

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 385

Senators Yuko, Rulli

Cosponsors: Senators Antonio, Craig, Fedor, Hottinger, Thomas

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 18

sound mixing, sound, and lighting systems.	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 fields at qualifying performing arts venues or qualifying	42 43 44 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

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	1	2	3	4	5
A	DEV 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