



Reprinted  
March 19, 2021

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# ENGROSSED HOUSE BILL No. 1004

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DIGEST OF HB 1004 (Updated March 18, 2021 2:39 pm - DI 120)

**Citations Affected:** IC 5-28; noncode.

**Synopsis:** Small business restart grant program. Establishes the Hoosier hospitality small business restart grant program (program) to provide grants to eligible entities to accelerate economic recovery from the impacts of the coronavirus disease (COVID-19) pandemic. Establishes the small business restart grant fund (fund). Provides that the Indiana economic development corporation (corporation) administers the program and fund. Allows the corporation to award grants from the fund. Provides parameters for the program. However, authorizes the corporation to change the parameters of the program, which, if a change is made, must be reviewed by the budget committee at the meeting following the change. Makes an appropriation.

**Effective:** Upon passage.

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## Lindauer, Negele, Morrison, Pryor

(SENATE SPONSORS — MISHLER, MESSMER, HOLDMAN, BROWN L,  
FORD JON, GARTEN, MELTON, QADDOURA, FORD J.D., NIEZGODSKI,  
RANDOLPH LONNIE M, YODER)

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January 14, 2021, read first time and referred to Committee on Ways and Means.  
January 28, 2021, reported — Do Pass.  
February 1, 2021, read second time, ordered engrossed. Engrossed.  
February 2, 2021, read third time, passed. Yeas 93, nays 3.

SENATE ACTION

February 11, 2021, read first time and referred to Committee on Appropriations.  
March 8, 2021, amended, reported favorably — Do Pass.  
March 18, 2021, read second time, amended, ordered engrossed.

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EH 1004—LS 7433/DI 125





Reprinted  
March 19, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1004

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-28-42 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 42. Hoosier Hospitality Small Business Restart Grant**  
5 **Program**

6 **Sec. 1. As used in this chapter, "eligible entity" means a**  
7 **qualified business that meets the following requirements:**

8 **(1) The qualified business had less than one hundred (100) full**  
9 **time employees as of December 31, 2019.**

10 **(2) The qualified business was established before October 1,**  
11 **2019.**

12 **(3) The qualified business is in good standing with the state**  
13 **department of revenue or has entered into a payment plan**  
14 **approved by the state department of revenue.**

15 **(4) The qualified business was profitable in calendar year**  
16 **2019, as determined by the corporation using the earnings**  
17 **before interest, taxes, depreciation, and amortization**

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- 1 (EBITDA) metric.
- 2 (5) The qualified business did not have greater than ten
- 3 million dollars (\$10,000,000) in gross revenue during calendar
- 4 year 2019.
- 5 (6) The qualified business demonstrates monthly gross
- 6 revenue loss of at least thirty percent (30%) when comparing
- 7 average monthly gross revenue for calendar year 2020 to
- 8 average monthly gross revenue for calendar year 2019.
- 9 **Sec. 2.** As used in this chapter, "fund" means the small business
- 10 restart grant fund established by section 7 of this chapter.
- 11 **Sec. 3.** As used in this chapter, "program" means the Hoosier
- 12 hospitality small business restart grant program established by
- 13 section 6 of this chapter.
- 14 **Sec. 4.** As used in this chapter, "qualified business" means an
- 15 entity engaged in:
- 16 (1) the hospitality industry that is classified in the SIC Manual
- 17 under:
- 18 (A) Division G, Major Group 58 (Eating and Drinking
- 19 Places);
- 20 (B) Division E, Major Group 47, Industry Group 472
- 21 (Arrangement of Passenger Transportation); or
- 22 (C) Division I, Major Group 70, Industry Group 701
- 23 (Hotels and Motels); or
- 24 (2) any other industry that has suffered economic harm as a
- 25 result of the coronavirus disease (COVID-19) pandemic, as
- 26 determined by the corporation.
- 27 **Sec. 5.** As used in this chapter, "SIC Manual" means the 1987
- 28 version of the standard industrial classification manual available
- 29 (as of December 31, 2020) from the United States Occupational
- 30 Safety and Health Administration.
- 31 **Sec. 6.** (a) The Hoosier hospitality small business restart grant
- 32 program is established to provide grants to eligible entities to
- 33 accelerate economic recovery from the impacts of the coronavirus
- 34 disease (COVID-19) pandemic.
- 35 (b) The corporation shall administer the program.
- 36 **Sec. 7.** (a) The small business restart grant fund is established.
- 37 The corporation shall administer the fund.
- 38 (b) The fund shall be used to award grants to eligible entities in
- 39 accordance with this chapter.
- 40 (c) The fund consists of:
- 41 (1) appropriations by the general assembly;
- 42 (2) money received from any state or federal grants or



1 programs, including any federal grant or program enacted to  
 2 provide economic relief in response to the coronavirus disease  
 3 (COVID-19) pandemic; and

4 (3) grants, gifts, and donations intended for deposit in the  
 5 fund, including transfers from other accounts or funds.

6 (d) The expenses of administering the fund shall be paid from  
 7 money in the fund.

8 (e) Money in the fund at the end of a state fiscal year that was  
 9 allotted to the fund from a federal grant or program reverts to the  
 10 state general fund only to the extent allowed by federal law.

11 (f) To the extent possible, the corporation shall award grants  
 12 using funds received from a federal grant or program before using  
 13 funds appropriated from the state general fund.

14 Sec. 8. (a) The corporation shall establish and implement  
 15 procedures and guidelines for the application and the awarding of  
 16 grants under the program.

17 (b) The procedures established under this section for the  
 18 awarding of grants may give preference to applications submitted  
 19 by eligible entities that:

20 (1) are engaged in the hospitality industry; and

21 (2) are wholly owned by Indiana residents.

22 Sec. 9. (a) Subject to section 10 of this chapter, an eligible entity  
 23 may apply for a grant under the program for reimbursement of up  
 24 to:

25 (1) eighty percent (80%) of non-payroll business expenses;  
 26 and

27 (2) one hundred percent (100%) of payroll expenses;  
 28 incurred between March 1, 2020, and April 1, 2021. An eligible  
 29 entity shall apply for a grant in the manner prescribed by the  
 30 corporation.

31 (b) An eligible entity may apply for a grant only for  
 32 reimbursement of business expenses incurred in Indiana or related  
 33 to the eligible entity's Indiana operations.

34 Sec. 10. (a) Subject to this section, a grant may be awarded to an  
 35 eligible entity under this chapter in an amount not to exceed ten  
 36 thousand dollars (\$10,000) for each month during the period  
 37 described in section 9(a) of this chapter that the eligible entity  
 38 demonstrates a monthly gross revenue loss of at least thirty  
 39 percent (30%) when compared to the eligible entity's average  
 40 monthly gross revenue for calendar year 2019.

41 (b) The maximum total grant amount that may be awarded to  
 42 an eligible entity may not exceed fifty thousand dollars (\$50,000).



1       **Sec. 11. The corporation may change any parameter of the**  
2 **program set forth in sections 1 through 10 of this chapter. Any**  
3 **parameter change that is made by the corporation shall be**  
4 **reviewed by the budget committee at the meeting following the**  
5 **change.**

6       **Sec. 12. The corporation may adopt rules under IC 4-22-2 as**  
7 **necessary to implement this chapter.**

8       **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this**  
9 **SECTION, "coronavirus relief fund" refers to the federal funding**  
10 **provided to Indiana from the Coronavirus Relief Fund established**  
11 **under the federal Coronavirus Aid, Relief, and Economic Security**  
12 **(CARES) Act (P.L. 116-136).**

13       **(b) There is appropriated from the coronavirus relief fund to**  
14 **the small business restart grant fund established by IC 5-28-42-7,**  
15 **as added by this act, sixty million dollars (\$60,000,000) for carrying**  
16 **out the purposes of the small business restart grant fund**  
17 **established by IC 5-28-42-7.**

18       **(c) This SECTION expires December 31, 2021.**

19       **SECTION 3. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1004 as introduced.)

BROWN T

Committee Vote: Yeas 23, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1004, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 8 through 13.

Page 3, line 14, delete "(f)" and insert "(e)".

Page 3, line 17, delete "(g)" and insert "(f)".

Page 4, line 9, after "(a)" insert "**As used in this SECTION, "coronavirus relief fund" refers to the federal funding provided to Indiana from the Coronavirus Relief Fund established under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).**

(b)".

Page 4, line 10, delete "state general fund" and insert "**coronavirus relief fund**".

Page 4, line 15, delete "(b)" and insert "(c)".

Page 4, line 15, delete "July 1, 2023." and insert "**December 31, 2021.**".

and when so amended that said bill do pass.

(Reference is to HB 1004 as printed January 28, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

**EH 1004—LS 7433/DI 125**



## SENATE MOTION

Madam President: I move that Engrossed House Bill 1004 be amended to read as follows:

Page 1, line 1, delete "IC 5-28-41" and insert "IC 5-28-42".

Page 1, line 4, delete "41." and insert "42."

Page 3, after line 42, begin a new paragraph and insert:

**"Sec. 11. The corporation may change any parameter of the program set forth in sections 1 through 10 of this chapter. Any parameter change that is made by the corporation shall be reviewed by the budget committee at the meeting following the change."**

Page 4, line 1, delete "11." and insert "12."

Page 4, line 9, delete "IC 5-28-41-7," and insert "IC 5-28-42-7,".

Page 4, line 10, delete "thirty million dollars (\$30,000,000)" and insert "sixty million dollars (\$60,000,000)".

Page 4, line 12, delete "IC 5-28-41-7." and insert "IC 5-28-42-7."

(Reference is to EHB 1004 as printed March 9, 2021.)

MISHLER

