

2020 Second Extraordinary Session

HOUSE BILL NO. 85

BY REPRESENTATIVE MAGEE

FUNDS/FUNDING: Provides relative to the Louisiana Main Street Recovery Program (Item #18)

1 AN ACT

2 To amend and reenact R.S. 39:100.44(Q) and 100.45(A) and to enact R.S. 39:100.42(6.1),  
3 (6.2), and (6.3) and 100.44.1, relative to the Louisiana Main Street Recovery  
4 Program; to provide with respect to program funds; to establish a dedicated  
5 subaccount for funding awards to certain eligible businesses; to provide for  
6 administration of grants to such eligible businesses; to provide with respect to the  
7 powers and duties of the Department of Revenue, the division of administration, and  
8 the office of alcohol and tobacco control; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 39:100.44(Q) and 100.45(A) are hereby amended and reenacted and  
11 R.S. 39:100.42(6.1), (6.2), and (6.3) and 100.44.1 are hereby enacted to read as follows:

12 §100.42. Definitions

13 For the purposes of this Subpart, the following terms shall have the following  
14 meanings:

15 \* \* \*

16 (6.1)(a) "Eligible bar" means an establishment that, as of the effective date  
17 of this Paragraph, has active permits issued pursuant to R.S. 26:71.1(1) and  
18 271(A)(2)(a) by the commissioner of alcohol and tobacco control and that meets all  
19 of the following criteria:

20 (i) Was domiciled in Louisiana as of the effective date of this Paragraph.

1           (ii) Is at least fifty percent owned by one or more Louisiana residents,  
2           whether individual resident citizens or Louisiana domestic business entities.

3           (iii) Has customers or employees coming to its physical premises.

4           (iv) Had no more than fifty full-time equivalent employees as of the effective  
5           date of this Paragraph.

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

10          (vi) As of the effective date of this Paragraph, has not received any of the  
11          following within the past eight calendar months:

12           (aa) A United States Small Business Administration-Guaranty Paycheck  
13           Protection Program loan or a United States Small Business Administration Economic  
14           Injury Disaster Loan Emergency Advance.

15           (bb) Funding through the Louisiana Main Street Recovery Program.

16           (cc) Compensation from an insurance company for interruption of business.

17           (b) For the purposes of this Paragraph, the phrase "active permit" shall mean  
18           a permit in good standing unless the validity of the permit lapsed between March 1,  
19           2020, and the effective date of this Paragraph due to interruption of business.

20           (6.2)(a) "Eligible brewery" means a manufacturer or brewer as defined in  
21           R.S. 26:241(15) that as of the effective date of this Paragraph has an active permit  
22           issued by the commissioner of alcohol and tobacco control pursuant to R.S.  
23           26:271(A)(6) and that meets all of the following criteria:

24           (i) Was domiciled in Louisiana as of the effective date of this Paragraph.

25           (ii) Is at least fifty percent owned by one or more Louisiana residents,  
26           whether individual resident citizens or Louisiana domestic business entities.

27           (iii) Has customers or employees coming to its physical premises.

28           (iv) Had no more than fifty full-time equivalent employees as of the effective  
29           date of this Paragraph.

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

5           (vi) As of the effective date of this Paragraph, has not received any of the  
6           following within the past eight calendar months:

7           (aa) A United States Small Business Administration-Guaranty Paycheck  
8           Protection Program loan or a United States Small Business Administration Economic  
9           Injury Disaster Loan Emergency Advance.

10           (bb) Funding through the Louisiana Main Street Recovery Program.

11           (cc) Compensation from an insurance company for interruption of business.

12           (b) For the purposes of this Paragraph, the phrase "active permit" shall mean  
13           a permit in good standing unless the validity of the permit lapsed between March 1,  
14           2020, and the effective date of this Paragraph due to interruption of business.

15           (6.3)(a) "Eligible commercial fisherman" means a for-profit corporation, a  
16           limited liability company, a partnership, or a sole proprietorship engaged in the  
17           business of taking fish, including bait species, from state waters for commercial  
18           purposes that as of the effective date of this Paragraph has an active commercial  
19           fisherman's license issued by the secretary of the Department of Wildlife and  
20           Fisheries pursuant to R.S. 56:303 and that meets all of the following criteria:

21           (i) Was domiciled in Louisiana as of the effective date of this Paragraph.

22           (ii) Is at least fifty percent owned by one or more Louisiana residents,  
23           whether individual resident citizens or Louisiana domestic business entities.

24           (iii) Has customers or employees coming to its physical premises.

25           (iv) Had no more than fifty full-time equivalent employees as of the effective  
26           date of this Paragraph.

27           (v) Is not a subsidiary of a business with more than fifty full-time equivalent  
28           employees, is not part of a larger business enterprise with more than fifty full-time

1 equivalent employees, and is not owned by a business with more than fifty full-time  
2 equivalent employees.

3 (vi) As of the effective date of this Paragraph, has not received any of the  
4 following within the past eight calendar months:

5 (aa) A United States Small Business Administration-Guaranty Paycheck  
6 Protection Program loan or a United States Small Business Administration Economic  
7 Injury Disaster Loan Emergency Advance.

8 (bb) Funding through the Louisiana Main Street Recovery Program.

9 (cc) Compensation from an insurance company for interruption of business.

10 (b) For the purposes of this Paragraph, the phrase "active commercial  
11 fisherman's license" shall mean a permit in good standing unless the validity of the  
12 permit lapsed between March 1, 2020, and the effective date of this Paragraph due  
13 to interruption of business.

14 \* \* \*

15 §100.44. Louisiana Main Street Recovery Program

16 \* \* \*

17 Q. Any unobligated balance, exclusive of Bar Assistance Relief Subaccount  
18 monies, in the fund on December 1, 2020, shall be transferred to the State  
19 Coronavirus Relief Fund.

20 §100.44.1. Bar Assistance Relief Program

21 A. There is hereby created in the recovery fund a Bar Assistance Relief  
22 Subaccount, hereinafter in this Section referred to as the "bar account", to provide  
23 economic relief to eligible bars, breweries, and commercial fishermen that have been  
24 impacted by the COVID-19 pandemic. There is also created a Bar Assistance Relief  
25 Program to be administered by the treasurer as part of the Louisiana Main Street  
26 Recovery Program. The treasurer shall begin disbursing awards pursuant to the  
27 provisions of this Section within thirty calendar days of the later of the effective date  
28 of any act that transfers funds to the bar account or the effective date of any act that  
29 appropriates budget authority to the treasurer for the Bar Assistance Relief Program.

1           B. Monies in the bar account shall be held separate and apart from the  
2           recovery fund monies and shall not be comprised of any monies from the CARES  
3           Act. The monies in the bar account shall be invested in the same manner as monies  
4           in the state general fund. Interest earned on the investment of monies in the bar  
5           account shall be deposited in and credited to the bar account. Unexpended and  
6           unencumbered monies in the bar account at the end of the fiscal year shall be  
7           transferred to the State Coronavirus Relief Fund.

8           C. All monies in the bar account remaining after payment of administrative  
9           expenses, if any, shall be used to award grants to eligible bars, breweries, and  
10          commercial fishermen in accordance with program rules established by the treasurer.  
11          Such rules shall provide for an initial exclusive period within which awards may  
12          only be made to bars.

13          D. The treasurer shall develop application forms to be used in the operation  
14          of the Bar Assistance Relief Program and is authorized to promulgate emergency  
15          rules for administration of the program as a part of the Louisiana Main Street  
16          Recovery Program. Notwithstanding any provision of law to the contrary, the  
17          treasurer may enter into consulting services, professional services, and information  
18          and technology services contracts for the purpose of implementing the Bar  
19          Assistance Relief Program as emergency procurements exempt from the provisions  
20          of the Louisiana Procurement Code.

21          E. Each grant awarded pursuant to the Bar Assistance Relief Program shall  
22          equal two thousand dollars.

23          F. Notwithstanding any provision of law to the contrary, the office of alcohol  
24          and tobacco control shall supply a list of qualifying bars, as of the effective date of  
25          this Section, to the treasurer at no cost. Notwithstanding any provision of law to the  
26          contrary, the Department of Wildlife and Fisheries shall supply a list of qualifying  
27          commercial fishermen, as of the effective date of this Section, to the treasurer at no  
28          cost.



1 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
 2 legislature, the provisions of this Act shall become effective on the day following such  
 3 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 85 Reengrossed

2020 Second Extraordinary Session

Magee

**Abstract:** Creates the Bar Assistance Relief Program (BAR Program) within the La. Main Street Recovery Program (Main Street Program) and establishes the Bar Assistance Relief Subaccount (BAR Subaccount) within the La. Main Street Recovery Fund (Main Street Fund) to finance the BAR Program.

Present law establishes the Main Street Fund and Program, administered by the state treasurer, to provide grants to eligible small businesses. Proposed law retains Present law.

Proposed law establishes the BAR Program within the Main Street Program to provide economic support to eligible bars, breweries and commercial fishermen. Defines "eligible bar" as an establishment that, as of the effective date of proposed law, had active permits issued pursuant to R.S. 26:71.1(1) and 271(A)(2)(a) by the commissioner of alcohol and tobacco control and that meets all of the following criteria:

- (1) Was domiciled in La. as of the effective date of proposed law.
- (2) Is at least 50% owned by one or more La. residents, whether individual resident citizens or La. domestic business entities.
- (3) Has customers or employees coming to its physical premises.
- (4) Had no more than 50 full-time equivalent employees as of the effective date of proposed law.
- (5) Is not a subsidiary of a business with more than 50 full-time equivalent employees, is 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.
- (6) As of the effective date of proposed law, has not received any of the following within the past eight calendar months:
  - (a) A U.S. Small Business Administration-Guaranty Paycheck Protection Program loan or a U.S. Small Business Administration Economic Injury Disaster Loan Emergency Advance.
  - (b) Funding through the La. Main Street Program.
  - (c) Compensation from an insurance company for interruption of business.

Defines "eligible brewery" as a manufacturer or brewer as defined in present law that as of the effective date of proposed law has an active permit issued by the commissioner of alcohol and tobacco control pursuant to present law (R.S. 26:271(A)(6)) and meets the same criteria outlined in points (1) through (6), above, for bars.

Defines "eligible commercial fisherman" as a for-profit corporation, a limited liability company, a partnership, or a sole proprietorship engaged in the business of taking fish, including bait species, from state waters for commercial purposes that as of the effective date of proposed law has an active commercial fisherman's license issued by the secretary of the Department of Wildlife and Fisheries pursuant to present law (R.S. 56:303) and that meets the same criteria outlined in points (1) through (6), above, for bars.

Further provides that for the purposes of proposed law, the phrases "active permit" and "active commercial fisherman's license" shall mean a permit in good standing unless the validity of the permit lapsed between March 1, 2020, and the effective date of proposed law due to interruption of business.

Proposed law establishes the BAR Subaccount to fund the grants provided pursuant to proposed law. Requires subaccount funds to be held separate and apart from Main Street Fund monies and not be comprised of any monies from the CARES Act (P.L. 116-136). Provides that an eligible bar, brewery, or commercial fisherman shall receive a grant equal to \$2,000. Requires the treasurer to begin disbursing awards pursuant to proposed law within 30 calendar days of the later of: (a) the effective date of any act that transfers funds to the BAR Subaccount or (b) the effective date of any act that appropriates budget authority to the treasurer for the Bar Assistance Relief Program.

Present law requires all unexpended and unencumbered monies in the Main Street Fund to be transferred into the State Coronavirus Relief Fund on Dec. 1, 2020. Proposed law exempts the subaccount monies from this Dec. 1 transfer. Further requires all unexpended and unencumbered monies in the BAR Subaccount to be transferred into the State Coronavirus Relief Fund at the end of the fiscal year.

Proposed law authorizes the treasurer to develop application forms to be used in operation of the BAR Program and to promulgate emergency rules for the administration of the program as part of the Main Street Program. Further authorizes the treasurer to enter into certain emergency procurements to implement the program and requires the treasurer to develop rules governing distribution of awards. Requires such rules to provide for an initial exclusive period within which awards may only be made to eligible bars.

Proposed law requires applications by bars, breweries, and commercial fishermen to be reviewed for eligibility for an award pursuant to proposed law within 15 days of receipt. Once eligibility has been verified, proposed law requires the award to be disbursed in accordance with program rules.

Proposed law requires the treasurer to submit a report to the Joint Legislative Committee on the Budget by the 15<sup>th</sup> of each month a number of metrics on BAR Program performance, including the number of grant submissions, number of grants awarded, and the recipient of each grant.

Proposed law requires the office of alcohol and tobacco control and the Dept. of Wildlife and Fisheries to supply the treasurer with lists of qualifying bars, breweries, and commercial fisherman at no charge.

Proposed law requires notice of the BAR Program and the availability of awards from the bar subaccount to be provided to the commissioner of administration to be published on the web pages of each department in the executive branch, and the main pages for the legislative website.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:100.44(Q) and 100.45(A); Adds R.S. 39:100.42(6.1) - (6.3) and 100.44.1)

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Add breweries and commercial fisherman as eligible recipients of awards pursuant to proposed law. Establishes criteria for each to qualify for an award.
2. Establish a time frame within which the treasurer must begin disbursing awards pursuant to proposed law.
3. Require the treasurer to develop rules for distribution of awards pursuant to proposed law. Requires the rules to provide for an initial exclusive period within which awards may only be made to bars.
4. Delete requirement that businesses have filed taxes for tax years 2018 or 2019 or intend to file taxes for 2020.
5. Require the office of alcohol and tobacco and the Dept. of Wildlife and Fisheries to supply lists of qualifying bars, breweries, and commercial fishermen to the treasurer at no cost.
6. Make technical changes.