

HOUSE BILL 1391

C8, B1

9lr3220

By: **Delegates Lierman, Jones, and McIntosh**

Introduced and read first time: February 25, 2019

Assigned to: Rules and Executive Nominations

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 annual budget an 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, in any fiscal year, a grant for a single project that
9 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 4–513
21 Annotated Code of Maryland
22 (2018 Replacement Volume)

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**

26 **4–513.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) THERE IS A MARYLAND ARTS AND CULTURE CAPITAL GRANT**
2 **PROGRAM.**

3 **(2) THE COUNCIL SHALL ADMINISTER THE PROGRAM AND HIRE AT**
4 **LEAST ONE FULL-TIME COORDINATOR FOR THE PROGRAM.**

5 **(B) FOR EACH OF FISCAL YEARS 2021 THROUGH 2026, THE GOVERNOR**
6 **SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION OF \$12,000,000 FOR**
7 **THE MARYLAND ARTS AND CULTURE CAPITAL GRANT PROGRAM.**

8 **(C) (1) FOR EACH FISCAL YEAR FROM THE APPROPRIATION UNDER**
9 **SUBSECTION (B) OF THIS SECTION, THE COUNCIL SHALL AWARD \$6,000,000 IN**
10 **GRANTS UNDER THIS SUBSECTION.**

11 **(2) AN ORGANIZATION MAY APPLY FOR A GRANT UNDER THIS**
12 **SUBSECTION IF THE ORGANIZATION:**

13 **(I) HAS AN OPERATING BUDGET OF MORE THAN \$3,000,000;**
14 **AND**

15 **(II) PARTICIPATES IN THE COUNCIL'S GRANTS FOR**
16 **ORGANIZATIONS PROGRAM OR COMMUNITY ARTS DEVELOPMENT PROGRAM.**

17 **(3) THE COUNCIL MAY AWARD A GRANT UNDER THIS SUBSECTION**
18 **FOR THE EXPANSION OF, THE RENOVATION OF, OR MAJOR REPAIRS TO A FACILITY**
19 **THAT IS OPERATED BY AN ORGANIZATION ELIGIBLE UNDER PARAGRAPH (2) OF THIS**
20 **SUBSECTION TO APPLY FOR A GRANT.**

21 **(4) FOR ANY FISCAL YEAR, AN ORGANIZATION MAY NOT RECEIVE A**
22 **GRANT FOR A SINGLE PROJECT THAT EXCEEDS \$2,000,000.**

23 **(5) AN ORGANIZATION THAT IS AWARDED A GRANT UNDER THIS**
24 **SUBSECTION SHALL MATCH AT LEAST 50% OF THE AMOUNT OF THE GRANT**
25 **AWARDED.**

26 **(D) (1) FOR EACH FISCAL YEAR FROM THE APPROPRIATION UNDER**
27 **SUBSECTION (B) OF THIS SECTION, THE COUNCIL SHALL AWARD \$6,000,000 IN**
28 **GRANTS UNDER THIS SUBSECTION.**

29 **(2) AN ORGANIZATION MAY APPLY FOR A GRANT UNDER THIS**
30 **SUBSECTION IF THE ORGANIZATION:**

1 **(I) HAS AN OPERATING BUDGET THAT IS LESS THAN \$3,000,000**
2 **AND PARTICIPATES IN THE COUNCIL'S GRANTS FOR ORGANIZATIONS PROGRAM OR**
3 **COMMUNITY ARTS DEVELOPMENT PROGRAM; OR**

4 **(II) IS A MARYLAND NONPROFIT INSTITUTION OF CULTURE OR**
5 **HISTORY THAT HAS AN OPERATING BUDGET OF MORE THAN \$1,600,000 AND DOES**
6 **NOT PARTICIPATE IN THE COUNCIL'S GRANTS FOR ORGANIZATIONS PROGRAM.**

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

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

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

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

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

24 **(2) THE APPLICATION SHALL CONTAIN:**

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

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

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

31 **(IV) ORGANIZATIONAL DOCUMENTS FOR THE ORGANIZATION;**
32 **AND**

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

2 (F) 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 AFRICAN
16 AMERICANS AND BY INDIVIDUALS LIVING BELOW THE FEDERAL POVERTY LEVEL.

17 (G) (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 June
28 1, 2019.