

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 and 100.44.1, relative to the Louisiana Main Street Recovery Program; to provide

4 with respect to program funds; to establish a dedicated subaccount for funding

5 awards to certain eligible businesses; to provide for administration of grants to such

6 eligible businesses; to provide with respect to the powers and duties of the

7 Department of Revenue, the division of administration, and the office of alcohol and

8 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) 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, had 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) Filed Louisiana taxes for tax year 2018 or 2019, or, if an eligible
4 business formed on or after January 1, 2020, intends to file Louisiana taxes for tax
5 year 2020.

6 (iv) Has customers or employees coming to its physical premises.

7 (v) Had no more than fifty full-time equivalent employees as of the effective
8 date of this Paragraph.

9 (vi) Is not a subsidiary of a business with more than fifty full-time equivalent
10 employees, is not part of a larger business enterprise with more than fifty full-time
11 equivalent employees, and is not owned by a business with more than fifty full-time
12 equivalent employees.

13 (vii) As of the effective date of this Paragraph, has not received any of the
14 following within the past eight calendar months:

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

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

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

20 (b) For the purposes of this Paragraph, the phrase "active permit" shall mean
21 a permit in good standing unless the validity of the permit has lapsed due to COVID
22 hardship.

23 * * *

24 §100.44. Louisiana Main Street Recovery Program

25 * * *

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

1 §100.44.1. Bar Assistance Relief Program

2 A. There is hereby created in the recovery fund a Bar Assistance Relief
3 Subaccount, hereinafter in this Section referred to as the "bar account", to provide
4 economic support to eligible bars. There is also created a Bar Assistance Relief
5 Program to be administered by the treasurer as part of the Louisiana Main Street
6 Recovery Program.

7 B. Monies in the bar account shall be held separate and apart from the
8 recovery fund monies and shall not be comprised of any monies from the CARES
9 Act. The monies in the bar account shall be invested in the same manner as monies
10 in the state general fund. Interest earned on the investment of monies in the bar
11 account shall be deposited in and credited to the bar account. Unexpended and
12 unencumbered monies in the bar account shall remain in the bar account.

13 C. All monies in the bar account remaining after payment of administrative
14 expenses, if any, shall be appropriated for grants to eligible bars that submit
15 applications.

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

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

26 F. The treasurer shall work with the Department of Revenue to verify
27 applicant tax information. Notwithstanding any provision of law to the contrary, the
28 office of alcohol and tobacco control shall supply a list of qualifying bars, as of the
29 effective date of this Section, to the treasurer at no 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 Engrossed

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. 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 Louisiana 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) Filed La. taxes for tax year 2018 or 2019, or, if an eligible business formed on or after Jan. 2020, intends to file La. taxes for tax year 2020.
- (4) Has customers or employees coming to its physical premises.
- (5) Had no more than 50 full-time equivalent employees as of the effective date of proposed law.
- (6) 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.
- (7) As of the effective date of proposed law, has not received any of the following within the past eight calendar months:
 - (a) A United States Small Business Administration-Guaranty Paycheck Protection Program loan or a United States 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.

Further provides that for the purposes of proposed law, the phrase "active permit" shall mean a permit in good standing unless the validity of the permit has lapsed due to COVID hardship.

Proposed law provides that an eligible bar shall receive a grant equal to \$2,000.

Proposed law establishes the BAR Subaccount to fund the grants provided pursuant to proposed law. Requires the subaccount funds to be held separate and apart from the Main Street Fund monies and shall not be comprised of any monies from the CARES Act (P.L. 116-136). Further exempts the subaccount monies from being swept pursuant to present law on Dec. 1, 2020 with the other Main Street Fund monies.

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.

Proposed law requires the treasurer to work with the Dept. of Revenue and the office of alcohol and tobacco control to implement the program. Further 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 notice of the BAR Program and the availability of awards from the bar subaccount shall 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) and 100.44.1)