

Chapter 394

(House Bill 310)

AN ACT concerning

Maryland Arts Capital Grant Program

FOR the purpose of establishing the Maryland Arts Capital Grant Program; requiring the Maryland State Arts Council to administer the Program and hire a certain coordinator; requiring the Governor, for certain fiscal years, to include in the State operating or capital budget an annual appropriation of at least a certain amount for the Program; authorizing certain organizations to apply for certain grants; prohibiting certain organizations from receiving from the Council, in any fiscal year, a grant for a single project that exceeds a certain amount; ~~requiring certain organizations, under certain circumstances, to match a certain amount of the grant awarded;~~ authorizing the Council, under certain circumstances, to waive the match requirement; requiring the Council to establish a competitive application process for the Program; providing for the contents of the application; requiring the Department of Commerce to establish, by regulation, a quantitative system to evaluate each application that takes into account certain information; requiring the Council and a grant recipient to execute a certain program agreement; stating the intent of the General Assembly; and generally relating to the Maryland Arts Capital Grant Program.

BY adding to

Article – Economic Development
Section 4–514
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Economic Development

4–514.

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

(B) (1) THERE IS A MARYLAND ARTS CAPITAL GRANT PROGRAM.

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

(C) FOR EACH OF FISCAL YEARS ~~2023~~ 2024 THROUGH ~~2028~~ 2029, THE GOVERNOR SHALL INCLUDE IN THE STATE OPERATING OR CAPITAL BUDGET AN ANNUAL APPROPRIATION OF \$3,000,000 FOR THE MARYLAND ARTS CAPITAL GRANT PROGRAM.

(D) (1) FOR EACH FISCAL YEAR, THE COUNCIL SHALL AWARD THE ENTIRE APPROPRIATION UNDER SUBSECTION (C) OF THIS SECTION IN GRANTS UNDER THIS SECTION.

(2) AN ORGANIZATION MAY APPLY FOR A GRANT UNDER THIS SECTION IF THE ORGANIZATION HAS AN OPERATING BUDGET THAT IS LESS THAN \$3,000,000 AND:

(I) PARTICIPATES IN THE COUNCIL'S GRANTS FOR ORGANIZATIONS PROGRAM OR COMMUNITY ARTS DEVELOPMENT PROGRAM; OR

(II) IS OPEN TO THE PUBLIC AND PROVIDES CULTURAL EDUCATION OR EXPERIENCES.

(3) THE COUNCIL MAY AWARD A GRANT UNDER THIS SECTION FOR THE ACQUISITION OF, THE EXPANSION OF, THE RENOVATION OF, OR MAJOR REPAIRS TO A FACILITY OR OTHER INFRASTRUCTURE OPERATED BY AN ORGANIZATION ELIGIBLE UNDER PARAGRAPH (2) OF THIS SUBSECTION TO APPLY FOR A GRANT.

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

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

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

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

(2) THE APPLICATION SHALL CONTAIN:

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

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

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

(IV) A LETTER OF SUPPORT FROM THE STATE SENATOR OR DELEGATE REPRESENTING THE AREA IN WHICH THE PROJECT WILL BE LOCATED;

(V) ORGANIZATIONAL DOCUMENTS FOR THE ORGANIZATION;
AND

~~(V)~~ (VI) ANY OTHER INFORMATION THAT THE COUNCIL REQUIRES.

(F) 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.

(G) (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.

(H) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, BEFORE A LEGISLATIVE BOND INITIATIVE IS SUBMITTED ON BEHALF OF AN ORGANIZATION FOR A PROJECT THAT IS ELIGIBLE FOR A GRANT UNDER THIS SECTION, THE ORGANIZATION:

(1) APPLY FOR A GRANT UNDER THIS SECTION;

(2) RECEIVE A LETTER OF SUPPORT FROM THE EXECUTIVE DIRECTOR OF THE COUNCIL STATING THAT:

(I) THE PROJECT IS URGENT AND ANY FUNDING THE ORGANIZATION RECEIVES WILL BE SPENT IN THE NEXT FISCAL YEAR; AND

(II) THE ORGANIZATION HAS BEEN AWARDED A GRANT UNDER THIS SECTION; AND

(3) IS AUTHORIZED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO REQUEST A LEGISLATIVE BOND INITIATIVE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.