

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB301**

**Bill Subtitle: TO REQUIRE STATE AGENCIES TO RETURN FINES COLLECTED UNDER § 20-7-101 DURING THE PUBLIC HEALTH EMERGENCY FOR A FAILURE TO COMPLY WITH RULES, ORDERS, OR DIRECTIVES RELATED TO CORONAVIRUS 2019 (COVID-19); AND TO DECLARE AN EMERGENCY.**

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### **Basic Change :**

**Sponsors:**

**Sens. D. Sullivan, Flippo, Rice, G. Stubblefield, Caldwell, Hill, Rapert, Beckham, M. Johnson, and Gilmore**

**Reps. B. Smith, Miller, Gonzales, Jean, Bryant, Brooks, Bentley, Cavanaugh, Tollett, Richmond, Milligan, Vaught, Underwood, Holcomb, Breaux, Dotson, Beaty Jr., and Speaks**

SB301 directs state agencies to return fines that have been levied and collected from certain businesses for violations of health directives and orders established as part of the COVID-19 public health emergency declared by the Governor.

### **Revenue Impact :**

The Alcoholic Beverage Control Division (ABC) received \$37,950.00 in fines between July 1, 2020 and February 2, 2021. ABC receives payments weekly so the amount of fines received has increased.

### **Taxpayer Impact :**

A fine imposed and collected under § 20-7-101 by state agency would be returned to the business that was fined.

### **Resources Required :**

None.

### **Time Required :**

Additional time may be required.

### **Procedural Changes :**

None.

### **Other Comments :**

None.

### **Legal Analysis :**

SB301 requires state agencies, including the Alcoholic Beverage Control Division, to return certain fines imposed on businesses pursuant to § 20-7-101, for failure to comply with rules, orders, or

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directives that were implemented to mitigate or prevent the spread of COVID-19. State agencies are to return any of the subject fines that were levied and collected from March 11, 2020 (which was the implementation date of Executive Order 20-03 declaring a public health emergency), through February 28, 2021 (the current date the public health emergency is set to expire pursuant to Executive Order 20-53), and through the duration of any subsequent extensions of the public health emergency. The bill sets forth the time periods in which state agencies must return the subject fees to businesses.

The subject fines are not to be returned by the agencies if they were collected from long-term care facilities (including nursing homes), residential care facilities, assisted living facilities, hospitals, hospice facilities, human development centers, or any other residential entities that house 25 or more people. Any fines for violations that would have been issued without the existence of the public health emergency are not to be returned to a business.

Fines collected by ABC are deposited into general revenue. Therefore, it is unclear whether it is within ABC's authority to refund the fines as set out in the bill. Any funds to be refunded will result in the applicant making a claim with the Claims Commission. ABC cannot unilaterally issue a refund.

The bill includes an emergency clause, and is effective upon one of the following: the date of its approval by the governor; the expiration of the period of time during which the Governor may veto the bill if he has neither approved nor vetoed it; or if the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.