AN ACT

To enact Chapter 5 of Title 9 of Code Title XI of Code Book III of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3500.1, R.S. 12:1705, and Part V-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:201, relative to corporations and associations; to provide relative to the regulation of business entities by the secretary of state when impacted by disaster and emergency; to provide for the waiver, suspension, or delay of certain requirements; to provide certain terms, conditions, procedures, requirements, activities, definitions, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 5 of Title 9 of Code Title XI of Code Book III of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:3500.1 is hereby enacted to read as follows:

CHAPTER 5. POWERS OF THE SECRETARY OF STATE

DURING A DECLARED EMERGENCY

§3500.1. Powers of the secretary of state; emergency

A. In response to the threat posed by COVID-19, the governor of Louisiana on March 11, 2020, declared a public health emergency in

SECRETARY OF STATE. Provides relative to the regulation of business entities during a public health emergency. (gov sig)
Proclamation 25 JBE 2020. The provisions of this Section are intended to be
part of the legislative response to this public health emergency and,
notwithstanding any provision of law to the contrary, shall supersede and
control to the extent of conflict with any other provision of law.

B. During the public health emergency declared in Proclamation 25 JBE
2020, and any extension thereof, the secretary of state may, by emergency rule
issued in accordance with the Administrative Procedure Act, waive, suspend,
or delay compliance with all or part of any statute it is the duty of the secretary
of state to administer or enforce with respect to Chapters 1 through 3 of this
Code Title, if he reasonably deems compliance with the statute is impossible or
impractical as a result of conditions created during a declared state of
emergency.

C. The provisions of this Section shall cease when the gubernatorial
proclamation of public health emergency expires.

Section 2. R.S. 12:1705 is hereby enacted to read as follows:

§1705. Authority of the secretary of state; emergency

A. In response to the threat posed by COVID-19, the governor of
Louisiana on March 11, 2020, declared a public health emergency in
Proclamation 25 JBE 2020. The provisions of this Section are intended to be
part of the legislative response to this public health emergency and,
notwithstanding any provision of law to the contrary, shall supersede and
control to the extent of conflict with any other provision of law.

B. During the public health emergency declared in Proclamation 25 JBE
2020, and any extension thereof, the secretary of state may, by emergency rule
issued in accordance with the Administrative Procedure Act, waive, suspend,
or delay compliance with all or part of any statute it is the duty of the secretary
of state to administer or enforce with respect to any registered business entity,
if he reasonably deems compliance with the statute is impossible or impractical
as a result of conditions created during a declared state of emergency.
C. For the purposes of this Section, "business entity" means any natural
or juridical person authorized to transact business in this state, including:

(1) Any corporation, nonprofit corporation, incorporated or
unincorporated organization, partnership, limited liability partnership,
partnership in commendam, limited liability company, or cooperative
association, or any other entity formed under the laws of this state.

(2) Any foreign corporation, unincorporated entity, nonprofit
corporation, limited liability company, limited partnership, or partnership
formed under the laws of any state other than this state.

D. The provisions of this Section shall cease when the gubernatorial
proclamation of public health emergency expires.

Section 3. Part V-B of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
1950, comprised of R.S. 51:201, is hereby enacted to read as follows:

PART V-B. POWERS OF SECRETARY OF STATE
DURING DECLARED STATE OF EMERGENCY

§201. Powers of the secretary of state: emergency

A. In response to the threat posed by COVID-19, the governor of
Louisiana on March 11, 2020, declared a public health emergency in
Proclamation 25 JBE 2020. The provisions of this Section are intended to be
part of the legislative response to this public health emergency and,
notwithstanding any provision of law to the contrary, shall supersede and
control to the extent of conflict with any other provision of law.

B. During the public health emergency declared in Proclamation 25
JBE 2020, and any extension thereof, the secretary of state may, by emergency
rule issued in accordance with the Administrative Procedure Act, waive,
suspend, or delay compliance with all or part of any statute it is the duty of the
secretary of state to administer or enforce with respect to any registration
required by this Title, if he reasonably deems compliance with the statute is
impossible or impractical as a result of conditions created during a declared
state of emergency.

C. The provisions of this Section shall cease when the gubernatorial proclamation of public health emergency expires.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 499 Original 2020 Regular Session Connick

Proposed law provides that during the public health emergency declared in Proclamation 25 JBE 2020, and any extension thereof, the secretary of state may, by rule, waive, suspend, or delay compliance with all or part of any statute it is the duty of the secretary of state to administer or enforce with respect to any registered business entity, partnership, and any other registration required by law, if he reasonably deems compliance with the statute is impossible or impractical as a result of conditions created during a declared state of emergency.

Proposed law defines "business entity" as any natural or juridical person authorized to transact business in this state, including:

(1) Any corporation, nonprofit corporation, incorporated or unincorporated organization, partnership, limited liability partnership, partnership in commendam, limited liability company, or cooperative association or any other entity formed under the laws of this state.

(2) Any foreign corporation, unincorporated entity, nonprofit corporation, limited liability company, limited partnership, or partnership formed under the laws of any state other than this state.

Proposed law ceases when the gubernatorial proclamation of public health emergency expires.

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

(Adds R.S. 9:3500.1, R.S. 12:1705, and R.S. 51:201)