

# SENATE BILL 287

C8, B1

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CF HB 127

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

Introduced and read first time: January 21, 2020

Assigned to: Budget and Taxation

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## 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**

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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

1 (V) ANY OTHER INFORMATION THAT THE COUNCIL REQUIRES.

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

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

6 (I) FULFILLING THE MISSION OF THE ORGANIZATION; AND

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

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

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

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

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

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

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

21 (3) THE PROGRAM AGREEMENT MAY NOT ALLOW FOR MORE THAN  
22 15% OF THE AMOUNT OF THE GRANT TO BE USED FOR OPERATING EXPENSES.

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

25 (I) VIOLATES ANY PROVISION OF THE AGREEMENT; OR

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2020.

