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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 769 Session of  
2007

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INTRODUCED BY ORIE, RHOADES, KITCHEN, C. WILLIAMS, WONDERLING,  
FONTANA, LOGAN, RAFFERTY AND WASHINGTON, APRIL 23, 2007

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REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,  
APRIL 23, 2007

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AN ACT

1 Providing for grants to the performing arts; and conferring  
2 functions on the Department of Community and Economic  
3 Development, the Department of Revenue and the Office of the  
4 Budget.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Assistance  
9 for the Performing Arts Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Department." The Department of Community and Economic  
15 Development of the Commonwealth.

16 "Eligible cost." Any of the following expenses incurred by a  
17 performing arts organization:

18 (1) Expenses for the acquisition, construction,

1 reconstruction, expansion, extension, demolition,  
2 improvement, rehabilitation or remodeling of interests in  
3 land, buildings, structures, improvements or infrastructure  
4 of the performing arts facility.

5 (2) Administrative and operating costs and expenses  
6 incurred by the performing arts organization.

7 "Office." The Office of the Budget of the Commonwealth.

8 "Performing arts organization." A nonprofit organization  
9 that:

10 (1) has been in existence for at least five years; and

11 (2) regularly produces and performs live musical,  
12 concert, dance, ballet and legitimate full-length play  
13 productions in a hall or theater.

#### 14 Section 3. Establishment.

15 There is established within the department a program to be  
16 known as the Assistance Program for the Performing Arts. The  
17 program shall provide grants to performing arts organizations in  
18 this Commonwealth to assist with their administrative and  
19 operating expenses.

#### 20 Section 4. Application for program grant.

21 A performing arts organization located in and organized under  
22 the laws of this Commonwealth must submit a grant application to  
23 the department. The application must be on a department-approved  
24 form and must include:

25 (1) The name and address of the applicant.

26 (2) An accounting of all payroll taxes collected and  
27 paid by the applicant under Article III of the act of March  
28 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,  
29 during the prior calendar year.

30 (3) The number of full-time employees of the performing

arts organization.

(4) Any other information required by the department.

### Section 5. Review.

(a) Department review.--Upon receipt of a completed application, the department shall review the application and ensure that the applicant is a bona fide performing arts organization that has met all the requirements of the department.

(b) Financial review.--

(1) The department shall forward the application to the office and the Department of Revenue. The office and the Department of Revenue shall review the application.

Notwithstanding section 353(f) of the act of March 4, 1971

(P.L.6, No.2), known as the Tax Reform Code of 1971, the

Department of Revenue may supply the department and the

office with information concerning the total taxes owed or

paid by an applicant or for which the applicant may otherwise be liable.

(2) The office may accept, reject or adjust the estimate of the amount of tax remitted or to be remitted to the Commonwealth by the applicant.

### Section 6. Approval.

(a) Time.--Within 60 days of receipt of the information from the Department of Revenue, the office shall determine if the amount of tax reported by the applicant is accurate and shall then notify the department.

(b) Grant approval.--Upon receipt of the notification under subsection (a), the department shall approve the application and award the applicant a grant in the amount of verified tax paid.

(c) Accountability.--At the end of each year for which a

1 grant is awarded, the department shall ensure that the grant was  
2 used for the administrative and operating expenses of the  
3 performing arts organization.

4 (d) Limitations.--If sufficient funds are not appropriated  
5 to cover the anticipated cost of the grants awarded in any given  
6 fiscal year, the department shall prorate payments to performing  
7 arts organizations.

8 Section 20. Effective date.

9 This act shall take effect July 1, 2007.