SLS 20RS-869

ORIGINAL

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

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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	<u>C.</u> 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

1	state of emergency.
2	C. The provisions of this Section shall cease when the gubernatorial
3	proclamation of public health emergency expires.
4	Section 4. This Act shall become effective upon signature by the governor or, if not
5	signed by the governor, upon expiration of the time for bills to become law without signature
6	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7	vetoed by the governor and subsequently approved by the legislature, this Act shall become
8	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.

SB 499 Original

DIGEST 2020 Regular Session

Connick

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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)