

HOUSE BILL No. 1569

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-28-41.4.

Synopsis: Indiana stages relief. Establishes an application process for: (1) operators of qualifying performing arts venues; (2) producers; and (3) promoters; to apply for grants for purposes of offsetting the economic impact to the music, comedy, and performing arts industry as a result of COVID-19. Provides that the Indiana economic development corporation shall administer the grants. Provides that grants shall be issued with money received from the federal government in relation to COVID-19. Makes an appropriation.

Effective: July 1, 2021.

Johnson, Andrade

January 14, 2021, read first time and referred to Committee on Ways and Means.



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 BILL No. 1569

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 5-28-41.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]:

4 **Chapter 41.4. Performing Arts Assistance**
5 **Sec. 1. As used in this chapter, "applicant" refers to an operator**
6 **of a qualifying performing arts venue, producer, or promoter that**
7 **submits an application for a grant under this chapter.**

8 **Sec. 2. As used in this chapter, "producer" means any person**
9 **that primarily provides sound, stage, lighting equipment, or similar**
10 **services at qualifying performing arts venues or qualifying**
11 **festivals.**

12 **Sec. 3. As used in this chapter, "promoter" means any**
13 **individual that:**

- 14 (1) **primarily promotes musicians, comedians, or performing**
15 **artists for events at qualifying performing arts venues or**
16 **qualifying festivals; and**
- 17 (2) **compensates performers based on ticket sales or another**



- 1 similar method of payment.
- 2 **Sec. 4. As used in this chapter, "qualifying festival" means an**
3 **event located in Indiana that:**
- 4 (1) provides a presentation in music, comedy, or performing
5 arts to the public, for which the musicians, comedians, or
6 performing artists are compensated for such presentations
7 unless providing services for educational or charitable
8 purposes; and
9 (2) satisfies four (4) out of five (5) of the criteria described in
10 section 5(2) of this chapter in relation to the festival or the
11 festival's operator, as applicable.
- 12 **Sec. 5. As used in this chapter, "qualifying performing arts**
13 **venue" means any establishment in Indiana, except for an adult**
14 **entertainment establishment (as defined in IC 12-7-2-1.8), that:**
- 15 (1) primarily provides presentations in music, comedy,
16 performing arts, or related fields to the public, for which the
17 musicians, comedians, or performing artists are compensated
18 for such presentations unless providing services for
19 educational or charitable purposes; and
20 (2) the venue or venue's operator, as applicable, satisfies four
21 (4) out of five (5) of the following criteria:
- 22 (A) Has a performance and audience space.
23 (B) Provides or contracts to provide mixing, sound, and
24 lighting systems.
25 (C) Employs or contracts with at least two (2) of the
26 following personnel:
27 (i) Sound engineer.
28 (ii) Booker.
29 (iii) Promoter.
30 (iv) Stage manager.
31 (v) Security personnel.
32 (vi) Box office manager.
33 (D) Requires a paid ticket or cover charge to attend a
34 majority of performances.
35 (E) Promotes or contracts to promote events through
36 electronic publications, Internet web sites, electronic mail,
37 or social media.
- 38 **Sec. 6. As used in this chapter, "revenue" means all revenue**
39 **earned or collected by a business and reported on the business's**
40 **income statement, which may include the following:**
- 41 (1) Ticket sales.
42 (2) Merchandise sales.



1 **(3) Concession sales.**

2 **(4) Ancillary income generated as a result of an entertainment**
 3 **event or qualifying music festival.**

4 **Sec. 7. (a) An application for a grant under this chapter must be**
 5 **submitted on a form and in a manner prescribed by the**
 6 **corporation.**

7 **(b) An applicant is eligible for a grant under this chapter, if the**
 8 **applicant satisfies the following criteria:**

9 **(1) Has its principal place of business located in Indiana.**

10 **(2) Engaged or attempted to engage in business on or after**
 11 **January 1, 2020.**

12 **(3) Employed not more than five hundred (500) full-time**
 13 **employees or the equivalent of a full-time employee during the**
 14 **period beginning after March 1, 2020, and ending December**
 15 **31, 2020.**

16 **(4) Has a seventy percent (70%) or greater decrease in**
 17 **revenue during the period beginning after March 1, 2020, and**
 18 **ending December 31, 2020, in comparison to the amount of**
 19 **revenue earned by the applicant during the period beginning**
 20 **after March 1, 2019, and ending December 31, 2019.**

21 **(c) An applicant is ineligible for a grant under this chapter if the**
 22 **applicant satisfies two (2) out of the three (3) following criteria:**

23 **(1) The applicant is a publicly traded entity.**

24 **(2) The applicant is a multinational entity.**

25 **(3) The applicant operates, produces, or promotes, as**
 26 **applicable, in a state other than Indiana.**

27 **(d) The operator of a qualifying performing arts venue may**
 28 **submit more than one (1) application if the operator operates more**
 29 **than one (1) qualifying performing arts venue. However, the**
 30 **operator may only submit one (1) application for each qualifying**
 31 **performing arts venue.**

32 **Sec. 8. A grant under this chapter shall be used for the following**
 33 **purposes:**

34 **(1) Rent or mortgage expenses.**

35 **(2) Employee compensation or retention.**

36 **(3) Emergency planning or staff training.**

37 **(4) Security personnel.**

38 **(5) Personal protective equipment.**

39 **(6) Remodeling expenses or new equipment to increase safety**
 40 **and security related to COVID-19.**

41 **(7) Utilities.**

42 **(8) Insurance premiums.**



1 (9) Licenses, fees, or taxes.

2 (10) Payments on loans that originated before December 31,
3 2020.

4 (11) Recoupment of forgone revenue due to event
5 cancellations resulting from COVID-19.

6 (12) Reopening expenses.

7 Sec. 9. A grant under this chapter shall not be greater than
8 twenty percent (20%) of the revenue earned by the applicant
9 during the period beginning after March 1, 2019, and ending
10 December 31, 2019.

11 Sec. 10. (a) The corporation shall administer grants under this
12 chapter, including prescribing the manner in which an applicant
13 must submit an application. At a minimum, an application must
14 include information and documentation sufficient to establish that
15 the applicant meets the eligibility criteria prescribed by section
16 7(b) of this chapter.

17 (b) The corporation shall review and make a determination on
18 each application submitted under this chapter not later than
19 twenty (20) days after receipt of the application. If the corporation
20 determines that an applicant satisfies the criteria prescribed by
21 section 7(b) of this chapter, the corporation shall approve the
22 application and award the grant to the applicant.

23 (c) If the corporation determines that an applicant has not met
24 the criteria prescribed by section 7(b) of this chapter or is ineligible
25 for a grant as prescribed by section 7(c) of this chapter, the
26 corporation shall deny the application and issue notice to the
27 applicant stating the reasons for such denial.

28 (d) The corporation may not award more than one (1) grant to
29 an applicant unless the applicant:

30 (1) is an operator of more than one (1) qualifying performing
31 arts venue; and

32 (2) has submitted an application for each qualifying
33 performing arts venue as described in section 7(d) of this
34 chapter.

35 SECTION 2. [EFFECTIVE JULY 1, 2021] (a) There is
36 appropriated to the corporation seven million dollars (\$7,000,000)
37 from the state general fund for the purpose of issuing grants under
38 IC 5-28-41.4 beginning July 1, 2021, and ending June 30, 2022.

39 (b) This SECTION expires January 1, 2023.

