
DIGEST

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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 15th 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 House

The 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.