

## **NOTICE OF INTENT**

### **Department of State Business Services Division**

#### **Military Personnel Powers of Attorney (LAC 19:V.101)**

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 9:3865 and R.S. 36:742, the Department of State is proposing to adopt a rule to repeal LAC19:V.101 which required the department to adopt a uniform statutory power of attorney form for military personnel. During the 1995 Regular Legislative Session, Act 1131 repealed the provisions of R.S. 9:3865 and amended R.S. 9:3862 to provide an illustrative and suggestive power of attorney form to be used by military personnel or other eligible persons who reside or own immovable property in the state.

### **Title 19**

## **CORPORATION AND BUSINESS**

### **Part V. Secretary of State**

#### **Chapter 1. Domestic Corporations**

**\* \* \***

#### **§101. Uniform Statutory Form Power of Attorney for Military Personnel**

A. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 19:3865 and R.S. 36:742.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, LR 17:1227 (December 1991), repealed LR 43:

#### **Family Impact Statement**

The proposed Rule cited in LAC 19:V.101 regarding power of attorney for military personnel 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 cited in LAC 19:V.101 regarding power of attorney for military personnel 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.

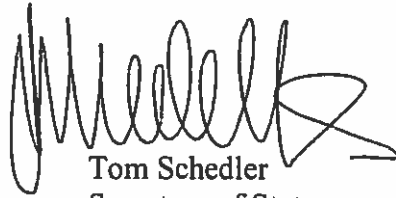
### **Public Comments**

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 amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on July 25, 2017 after the public hearing.

### **Public Hearing**

A public hearing on the proposed Rule is scheduled for July 24, 2017 at 2:30 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.



Tom Schedler  
Secretary of State

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

Person Preparing Statement: Carol H. Guidry Dept: Department of State  
Phone: (225) 229-8085 Office: Business Services Division  
Return Address: P. O. Box 94125 Rule Title: Military Personnel Powers of Attorney  
Baton Rouge, LA 70804-9125  
Date Rule Takes Effect: September 20, 2017

**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 change will not result in any costs or savings to state or local governmental units. The proposed rule change repeals provisions associated with a Uniform Statutory Form Power of Attorney for Military Personnel. LA R.S. 9:3865, the enabling statute requiring the form to be promulgated by rule, was repealed by Act 1131 of 1995. The same act placed the form into statute (LA R.S. 9:3862), rendering its place in the administrative rules redundant.

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

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

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

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

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will not affect competition or employment.

  
Signature of Agency Head or Designee

Joe R. Salter, Undersecretary of M & F  
Typed Name & Title of Agency Head or Designee

05/25/2017  
Date of Signature

  
Legislative Fiscal Officer or Designee

6/8/17  
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).

During the 1995 Regular Legislative Session, Act 1131 repealed the provisions of R.S. 9:3865 regarding the Department of State adopting a military power of attorney form and amended R.S. 9:3862 to provide an illustrative and suggestive power of attorney form to be used by military personnel or other eligible persons who reside or own immovable property in the state.

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

See A above.

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

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

N/A

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

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

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

The proposed rule is being adopted to comply with the provisions of Act 1131 of the 1995 Regular Legislative Session.

**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			
Equipment			
Major Repairs & Constr.			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change repeals provisions associated with a Uniform Statutory Form Power of Attorney for Military Personnel. LA R.S. 9:3865, the enabling statute requiring the form to be promulgated by rule, was repealed by Act 1131 of 1995. The same act placed the form into statute (LA R.S. 9:3862), rendering its place in the administrative rules redundant.

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>0</b>	<b>0</b>	<b>0</b>

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

N/A

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

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

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

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

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

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

\*Specify the particular fund being impacted.

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

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

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

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

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

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

See A above.

## FISCAL AND ECONOMIC IMPACT STATEMENT

### WORKSHEET

#### IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

The proposed rule change will not affect competition or employment.