

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

FEES/LICENSES/PERMITS: Provides relative to fees charged to businesses by state agencies during a state of emergency (Items #2, 32, and 35)

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

1 equivalent employees, and is not owned by a business with more than fifty full-time  
2 equivalent employees.

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

6 (e) Is assigned a North American Industry Classification System Code of  
7 4421, 4422, 4481, 4482, 4483, 4511, 4512, 4531, 4532, 4533 4539, 7111, 7131,  
8 7139, 7223, 7224, 7225, or 8121.

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

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

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

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

23 (2)(a) Within ten days of the effective date of this Act, the secretary of state  
24 shall develop a standard application form for each affected business to complete to  
25 qualify for the fee exemption provided for in this Section. The application form shall  
26 include an attestation that the business meets the qualifications provided for in this  
27 Section and shall indicate to the applicant that intentionally providing false  
28 statements on the form may subject the applicant to criminal penalties.

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

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

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

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

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

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

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#### 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)]

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HB 94 Reengrossed

2020 Second Extraordinary Session

Zeringue

**Abstract:** Exempts certain businesses impacted by COVID-19 from paying license renewal fees during the declared state of emergency and for six months following the termination of the state of emergency.

Proposed law exempts an affected business from paying any license renewal fee during the COVID-19 public health emergency or within six months after the termination of the emergency. Prohibits any agency from deferring payment of the fee.

Proposed law requires the businesses to meet the following criteria to qualify for the exemption:

- (1) Had a physical and active operation in La. as of March 1, 2020.
- (2) Had 50 or fewer full-time equivalent employees as of March 1, 2020.
- (3) Is not a subsidiary of a business with more than 50 full-time equivalent employees, not part of a larger business enterprise with more than 50 full-time equivalent employees, and is not owned by a business with more than 50 full-time equivalent employees.
- (4) Ceased operations or suffered an interruption in business due to one of the governor's emergency proclamations related to the COVID-19 public health emergency.
- (5) Falls under one of the following North American Industry Classification System categories:
 

(a) Furniture Stores	(j) Used Merchandise Stores
(b) Home Furnishings Stores	(k) Other Miscellaneous Store Retailers
(c) Clothing Stores	(l) Performing Arts Companies
(d) Shoe Stores	(m) Amusement Parks and Arcades
(e) Jewelry, Luggage, and Leather Goods Stores	(n) Other Amusement and Recreation Industries
(f) Sporting Goods, Hobby, and Musical Instrument Stores	(o) Special Food Services
(g) Book Stores and News Dealers	(p) Drinking Places (Alcoholic Beverages)
(h) Florists	(q) Restaurants and Other Eating Places
(i) Office Supplies, Stationery, and Gift Stores	(r) Personal Care Services

Proposed law defines "license renewal fee" as any fee associated with the renewal of an occupational license, permit, or certification, or other license attributable to the affected business's operation that becomes due for payment during the period specified in proposed law.

Proposed law requires the secretary of state to develop a standard application form for each affected business to complete to qualify for the fee exemption. Requires the application form to include an attestation that the business meets the qualifications provided for in proposed law and to indicate to the applicant that intentionally providing false statements on the form may subject the applicant to criminal penalties.

Proposed law requires the secretary of state to provide the application form to each agency that regulates any industry provided for in proposed law. Requires each agency to make the form available to all applicants licensed, certified, or permitted by the agency. Provides that upon submission of the form to the respective agency, the individual applying shall be

exempt from payment of the fee. Requires a separate application to be submitted for each fee exemption.

Proposed law provides that any individual who intentionally submits false information on the form shall be subject to the criminal penalties provided for in present law (R.S. 14:133).

Proposed law does not apply to fees collected pursuant to present law provisions relative to weighing and measuring devices and services (R.S. 3:4622), horse racing (R.S. 4:169), retail food establishments (R.S. 40:31.37), and the secretary of state (R.S. 49:222).

Proposed law requires the division of administration to submit a report to the Joint Legislative Committee on the Budget (JLCB) by Dec.1, 2020, indicating each agency fee which has been exempted.

Proposed law allows JLCB to further extend any fee exemption pursuant to proposed law by an additional six months by a vote of 2/3 of the committee.

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

(Adds R.S. 29:732.1)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Add definition of "license renewal fee".
2. Add provisions requiring the secretary of state to develop a standard application form and specifying required components of the form.
3. Add provisions requiring the secretary of state to provide the application form to each agency that regulates an industry provided in proposed law and requiring each agency to make the application form available to applicants licensed, certified, or permitted by the agency.
4. Add provisions specifying that upon submission of the form to the respective agency, the individual applying shall be exempt from payment of the fee and requiring a separate application to be submitted for each fee exemption.
5. Add provisions stating that any individual who intentionally submits false information on the form shall be subject to the criminal penalties provided for in present law (R.S. 14:133).
6. Provide an exemption from proposed law for fees collected pursuant to present law (R.S. 3:4622, R.S. 4:169, R.S. 40:31.37, and R.S. 49:222).
7. Make proposed law effective upon signature of governor or lapse of time for gubernatorial action.