



LOUISIANA DEPARTMENT OF STATE
CALENDAR YEAR 2016
ADMINISTRATIVE PROCEDURE ACT
ANNUAL LEGISLATIVE OVERSIGHT REPORT

TOM SCHEDLER
SECRETARY OF STATE
MARCH 9, 2017

BUSINESS SERVICES DIVISION

RULE

Title 19

CORPORATIONS AND BUSINESS

Part V. Secretary of State

Subpart 3. Foreign Corporations

**Chapter 7. Foreign Corporations Not Registered with the Department of State
(LAC 19:V.701 and 703)**

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 12:314.1 and R.S. 36:742, proposed a Rule to adopt a penalty schedule for foreign corporations transacting business in this state without a valid certificate of authority from the Department of State. The Notice of Intent was published in the September 20, 2015 issue of the *Louisiana Register*. A public hearing was scheduled for October 27, 2015, but was not attended by anyone other than the Department's staff. The last day for accepting written comments from the public was the close of business on October 28, 2015. No written comments were received by the Department. On November 30, 2015, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. No oversight committee meetings were held. The Rule for Foreign Corporations was promulgated in the January 20, 2016 issue of the *Louisiana Register*.

EMERGENCY RULE

Title 19

CORPORATIONS AND BUSINESS

Part V. Secretary of State

**Chapter 3. Home Service Contract Providers
(LAC 19:V Chapter 3)**

The Secretary of State, pursuant to the provisions of the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 51:3141 through 3146, and R.S. 36:742, adopted a Declaration of Emergency to govern home service contract providers. During the 2015 Regular Legislative Session, Act No. 161 was adopted transferring the registration process for home service contract providers from the Department of Insurance to the Department of State effective January 15, 2016. Since the secretary of state did not have legal authorization to adopt policies and procedures regarding home service contract providers until January 15, 2016, the secretary of state has determined that a Declaration of Emergency should be adopted until the department can proceed through the rule-making process and adopt a final Rule. The Declaration of Emergency became effective on January 19, 2016 and was to remain in effect for the maximum period allowed under the Administrative Procedure Act or until a final Rule is adopted, whichever occurs first. The emergency rule was published in the February 20, 2016 issue of the *Louisiana Register*. During the 2016 Regular Legislative

Session, Act No. 243 was passed and made technical changes regarding the fees and procedures effective May 26, 2016. As a result, no Rule was necessary.

**NOTICE OF INTENT
AND
RULE
Title 19
CORPORATIONS AND BUSINESS
Part V. Secretary of State
Chapter 1 – 13. Secure Business Filings Service
(LAC 19:V Chapters 1 – 13)**

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 49:222 and R.S. 36:742, proposed a Rule to authorize the use of an optional Secure Business Filings (SBF) service designed to discourage fraudulent business filings in Louisiana through *geauxBIZ*. The Notice of Intent was published in the March 20, 2016 issue of the *Louisiana Register*. A public hearing was scheduled for April 26, 2016, but was not attended by anyone other than the Department's staff. The last day for accepting written comments from the public was the close of business on April 27, 2016. No written comments were received by the Department. On May 10, 2016, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. No oversight committee meetings were held. The Rule for the Secure Business Filings (SBF) service was promulgated in the June 20, 2016 issue of the *Louisiana Register*.