A BILL

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

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

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

(1) "Qualifying performing arts venue" means any establishment in this state placed into operation before March 1, 2020, in which, primarily, presentations in music, comedy, the performing arts, or related fields are exhibited regularly to the public, not including adult theaters, as defined in division (A)(7) of section 2907.39 of the Revised Code, 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 following five criteria are met:

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

(b) The venue's operator provides or contracts to provide
sound mixing, sound, and lighting systems.

(c) The venue's operator employs or contracts with at least two of the following:

(i) Sound engineer;
(ii) Booker;
(iii) Promoter;
(iv) Stage manager;
(v) Security personnel;
(vi) Box office manager.

(d) The venue's operator requires a paid ticket or cover charge to attend a majority of performances.

(e) The venue's operator markets or contracts to market events through electronic publications, web sites, email, or social media.

(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.

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

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

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

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

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

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

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

(b) Is a multinational corporation or other entity;

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

(3) The application shall be submitted on a form and in the manner prescribed by the Director not later than November
30, 2020. The operator of a qualifying performing arts venue may submit more than one application if the operator operates more than one such venue, but only one application may be submitted for each such venue. The application shall, at minimum, include information and documentation sufficient to establish that the operator, producer, or promoter meets the eligibility criteria prescribed by this section.

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

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

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

(2) One hundred thousand dollars, if that revenue exceeded five hundred thousand dollars, but was less than or equal to one million dollars;
(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 appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

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**SAVE OUR STAGES**

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

**Section 3.** Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in
which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 133rd General Assembly.

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

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