

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 234

Senator Lang

A BILL

To authorize grants for certain performing arts 1
organizations and operators of cultural arts 2
museums impacted by the COVID-19 pandemic and to 3
make an appropriation. 4

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

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

(1) "Performing arts organization" means any institution 6
that satisfies all of the following: 7

(a) Its principal place of business is in this state. 8

(b) Its primary purpose is to produce or present 9
performances in music, comedy, the performing arts, or related 10
fields. 11

(c) It is operated by or partially funded by a political 12
subdivision of this state, a state institution of higher 13
education, or a charitable organization. 14

(d) If it is operated by or partially funded by a 15
political subdivision of this state or a state institution of 16
higher education, it receives at least a majority of its funding 17
from sources other than that subdivision or institution. 18

(e) If it is operated by a state institution of higher education, its managing board is independent of that institution's board of trustees and it does not present work exclusively by or for students.	19 20 21 22
(f) It manages its own budget.	23
(g) It has an annual, independent audit.	24
(2) "Cultural arts museum" means any museum that satisfies all of the following:	25 26
(a) It is located in this state.	27
(b) Its primary purpose is to exhibit or present, for artistic or aesthetic purposes, property, including such property related to painting, drawing, design, sculpture making, ceramic making, printmaking, photography, video and filmmaking, graphic design, architecture, textiles, performing arts, and preserving and interpreting the history, art, and culture of popular music and multidisciplinary art forms.	28 29 30 31 32 33 34
(c) The operator of the museum meets all of the criteria described in divisions (A) (1) (c) to (g) of this section.	35 36
(3) "Charitable organization" means an organization described under section 501(c) (3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code.	37 38 39 40
(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	41 42
(5) "State COVID-19 order" means any of the following, issued on or after March 9, 2020, as the result of or in response to the COVID-19 pandemic:	43 44 45

(a) An executive order issued by the Governor;	46
(b) An order issued by the Director of Health under section 3701.13 of the Revised Code;	47 48
(c) Any other order authorized by the Revised Code and issued by another state official or state agency.	49 50
(B) A performing arts organization or the operator of a cultural arts museum may apply to the Director of Development for a grant under this section if such organization or museum suffered a loss of revenue due to state COVID-19 orders. The application shall be submitted on a form and in the manner prescribed by the Director not later than thirty days after the effective date of this section.	51 52 53 54 55 56 57
The application shall, at minimum, include the following:	58
(1) A statement from the applicant attesting to economic harm suffered by such organization or museum due to compliance with state COVID-19 orders;	59 60 61
(2) Documentation establishing the organization's or the museum's operating budget for calendar year 2019;	62 63
(3) Documentation estimating the amount of the organization's or the museum's revenue losses from March 9, 2020, through the effective date of this section that is attributable to state COVID-19 orders;	64 65 66 67
(4) Information and documentation detailing the organization's or operator's intended use of the requested grant funds;	68 69 70
(5) Any other information and documentation sufficient to establish that the organization or the museum meets the eligibility criteria prescribed by this section.	71 72 73

(C) The Director shall review and make a determination on 74
each application submitted under division (B) of this section 75
within thirty days of receipt. If the Director determines that 76
the performing arts organization or the cultural arts museum 77
meets the eligibility criteria prescribed by division (B) of 78
this section, the Director shall approve the application and 79
award a grant to such organization or the operator of such 80
museum. If the Director determines that the organization or the 81
museum does not meet the eligibility criteria, the Director 82
shall send notice to such organization or the operator of such 83
museum denying the application and stating the reasons for such 84
denial. 85

(D) The amount of a grant awarded under this section shall 86
equal one of the following: 87

(1) For a performing arts organization, the full amount of 88
estimated revenue losses from March 9, 2020, through the 89
effective date of this section that are attributable to state 90
COVID-19 orders, but shall not exceed the lesser of three 91
million dollars or seven per cent of the organization's 92
operating budget for calendar year 2019; 93

(2) For a cultural arts museum, the full amount of 94
estimated revenue losses from March 9, 2020, through the 95
effective date of this section that are attributable to state 96
COVID-19 orders, but shall not exceed the lesser of three 97
million dollars or five per cent of the museum's operating 98
budget for calendar year 2019. 99

(E) (1) Grants awarded under this section shall be used for 100
one or more of the following purposes that have occurred or are 101
expected to occur on or after March 9, 2020, but before November 102
1, 2021: 103

(a) Employee compensation, excluding bonuses;	104
(b) Employee recruitment, rehiring, and training expenses;	105
(c) Rent or mortgage payments;	106
(d) Operating costs;	107
(e) Capital expenditures to comply with state COVID-19 orders or to improve health and safety, including expenses to upgrade HVAC systems;	108 109 110
(f) Expenses for durable goods or services to comply with state COVID-19 orders or to improve health and safety, including health testing and temperature scanning equipment, devices, software, and services.	111 112 113 114
(2) Grants awarded under this section shall not be used for any expenses paid or reimbursed with the proceeds of funding received from the Ohio Arts Council pursuant to the "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub. L. No. 116-136.	115 116 117 118 119
Section 2. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.	120 121 122 123 124 125 126 127
Section 3.	128

	1	2	3	4	5
A	DEV DEPARTMENT OF DEVELOPMENT				
B	General Revenue Fund				
C	GRF	195573	Arts Grant Program	\$50,000,000	\$0
D	TOTAL GRF General Revenue Fund			\$50,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$50,000,000	\$0
	ARTS GRANT PROGRAM				130
	The foregoing appropriation item 195573, Arts Grant				131
	Program, shall be used to award grants under Section 1 of this				132
	act. An amount equal to the unexpended, unencumbered portion				133
	remaining in appropriation item 195573, Arts Grant Program, at				134
	the end of fiscal year 2022 is hereby reappropriated for the				135
	same purpose in fiscal year 2023.				136
	Section 4. Within the limits set forth in this act, the				137
	Director of Budget and Management shall establish accounts				138
	indicating the source and amount of funds for each appropriation				139
	made in this act, and shall determine the form and manner in				140
	which appropriation accounts shall be maintained. Expenditures				141
	from operating appropriations contained in this act shall be				142
	accounted for as though made in H.B. 110 of the 134th General				143
	Assembly. The operating appropriations made in this act are				144
	subject to all provisions of H.B. 110 of the 134th General				145
	Assembly that are generally applicable to such appropriations.				146