

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 785**

**Representatives Smith, K., Callender**

**Cosponsors: Representatives Galonski, Carruthers, Cera, Weinstein, Kelly,  
Crossman, Boyd, Upchurch, Miller, A.**

---

**A BILL**

To authorize grants for operators of performing 1  
arts venues, producers of performing arts, and 2  
promoters of performing artists, to make an 3  
appropriation, and to declare an emergency. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** (A) As used in this section: 5

(1) "Qualifying performing arts venue" means any 6  
establishment in this state placed into operation before March 7  
1, 2020, in which, primarily, presentations in music, comedy, 8  
the performing arts, or related fields are exhibited regularly 9  
to the public, not including adult theaters, as defined in 10  
division (A)(7) of section 2907.39 of the Revised Code, for 11  
which the musicians, comedians, or performing artists are 12  
compensated for such presentations, unless providing services 13  
for educational or charitable purposes, and in which four out of 14  
the following five criteria are met: 15

(a) The venue has a defined performance and audience 16  
space. 17

(b) The venue's operator provides or contracts to provide sound mixing, sound, and lighting systems.	18 19
(c) The venue's operator employs or contracts with at least two of the following:	20 21
(i) Sound engineer;	22
(ii) Booker;	23
(iii) Promoter;	24
(iv) Stage manager;	25
(v) Security personnel;	26
(vi) Box office manager.	27
(d) The venue's operator requires a paid ticket or cover charge to attend a majority of performances.	28 29
(e) The venue's operator markets or contracts to market events through electronic publications, web sites, email, or social media.	30 31 32
(2) "Qualifying festival" means an event located in this state at which, primarily, presentations in music, comedy, the performing arts, or related fields are exhibited to the public, for which the musicians, comedians, or performing artists are compensated for such presentations, unless providing services for educational or charitable purposes, and in which four out of the five criteria described in divisions (A)(1)(a) to (e) of this section are met in relation to the festival or the festival's operator, as applicable.	33 34 35 36 37 38 39 40 41
(3) "Producer" means any person that primarily provides sound, stage, or lighting equipment or services for presentations of music, comedy, the performing arts, or related	42 43 44

fields at qualifying performing arts venues or qualifying 45  
festivals. 46

(4) "Promoter" means any person that primarily promotes 47  
musicians, comedians, or performing artists for events at 48  
qualifying performing arts venues or qualifying festivals, 49  
provided the promoter compensates such performers based on 50  
ticket sales or other comparable means. 51

(B) (1) An operator of a qualifying performing arts venue, 52  
a producer, or a promoter may apply to the Director of 53  
Development Services for a grant under this section if the 54  
operator, producer, or promoter satisfies all of the following 55  
requirements: 56

(a) Has its principal place of business in this state; 57

(b) Employs less than five hundred full-time equivalent 58  
employees at the time of application; 59

(c) Realized a decrease in its revenues of at least 60  
seventy-five per cent for the period beginning March 15, 2020, 61  
and ending November 1, 2020, compared with the same period in 62  
2019. 63

(2) The operator, producer, or promoter is ineligible for 64  
a grant under this section if the operator, producer, or 65  
promoter satisfies more than one of the following: 66

(a) Is a publicly traded corporation or other entity; 67

(b) Is a multinational corporation or other entity; 68

(c) Operates, produces, or promotes, as applicable, in any 69  
state other than this state. 70

(3) The application shall be submitted on a form and in 71

the manner prescribed by the Director not later than November 72  
30, 2020. The operator of a qualifying performing arts venue may 73  
submit more than one application if the operator operates more 74  
than one such venue, but only one application may be submitted 75  
for each such venue. The application shall, at minimum, include 76  
information and documentation sufficient to establish that the 77  
operator, producer, or promoter meets the eligibility criteria 78  
prescribed by this section. 79

(C) The Director shall review and make a determination on 80  
each application submitted under division (B) of this section 81  
within twenty days of receipt. If the Director determines that 82  
the operator, producer, or promoter meets the eligibility 83  
criteria prescribed by this section, the Director shall approve 84  
the application and award a grant to the applicant. If the 85  
Director determines that the the operator, producer, or promoter 86  
does not meet the eligibility criteria, the Director shall send 87  
notice to the applicant denying the application and stating the 88  
reasons for such denial. The Director shall not award more than 89  
one grant to a producer or promoter or on the basis of each 90  
qualifying performing arts venue. 91

(D) The amount of a grant awarded under this section to an 92  
operator, producer, or promoter shall equal one of the 93  
following: 94

(1) Two hundred thousand dollars, if the qualifying 95  
performing arts venue, producer, or promoter that is the basis 96  
of the application had revenues that exceeded one million 97  
dollars in 2019; 98

(2) One hundred thousand dollars, if that revenue exceeded 99  
five hundred thousand dollars, but was less than or equal to one 100  
million dollars; 101

(3) Forty thousand dollars, if that revenue exceeded one hundred thousand dollars, but was less than or equal to five hundred thousand dollars;

(4) If that revenue was less than or equal to one hundred thousand dollars, twenty thousand dollars or fifty per cent of that revenue, whichever is less.

The Director shall disburse a grant awarded under this section to the applicant from the Coronavirus Relief Fund on or before December 30, 2020.

(E) Grants awarded under this section shall be used for one or more of the following purposes:

- (1) Rent or mortgage expenses;
- (2) Employee compensation or retention;
- (3) Emergency planning or staff training;
- (4) Security personnel;
- (5) Personal protective equipment;
- (6) Remodeling expenses or new equipment to increase safety and security related to the COVID-19 pandemic;
- (7) Utilities;
- (8) Insurance premiums;
- (9) Licenses, fees, or taxes;
- (10) Payments on loans originated before November 30, 2020;
- (11) Recoupment of forgone revenue due to event cancellations resulting from the COVID-19 pandemic.

**Section 2.** All items in this section are hereby 127  
 appropriated as designated out of any moneys in the state 128  
 treasury to the credit of the designated fund. For all 129  
 appropriations made in this act, those in the first column are 130  
 for fiscal year 2020 and those in the second column are for 131  
 fiscal year 2021. The appropriations made in this act are in 132  
 addition to any other appropriations made for the FY 2020-FY 133  
 2021 biennium. 134

135

	1	2	3	4	5
A	DSA Development Services Agency				
B	Dedicated Purpose Fund Group				
C	5CV1	195648	Save Our Stages	\$ 0	\$ 20,000,000
D	TOTAL DPF	Dedicated Purpose Fund		\$ 0	\$ 20,000,000
		Group			
E	TOTAL ALL BUDGET FUND GROUPS			\$ 0	\$ 20,000,000

SAVE OUR STAGES 136

The foregoing appropriation item 195648, Save Our Stages, 137  
 shall be used by the Director of Development Services to award 138  
 grants in accordance with Section 1 of this act. 139

**Section 3.** Within the limits set forth in this act, the 140  
 Director of Budget and Management shall establish accounts 141  
 indicating the source and amount of funds for each appropriation 142  
 made in this act, and shall determine the form and manner in 143

which appropriation accounts shall be maintained. Expenditures 144  
from appropriations contained in this act shall be accounted for 145  
as though made in the main operating appropriations act of the 146  
133rd General Assembly. 147

The appropriations made in this act are subject to all 148  
provisions of H.B. 166 of the 133rd General Assembly that are 149  
generally applicable to such appropriations. 150

**Section 4.** This act is hereby declared to be an emergency 151  
measure necessary for the immediate preservation of the public 152  
peace, health, and safety. The reason for such necessity is to 153  
address the financial impact on performing arts related to the 154  
COVID-19 pandemic. Therefore, this act shall go into immediate 155  
effect. 156