

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, WILLARD, PHELPS, AND WHITE

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 was employed in at least one of the following essential
12 critical infrastructure sector jobs on or after March 11, 2020:

13 (aa) Nurses, assistants, aides, medical residents, phlebotomists, respiratory
14 therapists.

15 (bb) Housekeeping, laundry services, food services, and waste management
16 personnel in hospitals and healthcare facilities.

17 (cc) Long-term care facility personnel, outpatient care workers, home care
18 workers, personal assistance providers, home health providers, home delivered meal
19 providers, childcare service providers.

20 (dd) Emergency medical services (EMS) personnel, fire and rescue
21 personnel, law enforcement personnel, public health epidemiologists.

22 (ee) Bus drivers; retail fuel center personnel; sanitation personnel;
23 residential, commercial, and industrial solid waste and hazardous waste removal
24 personnel; storage and disposal personnel.

25 (ff) Grocery store, convenience store, and food assistance program
26 personnel.

27 (iii) The worker was required to provide in person services outside of the
28 worker's residence substantially dedicated to responding to or mitigating the

1 COVID-19 public health emergency for at least two hundred hours during the period
2 from March 22, 2020, through May 14, 2020.

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

10 (3)(a) An applicant applying for the rebate shall not be required to file an
11 advance notification and shall apply to the secretary of the Department of Revenue
12 for the rebate in a manner and on forms as prescribed by the secretary beginning on
13 July 15, 2020, through October 31, 2020. The secretary of the Department of
14 Revenue may consult with the secretary of the Louisiana Workforce Commission
15 and the secretary of the Department of Economic Development to verify an
16 applicant's eligibility for the one-time hazard pay rebate. Once the secretary of the
17 Department of Revenue has verified that an applicant is eligible for the one-time
18 hazard pay rebate, the secretary of the Department of Revenue shall certify a list of
19 eligible applicants and approved one-time hazard pay rebate amounts and shall
20 submit the approved list to the treasurer for payment. The treasurer shall make and
21 credit rebate payments from the Coronavirus Local Recovery Allocation Fund as
22 established in R.S. 39:100.43, within ten days of receiving the list of approved
23 applicants from the secretary of the Department of Revenue.

24 (b) The total amount of rebates issued pursuant to the provisions of this
25 Subsection shall not exceed fifty million dollars. However, the treasurer may pay
26 additional rebates if monies are made available for the payment of these rebates and
27 the payment of additional rebates is approved by the Joint Legislative Committee on
28 the Budget.

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

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

7 (6) The secretary of the Department of Revenue may promulgate rules,
8 including emergency rules as deemed necessary by the secretary, in accordance with
9 the Administrative Procedure Act as are necessary to implement the provisions of
10 this Subsection, including rules related to the recapture of the one-time hazard rebate
11 if an applicant is subsequently determined to be ineligible for the rebate. The
12 recapture of a rebate shall be an obligation to be collected and accounted for in the
13 same manner as if it were a tax due to the secretary of the Department of Revenue.

14 ~~K.L.~~ The department shall not accept any advance notification on or after
15 July 1, 2021.

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

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 \$50,000 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 \$50,000 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 was employed in certain specific employment sectors on or after March 11, 2020.
- (3) The worker was required to provide in person services outside of the worker's residence and was 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 that the worker was employed in at least one of the following essential critical infrastructure sector jobs on or after March 11, 2020:

- (1) Nurses, assistants, aides, medical residents, phlebotomists, respiratory therapists.
- (2) Housekeeping, laundry services, food services, and waste management personnel in hospitals and healthcare facilities.
- (3) Long-term care facility personnel, outpatient care workers, home care workers, personal assistance providers, home health providers, home delivered meal providers, childcare service providers.
- (4) Emergency medical services (EMS) personnel, fire and rescue personnel, law enforcement personnel, public health epidemiologists.
- (5) Bus drivers; retail fuel center personnel; sanitation personnel; residential, commercial, and industrial solid waste and hazardous waste removal personnel; storage and disposal personnel.
- (6) Grocery store, convenience store, and food assistance program personnel.

Proposed law requires a rebate applicant to apply for the rebate with the Dept. of Revenue (DOR) in a manner and on forms 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 certify and submit a list of eligible applicants and approved one-time hazard pay rebate amounts to the Treasurer for payment.

Proposed law requires the treasurer to make and credit rebate payments from the Coronavirus Local Recovery Allocation 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 \$50 million; however, the treasurer may pay additional rebates if monies are made available for the payment of these rebates and payment of additional rebates is approved by the Joint Legislative Committee on the Budget (JLCB).

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 pay 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Specify the job sectors in which a worker must be employed in order to be eligible for the one-time hazard pay rebate.
2. Reduce the threshold amount of adjusted gross income a worker can not exceed in order to be eligible for the one-time hazard pay rebate from \$70,000 or less per year to \$50,000 or less per year.
3. Remove requirement that the list of eligible applicants for the one-time hazard pay rebate be approved by the State Board of Commerce and Industry.
4. Delete authorization for an additional \$25 million of one-time hazard pay rebates to be paid by the treasurer if the additional rebates are approved by the JLCB and instead authorizes for additional rebates to be paid if monies are available and the rebates are approved by the JLCB.
5. Change the fund in which the treasurer is to make payments of the rebates from the La. Recovery Main Street Recovery Fund to the Coronavirus Local Recovery Allocation Fund.