

2020 Regular Session

SENATE BILL NO. 499

BY SENATOR CONNICK

SECRETARY OF STATE. Provides relative to the regulation of business entities during a public health emergency. (gov sig)

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

10 Be it enacted by the Legislature of Louisiana:

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

13 **CHAPTER 5. POWERS OF THE SECRETARY OF STATE**
14 **DURING A DECLARED EMERGENCY**
15 **§3500.1. Powers of the secretary of state; emergency**
16 **A. In response to the threat posed by COVID-19, the governor of**
17 **Louisiana on March 11, 2020, declared a public health emergency in**

1 Proclamation 25 JBE 2020. The provisions of this Section are intended to be
2 part of the legislative response to this public health emergency and,
3 notwithstanding any provision of law to the contrary, shall supersede and
4 control to the extent of conflict with any other provision of law.

5 B. During the public health emergency declared in Proclamation 25 JBE
6 2020, and any extension thereof, the secretary of state may, by emergency rule
7 issued in accordance with the Administrative Procedure Act, waive, suspend,
8 or delay compliance with all or part of any statute it is the duty of the secretary
9 of state to administer or enforce with respect to Chapters 1 through 3 of this
10 Code Title, if he reasonably deems compliance with the statute is impossible or
11 impractical as a result of conditions created during a declared state of
12 emergency.

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

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

16 §1705. Authority of the secretary of state; emergency

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

23 B. During the public health emergency declared in Proclamation 25 JBE
24 2020, and any extension thereof, the secretary of state may, by emergency rule
25 issued in accordance with the Administrative Procedure Act, waive, suspend,
26 or delay compliance with all or part of any statute it is the duty of the secretary
27 of state to administer or enforce with respect to any registered business entity,
28 if he reasonably deems compliance with the statute is impossible or impractical
29 as a result of conditions created during a declared state of emergency.

1 C. For the purposes of this Section, "business entity" means any natural
2 or juridical person authorized to transact business in this state, including:

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

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

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

12 Section 3. Part V-B of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 51:201, is hereby enacted to read as follows:

14 PART V-B. POWERS OF SECRETARY OF STATE

15 DURING DECLARED STATE OF EMERGENCY

16 §201. Powers of the secretary of state; emergency

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

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

