

USC 706(7), R.S. 17:1941, 7946, and 20 USC 1400-1485 et seq.

6. Confidentiality

a. All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the proceedings and the decisions will be kept by the superintendent in a sealed envelope with access limited to only those persons receiving the consent of the parent/guardian or infected person as provided in 20 USC 1232(g).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10)(15), R.S. 17:170, R.S. 17:437, R.S. 17:1941, and 20 USCS 1232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1035 (April 2013), amended LR 41:

Charles E. "Chas" Roemer, IV
President

1411#003

DECLARATION OF EMERGENCY

Office of the Governor
Board of Examiners of Certified Shorthand Reporters

Employment Relationship with Court Reporting Firms
(LAC 46:XXI.1303)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S.49:953(B), and under the authority of R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D), the Louisiana Board of Examiners of Certified Shorthand Reporters ("CSR board") declares an emergency and adopts by emergency process the attached rules and accompanying forms as LAC 46:I.1303, establishing the procedures governing court reporters in their relationships with court reporting firms in accordance with Act 839 enacted by the 2014 Legislature of Louisiana.

Act 839 charges the board with responsibility for promulgating by Rule procedures and forms to comply with the new statutory language.

This Emergency Rule is effective on November 10, 2014, 2014 and shall remain in effect for 120 days or until re-enacted by Emergency Rule or through the normal promulgation process, whichever comes first.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 13. Code of Ethics

§1303. Employment Relationship with

Court Reporting Firm

A. Application and Scope. This rule protects the integrity, independence, and impartiality of court reporters in their relationships with court reporting firms, as defined in R.S. 37:2555(G) that are doing business in Louisiana.

B. Safe Harbor. A licensed Louisiana court reporter may accept employment from a court reporting firm and shall not be considered an "employee" for purposes of Code of Civil Procedure article 1434 upon furnishing to the board a certification, on a form approved by the board, from an

authorized and knowledgeable officer of the court reporting firm that the firm has no prohibited employment or contractual relationship, direct or indirect, under Code of Civil Procedure article 1434 with a party litigant in the matter for which the reporter was retained to provide services. The reporter must file with the board a copy of the certification within 30 days after the date of the deposition. The reporter shall obtain and maintain, for a minimum of three years, the schedule of all charges and other disclosures, which shall be obtained by the reporter concurrently with the original certification from the court reporting firm. Upon request, the reporter shall provide to the board a copy of the schedule of all charges and other disclosures. The Louisiana court reporter shall immediately notify the board, in writing, if a safe harbor request was made upon a court reporting firm and the firm refused or failed to provide the requested certification or the schedule of all charges and other disclosures. The reporter shall include the name of the court reporting firm and the date the request was made.

C. Certification by Court Reporting Firm. Upon request by a licensed Louisiana court reporter, a court reporting firm doing business in Louisiana shall provide a certification on forms adopted by the board and executed by affidavit from an authorized and knowledgeable officer of the firm, attesting that the firm has no prohibited employment or contractual relationship, direct or indirect, under Code of Civil Procedure article 1434 with a party litigant in the matter for which the reporter was retained to provide services.

D. The court reporting firm and the court reporter shall immediately inform the board of any changes in relationships or actual knowledge of any relationships, direct or indirect, that are at variance with representations made in the certification by the court reporting firm.

E. Certification Affidavit of Court Reporting Firm

CERTIFICATION AFFIDAVIT OF COURT REPORTING FIRM

STATE OF _____
PARISH OR COUNTY OF _____

BEFORE ME, the undersigned authority, duly qualified to take acknowledgments and administer oaths within the state and locality inscribed above, personally appeared _____ ("Affiant"),

who is representing a _____ a _____ [state] corporation [or limited liability company or other form of business organization] that is doing business in Louisiana as a court reporting firm as defined by Acts 2014, No. 839 (hereinafter, "Court Reporting Firm"). The physical address of the entity's principal place of business is _____ [street and suite number, if any] in _____ [city], State of _____, Zip _____, Telephone: (_____) _____, Email _____.

After being duly sworn, Affiant did attest as follows:

1. Affiant is a knowledgeable representative who is authorized to act on behalf of the Court Reporting Firm in executing this Certification Affidavit.
2. The Court Reporting Firm has engaged a Louisiana licensed court reporter to perform court reporting services in connection with the deposition(s) of _____ [identify by name each deponent covered by this certification] to be taken in the following proceeding: _____ vs. _____ pending in the _____ Court under number _____.
3. Affiant certifies, after performing due diligence, that the Court Reporting Firm has no prohibited employment or contractual relationship, direct or indirect, under Louisiana Code of Civil Procedure

Article 1434 with a party litigant in the matter for which the court reporter's services have been engaged. Affiant further acknowledges affiant's duty to provide information and will provide information promptly to the Louisiana Board of Examiners of Certified Shorthand Reporters (hereinafter, "CSR Board") regarding any change in these relationships or in Affiant's knowledge of these relationships.

4. Affiant attaches hereto the schedule of all charges and other disclosures that the court reporter must have available at the time of taking the deposition.
5. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by applicable state laws for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that Affiant has read and understands the full facts and content of this Affidavit.

SIGNATURE OF AFFIANT: _____

Sworn before me this me this _____ day of _____, 201_____

Notary Public
Print name: _____
My commission expires: _____

Each Firm Certification Affidavit must be filed with the CSR Board by the court reporter within 30 days of the date of the deposition. The filing does not need to include the schedule of charges.

I, a Louisiana Licensed Court Reporter, hereby submit this certification affidavit via _____ [facsimile/e-mail] within 30 days of the date of the depositions to which this certification applies and acknowledge my obligation to maintain the schedule for a minimum of three years. I further certify that I have received the required schedule of all charges and other disclosures from the Court Reporting Firm in connection with this certification.

Signature Date

Printed Name LA CCR NO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 40:

Judge Paul A. Bonin
Chair

1411#052

DECLARATION OF EMERGENCY

**Office of the Governor
Crime Victims Reparations Board**

**Eligibility Requirements for Sexual Assault Victims
(LAC 22:XIII.301)**

The following amendment is published in accordance with R.S. 46:1807(C)(1), the Crime Victims Reparations Act, which allows the Crime Victims Reparations Board to promulgate rules necessary to carry out its business or provisions of the Chapter. This Rule will clarify the eligibility requirements for crime victims.

This Emergency Rule, effective October 28, 2014, is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XIII. Crime Victims Reparations Board

Chapter 3. Eligibility and Application Process

§301. Eligibility

A. - A.1.b.ii. ...

c. The following factors shall not be considered a reason for denying or reducing an award to a claimant who is a victim of sexual assault, or who submits a claim on behalf of a victim of sexual assault:

i. the manner in which the victim was dressed at the time of the sexual assault;

ii. where the victim was located prior to the sexual assault;

iii. the time of the sexual assault;

iv. the occupation of the victim;

v. whether the victim:

(a). was or may have been under the influence of alcohol or drugs;

(b). had a previous sexual relationship with the alleged offender;

(c). was married to the alleged offender;

(d). was dating the alleged offender;

(e). consented to prior sexual activity with the alleged offender;

(f). has a history of being a victim of prior sexual assaults;

(g). has a criminal record;

(h). consented to the sexual act if the victim is below the age of consent, mentally incapacitated or physically helpless;

(i). continued to live with an alleged offender after the assault;

(j). has a familial relationship to the alleged offender.

2. Collateral Sources

a. - a.ii. ...

b. Insurance

i. The victim/claimant must process any potential insurance before applying for reimbursement of mental health claims, except for victims of sexual assault.

ii. For claims that pertain to victims of sexual assault, the victim has the discretion to choose whether or not to file for private insurance or Medicaid coverage.

3. - 3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 31:2009 (August 2005), LR 35:65 (January 2009), LR 36:2278 (October 2010), LR 37:1605 (June 2011), LR 41: