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, DEVLILLIER, EMERSON, GAROFALO, LARVADAIN, MIGUEZ, SELLERS, 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)

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

Be it enacted by the Legislature of Louisiana:

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

§732.1.  Fees charged to businesses

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

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

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

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

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

equivalent employees.

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

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

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

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

(4) "License renewal fee" means 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 Subsection B of this Section.

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

(2)(a) Within ten days of the effective date of this Act, the secretary of state
shall develop a standard application form for each affected business to complete to
qualify for the fee exemption provided for in this Section. The application form shall
include an attestation that the business meets the qualifications provided for in this
Section and shall indicate to the applicant that intentionally providing false
statements on the form may subject the applicant to criminal penalties.
(b) The secretary of state shall provide the application form to each agency that regulates any industry provided for in this Section. Each agency shall make the form available to all applicants licensed, certified, or permitted by the agency. Upon submission of the form to the respective agency, the individual applying shall be exempt from payment of the fee as provided for in Paragraph (1) of this Subsection. A separate application shall be submitted for each fee exemption.

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

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

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

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

Section 2. 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.

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 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.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
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
   b) Home Furnishings Stores
   c) Clothing Stores
   d) Shoe Stores
   e) Jewelry, Luggage, and Leather Goods Stores
   f) Sporting Goods, Hobby, and Musical Instrument Stores
   g) Book Stores and News Dealers
   h) Florists
   i) Office Supplies, Stationery, and Gift Stores
   j) Used Merchandise Stores
   k) Other Miscellaneous Store Retailers
   l) Performing Arts Companies
   m) Amusement Parks and Arcades
   n) Other Amusement and Recreation Industries
   o) Special Food Services
   p) Drinking Places (Alcoholic Beverages)
   q) Restaurants and Other Eating Places
   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).


7. Make proposed law effective upon signature of governor or lapse of time for gubernatorial action.