

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.

HOUSE ENROLLED ACT No. 1004

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:

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

Chapter 42. Hoosier Hospitality Small Business Restart Grant Program

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

- (1) The qualified business had less than one hundred (100) full time employees as of December 31, 2019.**
- (2) The qualified business was established before October 1, 2019.**
- (3) The qualified business is in good standing with the state department of revenue or has entered into a payment plan approved by the state department of revenue.**
- (4) The qualified business was profitable in calendar year 2019, as determined by the corporation using the earnings before interest, taxes, depreciation, and amortization (EBITDA) metric.**
- (5) The qualified business did not have greater than ten million dollars (\$10,000,000) in gross revenue during calendar year 2019.**

HEA 1004 — Concur



(6) The qualified business demonstrates monthly gross revenue loss of at least thirty percent (30%) when comparing average monthly gross revenue for calendar year 2020 to average monthly gross revenue for calendar year 2019.

Sec. 2. As used in this chapter, "fund" means the small business restart grant fund established by section 7 of this chapter.

Sec. 3. As used in this chapter, "program" means the Hoosier hospitality small business restart grant program established by section 6 of this chapter.

Sec. 4. As used in this chapter, "qualified business" means an entity engaged in:

(1) the hospitality industry that is classified in the SIC Manual under:

(A) Division G, Major Group 58 (Eating and Drinking Places);

(B) Division E, Major Group 47, Industry Group 472 (Arrangement of Passenger Transportation); or

(C) Division I, Major Group 70, Industry Group 701 (Hotels and Motels); or

(2) any other industry that has suffered economic harm as a result of the coronavirus disease (COVID-19) pandemic, as determined by the corporation.

Sec. 5. As used in this chapter, "SIC Manual" means the 1987 version of the standard industrial classification manual available (as of December 31, 2020) from the United States Occupational Safety and Health Administration.

Sec. 6. (a) The Hoosier hospitality small business restart grant program is established to provide grants to eligible entities to accelerate economic recovery from the impacts of the coronavirus disease (COVID-19) pandemic.

(b) The corporation shall administer the program.

Sec. 7. (a) The small business restart grant fund is established. The corporation shall administer the fund.

(b) The fund shall be used to award grants to eligible entities in accordance with this chapter.

(c) The fund consists of:

(1) appropriations by the general assembly;

(2) money received from any state or federal grants or programs, including any federal grant or program enacted to provide economic relief in response to the coronavirus disease (COVID-19) pandemic; and

(3) grants, gifts, and donations intended for deposit in the



fund, including transfers from other accounts or funds.

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

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

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

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

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

- (1) are engaged in the hospitality industry; and**
- (2) are wholly owned by Indiana residents.**

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

- (1) eighty percent (80%) of non-payroll business expenses; and**
- (2) one hundred percent (100%) of payroll expenses;**

incurred between March 1, 2020, and April 1, 2021. An eligible entity shall apply for a grant in the manner prescribed by the corporation.

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

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

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

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.

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

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) 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) There is appropriated from the coronavirus relief fund to the small business restart grant fund established by IC 5-28-42-7, as added by this act, sixty million dollars (\$60,000,000) for carrying out the purposes of the small business restart grant fund established by IC 5-28-42-7.

(c) This SECTION expires December 31, 2021.

SECTION 3. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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