

# House Bill 4124

Sponsored by Representatives NOSSE, HARTMAN, Senator ANDERSON, Representatives GOMBERG, JAVADI, LEVY E, Senators FREDERICK, PATTERSON; Representatives ANDERSEN, BOWMAN, BYNUM, DEXTER, KROPF, MANNIX, MARSH, NGUYEN D, PHAM H, REYNOLDS, Senators DEMBROW, HANSELL, MANNING JR, MEEK (Presession 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act funds cultural groups in Oregon. (Flesch Readability Score: 66.7).

Appropriates moneys to the Oregon Business Development Department to distribute to Oregon cultural organizations in response to the negative impact of the COVID-19 pandemic on organization finances.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to funding 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 ending June 30, 2025, out of the General Fund, the amount of \$27,414,113.59 for the purpose of carrying out the provisions of sections 2 and 3 of this 2024 Act.

**SECTION 2.** After withholding \$150,000 from the moneys appropriated under section 1 of this 2024 Act for its costs in administering this section and section 3 of this 2024 Act, the Oregon Business Development Department shall distribute \$13,799,040 as follows:

(1) \$5,918,747 to:

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### MAJOR VENUES.

Name of venue	Grant Amount
High Desert Museum .....	\$ 379,750
Oregon Ballet Theatre .....	\$ 341,775
Oregon Shakespeare Festival....	\$ 2,555,175
Oregon Symphony .....	\$ 949,375
Portland Art Museum.....	\$ 743,298
Portland Center Stage .....	\$ 474,687
Portland Opera.....	\$ 474,687

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(2) \$7,880,293 to:

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**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.

CULTURAL RESOURCES ECONOMIC FUND VENUES.

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Name of venue	Grant Amount
Black United Fund.....	\$ 900,000
Clatsop County Historical Society .....	\$ 1,000,000
Columbia County Museum Association.....	\$ 400,000
High Desert Museum .....	\$ 2,000,000
Friends of Oregon Caves and Chateau .....	\$ 455,690
Josephine County Library Foundation .....	\$ 424,603
Painted Sky Center for the Arts .....	\$ 500,000
PAM CUT//Center for an Untold Tomorrow.....	\$ 250,000
Portland Institute for Contemporary Art.....	\$ 150,000
Portland Playhouse .....	\$ 300,000
Rainier Oregon Historical Museum.....	\$ 500,000
Salem Parks Foundation.....	\$ 150,000
Southern Oregon Historical Society .....	\$ 500,000
Very Little Theatre.....	\$ 350,000

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

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(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 \$13,465,073.59 of the moneys

1 appropriated under section 1 of this 2024 Act to develop and implement a program for  
 2 awarding grants directly to Oregon cultural organizations.

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

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

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

11 (A) The organization's federal tax returns for the periods to which the application re-  
 12 lates; or

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

15 (5) The department may consult with the Trust for Cultural Development Board in re-  
 16 viewing applications and awarding grants.

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

22 (7) Subject to subsection (8) of this section, the department shall develop award allocation  
 23 options that take into account an equitable percentage of an applicant's fiscal size and lost  
 24 earned revenue and available funding.

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

31 (9) Before awarding grants, the department may withhold an amount, not to exceed five  
 32 percent of the total amount appropriated under section 1 of this 2024 Act, to reimburse the  
 33 department for the actual costs of developing and implementing the program.

34 (10) Notwithstanding any other provision of law, this section shall apply to any grant  
 35 moneys that the department awards to an Oregon cultural organization on or after the ef-  
 36 fective date of this 2024 Act in response to the negative impact of the COVID-19 pandemic  
 37 on the organization's earned revenue.

38 (11) Any venue that received a grant under section 254, chapter 605, Oregon Laws 2023,  
 39 is not eligible to receive a grant under this section.

40 **SECTION 4.** (1) Section 3 of this 2024 Act becomes operative on January 1, 2025.

41 (2) The Oregon Business Development Department may take any action before the oper-  
 42 ative date specified in subsection (1) of this section that is necessary for the department to  
 43 exercise, on and after the operative date specified in subsection (1) of this section, all of the  
 44 powers, duties and functions conferred on the department under section 3 of this 2024 Act.

45 **SECTION 5.** This 2024 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**  
2 **on its passage.**

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