

2020 First Extraordinary Session

HOUSE BILL NO. 70

BY REPRESENTATIVES JENKINS, ADAMS, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, DUPLESSIS, FREEMAN, GLOVER, GREEN, JAMES, JEFFERSON, TRAVIS JOHNSON, JONES, JORDAN, LACOMBE, LANDRY, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, SELDERS, AND WILLARD

TAX/TAX REBATES: Extends Enterprise Zone Program incentives to essential critical infrastructure workers by authorizing the payment of a one-time hazard pay rebate (Item #18)

1 AN ACT

2 To amend and reenact R.S. 51:1787(K) and to enact R.S. 51:1787(L), relative to the
3 Enterprise Zone incentive; to extend eligibility for Enterprise Zone incentives to
4 certain workers; to establish a rebate for certain essential critical infrastructure
5 workers; to provide for the amount of the rebate; to provide for definitions; to
6 provide for the application, approval, and payment of the rebate; to provide for
7 rebate requirements and limitations; to authorize the promulgation of rules and
8 regulations; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 51:1787(K) is hereby amended and reenacted and R.S. 51:1787(L)
11 is hereby enacted to read as follows:

12 §1787. Enterprise zone incentives

13 * * *

14 K.(1) In addition to the incentives provided for in Subsection A of this
15 Section, an essential critical infrastructure worker shall be eligible for a one-time
16 hazard pay rebate based upon the worker's adjusted gross income.

1 (2) For purposes of this Subsection the following words shall have the
2 following meanings unless the context clearly indicates otherwise:

3 (a) "Adjusted gross income" shall have the same meaning as used in R.S.
4 47:293(1).

5 (b) "Essential critical infrastructure worker" means a Louisiana resident
6 individual who meets all of the following eligibility criteria:

7 (i) The worker is determined to be an essential critical infrastructure worker
8 as that term is defined by the federal Cybersecurity & Infrastructure Security Agency
9 in its publication "Guidance on the Essential Critical Infrastructure Workforce:
10 Ensuring Community and National Resilience in COVID-19 Response Version 3.1.

11 (ii) The worker is employed in a healthcare, public health, first responder,
12 or childcare provider sector job on or after March 11, 2020.

13 (iii) The worker is required to provide in person services outside of the
14 worker's residence substantially dedicated to responding to or mitigating the
15 COVID-19 public health emergency for at least two hundred hours during the period
16 from March 22, 2020, through May 14, 2020.

17 (c) "One-time hazard pay rebate" means a two hundred fifty dollar rebate for
18 an essential critical infrastructure worker whose adjusted gross income is seventy
19 thousand dollars or less as reported on the worker's 2019 Louisiana individual
20 income tax return. If the 2019 Louisiana individual income tax return has not been
21 filed at the time of applying for the rebate authorized in this Subsection, the 2018
22 Louisiana individual income tax return may be used in lieu of the 2019 Louisiana
23 individual income tax return.

24 (3)(a) An applicant applying for the rebate shall not be required to file an
25 advance notification and shall apply to the secretary of the Department of Revenue
26 for the rebate in a manner and on forms as prescribed by the secretary beginning on
27 July 15, 2020, through October 31, 2020. The secretary of the Department of
28 Revenue may consult with the secretary of the Louisiana Workforce Commission
29 and the secretary of the Department of Economic Development to verify an

1 applicant's eligibility for the one-time hazard pay rebate. Once the secretary of the
2 Department of Revenue has verified that an applicant is eligible for the one-time
3 hazard pay rebate, the secretary of the Department of Revenue shall present a list of
4 eligible applicants to the board for approval.

5 (b) Once eligible applicants have been approved by the board for the
6 one-time hazard pay rebate, the secretary of the Department of Revenue shall present
7 a list of approved applicants and one-time hazard pay rebate amounts to the treasurer
8 for payment. The treasurer shall make and credit rebate payments from the Louisiana
9 Main Street Recovery Fund as established in R.S. 39:100.44, within ten days of
10 receiving the list of approved applicants from the secretary of the Department of
11 Revenue.

12 (c) The total amount of rebates issued pursuant to the provisions of this
13 Subsection shall not exceed fifty million dollars. However, the treasurer may pay
14 up to an additional twenty-five million dollars in rebates if monies are made
15 available for the payment of these rebates and payment of an additional twenty-five
16 million dollars in rebates is approved by the Joint Legislative Committee on the
17 Budget.

18 (4) Any provisions of Subsections A through J of this Section deemed
19 inconsistent with the provisions of this Subsection shall be inapplicable to the
20 one-time hazard pay rebate for essential critical infrastructure workers.

21 (5) Notwithstanding any provision of law to the contrary, the one-time
22 hazard pay rebate provided for in this Subsection shall not be subject to seizure
23 pursuant to R.S. 13:3881 except for seizure of spousal or child support payments.

24 (6) The secretary of the Department of Revenue may promulgate rules,
25 including emergency rules as deemed necessary by the secretary, in accordance with
26 the Administrative Procedure Act as are necessary to implement the provisions of
27 this Subsection, including rules related to the recapture of the one-time hazard rebate
28 if an applicant is subsequently determined to be ineligible for the rebate. The

1 recapture of a rebate shall be an obligation to be collected and accounted for in the
2 same manner as if it were a tax due to the secretary of the Department of Revenue.

3 K.L. The department shall not accept any advance notification on or after
4 July 1, 2021.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 70 Original

2020 First Extraordinary Session

Jenkins

Abstract: Establishes a one-time hazard pay rebate of \$250 for essential critical infrastructure workers whose adjusted gross income is \$70,000 or less as reported on the worker's 2019 La. individual income tax return.

Present law establishes the Enterprise Zone program (program) which authorizes eligible businesses to enter into contracts with the Board of Commerce and Industry to receive refundable income and franchise tax credits or state and local sales and use tax rebate payments in exchange for the creation of a specified number of jobs that involve employees who meet certain residency and other requirements. Present law provides for eligibility and qualifications for participation in the program.

Proposed law retains present law and establishes a one-time hazard pay rebate of \$250 for essential critical infrastructure workers whose adjusted gross income is \$70,000 or less as reported on the worker's 2019 La. individual income tax return.

Proposed law defines an "essential critical infrastructure worker" (hereinafter "worker") as a La. resident individual who meets all of the following eligibility criteria:

- (1) The worker is determined to be a worker as that term is defined by the federal Cybersecurity & Infrastructure Security Agency.
- (2) The worker is employed in a healthcare, public health, first responder, or childcare provider sector job on or after March 11, 2020.
- (3) The worker is required to provide in person services outside of the worker's residence and is substantially dedicated to responding to or mitigating the COVID-19 public health emergency for at least 200 hours from March 22, 2020, through May 14, 2020.

Proposed law requires a rebate applicant to apply for the rebate with the Dept. of Revenue (DOR) in a manner and on forms as prescribed by the secretary of DOR beginning on July

15, 2020, through Oct. 31, 2020. Authorizes the secretary of DOR to consult with the secretary of the La. Workforce Commission and the secretary of the Dept. of Economic Development to verify an applicant's eligibility for the one-time hazard pay rebate.

Proposed law requires the secretary of DOR, once an applicant's eligibility for receipt of the rebate has been verified, to present a list of eligible applicants to the State Board of Commerce and Industry for approval. After the board's approval for the one-time hazard pay rebate, the secretary of DOR shall present a list of approved applicants and one-time hazard pay rebate amounts to the Treasurer for payment.

Proposed law requires the treasurer to make and credit rebate payments from the La. Main Street Recovery Fund as established in present law within 10 days of receiving the list of approved applicants from DOR. The total amount of rebates issued shall not exceed \$50M; however, the treasurer may pay up to an additional \$25M in rebates if monies are made available for the payment of these rebates and payment of an additional \$25M is approved by the Joint Legislative Committee on the Budget.

Proposed law prohibits, except for seizure of spousal or child support payments, the one-time hazard pay rebate from being subject to seizure pursuant to present law.

Proposed law authorizes DOR to promulgate rules in accordance with present law as are necessary to implement the provisions of proposed law including rules related to the recapture of the one-time hazard rebate if an applicant is subsequently determined to be ineligible for the rebate.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 51:1787(K); Adds R.S. 51:1787(L))