

2020 Second Extraordinary Session

HOUSE BILL NO. 94 (Substitute for House Bill No. 27 by Representative Zeringue)

BY REPRESENTATIVES ZERINGUE, AMEDEE, CARRIER, GARY CARTER, CREWS,
DEVILLIER, EMERSON, GAROFALO, LARVADAIN, MIGUEZ, SELDERS,
AND THOMPSON

1 AN ACT

2 To enact R.S. 29:732.1, relative to fees charged to businesses by state agencies during a state
3 of emergency or public health emergency; to exempt payment of certain fees for a
4 certain time; to provide relative to the powers, duties, and authority of the secretary
5 of state; to provide for criminal penalties; to provide for reporting requirements; to
6 provide for extension of the exemption; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:732.1 is hereby enacted to read as follows:

9 §732.1. Fees charged to businesses

10 A. For the purposes of this Section, the following terms shall have the
11 following meanings:

12 (1) "Affected business" shall mean a for-profit corporation, a limited liability
13 company, a partnership, or a sole proprietorship that meets all of the following
14 criteria:

15 (a) Had a physical and active operation in Louisiana as of March 1, 2020.

16 (b) Had fifty or fewer full-time equivalent employees as of March 1, 2020.

17 (c) Is not a subsidiary of a business with more than fifty full-time equivalent
18 employees, is not part of a larger business enterprise with more than fifty full-time
19 equivalent employees, and is not owned by a business with more than fifty full-time
20 equivalent employees.

21 (d) Ceased operations or suffered an interruption in business due to one of
22 the governor's public health emergency proclamations related to the COVID-19
23 public health emergency.

1 (e) Is assigned a North American Industry Classification System Code of
 2 4421, 4422, 4481, 4482, 4483, 4511, 4512, 4531, 4532, 4533 4539, 7111, 7131,
 3 7139, 7223, 7224, 7225, or 8121.

4 (f) As of the effective date of this Subparagraph, has not received two
 5 hundred fifty dollars or more in total from the following within the past eight
 6 calendar months:

7 (i) A United States Small Business Administration-Guaranty Paycheck
 8 Protection Program loan or a United States Small Business Administration Economic
 9 Injury Disaster Loan Emergency Advance.

10 (ii) Funding through the Louisiana Main Street Recovery Program.

11 (iii) Compensation from an insurance company for interruption of business.

12 (2) "Agency" shall mean the boards, commissions, departments, agencies,
 13 offices, officers, and other instrumentalities placed within the executive branch of
 14 state government as provided in Title 36 of the Louisiana Revised Statutes of 1950.

15 (3) "COVID-19 public health emergency" shall mean the public health
 16 emergency originally declared by Proclamation Number 25 JBE 2020 as extended
 17 by any subsequent proclamations.

18 (4) "License renewal fee" means any fee associated with the renewal of an
 19 occupational license, permit, or certification, or other license attributable to the
 20 affected business's operation that becomes due for payment during the period
 21 specified in Subsection B of this Section.

22 B.(1) An affected business shall not be required to pay any license renewal
 23 fee during the COVID-19 public health emergency or within six months after the
 24 termination of the emergency as provided in this Chapter. Payment of the fee shall
 25 not be deferred by any agency.

26 (2)(a) Within ten days of the effective date of this Act, the secretary of state
 27 shall develop a standard application form for each affected business to complete to
 28 qualify for the fee exemption provided for in this Section. The application form shall
 29 include an attestation that the business meets the qualifications provided for in this

1 Section and shall indicate to the applicant that intentionally providing false
2 statements on the form may subject the applicant to criminal penalties.

3 (b) The secretary of state shall provide the application form to each agency
4 that regulates any industry provided for in this Section. Each agency shall make the
5 form available to all applicants licensed, certified, or permitted by the agency. Upon
6 submission of the form to the respective agency, the individual applying shall be
7 exempt from payment of the fee as provided for in Paragraph (1) of this Subsection.
8 A separate application shall be submitted for each fee exemption.

9 (c) Any individual who intentionally submits false information on the form
10 shall be subject to the criminal penalties provided for in R.S. 14:133.

11 (d) The provisions of this Section shall not apply to fees collected pursuant
12 to R.S. 3:4622, R.S. 4:169, R.S. 40:31.37, and R.S. 49:222.

13 C. The division of administration shall submit a report to the Joint
14 Legislative Committee on the Budget by December 1, 2020, indicating each agency
15 fee which has been exempted pursuant to this Section.

16 D. The Joint Legislative Committee on the Budget may, by a two-thirds vote
17 of the committee, further extend any fee exemption included in this Section for an
18 additional six months.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____