

A-Engrossed House Bill 2459

Ordered by the House March 23
Including House Amendments dated March 23

Sponsored by Representatives NOSSE, BYNUM, GOMBERG; Representatives DEXTER, MARSH, NELSON, RUIZ
(Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Appropriates moneys to Oregon Business Development Department to distribute to Oregon cultural organizations in response to negative impact of COVID-19 pandemic on organization finances. Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to pandemic relief for Oregon cultural organizations; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. There is appropriated to the Oregon Business Development Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$50,150,000 for the purpose of carrying out the provisions of sections 2 and 3 of this 2023 Act.

SECTION 2. After withholding \$150,000 from the moneys appropriated under section 1 of this 2023 Act for its costs in administering this section and section 3 of this 2023 Act, the Oregon Business Development Department shall distribute \$23,069,852.82 as follows:

(1) \$11,837,497 to:

MAJOR VENUES.

Name of venue	Grant Amount
High Desert Museum	\$ 759,500
Oregon Ballet Theatre	\$ 683,550
Oregon Shakespeare Festival....	\$ 5,110,350
Oregon Symphony	\$ 1,898,750
Portland Art Museum.....	\$ 1,486,597
Portland Center Stage	\$ 949,375
Portland Opera.....	\$ 949,375

(2) \$11,232,355.82 to:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **INDEPENDENT VENUES.**

2

3 **Name of venue** **Grant Amount**

4 **Aladdin..... \$ 539,245.00**

5 **Alberta Rose \$ 215,849.90**

6 **Alberta Street Pub..... \$ 99,784.00**

7 **Artichoke Music..... \$ 57,380.23**

8 **Ashland Armory..... \$ 272,265.56**

9 **Atlantis Lounge \$ 89,621.00**

10 **Barnstormers Theatre \$ 28,101.50**

11 **The Belfry \$ 40,861.10**

12 **BodyVox..... \$ 49,868.77**

13 **Bossanova \$ 130,634.00**

14 **Britt Festival Pavilion \$ 134,302.39**

15 **Cascades Theatre Company \$ 66,836.00**

16 **Coaster Theatre Playhouse..... \$ 28,101.50**

17 **CoHo Productions \$ 26,696.43**

18 **Cottage Theatre \$ 47,962.43**

19 **Craterian Performances**

20 **Company \$ 224,256.50**

21 **Crystal Ballroom..... \$ 571,159.19**

22 **Cuthbert Amphitheater..... \$ 215,022.05**

23 **Dante's..... \$ 207,343.50**

24 **Domino Room \$ 40,253.50**

25 **Doug Fir..... \$ 291,754.33**

26 **Egyptian Theatre \$ 56,203.00**

27 **The Elgin Opera House..... \$ 61,013.14**

28 **Elsinore Theatre (Historic)..... \$ 218,736.00**

29 **45 East, LLC \$ 256,601.40**

30 **Gallery Theater..... \$ 34,177.50**

31 **The Goodfoot..... \$ 115,459.19**

32 **Hawthorne Theatre..... \$ 342,534.50**

33 **Headwaters Theatre/**

34 **Water in the Desert \$ 26,772.38**

35 **Historic Rogue Theatre..... \$ 60,760.00**

36 **Holocene..... \$ 222,533.50**

37 **HQ LaGrande \$ 8,620.33**

38 **Hult Center for the**

39 **Performing Arts..... \$ 406,332.50**

40 **Imago Theatre \$ 79,496.87**

41 **Jack London Revue..... \$ 69,570.20**

42 **Jazz Station/Willamette**

43 **Jazz Society \$ 22,785.00**

44 **KALA \$ 15,190.00**

45 **Kelly's Olympian \$ 39,494.00**

1	Kickstand Comedy (formerly		
2	Brody Theater).....	\$	66,114.48
3	Lakewood Center for the		
4	Arts.....	\$	91,140.00
5	Laurelthirst.....	\$	61,671.40
6	Liberty Theater.....	\$	67,253.73
7	Lincoln City Cultural Center	\$	34,177.50
8	Little Theatre on the Bay/		
9	Liberty Theatre (North Bend) ..	\$	91,329.88
10	Majestic Theatre.....	\$	102,532.50
11	McDonald Theatre.....	\$	230,925.98
12	Midtown Ballroom.....	\$	63,798.00
13	Milagro Theatre	\$	27,896.44
14	Mississippi Studios.....	\$	319,043.17
15	New Expressive Works	\$	27,212.89
16	Newport Performing Arts		
17	Center (2 stages).....	\$	120,001.00
18	Northwest Children’s Theater ..	\$	87,342.50
19	OK Theater	\$	18,987.50
20	Old Church Concert Hall	\$	94,937.50
21	Oregon Contemporary Theatre .	\$	56,203.00
22	Pentacle Theatre.....	\$	28,579.99
23	Portland Institute for		
24	Contemporary Art.....	\$	203,690.31
25	Pickathon.....	\$	461,267.14
26	Polaris Hall	\$	199,307.99
27	Portland Playhouse	\$	92,529.89
28	Revolution Hall	\$	471,208.99
29	Roseland.....	\$	527,411.99
30	Ross Ragland Theater.....	\$	261,746.49
31	Sawdust Theatre	\$	7,595.00
32	Shaking the Tree Theatre.....	\$	68,408.17
33	Shedd Institute for the		
34	Arts.....	\$	400,188.15
35	The Siren Theater.....	\$	44,810.50
36	Stage 722.....	\$	195,032.01
37	Star Theater	\$	163,292.50
38	Theatre in the Grove.....	\$	28,101.50
39	Tower Theatre (Bend).....	\$	373,387.00
40	Vault Theater		
41	(Bag and Baggage).....	\$	67,724.62
42	Volcanic Theatre.....	\$	54,793.52
43	White Eagle	\$	126,350.42
44	Whiteside Theatre.....	\$	40,253.50
45	Wildish Community Theater.....	\$	65,127.13

1	Wonder Ballroom.....	\$	294,617.65
2	WOW Hall/Community Center		
3	for the Performing Arts	\$	82,785.50

SECTION 3. (1) As used in this section:

(a)(A) “Earned revenue” means revenue from the sale of goods or services, including, but not limited to, membership, admission tickets, rentals, exhibitions, merchandise, food and beverages, advertising and contracted services and performances.

(B) “Earned revenue” does not include donations, federal, state or local governmental grants, or returns on investments.

(b) “Oregon cultural organization” means a public or private entity, whether operated for profit or as a nonprofit organization, that:

(A) Has its business headquarters, and operates primarily, in this state;

(B) Operates primarily for the purpose of producing, promoting or presenting the arts, culture, humanities, heritage or live cultural entertainment, other than adult entertainment, to the public; and

(C)(i) Operates as a public facility, performing arts organization, museum, historical site, visual arts organization, county fairgrounds, cultural entity within a federally recognized Indian tribe based in Oregon or community event organization; or

(ii) Produces cultural projects or programs for the public.

(2) The Oregon Business Development Department shall use \$26,930,147.18 of the moneys appropriated under section 1 of this 2023 Act to develop and implement a program for awarding grants directly to Oregon cultural organizations.

(3) To be eligible for a grant, an Oregon cultural organization must demonstrate to the department’s satisfaction that, at any time during fiscal year 2020 through fiscal year 2023, the organization experienced a significant loss in earned revenue because of statewide mandates, or guidance of the Oregon Health Authority, in response to the COVID-19 pandemic.

(4)(a) The department shall prescribe the form and process by which Oregon cultural organizations may apply for and be awarded grants under the program.

(b) The department may require applicants to demonstrate need, as described in subsection (6) of this section, in the form of:

(A) The organization’s federal tax returns for the periods to which the application relates; or

(B) Financial documentation, including, but not limited to, audited financial statements or financial statements that have been approved by a certified public accountant.

(5) The department may consult with the Trust for Cultural Development Board in reviewing applications and awarding grants.

(6) The department shall develop an equitable funding allocation so that grant moneys shall be awarded, subject to subsections (7) and (8) of this section, with priority given to applicants who have experienced the greatest proportional loss, as measured by the ratio of an applicant’s total lost earned revenue to the applicant’s total earned revenue for each fiscal year, beginning with fiscal year 2019, to which the application relates.

(7) Subject to subsection (8) of this section, the department shall develop award allocation options that take into account an equitable percentage of an applicant’s fiscal size and

1 lost earned revenue and available funding.

2 (8) Under consultation with the Trust for Cultural Development Board, the department
3 shall award grant moneys proportionately among the geographic regions of this state, as
4 defined by the department, based on the relative population of, and the number of eligible
5 applications received from Oregon cultural organizations located in, each region. Regions
6 may be defined according to the service areas of cultural coalitions operating under the
7 auspices of the board and grant moneys may be distributed through the cultural coalitions.

8 (9) Before awarding grants, the department may withhold an amount, not to exceed five
9 percent of the total amount appropriated under section 1 of this 2023 Act, to reimburse the
10 department for the actual costs of developing and implementing the program.

11 (10) Notwithstanding any other provision of law, this section shall apply to any grant
12 moneys that the department awards to an Oregon cultural organization on or after the ef-
13 fective date of this 2023 Act in response to the negative impact of the COVID-19 pandemic
14 on the organization's earned revenue.

15 **SECTION 4.** (1) Section 3 of this 2023 Act becomes operative on January 1, 2024.

16 (2) The Oregon Business Development Department may take any action before the op-
17 erative date specified in subsection (1) of this section that is necessary for the department
18 to exercise, on and after the operative date specified in subsection (1) of this section, all the
19 powers, duties and functions conferred on the department under section 3 of this 2023 Act.

20 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
22 on its passage.

23