

SENATE BILL 287

C8, B1

0lr1136
CF HB 127

By: **Senators Elfreth, Augustine, Beidle, Griffith, Kagan, Lee, Waldstreicher, and Washington**

Introduced and read first time: January 21, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Arts and Culture Capital Grant Program**

3 FOR the purpose of establishing the Maryland Arts and Culture Capital Grant Program;
4 requiring the Maryland State Arts Council to administer the Program and hire a
5 certain coordinator; requiring the Governor, for certain fiscal years, to include in the
6 State budget an annual appropriation of at least a certain amount for the Program;
7 authorizing certain organizations to apply for certain grants; prohibiting certain
8 organizations from receiving from the Council, in any fiscal year, a grant for a single
9 project that exceeds a certain amount; requiring certain organizations, under certain
10 circumstances, to match a certain amount of the grant awarded; authorizing the
11 Council, under certain circumstances, to waive the match requirement; requiring the
12 Council to establish a competitive application process for the Program; providing for
13 the contents of the application; requiring the Department of Commerce to establish,
14 by regulation, a quantitative system to evaluate each application that takes into
15 account certain information; requiring the Council and a grant recipient to execute
16 a certain program agreement; and generally relating to the Maryland Arts and
17 Culture Capital Grant Program.

18 BY adding to
19 Article – Economic Development
20 Section 4–514
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Economic Development**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-514.

2 (A) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT AN
3 ORGANIZATION FROM RECEIVING FUNDS FROM A GOVERNMENT SOURCE OTHER
4 THAN THE MARYLAND ARTS AND CULTURE CAPITAL GRANT PROGRAM.

5 (B) (1) THERE IS A MARYLAND ARTS AND CULTURE CAPITAL GRANT
6 PROGRAM.

7 (2) THE COUNCIL SHALL ADMINISTER THE PROGRAM AND HIRE AT
8 LEAST ONE FULL-TIME COORDINATOR FOR THE PROGRAM.

9 (C) FOR EACH OF FISCAL YEARS 2022 THROUGH 2027, THE GOVERNOR
10 SHALL INCLUDE IN THE STATE BUDGET AN ANNUAL APPROPRIATION OF
11 \$10,000,000 FOR THE MARYLAND ARTS AND CULTURE CAPITAL GRANT PROGRAM.

12 (D) (1) FOR EACH FISCAL YEAR, FROM THE APPROPRIATION UNDER
13 SUBSECTION (C) OF THIS SECTION, THE COUNCIL SHALL AWARD \$5,000,000 IN
14 GRANTS UNDER THIS SUBSECTION.

15 (2) AN ORGANIZATION MAY APPLY FOR A GRANT UNDER THIS
16 SUBSECTION IF THE ORGANIZATION:

17 (I) HAS AN OPERATING BUDGET OF MORE THAN \$3,000,000;
18 AND

19 (II) PARTICIPATES IN THE COUNCIL'S GRANTS FOR
20 ORGANIZATIONS PROGRAM OR COMMUNITY ARTS DEVELOPMENT PROGRAM.

21 (3) THE COUNCIL MAY AWARD A GRANT UNDER THIS SUBSECTION
22 FOR THE EXPANSION OF, THE RENOVATION OF, OR MAJOR REPAIRS TO A FACILITY
23 THAT IS OPERATED BY AN ORGANIZATION ELIGIBLE UNDER PARAGRAPH (2) OF THIS
24 SUBSECTION TO APPLY FOR A GRANT.

25 (4) FOR ANY FISCAL YEAR, AN ORGANIZATION MAY NOT RECEIVE
26 FROM THE COUNCIL A GRANT FOR A SINGLE PROJECT THAT EXCEEDS \$1,000,000.

27 (5) AN ORGANIZATION THAT IS AWARDED A GRANT UNDER THIS
28 SUBSECTION SHALL MATCH AT LEAST 50% OF THE AMOUNT OF THE GRANT
29 AWARDED.

30 (E) (1) FOR EACH FISCAL YEAR, FROM THE APPROPRIATION UNDER
31 SUBSECTION (C) OF THIS SECTION, THE COUNCIL SHALL AWARD \$5,000,000 IN

1 GRANTS UNDER THIS SUBSECTION.

2 (2) AN ORGANIZATION MAY APPLY FOR A GRANT UNDER THIS
3 SUBSECTION IF THE ORGANIZATION HAS AN OPERATING BUDGET THAT IS LESS THAN
4 \$3,000,000 AND PARTICIPATES IN THE COUNCIL'S GRANTS FOR ORGANIZATIONS
5 PROGRAM OR COMMUNITY ARTS DEVELOPMENT PROGRAM.

6 (3) THE COUNCIL MAY AWARD A GRANT UNDER THIS SUBSECTION
7 FOR THE EXPANSION OF, THE RENOVATION OF, OR MAJOR REPAIRS TO A FACILITY
8 OPERATED BY AN ORGANIZATION ELIGIBLE UNDER PARAGRAPH (2) OF THIS
9 SUBSECTION TO APPLY FOR A GRANT.

10 (4) FOR ANY FISCAL YEAR, AN ORGANIZATION MAY NOT RECEIVE
11 FROM THE COUNCIL A GRANT FOR A SINGLE PROJECT THAT EXCEEDS \$1,000,000.

12 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
13 PARAGRAPH, AN ORGANIZATION THAT IS AWARDED A GRANT UNDER THIS
14 SUBSECTION SHALL MATCH AT LEAST 25% OF THE AMOUNT OF THE GRANT
15 AWARDED.

16 (II) FOR GOOD CAUSE SHOWN, THE COUNCIL MAY WAIVE THE
17 REQUIREMENT TO PROVIDE A MATCH UNDER THIS PARAGRAPH.

18 (F) (1) THE COUNCIL, IN CONSULTATION WITH THE DIVISION OF
19 NEIGHBORHOOD REVITALIZATION IN THE DEPARTMENT OF HOUSING AND
20 COMMUNITY DEVELOPMENT AND THE DEPARTMENT, SHALL ESTABLISH A
21 COMPETITIVE APPLICATION PROCESS FOR THE GRANTS AUTHORIZED UNDER
22 SUBSECTIONS (D) AND (E) OF THIS SECTION.

23 (2) THE APPLICATION SHALL CONTAIN:

24 (I) THE PROJECT PLAN AND FULL BUDGET, INCLUDING THE
25 USE OF THE MATCHING FUNDS;

26 (II) A DESCRIPTION OF THE NEIGHBORHOOD OR AREA WHERE
27 THE PROJECT WILL BE LOCATED;

28 (III) A LETTER OF SUPPORT FROM THE LOCAL GOVERNING BODY
29 REPRESENTING THE AREA IN WHICH THE PROJECT WILL BE LOCATED;

30 (IV) ORGANIZATIONAL DOCUMENTS FOR THE ORGANIZATION;
31 AND

(V) ANY OTHER INFORMATION THAT THE COUNCIL REQUIRES.

(G) THE DEPARTMENT, BY REGULATION, SHALL ESTABLISH A QUANTITATIVE SYSTEM TO EVALUATE EACH APPLICATION THAT TAKES INTO ACCOUNT:

(1) THE FULL PROJECT PLAN AND HOW THE PLAN RELATES TO:

(I) FULFILLING THE MISSION OF THE ORGANIZATION; AND

(II) ENHANCING THE COUNTY AND THE COMMUNITIES SURROUNDING THE PROJECT;

(2) THE CAPACITY OF THE APPLICANT OR PARTNERS OF THE APPLICANT TO COMPLETE THE PROJECT AND LEVERAGE NON-STATE FUNDING;

(3) THE ABILITY OF THE PROPOSED PROJECT TO ADDRESS IDENTIFIED CHALLENGES AT THE ORGANIZATION;

(4) A DESCRIPTION OF THE ORGANIZATION'S INCLUSIONARY HIRING PRACTICES THAT INCREASE LOCAL WORKFORCE OPPORTUNITIES; AND

(5) A PLAN TO MAKE THE PROJECT AVAILABLE FOR USE BY PEOPLE OF COLOR AND BY INDIVIDUALS LIVING BELOW THE FEDERAL POVERTY LEVEL.

(H) (1) THE COUNCIL AND A GRANT RECIPIENT SHALL EXECUTE A PROGRAM AGREEMENT.

(2) THE GRANT RECIPIENT SHALL COMPLY WITH THE TERMS OF THE PROGRAM AGREEMENT.

(3) THE PROGRAM AGREEMENT MAY NOT ALLOW FOR MORE THAN 15% OF THE AMOUNT OF THE GRANT TO BE USED FOR OPERATING EXPENSES.

(4) THE COUNCIL MAY EXERCISE ANY REMEDY AUTHORIZED BY LAW IF THE GRANT RECIPIENT:

(I) VIOLATES ANY PROVISION OF THE AGREEMENT; OR

(II) DOES NOT MEET ANY REQUIREMENT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

