\$20.00
Public Vital Records (Certified) (Cost Per Record)	\$10.00
Public Vital Records, Photocopy (Uncertified) (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.

#### 6. State Archives Division – Multi-Media Library <sup>2</sup>

ITEM	FEE
<b>Audio and Video Fees --</b>	
Staff Research/Production Time Rush Fee	\$50.00
Materials Charge (Cost Per Tape)	\$10.00
<b>Audio Duplication Fee for Screener --</b>	
Local (Per Hour of Footage)	\$100.00
National (Per Hour of Footage)	\$100.00
Other Commercial (Per Hour of Footage)	\$100.00
Worldwide (Per Hour of Footage)	\$100.00
<b>Film and Video Duplication Fee for Screener --</b>	
Local (Per Hour of Footage)	\$300.00



National (Per Hour of Footage)	\$300.00
Other Commercial/Telecourse (Per Hour of Footage)	\$300.00
Worldwide (Per Hour of Footage)	\$300.00
Multimedia Archives License Fee Schedule --	
Cable/Satellite Television Transmission Only	
Local	\$15.00
Nationwide	\$25.00
Captured Audience (i.e. In-Flight, Cruise Ship)	\$25.00
In Addition to Any of the Other Media	\$5.00
Corporate Presentations, Live Events, Concerts and Museum Exhibits	
Local (One-Location or One-State)	\$15.00
Nationwide	\$20.00
Worldwide	\$25.00
Educational, Non-Commercial Distribution Only (Non-Broadcast)	
Local	\$10.00
Nationwide	\$15.00
In Addition to Any of the Other Media	\$5.00
Film Festivals	
Nationwide	\$20.00
Worldwide	\$25.00
In Addition to Any of the Other Media	\$5.00
Home Video (CD-ROM, DVD) (Distribution Only)	\$25.00
In Addition to Any of the Other Media	\$10.00
Internet (Files must be protected from download)	\$25.00
In Addition to Any of the Other Media	\$5.00
Radio Transmission	
Nationwide	\$10.00
Worldwide	\$15.00
In Addition to Any of the Other Media	\$5.00
Television Broadcast and Cable/Satellite Transmission	
Local	\$15.00
Nationwide (U.S. and Canada)	\$30.00
Worldwide	\$45.00
Television Broadcast on Non-Commercial (PBS) Stations Only	
Local	\$15.00
Nationwide	\$20.00
Television Commercials	
Local (One Market)	\$30.00
Nationwide	\$45.00
Worldwide	\$60.00
Theatrical Distribution	
Plus Nationwide Television Broadcast & Cable/Satellite Television	\$45.00
Plus Worldwide Television Broadcast & Cable/Satellite Television	\$50.00

Video-On-Demand/Pay-Per-View (Includes Downloadable Video and Wireless Devices)	\$20.00
In Addition to Any of the Other Media	\$5.00
All Media, Not Known, Worldwide	\$90.00

<sup>2</sup> A \$300 minimum license fee applies to all the license fees listed herein and is due and payable at the time the footage is ordered from Louisiana State Archives and is non-refundable in the event of non-usage of the footage.

<sup>3</sup> Refer to the Louisiana State Archives *Policy on the Reproduction of Archival Images* (Form LH10).

<sup>4</sup> Refer to the Louisiana State Archives *Policy on the Reproduction of Archival Images* (Form LH10) and *Request for Permission to Publicly Display Images for Commercial Use* (Form LF12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

(i). *Policy on the Reproduction of Archival Images* (Form LH10);

and/or

(ii). *Request for Permission to Publicly Display Images for Commercial Use* (Form LFP12).

7. State Archives Division – Micrographics and Storage (Interagency Services Only)

ITEM	FEE
2 <sup>nd</sup> Diazo Duplicate Reel (16 mm)	\$10.00
2 <sup>nd</sup> Diazo Duplicate Reel (35 mm)	\$15.00
2 <sup>nd</sup> Silver Original Reel (Dual Reels)	\$8.00
Add-on Image to Microfiche Jacket	\$0.20
From Paper to Microfilm	\$0.07
Load Reel onto Cartridge	\$10.00
Microfiche Jacket	\$0.50
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16 mm Reel (Includes Shipping and Handling)	\$20.00
16 mm Reel (Duplicate Film for State Agencies)	\$10.00
35 mm Reel (Includes Shipping and Handling)	\$25.00

The microfilm image (16 mm or 35 mm) price includes the following: pickup, make ready, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the microfilm program at (225) 922-1000.

8. State Archives Division – Storage Facility

ITEM	FEE
Package of Cubic Foot Boxes (Storage Boxes for State Records Center Storage) (25 Boxes in Package)	Actual Cost

Due to the fluctuation in the department's procurement cost of the storage boxes, the actual cost for boxes will be assessed and will be posted on the department's website.

B. Method of Payment

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

**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. 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:

#### **§403. Department of State Public Records Request**

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request), 8585 Archives Blvd., P. O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: [PublicRecordsRequest@sos.la.gov](mailto:PublicRecordsRequest@sos.la.gov).

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.

E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 43:

**§405. Louisiana State Archives Facilities**

A. Non-profit groups and civic organizations – There is no rental fee charged for use of the State Archives Facility during regular business hours (Monday through Friday 8 a.m. to 4 p.m.). These meetings must be free and open to the public. If a non-profit group or civic organization wants to meet after hours, there will be a \$50 security fee charged. The State Archives Facility closes at 9:00 p.m. for all after hour events.

B. For-profit and commercial groups – These groups will be charged based on the schedule listed below:

1. \$75 for half-day rental;
2. \$150 for full-day rental during regular business days (Monday to Friday from 8:00 a.m. to 4 p.m.); and
3. \$300 for after hours events.

B. The State Archives Facilities will close at 9:00 p.m. for all after hours events.

C. Method of Payment – When paying for either the rental cost or the security fee, one-half of the total fee is to be made payable to the Department of State and the other one-half is to be made payable to the Friends of the Louisiana State Archives.

D. In order to rent the State Archives Facility, all organizations will be required to complete a Louisiana State Archives Event Request form, which can be found on the department's website. On the form, the organization will be required to acknowledge agreement with the indemnification provision specified on the form. The completed form should be mailed to the Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form may also be emailed to the Archives Division. If there are any questions, call the State Archives Facility at (225) 922-1000.

E. The State Archives Facility consists of the following:

1. auditorium (95 permanent tiered seats with a capacity of 120 when using folding chairs);
2. gallery (40 seat capacity with no projector option); and
3. lobby.

F. In addition, the organization shall indicate if they need any of the following:

1. microphone;
2. podium;
3. projector;
4. 6 foot tables; and/or
5. additional folding chairs.

G. Every effort will be made to accommodate requests; however, events may have to be postponed or moved to alternate locations due to unforeseen circumstances, such as early voting. The department will notify the organization as soon as possible should any change become necessary.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 43:

### **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

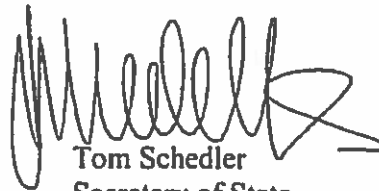
3. the overall effect on the ability of the provider to provide the same level of service.

#### **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 Thursday, October 26, 2017 after the public hearing.

#### **Public Hearing**

A public hearing on the proposed Rule is scheduled for Wednesday, October 25, 2017 at 2:00 p.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.

A handwritten signature in black ink, appearing to read 'Tom Schedler', is positioned above the printed name and title.

Tom Schedler  
Secretary of State

## NOTICE OF INTENT

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

#### Department Non-Statutory 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. 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. 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, and 79 FR 40629 (Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents), the Department of State is proposing to adopt a non-statutory fee schedule for the Department of State. In addition, the Department of State is proposing to adopt rules and fees for the Louisiana State Archives Facilities.

#### Title 4 ADMINISTRATION Part I. General Provisions

#### Chapter 3. Fees

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

##### Repealed.

~~A. The Department of State has established the following schedule of fees to be charged for various filings and services by the Department of State.~~

Item	Cost
Miscellaneous Certificates	\$20
Replacement Commission Certificates	15
Certified Copies Amended	25
Copies Amended	25
Powers of Attorney	25
Business Opportunity Agents	15
Name Reservations	25
Trade Name Reservations	25
Partnerships	100
Foreign Partnerships	150
Special Handling	30
Vital Records Certified/Uncertified	10
Limited Liability Companies	75
Appointment of Registered Agent, New Officers or Directors	25

Resignation of Agent, Officer or Director	25
Change of Domicile	25
Change of Address	25
Supplemental Initial Report	25
Microfilm per 35mm reel, shipping included	25
Microfilm per 16mm reel, shipping included	20
Document Certification	15
Pension Applications per 10 pages or any part thereof	10
Military Records per 25 pages or any part thereof	10
Legislative Audio Tape, tape provided by Archives	15
Legislative Audio Tape, tape provided by patron	10
5 x 7 Photo Reproduction	15
8 x 10 Photo Reproduction	25

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 12:689 (October 1986), amended LR 29:372 (March 2003), repealed LR 43:

#### 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.

##### 1. Department of State General Fees

<u>ITEM</u>	<u>FEE</u>
<u>Express Delivery (Cost Per Package)</u>	<u>Actual Cost</u>
<u>Non-Sufficient Funds Charge</u>	<u>\$25.00</u>
<u>Photocopies (Per Page)</u>	<u>\$0.25</u>
<u>Postage (Per Package)</u>	<u>Actual Cost</u>
<u>Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)</u>	<u>\$20.00</u>
<u>Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile)</u>	<u>\$0.25</u>
<u>Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)</u>	<u>Actual Cost</u>
<u>Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)</u>	<u>\$0.25</u>



<u>Public Records Request Fee (Cost Per Page for Electronic File Emailed)</u>	<u>\$0.25</u>
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2. Commercial Division

<u>ITEM</u>	<u>FEE</u>
<u>Corporations –</u>	
<u>Complete Corporation Information Computer Data Transfer</u>	
<u>Weekly, Per Initial Load</u>	<u>\$2,500.00</u>
<u>50 Files at \$200 Per Week</u>	<u>\$10,000.00</u>
<u>Total</u>	<u>\$12,500.00</u>
<u>Monthly, Per Initial Load</u>	<u>\$2,500.00</u>
<u>11 Monthly Files at \$400</u>	<u>\$4,400.00</u>
<u>Total</u>	<u>\$6,900.00</u>
<u>Monthly Trade Names Only, 12 Monthly Files</u>	
<u>Total</u>	<u>\$1,725.00</u>
<u>Customized Computer List (Per Page)</u>	<u>\$25 for 1<sup>st</sup> 40 Records Plus \$0.01 Per Each Additional Record</u>
<u>Miscellaneous Corporations Fees --</u>	
<u>Agent for Service of Process</u>	<u>\$15.00</u>
<u>Certificate for Service of Process</u>	<u>\$20.00</u>
<u>Political Subdivision</u>	<u>\$10.00</u>
<u>Power of Attorney</u>	<u>\$25.00</u>
<u>Uniform Commercial Code –</u>	
<u>Direct Access Fee, Annual Subscription, Unlimited Usage</u>	<u>\$400.00</u>
<u>Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription</u>	<u>\$6,900.00</u>

3. Legal Division – Commissions

<u>ITEM</u>	<u>FEE</u>
<u>Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)</u>	<u>\$10.00</u>
<u>Apostille Certificate (Cost Per Certificate)</u>	<u>\$20.00</u>
<u>Certificate of Authentication (Cost Per Certificate)</u>	<u>\$20.00</u>
<u>Certificate of a Pardon (Cost Per Certificate)</u>	<u>\$20.00</u>
<u>Certified Document (Executive Orders or Proclamations) (Per Document)</u>	<u>\$20.00</u>
<u>Replacement Commission Certificate</u>	<u>\$20.00</u>
<u>Replacement Identification Card</u>	<u>\$5.00</u>

4. Election Services – Publications

<u>ITEM</u>	<u>FEE</u>
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<u>Bond Registration Certificate (Municipal Bonds) (Optional)</u>	<u>\$10.00</u>
<u>Certified Copy (In Addition to Per Page Fee)</u>	<u>\$20.00</u>
<u>Certified Copy of "Living Will" Declaration Registration</u>	<u>\$20.00</u>
<u>"Living Will" Replacement of Identification Card</u>	<u>\$5.00</u>
<u>Public Officials Signature Registration Certificate</u>	<u>\$10.00</u>
<u>Publications</u>	
<u>Ballot Box</u>	<u>\$5.00</u>
<u>Buckram Bound Acts of Legislature</u>	
<u>2010/I, II and III (2010 Regular Session)</u>	<u>\$172.00</u>
<u>2011/I and II (2011 Regular and 1<sup>st</sup> Extraordinary Sessions)</u>	<u>\$120.00</u>
<u>2012/I, II and III (2012 Regular Session)</u>	<u>\$174.00</u>
<u>2013/I and II (2013 Regular Session)</u>	<u>\$120.00</u>
<u>2014/I and II (2014 Regular Session)</u>	<u>\$170.00</u>
<u>2015/I and II (2015 Regular Session)</u>	<u>\$205.00</u>
<u>2016/I and II (2016 Regular Session)</u>	<u>\$340.00</u>
<u>Future Issues (Printed Annually) *</u>	<u>Varies</u>
<u>Code of Governmental Ethics</u>	<u>\$5.00</u>
<u>Corporation Law</u>	<u>\$25.00</u>
<u>Election Code</u>	<u>\$20.00</u>
<u>Lawrason Act</u>	<u>\$5.00</u>
<u>Legislative Calendar of the Legislature</u>	<u>\$25.00</u>
<u>Official Journal of the Proceedings of the House of Representatives</u>	<u>\$25.00</u>
<u>Official Journal of the Proceedings of the Senate</u>	<u>\$25.00</u>
<u>Report of Secretary of State CY 2009 and CY 2010</u>	<u>\$63.00</u>
<u>Report of Secretary of State CY 2011 and CY 2012</u>	<u>\$60.00</u>
<u>Report of Secretary of State CY 2013 and CY 2014</u>	<u>\$70.00</u>
<u>Report of Secretary of State CY 2015 and CY 2016</u>	<u>\$40.00</u>
<u>Report of Secretary of State (Future Issues) (Printed Bi-Annually) *</u>	<u>Varies</u>
<u>Roster of Officials 2012</u>	<u>\$25.00</u>
<u>Roster of Officials 2016</u>	<u>\$30.00</u>
<u>Roster of Officials (Future Issues) (Printed Bi-Annually) *</u>	<u>Varies</u>

\*The cost for publications may vary for annual or bi-annual editions in this table and is based upon the following: the number of legislative sessions held each year; the number of pages; the number of volumes; the number of elections; and/or the outside printing costs. 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.

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

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



<u>For State Agency (Archives Provides Tape) (Cost Per Tape or Digital Image)</u>	<u>\$10.00</u>
<u>Photocopy Reproduction --</u>	
<u>Confederate Pension Records Applications (Per Individual) (Cost Per One Application)</u>	<u>\$20.00</u>
<u>Military Service Records (Confederate Soldiers Military Records From Louisiana and World War I Discharge Records) (Cost Per Individual)</u>	<u>\$15.00</u>
<u>Other Historical Documents (Per Act 602 of the 2006 Regular Legislative Session) (Louisiana Governmental Agencies Only) (Cost Per Set)</u>	<u>\$10.00</u>
<u>Proces Verbal</u>	
<u>Certification or Recordation</u>	<u>\$20.00</u>
<u>Proces Verbal (Cost Per Page)</u>	<u>\$2.00</u>
<u>Self-Service Copy Charges --</u>	
<u>Book Scanner Prints (Cost Per Page)</u>	<u>\$0.25</u>
<u>Computer Printouts (Cost Per Page)</u>	<u>\$0.25</u>
<u>Microfilm Prints (Cost Per Page)</u>	<u>\$0.50</u>
<u>Photocopies (Cost Per Page)</u>	<u>\$0.25</u>
<u>Staff Reproduction of Archival Material --</u>	
<u>Document Certification (Cost Per Record)</u>	<u>\$20.00</u>
<u>Public Vital Records (Certified) (Cost Per Record)</u>	<u>\$10.00</u>
<u>Public Vital Records, Photocopy (Uncertified) (Cost Per Record)</u>	<u>\$5.00</u>

<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.

#### 6. State Archives Division – Multi-Media Library <sup>2</sup>

<u>ITEM</u>	<u>FEE</u>
<u>Audio and Video Fees --</u>	
<u>Staff Research/Production Time Rush Fee</u>	<u>\$50.00</u>
<u>Materials Charge (Cost Per Tape)</u>	<u>\$10.00</u>
<u>Audio Duplication Fee for Screener --</u>	
<u>Local (Per Hour of Footage)</u>	<u>\$100.00</u>
<u>National (Per Hour of Footage)</u>	<u>\$100.00</u>
<u>Other Commercial (Per Hour of Footage)</u>	<u>\$100.00</u>
<u>Worldwide (Per Hour of Footage)</u>	<u>\$100.00</u>
<u>Film and Video Duplication Fee for Screener --</u>	
<u>Local (Per Hour of Footage)</u>	<u>\$300.00</u>
<u>National (Per Hour of Footage)</u>	<u>\$300.00</u>
<u>Other Commercial/Telecourse (Per Hour of Footage)</u>	<u>\$300.00</u>
<u>Worldwide (Per Hour of Footage)</u>	<u>\$300.00</u>
<u>Multimedia Archives License Fee Schedule --</u>	
<u>Cable/Satellite Television Transmission Only</u>	
<u>Local</u>	<u>\$15.00</u>

<u>Nationwide</u>	<u>\$25.00</u>
<u>Captured Audience (i.e. In-Flight, Cruise Ship)</u>	<u>\$25.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>Corporate Presentations, Live Events, Concerts and Museum Exhibits</u>	
<u>Local (One-Location or One-State)</u>	<u>\$15.00</u>
<u>Nationwide</u>	<u>\$20.00</u>
<u>Worldwide</u>	<u>\$25.00</u>
<u>Educational, Non-Commercial Distribution Only (Non-Broadcast)</u>	
<u>Local</u>	<u>\$10.00</u>
<u>Nationwide</u>	<u>\$15.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>Film Festivals</u>	
<u>Nationwide</u>	<u>\$20.00</u>
<u>Worldwide</u>	<u>\$25.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>Home Video (CD-ROM, DVD) (Distribution Only)</u>	<u>\$25.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$10.00</u>
<u>Internet (Files must be protected from download)</u>	<u>\$25.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>Radio Transmission</u>	
<u>Nationwide</u>	<u>\$10.00</u>
<u>Worldwide</u>	<u>\$15.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>Television Broadcast and Cable/Satellite Transmission</u>	
<u>Local</u>	<u>\$15.00</u>
<u>Nationwide (U.S. and Canada)</u>	<u>\$30.00</u>
<u>Worldwide</u>	<u>\$45.00</u>
<u>Television Broadcast on Non-Commercial (PBS) Stations Only</u>	
<u>Local</u>	<u>\$15.00</u>
<u>Nationwide</u>	<u>\$20.00</u>
<u>Television Commercials</u>	
<u>Local (One Market)</u>	<u>\$30.00</u>
<u>Nationwide</u>	<u>\$45.00</u>
<u>Worldwide</u>	<u>\$60.00</u>
<u>Theatrical Distribution</u>	<u>\$40.00</u>
<u>Plus Nationwide Television Broadcast &amp; Cable/Satellite Television</u>	<u>\$45.00</u>
<u>Plus Worldwide Television Broadcast &amp; Cable/Satellite Television</u>	<u>\$50.00</u>
<u>Video-On-Demand/Pay-Per-View (Includes Downloadable Video and Wireless Devices)</u>	<u>\$20.00</u>
<u>In Addition to Any of the Other Media</u>	<u>\$5.00</u>
<u>All Media, Not Known, Worldwide</u>	<u>\$90.00</u>

<sup>2</sup> A \$300 minimum license fee applies to all the license fees listed herein and is due and payable at the time the footage is ordered from Louisiana State Archives and is non-refundable in the event of non-usage of the footage.



<sup>3</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10).

<sup>4</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10) and Request for Permission to Publicly Display Images for Commercial Use (Form LF12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

(i). Policy on the Reproduction of Archival Images (Form LH10);  
and/or

(ii). Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

7. State Archives Division – Micrographics and Storage (Interagency Services Only)

<u>ITEM</u>	<u>FEE</u>
<u>2<sup>nd</sup> Diazo Duplicate Reel (16 mm)</u>	<u>\$10.00</u>
<u>2<sup>nd</sup> Diazo Duplicate Reel (35 mm)</u>	<u>\$15.00</u>
<u>2<sup>nd</sup> Silver Original Reel (Dual Reels)</u>	<u>\$8.00</u>
<u>Add-on Image to Microfiche Jacket</u>	<u>\$0.20</u>
<u>From Paper to Microfilm</u>	<u>\$0.07</u>
<u>Load Reel onto Cartridge</u>	<u>\$10.00</u>
<u>Microfiche Jacket</u>	<u>\$0.50</u>
<u>Microfilm Duplication of Existing Roll (Cost Per Roll)</u>	
<u>    16 mm Reel (Includes Shipping and Handling)</u>	<u>\$20.00</u>
<u>    16 mm Reel (Duplicate Film for State Agencies)</u>	<u>\$10.00</u>
<u>    35 mm Reel (Includes Shipping and Handling)</u>	<u>\$25.00</u>

The microfilm image (16 mm or 35 mm) price includes the following: pickup, make ready, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the microfilm program at (225) 922-1000.

8. State Archives Division – Storage Facility

<u>ITEM</u>	<u>FEE</u>
<u>Package of Cubic Foot Boxes (Storage Boxes for State Records Center Storage) (25 Boxes in Package)</u>	<u>Actual Cost</u>

Due to the fluctuation in the department's procurement cost of the storage boxes, the actual cost for boxes will be assessed and will be posted on the department's website.

B. Method of Payment

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

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. 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, and 79 FR 40629 (Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:

#### **§403. Department of State Public Records Request**

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request), 8585 Archives Blvd., P. O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: [PublicRecordsRequest@sos.la.gov](mailto:PublicRecordsRequest@sos.la.gov).

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.

E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:

#### **§405. Louisiana State Archives Facilities**

A. Non-profit groups and civic organizations – There is no rental fee charged for use of the State Archives Facility during regular business hours (Monday through Friday 8 a.m. to 4 p.m.). These meetings must be free and open to the public. If a non-profit group or civic organization wants to meet after hours, there will be a \$50 security fee charged. The State Archives Facility closes at 9:00 p.m. for all after hour events.

B. For-profit and commercial groups – These groups will be charged based on the schedule listed below:

1. \$75 for half-day rental;
2. \$150 for full-day rental during regular business days (Monday to Friday from 8:00 a.m. to 4 p.m.); and
3. \$300 for after hours events.

B. The State Archives Facilities will close at 9:00 p.m. for all after hours events.

C. Method of Payment – When paying for either the rental cost or the security fee, one-half of the total fee is to be made payable to the Department of State and the other one-half is to be made payable to the Friends of the Louisiana State Archives.

D. In order to rent the State Archives Facility, all organizations will be required to complete a Louisiana State Archives Event Request form, which can be found on the department's website. On the form, the organization will be required to acknowledge agreement with the indemnification provision specified on the form. The completed form should be mailed to the Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form may also be emailed to the Archives Division. If there are any questions, call the State Archives Facility at (225) 922-1000.

E. The State Archives Facility consists of the following:

1. auditorium (95 permanent tiered seats with a capacity of 120 when using folding chairs);
2. gallery (40 seat capacity with no projector option); and
3. lobby.

F. In addition, the organization shall indicate if they need any of the following:

1. microphone;
2. podium;
3. projector;
4. 6 foot tables; and/or
5. additional folding chairs.

G. Every effort will be made to accommodate requests; however, events may have to be postponed or moved to alternate locations due to unforeseen circumstances, such as early voting. The department will notify the organization as soon as possible should any change become necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:

### **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 \_\_\_\_\_, \_\_\_\_\_, 2017 after the public hearing.



### **Public Hearing**

A public hearing on the proposed Rule is scheduled for \_\_\_\_\_, \_\_\_\_\_, 2017 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.

Tom Schedler  
Secretary of State

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

Person Preparing Statement:	<u>Carol H. Guidry</u>	Dept.:	<u>Department of State</u>
Phone:	<u>(225) 229-8085</u>	Office:	<u>Office of the Secretary</u>
Return Address:	<u>P. O. Box 94125</u>	Rule Title:	<u>Non-Statutory Fees</u>
	<u>Baton Rouge, LA 70804-9125</u>	Date Rule Takes Effect:	<u>December 20, 2017</u>

**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 will not result in any costs or savings to the Department of State; however, other state agencies as well as local governmental units may be impacted to the extent they are subject to the fee increases. Potential increases are not anticipated to be significant.

In accordance with the Administrative Procedures Act, the Department of State adopted a fee schedule (LAC 4:I.303) in October, 1986 and amended said fees in March, 2003 (LR 29:372). During the 2008 Regular Legislative Session, Act 913 was enacted moving authority for all commercial fees to R.S. 49:222(B). In addition, the Department of State has annually published a list of fees charged by the department in the official journal of the state in accordance with R.S. 49:222(A) and has posted said fees on the department's website. However, the department has not amended the fee schedule promulgated in the Louisiana Administrative Code (LAC) since 2003. A majority of the fees that were promulgated have since been adopted as statutory fees. In addition, this rule will remove all statutory fees from the non-statutory fees schedule and the department will update all non-statutory fees assessed by the department in accordance with R.S. 49:222(A).

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

Overall, the estimated revenue collections for the Department of State are expected to increase minimally. The fees being promulgated codify current fee assessments by the department; therefore, a major increase in revenue collections is not expected.

After a thorough review, the department noted that there were five fees associated with certifying documents that need revisions to ensure that all fees are charged uniformly for certifying documents. The fees will increase from \$10 to \$20 which will generate approximately \$2,000 more in revenue based on the average request of 200 documents per year.

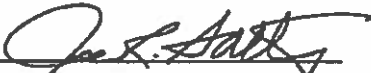
The department now proposes to utilize actual costs as the cost for state and local governments to purchase boxes for the storage center through the Department of State. The fee was previously \$15 and increased to \$25 in calendar year 2017. The current price the Department of State pays for the boxes is \$26.75. It is unknown how many bundles of boxes will be purchased from the department, since state and local governmental units are not required to purchase boxes through the department. Therefore, exact revenue collections cannot be determined.

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

The estimated costs to persons and non-governmental groups will increase minimally for fee schedules converting to a uniform non-statutory fee for certifying documents. There may be increased costs to the extent individuals and/or other entities are subject to the fee increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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



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Signature of Agency Head or Designee



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Legislative Fiscal Officer or Designee

Joe R. Salter, Undersecretary of M & F

Typed Name & Title of Agency Head or Designee

09/06/2017

Date of Signature

9/7/17

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 estimated costs to state or local governmental units will increase minimally in the areas where the department went to a uniform non-statutory fee for certifying documents. In addition, the estimated increase in revenue collections of state or local governmental units for purchasing storage center boxes is unknown since we do not know how many bundles of boxes will be purchased through the department.

In accordance with the Administrative Procedures Act, the Department of State adopted a fee schedule (LAC 4:1.303) in October, 1986 and amended said fees in March, 2003 (LR 29:372). During the 2008 Regular Legislative Session, Act 913 was enacted moving all commercial fees to R.S. 49:222(B). In addition, the Department of State has annually published a list of fees charged by the department in the official journal of the state in accordance with R.S. 49:222(A) and has posted said fees on the department's website. However, the department has not amended the fee schedule promulgated in the Louisiana Administrative Code (LAC) since 2003. A majority of the fees that were promulgated has since been adopted as a statutory fee. The proposed placement of the rules that is being proposed is as follows: 1) LAC 4:1.303 will be repealed; and 2) a new chapter (Title 4 Administration Part I General Provisions Chapter 4 Department of State) will be adopted. In addition, this rule will remove all statutory fees from the non-statutory fees schedule and the department will update all non-statutory fees assessed by the department in accordance with R.S. 49:222(A).

After a thorough review, the department has noted that there were five fees associated with certifying documents that need revisions to ensure that all fees are charged uniformly for certifying documents. The estimated increase in revenue collections of state or local governmental units is minimal.

In State Fiscal Year 2015, the cost for the department to purchase boxes for the storage center through State Purchasing was \$15.00 per bundle of 25 boxes and the department was charging state and local governmental units \$15 per bundle. However, the cost for the department to purchase storage boxes has increased yearly, but the cost for state and local governmental units did not increase until Calendar Year 2017. In 2017, the department increased the cost for storage center boxes from \$15.00 to \$25.00. However, the current price the department is paying for the boxes has increased to \$26.75 per bundle. Based upon data pulled from financial records for the period 2015 to 2017, it shows that the annual percent increase has varied from 17% to 26%. Therefore, the department is proposing to utilize the actual cost as the cost to state and local governments. It is unknown how many bundles of boxes will be purchased from the department, since state and local governmental units are not required to purchase boxes through the department.

- 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.

The proposed rule will have no impact on 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

N/A

**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?

<b>COSTS</b>	<b>FY 18</b>	<b>FY 19</b>	<b>FY 20</b>
Personal Services			
Operating Expenses			
Professional Services			
Other Charges	INCREASE	INCREASE	INCREASE
Equipment			
Major Repairs & Constr.			
<b>TOTAL</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</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 the Department of State. However, other state agencies may be impacted to the extent they are subject to the fee increases, but are not anticipated to be significant as a result of the revised fee structure.

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

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

State agencies may use all means of financing in order to cover the fee increase.

**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.

Local government units may be impacted to the extent they are subject to the fee increases, but are not anticipated to be significant as a result of the revised fee structure.

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

Indeterminable

**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 17</b>	<b>FY 18</b>	<b>FY 19</b>
State General Fund			
Agency Self-Generated	SEE BELOW	SEE BELOW	SEE BELOW
Dedicated Funds*			
Federal Funds			
Local Funds			
<b>TOTAL</b>	<b>SEE BELOW</b>	<b>SEE BELOW</b>	<b>SEE BELOW</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.

Overall, the estimated revenue collections for the Department of State are expected to increase minimally. The fees being promulgated codify current fee assessments by the department; therefore, a major increase in revenue collections is not expected.

After a thorough review, the department noted that there were five fees associated with certifying documents that need revisions to ensure that all fees are charged uniformly for certifying documents. The fees will increase from \$10 to \$20 which will generate approximately \$2,000 more in revenue based on the average request of 200 documents per year.

In State Fiscal Year 2015, the cost for the department to purchase boxes for the storage center through State Purchasing was \$15.00 per bundle of 25 boxes and state and local governmental units paid the department \$15 per bundle. However, the cost for the department to purchase storage boxes has increased annually, but the cost for state and local governmental units did not increase until Calendar Year 2017. In 2017, the cost for storage center boxes increased from \$15.00 to \$25.00. However, the current price paid for the boxes has increased to \$26.75 per bundle. Based upon data pulled from financial records for the period 2015 to 2017, it shows that the annual percent increase has varied from 17% to 26%. Therefore, the department proposes to utilize actual costs as the cost to state and local governments. It is unknown how many bundles of boxes will be purchased from the department, since state and local governmental units are not required to purchase boxes through the department. Therefore, exact revenue collections cannot be determined.

**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 estimated costs and/or economic benefits to persons and non-governmental groups will increase minimally in the areas where the department went to a uniform non-statutory fee for certifying documents.

- 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.

There are no effects on competition and employment to public and private sectors as the result of the proposed amendments.



**DEPARTMENT OF STATE, SECRETARY OF STATE  
PUBLIC HEARING, NOTICE OF INTENT, REGISTRAR OF VOTERS  
(DEPARTMENT NON-STATUTORY FEES)  
MINUTES OF HEARING HELD 10/25/17**

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The Public Hearing was held at the State Archives Building Auditorium, 3851 Essen Lane, Baton Rouge and was called to order at 2:00 p.m. by Carol Guidry.

**PRESENT:**

Patricia Daigle, Secretary of State's Office  
Carol Guidry, Secretary of State's Office  
Shanda Jones, Secretary of State's Office  
Bill Stafford, Secretary of State's Office

Carol Guidry presented the Notice of Intent and discussed the legislative requirements for adoption of rules and regulations as well as the fiscal and economic impact statement. In addition to the proposed fees schedules, the Department proposes to adopt fees for the Archives Facilities.

Since the notice of intent there were a few modifications to the rule. These were considered not substantive modifications by a ruling of the legislative fiscal office. The modifications were as follows:

- 1) A legal citation was added for formula for the Buckram Bound books.
- 2) Also with regard to the buckram bound, some volumes were missing on the list.
- 3) For the commercial customized computer list, the reference to "per page cost", it was removed because that fee is done per record.

There were also a couple changes that were made after the original rule was sent out associated with how the costs were determined for Buckram Bound Acts. This was not considered a substantive change.

There were no oral comments given at the hearing. There were also no written comments received as of noon prior to the public hearing. Carol Guidry also discussed the timetable for the legislative report and legislative hearing. She also announced that the proposed rule publication date is December 20, 2017. After publication, the rules will be ready to publish in *The Advocate*.

The meeting adjourned at 2:10 p.m.





**DEPARTMENT OF STATE  
PUBLIC MEETING**

**NOTICE OF INTENT**

**TITLE 4**

**ADMINISTRATION**

**PART I. GENERAL PROVISIONS**

**CHAPTER 3 FEES (REPEAL) AND  
CHAPTER 4 DEPARTMENT OF STATE (NON-STATUTORY FEES)**

**State Archives Building  
Auditorium  
3851 Essen Lane  
Baton Rouge, Louisiana**

**Wednesday, October 25, 2017 at 2:00 p.m.**

- I. Introduction**
- II. Discussion of rule process**
- III. Presentation of notice of intent**
- IV. Presentation of the fiscal and economic impact of rule**
- V. Receive oral comments from interested parties**
- VI. Acknowledge the receipt of comments received as of 10:00 AM on October 25, 2017**
- VII. Announcement of the deadline of close of business on October 26, 2017 for written comments**
- VIII. Open discussion**
- IX. Timetable for the adoption of the rule**
- X. Closing Comments**

## Carol Guidry

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**From:** Gil, Colleen <gilc@legis.la.gov>  
**Sent:** Thursday, October 19, 2017 1:19 PM  
**To:** Carol Guidry  
**Subject:** Re: Department of State Non-Statutory Fees Rule

Carol – regarding your request,

The Legislative Fiscal Office has evaluated the impact of the proposed revisions of the original proposed Rule and has determined that the proposed changes are non substantive and do not impact the original fiscal and economic impact statement.

Thank you,

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office  
Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Thursday, October 19, 2017 at 9:31 AM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** Fwd: Department of State Non-Statutory Fees Rule

It included the extra volume. They just typed the description wrong.

Sent from my iPhone

Begin forwarded message:

**From:** "Gil, Colleen" <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Date:** October 19, 2017 at 8:49:29 AM CDT  
**To:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Subject:** Re: Department of State Non-Statutory Fees Rule

Carol,  
Does the \$340 for the 2016 Legislature Acts include the costs for the third volume? Or will it be a loss to the department now that an additional volume was added?

Thank you,

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office  
Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Wednesday, October 18, 2017 at 3:42 PM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** RE: Department of State Non-Statutory Fees Rule

Thank you!

Carol

Carol H. Guidry  
(225) 362-5142

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**From:** Gil, Colleen [<mailto:gilc@legis.la.gov>]  
**Sent:** Wednesday, October 18, 2017 3:39 PM  
**To:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Subject:** Re: Department of State Non-Statutory Fees Rule

Okay! I will get final approval in the morning and send you the statement sometime tomorrow.

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office  
Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Wednesday, October 18, 2017 at 3:38 PM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** RE: Department of State Non-Statutory Fees Rule

Correct!

Carol

Carol H. Guidry  
(225) 362-5142

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**From:** Gil, Colleen [<mailto:gilc@legis.la.gov>]  
**Sent:** Wednesday, October 18, 2017 3:36 PM  
**To:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Subject:** Re: Department of State Non-Statutory Fees Rule

I understand.

So you need the fiscal office to make a statement that there are no substantive changes and that the impact statement would not be affected due to the revisions?

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office

Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Wednesday, October 18, 2017 at 3:34 PM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** RE: Department of State Non-Statutory Fees Rule

Colleen,

When I got a call from the State Register about the fee for the Buckram Bound book of acts, I realize that the information that I received from the field on two of the books were wrong. In addition, I didn't notice that the enabling legislation was not included in the authority note.

On the customized computer list, one of our attorneys noticed that the name of the publication had the word "per page" but the amount in the fee column said per record.

Carol

Carol H. Guidry  
(225) 362-5142

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**From:** Gil, Colleen [<mailto:gilc@legis.la.gov>]  
**Sent:** Wednesday, October 18, 2017 3:30 PM  
**To:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Subject:** Re: Department of State Non-Statutory Fees Rule

I agree that they are not substantive changes. I will get my supervisor's approval tomorrow, she is out for the rest of the day.

I was just curious to see why the rule was being revised? Whether or not it was due to a public hearing or having a potpourri filed and if these changes are going to be sent to the register as well.

Thank you,

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office  
Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Wednesday, October 18, 2017 at 2:10 PM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** RE: Department of State Non-Statutory Fees Rule

Colleen,

I really don't think these are substantive changes that will have an effect on the Fiscal and Economic Statement as submitted. All we are doing is to: 1) add a new legal citation that was left off; 2) add the correct number of volumes and legislative sessions to existing publications; and 3) deleting the "per page" reference for a customized computer list (Note: The cost is shown as a cost is a per record.).

We have to publish the costs at the end of December in *The Advocate* in accordance with R.S. 49:222(A), so we must proceed now with the entire rule. If you determine that these three things are a substantive change, the Department will make these revisions in a new notice of intent.

Carol

Carol H. Guidry  
(225) 362-5142

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**From:** Gil, Colleen [<mailto:gilc@legis.la.gov>]  
**Sent:** Wednesday, October 18, 2017 12:53 PM  
**To:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Subject:** Re: Department of State Non-Statutory Fees Rule

Carol,  
I will look over these changes. Are they in response to a Potpourri?

Thank you,

Colleen M. Gil  
Fiscal Analyst  
Louisiana Legislative Fiscal Office  
Phone: 225.342.7257  
E-mail: [gilc@legis.la.gov](mailto:gilc@legis.la.gov)

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**From:** Carol Guidry <[cguidry@sos.la.gov](mailto:cguidry@sos.la.gov)>  
**Date:** Wednesday, October 18, 2017 at 12:30 PM  
**To:** Colleen McCrory <[gilc@legis.la.gov](mailto:gilc@legis.la.gov)>  
**Subject:** FW: Department of State Non-Statutory Fees Rule

Colleen,

I attached a summary of the proposed changes to the notice of intent.

Carol

Carol H. Guidry  
(225) 362-5142

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**From:** Carol Guidry  
**Sent:** Wednesday, October 18, 2017 12:20 PM  
**To:** Colleen Gil <[mccroryc@legis.la.gov](mailto:mccroryc@legis.la.gov)>  
**Subject:** Department of State Non-Statutory Fees Rule

Colleen,

Attached is a copy of the proposed rule for the Department of State Non-Statutory Fees Rule. Highlighted in yellow are proposed revisions by the Department. Based upon my understanding regarding a substantive change, I do *not* feel that any of the recommended changes constitute a substantive change. Could you look at the proposed rule and let me know if you concur that these recommendations are not substantive in nature? Thanks!

Carol

Carol H. Guidry  
Director of HAVA  
Legal Division  
Secretary of State Tom Schedler  
(225) 362-5142  
(800) 883-2805 (Ext. #614)  
(225) 922-1180 (FAX)

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**DEPARTMENT OF STATE  
NON-STATUTORY FEE SCHEDULE  
RECOMMENDED REVISIONS**

- 1) Add R.S. 43:22 to the authorizing legislation. This is provides the cost formula for the Buckram Bound book of Acts passed each year by the Legislature.
- 2) Under Election Services -- Publications, I made revisions to 2014 (adding a third volume) and 2016 (adding the 1<sup>st</sup> and 2<sup>nd</sup> Extraordinary Sessions). These are the Buckram Bound book of Acts.
- 3) Under Business Services Division – Commercial, I removed the reference to “per page” for customized computer list. The cost is based upon records not page.

## PROPOSED RULE

### 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. 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 Part 96), the Department of State has adopted a non-statutory fee schedule for the Department of State. In addition, the Department of State is proposing to adopt rules and fees for the Louisiana State Archives Facilities.

#### Title 4

#### ADMINISTRATION

#### Part I. General Provisions

#### Chapter 3. Fees

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

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 12:689 (October 1986), amended LR 29:372 (March 2003), repealed LR 43:

#### 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.

##### 1. Department of State General Fees

ITEM	FEE
Express Delivery (Cost Per Package)	Actual Cost
Non-Sufficient Funds Charge	\$25.00
Photocopies (Per Page)	\$0.25
Postage (Per Package)	Actual Cost

Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)	\$20.00
Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile)	\$0.25
Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)	Actual Cost
Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)	\$0.25
Public Records Request Fee (Cost Per Page for Electronic File Emailed)	\$0.25

## 2. Business Services Division – Commercial

ITEM	FEE
<b>Corporations –</b>	
<b>Complete Corporation Information Computer Data Transfer</b>	
Weekly, Per Initial Load	\$2,500.00
50 Files at \$200 Per Week	\$10,000.00
Total	\$12,500.00
Monthly, Per Initial Load	\$2,500.00
11 Monthly Files at \$400	\$4,400.00
Total	\$6,900.00
Monthly Trade Names Only, 12 Monthly Files	
Total	\$1,725.00
Customized Computer List	\$25 for 1 <sup>st</sup> 40 Records Plus \$0.01 Per Each Additional Record
<b>Miscellaneous Corporations Fees --</b>	
Agent for Service of Process	\$15.00
Certificate for Service of Process	\$20.00
Political Subdivision	\$10.00
Power of Attorney	\$25.00
<b>Uniform Commercial Code –</b>	
Direct Access Fee, Annual Subscription, Unlimited Usage	\$400.00
Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription	\$6,900.00

## 3. Legal Division – Commissions

ITEM	FEE
Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)	\$10.00
Apostille Certificate (Cost Per Certificate)	\$20.00
Certificate of Authentication (Cost Per Certificate)	\$20.00
Certificate of a Pardon (Cost Per Certificate)	\$20.00

Certified Document (Executive Orders or Proclamations) (Per Document)	\$20.00
Replacement Commission Certificate	\$20.00
Replacement Identification Card	\$5.00

#### 4. Election Services – Publications

ITEM	FEE
Bond Registration Certificate (Municipal Bonds) (Optional)	\$10.00
Certified Copy (In Addition to Per Page Fee)	\$20.00
Certified Copy of “Living Will” Declaration Registration	\$20.00
“Living Will” Replacement of Identification Card	\$5.00
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 Session)	\$340.00
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 Fees <sup>1</sup>

ITEM	FEE
<b>Digital Imaging --</b>	
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
<b>Legislative Committee Audio Tapes Reproduction --</b>	
For Public (Archives Provides Tape) (Cost Per Tape or Digital Image)	\$20.00
For State Agency (Archives Provides Tape) (Cost Per Tape or Digital Image)	\$10.00
<b>Photocopy Reproduction --</b>	
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
<b>Proces Verbal</b>	
Certification or Recordation	\$20.00
Proces Verbal (Cost Per Page)	\$2.00
<b>Self-Service Copy Charges --</b>	
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
<b>Staff Reproduction of Archival Material –</b>	
Document Certification (Cost Per Record)	\$20.00
Public Vital Records (Certified) (Cost Per Record)	\$10.00
Public Vital Records, Photocopy (Uncertified) (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.

6. State Archives Division – Multi-Media Library <sup>2</sup>

ITEM	FEE
<b>Audio and Video Fees --</b>	
Staff Research/Production Time Rush Fee	\$50.00
Materials Charge (Cost Per Tape)	\$10.00

<b>Audio Duplication Fee for Screener --</b>	
Local (Per Hour of Footage)	\$100.00
National (Per Hour of Footage)	\$100.00
Other Commercial (Per Hour of Footage)	\$100.00
Worldwide (Per Hour of Footage)	\$100.00
<b>Film and Video Duplication Fee for Screener --</b>	
Local (Per Hour of Footage)	\$300.00
National (Per Hour of Footage)	\$300.00
Other Commercial/Telecourse (Per Hour of Footage)	\$300.00
Worldwide (Per Hour of Footage)	\$300.00
<b>Multimedia Archives License Fee Schedule --</b>	
<b>Cable/Satellite Television Transmission Only</b>	
Local	\$15.00
Nationwide	\$25.00
Captured Audience (i.e. In-Flight, Cruise Ship)	\$25.00
In Addition to Any of the Other Media	\$5.00
<b>Corporate Presentations, Live Events, Concerts and Museum Exhibits</b>	
Local (One-Location or One-State)	\$15.00
Nationwide	\$20.00
Worldwide	\$25.00
<b>Educational, Non-Commercial Distribution Only (Non-Broadcast)</b>	
Local	\$10.00
Nationwide	\$15.00
In Addition to Any of the Other Media	\$5.00
<b>Film Festivals</b>	
Nationwide	\$20.00
Worldwide	\$25.00
In Addition to Any of the Other Media	\$5.00
<b>Home Video (CD-ROM, DVD) (Distribution Only)</b>	
In Addition to Any of the Other Media	\$10.00
<b>Internet (Files must be protected from download)</b>	
In Addition to Any of the Other Media	\$5.00
<b>Radio Transmission</b>	
Nationwide	\$10.00
Worldwide	\$15.00
In Addition to Any of the Other Media	\$5.00
<b>Television Broadcast and Cable/Satellite Transmission</b>	
Local	\$15.00
Nationwide (U.S. and Canada)	\$30.00
Worldwide	\$45.00
<b>Television Broadcast on Non-Commercial (PBS) Stations Only</b>	
Local	\$15.00
Nationwide	\$20.00
<b>Television Commercials</b>	
Local (One Market)	\$30.00

Nationwide	\$45.00
Worldwide	\$60.00
Theatrical Distribution	\$40.00
Plus Nationwide Television Broadcast & Cable/Satellite Television	\$45.00
Plus Worldwide Television Broadcast & Cable/Satellite Television	\$50.00
Video-On-Demand/Pay-Per-View (Includes Downloadable Video and Wireless Devices)	\$20.00
In Addition to Any of the Other Media	\$5.00
All Media, Not Known, Worldwide	\$90.00

<sup>2</sup> A \$300 minimum license fee applies to all the license fees listed herein and is due and payable at the time the footage is ordered from Louisiana State Archives and is non-refundable in the event of non-usage of the footage.

<sup>3</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10).

<sup>4</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10) and Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

- (i). Policy on the Reproduction of Archival Images (Form LH10);
- and/or
- (ii). Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

7. State Archives Division – Micrographics and Storage (Interagency Services Only)

ITEM	FEE
2 <sup>nd</sup> Diazo Duplicate Reel (16 mm)	\$10.00
2 <sup>nd</sup> Diazo Duplicate Reel (35 mm)	\$15.00
2 <sup>nd</sup> Silver Original Reel (Dual Reels)	\$8.00
Add-on Image to Microfiche Jacket	\$0.20
From Paper to Microfilm	\$0.07
Load Reel onto Cartridge	\$10.00
Microfiche Jacket	\$0.50
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16 mm Reel (Includes Shipping and Handling)	\$20.00
16 mm Reel (Duplicate Film for State Agencies)	\$10.00
35 mm Reel (Includes Shipping and Handling)	\$25.00

The microfilm image (16 mm or 35 mm) price includes the following: pickup, make ready, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the microfilm program at (225) 922-1000.

8. State Archives Division – Storage Facility

ITEM	FEE
Package of Cubic Foot Boxes (Storage Boxes for State Records Center Storage) (25 Boxes in Package)	Actual Cost

Due to the fluctuation in the department's procurement cost of the storage boxes, the actual cost for boxes will be assessed and will be posted on the department's website.

**B. Method of Payment**

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

**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:

**§403. Department of State Public Records Request**

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request), 8585 Archives Blvd., P. O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: PublicRecordsRequest@sos.la.gov.

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.



E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 43:

#### **§405. Louisiana State Archives Facilities**

A. Non-Profit Groups and Civic Organizations. There is no rental fee charged for use of the state archives facility during regular business hours (Monday through Friday 8 a.m. to 4 p.m.). These meetings must be free and open to the public. If a non-profit group or civic organization wants to meet after hours, there will be a \$50 security fee charged. The state archives facility closes at 9:00 p.m. for all after hour events.

B. For-Profit and Commercial Groups. These groups will be charged based on the schedule listed below:

1. \$75 for half-day rental;
2. \$150 for full-day rental during regular business days (Monday to Friday from 8:00 a.m. to 4 p.m.); and
3. \$300 for after hours events.

B. The state archives facilities will close at 9:00 p.m. for all after hours events.

C. Method of Payment. When paying for either the rental cost or the security fee, one-half of the total fee is to be made payable to the Department of State and the other one-half is to be made payable to the Friends of the Louisiana State Archives.

D. In order to rent the state archives facility, all organizations will be required to complete a Louisiana State Archives Event Request form, which can be found on the department's website. On the form, the organization will be required to acknowledge agreement with the indemnification provision specified on the form. The completed form should be mailed to the Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form may also be emailed to the Archives Division. If there are any questions, call the state archives facility at (225) 922-1000.

E. The state archives facility consists of the following:

1. auditorium (95 permanent tiered seats with a capacity of 120 when using folding chairs);
2. gallery (40-seat capacity with no projector option); and
3. lobby.

F. In addition, the organization shall indicate if they need any of the following:

1. microphone;
2. podium;
3. projector;
4. 6 foot tables; and/or
5. additional folding chairs.

G. Every effort will be made to accommodate requests; however, events may have to be postponed or moved to alternate locations due to unforeseen circumstances, such as early voting.

The department will notify the organization as soon as possible should any change become necessary.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 43:

**Tom Schedler**  
**Secretary of State**