

SENATE BILL NO. 620

BY SENATOR WALSWORTH

1 AN ACT

2 To enact R.S. 8:66.1 and 66.2, relative to the Louisiana Cemetery Board; to provide for
3 investigations by the board; to authorize the issuance of subpoenas; to require certain
4 statements under oath to issue oaths and affirmations; to bring causes of action; to
5 issue certain cease and desist orders; to provide for the assessment of civil fines; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 8:66.1 and 66.2 are hereby enacted to read as follows:

9 **§66.1. Investigations**

10 **The board may, for purposes of discovering a violation of this Chapter**
11 **or implementing rules or orders issued pursuant to this Title, perform any of**
12 **the following:**

13 **(1) Make such public or private investigations within or outside of this**
14 **state as the board deems necessary to determine whether any person has**
15 **violated this Title, or implement rules or orders issued pursuant to this Title, or**
16 **to aid in the enforcement of this Title, or in the prescribing of rules and forms**
17 **under this Title.**

18 **(2) Require or permit any person to file a statement in writing, under**
19 **oath, by affidavit or by authentic act, as the board or attorney general**
20 **determines, as to all the facts and circumstances concerning the matter being**
21 **investigated.**

22 **(3) Investigate a person and examine the books, accounts, papers,**
23 **correspondence, memoranda, purchase agreements, files, or other documents**
24 **or records.**

25 **(4) Subpoena witnesses, compel their attendance, take evidence, and**
26 **require the production of any books, accounts, papers, correspondence,**
27 **memoranda, purchase agreements, files, or other documents or records which**

1 the board deems relevant or material to any investigation or proceeding under
2 this Title.

3 (5) Apply to a district court of competent jurisdiction for an order
4 requiring a person's appearance before the board or attorney general, or a
5 designee of either or both, in cases where the person has refused to obey a
6 subpoena issued by the board or attorney general. The person may also be
7 required to produce documentary evidence germane to the subject of the
8 investigation.

9 § 66.2. Cease and desist orders

10 If it appears to the board or to the attorney general that a person has
11 engaged in an act or practice constituting a violation of this Title, or the
12 implementing of rules or orders issued under this Title, the board or the
13 attorney general may do any of the following:

14 (1) Issue a cease and desist order directed to the person that requires the
15 person to cease and desist from engaging in such an act or practice. A person
16 may request a hearing within thirty days of actual receipt of the cease and desist
17 order, as evidenced by the date on the return service. If a hearing is not timely
18 requested, the cease and desist order shall become final by operation of law.
19 The order shall remain effective from the date of issuance until the date the
20 order becomes final by operation of law or is overturned by a hearing officer
21 authorized to hear the matter following a request for hearing.

22 (2) The board or attorney general shall not be required to post a bond.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____