
The original instrument was prepared by Danielle Doiron. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

Proposed law creates the Louisiana Buy Local Purchase Incentive Program within the Department of Agriculture and Forestry, administered and supervised by the Louisiana Agricultural Finance Authority, hereinafter referred to as "LAFA" to promote the consumption of Louisiana agricultural products by providing incentive payments to certain Louisiana restaurants for the purchases of Louisiana agricultural products.

Proposed law creates a special fund in the state treasury to be known as the Louisiana Buy Local Purchase Incentive Program Fund, hereinafter referred to as the "fund", supervised and administered by LAFA, to grant eligible restaurant establishments incentive payments for purchases of Louisiana agricultural products.

Proposed law requires compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Any public or private grants, gifts, and donations received by the state or the Department of Agriculture and Forestry for the purposes of this Section and any other revenues as may be provided by law shall be credited to the fund. Additionally, funds may be appropriated to the fund by the Legislature. State general fund appropriations are prohibited from being appropriated to the fund.

Proposed law provides that, subject to legislative appropriation, all monies in the fund shall be used solely to grant incentive payments to eligible restaurant establishments for purchases of eligible Louisiana agricultural products. Monies in the fund may be used to pay all ordinary and necessary operating and administrative costs and expenses association with the implementation of proposed law, provided that such costs and expenses shall not exceed five percent of monies appropriated from the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of the monies in the fund shall be deposited in and remain to the credit of the fund. All unexpended and unencumbered money in the fund at the end of the year shall remain in the fund.

Proposed law provides for definition of purpose of program.

Proposed law provides for definitions of terms to describe eligibility of Louisiana agricultural products and restaurant establishments:

- (1) "LAFA" means the Louisiana Agricultural Finance Authority.
- (2) "Louisiana agricultural products" means the following products produced in Louisiana:
na:
agrono

mic,
aquacu
ltural,
floricul
tural,
horticu
ltural,
silvicul
tural,
and
viticult
ural
produc
ts,
plants,
crops,
livesto
ck,
dairy
produc
ts,
fruits,
and
seafoo
d,
includi
ng but
not
limited
to
crawfis
h,
catfish,
other
fish,
shrimp
,
oysters
, crabs,
underu
tilized
species
, other
seafoo
d and

freshwater food, meat and meat products, including but not limited to beef, veal, pork, mutton, poultry, and products made thereof.

(3)(a) "Produced in Louisiana" means the process of manufacturing, planting, cultivating, growing, catching, or harvesting in Louisiana of Louisiana agricultural products, including such products produced in Louisiana coastal waters, the Louisiana coastal zone, and in the territorial waters of the state.

(b) "Produced in Louisiana" also means catching or harvesting seafood in waters seaward of the territorial waters of the state by the holder of a Louisiana commercial

fisher
man's
license
who
transpo
rts and
sells
his
catch
to a
license
d
Louisia
na
wholes
ale/reta
il
seafoo
d
dealer
located
within
the
state of
Louisia
na.

- (4) "Restaurant establishment" is defined as any establishment which has a special class "R" restaurant permit issued under the Alcohol Beverage laws, R.S. 26:73(B), or any establishment which meets the definition of "restaurant establishment" as defined in the ABT laws at R.S. 26:73(C)(1), which sets out the following criteria:
 - (a) Operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.
 - (b) Serves food on all days of operation.
 - (c) Maintains separate sales figures for alcoholic beverages.
 - (d) Operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.
 - (e) Has a public habitable floor area of no less than five hundred square feet. This law does not apply to business locations that apply to or have been licensed to sell or serve

alcoholic beverages prior to August 1, 2006, and have not discontinued the sale and service of such beverages for more than six months.

- (5) "Coastal waters" has the same meaning as in R.S. 49:214.23(4), which are bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone, which have measurable seawater content (under normal weather conditions over a period of years).
- (6) "Coastal zone" has the same meaning as in R.S. 49:214.23(5), which is the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters.

Proposed law provides for criteria of program:

- (1) The amount of the incentive payment is four percent of the total costs of the "Louisiana agricultural products" purchased by the "restaurant establishment."
- (2) An application for an incentive payment shall be provided by LAFA and shall be submitted to LAFA within the application period set forth by LAFA upon the "restaurant establishments" purchases of "Louisiana agricultural products" within that fiscal year.
- (3) In accordance with the Administrative Procedure Act, LAFA in cooperation with the commissioner of the Department of Agriculture and Forestry shall promulgate rules and regulations as are necessary to implement the provisions of this Section including but not limited to rules and regulations regarding the period within which an application for the incentive shall be submitted in order to be eligible to receive an incentive payment, and the documentation required to be maintained and provided by a restaurant establishment applying for the incentive payment. The regulations may require producers of Louisiana agricultural products to obtain license numbers issued by LAFA evidencing the eligibility of the Louisiana agricultural products produced by them.
- (4) The restaurant establishment applying for the incentive payment is required to provide and maintain sufficient documentation evidencing the amount of purchases of Louisiana agricultural products and eligibility to claim the incentive payment as determined by LAFA.
- (5) If there is insufficient money in the fund to fully satisfy all timely-filed applications for incentive payments, then incentive payments must be distributed to the applicants on a pro-rated basis based upon the proportion of "Louisiana agricultural products" purchased by the applicant to the total amount of such purchases by all applicants.
- (6) The aggregate amount of incentive payments for the purchase of "Louisiana agricultural products" issued to restaurant establishments pursuant to this Section shall not exceed seven million dollars, in the aggregate, per fiscal year.

Proposed law requires the program and fund to terminate on December 31, 2014. No rebate payments shall be granted after December 31, 2014. Any unexpended and unencumbered monies in the fund at the end of the program shall revert to the state general fund.

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

(Adds R.S. 3:266(23) and 284)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill.

1. Prohibits state general fund monies from being appropriated to the fund.
2. Provides that monies in the fund are subject to being appropriated by the legislature.
3. Authorizes operating and administrative expenses, not to exceed 5% of monies appropriated, to be paid from the fund.
4. Provides that unexpended and unencumbered monies in the fund at the end of the program shall revert to the state general fund.
5. Technical amendments.