

HOUSE BILL 1517

C8, C7

(7lr3001)

ENROLLED BILL
— *Economic Matters/Finance* —

Introduced by **Delegates Glenn and M. Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Nonprofit Development Center Program and Fund – Bridge Loans**

3 FOR the purpose of renaming the Maryland Not-For-Profit Development Center Program
4 and the Maryland Not-For-Profit Development Center Program Fund to be the
5 Maryland Nonprofit Development Center Program and the Maryland Nonprofit
6 Development Center Program Fund; expanding the scope of the Program to include
7 bridge loans for certain expenses for certain nonprofit entities; establishing the
8 Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account within the Fund;
9 providing that the Account consists of certain money from the Small, Minority, and
10 Women-Owned Businesses Account and any other money appropriated, transferred,
11 or repaid to the Account; prohibiting money in the Account from exceeding a certain
12 amount; requiring certain money in the Account to be transferred to the Small,
13 Minority, and Women-Owned Businesses Account under certain circumstances;
14 expanding the Fund to include certain ~~proceeds of video lottery terminals~~ money in
15 the Account; authorizing the Department of Commerce to provide a certain bridge

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 loan under certain circumstances; requiring the Department to establish a certain
 2 application process and receive a certain written confirmation before providing a
 3 bridge loan; ~~requiring a bridge loan to be repaid within a certain period of time~~
 4 requiring the Department to establish a certain schedule and terms of repayment for
 5 a bridge loan; requiring the Comptroller to pay a certain ~~amount from the proceeds~~
 6 ~~of certain video lottery terminals to the Fund~~ percentage, up to a certain amount,
 7 from the Small, Minority, and Women-Owned Businesses Account to the Nonprofit,
 8 Interest-Free, Micro Bridge Loan (NIMBL) Account beginning in a certain fiscal
 9 year; authorizing the Governor to transfer certain funds on or before a certain date to
 10 the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account; requiring the
 11 Department to report to the Governor and the General Assembly on or before a
 12 certain date on certain matters; altering certain definitions; making certain
 13 conforming changes; and generally relating to the Maryland Nonprofit Development
 14 Center Program.

15 BY repealing and reenacting, with amendments,

16 Article – Economic Development

17 Section 5-1201 through 5-1205 to be under the amended subtitle “Subtitle 12.
 18 Maryland Nonprofit Development Center Program”

19 Annotated Code of Maryland

20 (2008 Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – State Government

23 Section 9-1A-27(a)

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – State Government

28 Section 9-1A-27(b) and (c)

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2016 Supplement)

31 Preamble

32 WHEREAS, The nonprofit sector provides vital services to our community, including
 33 affordable housing, job training, child development, and public health, without which the
 34 government would have to foot the bill; and

35 WHEREAS, One in ten Maryland workers is employed by the nonprofit sector; and

36 WHEREAS, According to a report by Maryland Nonprofits and the Center for
 37 Nonprofit Advancement, 37 percent of nonprofit entities in the State saw an increased
 38 demand in their services and half of those nonprofit entities were unable to meet the
 39 increased demand; and

1 WHEREAS, Nonprofit entities disproportionately employ, are led by, and benefit
2 marginalized groups, including minorities and women; now, therefore,

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

5 **Article – Economic Development**

6 Subtitle 12. Maryland [Not–For–Profit] **NONPROFIT** Development Center Program.

7 5–1201.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) “Fund” means the Maryland [Not–For–Profit] **NONPROFIT** Development
10 Center Program Fund established under § 5–1204 of this subtitle.

11 (c) [“Not–for–profit”] **“NONPROFIT entity”** means a corporation incorporated in
12 the State, or otherwise qualified to do business in the State, that has been determined by
13 the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the
14 Internal Revenue Code.

15 (d) “Program” means the Maryland [Not–For–Profit] **NONPROFIT** Development
16 Center Program established under § 5–1202 of this subtitle.

17 (e) “Qualifying [not–for–profit] **NONPROFIT entity”** means a [not–for–profit]
18 **NONPROFIT** entity:

19 (1) that has annual revenues not greater than \$750,000;

20 (2) that has been in existence for not more than 10 years; and

21 (3) whose principal purpose is providing health, education, environmental,
22 agricultural, or social services through community–based programs.

23 5–1202.

24 (a) There is a Maryland [Not–For–Profit] **NONPROFIT** Development Center
25 Program in the Department.

26 (b) The Program shall foster, support, and assist the economic growth and
27 revitalization of qualifying [not–for–profit] **NONPROFIT** entities in the State by providing
28 training and technical assistance services **AND BRIDGE LOANS TO NONPROFIT ENTITIES**
29 ~~WAITING TO RECEIVE THE~~ THAT HAVE RECEIVED WRITTEN CONFIRMATION OF
30 FUNDING FROM GOVERNMENT GRANTS OR CONTRACTS BUT HAVE NOT YET
31 RECEIVED THE FUNDING.

1 5-1203.

2 The Program shall provide assistance to qualifying [not-for-profit] **NONPROFIT**
3 entities, including:

4 (1) operation of an information exchange governing current and new
5 technical information and data about all aspects of [not-for-profit] **NONPROFIT**
6 management, including:

7 (i) [not-for-profit] **NONPROFIT** start-up;

8 (ii) budgeting and financial management;

9 (iii) facilities development and management;

10 (iv) board development;

11 (v) organizational development and strategic planning;

12 (vi) marketing;

13 (vii) federal and State contracting and grant making;

14 (viii) individual, corporate, and foundation fund-raising;

15 (ix) volunteer management;

16 (x) personnel management;

17 (xi) federal and State tax law and regulations;

18 (xii) federal and State law and regulations governing charitable
19 solicitations;

20 (xiii) federal and State regulations applicable to licensing or
21 accreditation;

22 (xiv) federal and State financing programs; and

23 (xv) information technology; and

24 (2) individual consultation and technical assistance to any qualifying
25 [not-for-profit] **NONPROFIT** entity that requests the service, including assistance on any
26 of the subjects identified in item (1) of this section.

1 5-1204.

2 (a) (1) **(I)** There is a Maryland [Not-For-Profit] **NONPROFIT**
3 Development Center Program Fund in the Department.

4 **(II) 1. WITHIN THE FUND, THERE IS A NONPROFIT,**
5 **INTEREST-FREE, MICRO BRIDGE LOAN (NIMBL) ACCOUNT.**

6 **2. THE ACCOUNT CONSISTS OF:**

7 **A. MONEY RECEIVED UNDER § 9-1A-27 OF THE STATE**
8 **GOVERNMENT ARTICLE; AND**

9 **B. ANY OTHER MONEY APPROPRIATED, TRANSFERRED BY**
10 **BUDGET AMENDMENT, OR REPAID TO THE ACCOUNT.**

11 **3. THE MONEY IN THE ACCOUNT MAY NOT EXCEED**
12 **\$1,000,000.**

13 **4. IF THE MONEY IN THE ACCOUNT EXCEEDS**
14 **\$1,000,000, ANY MONEY IN EXCESS OF THAT AMOUNT SHALL BE TRANSFERRED TO**
15 **THE SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES ACCOUNT ESTABLISHED**
16 **UNDER § 9-1A-35 OF THE STATE GOVERNMENT ARTICLE.**

17 (2) The Fund is a special, nonlapsing fund that is not subject to reversion
18 under § 7-302 of the State Finance and Procurement Article.

19 (3) The Fund consists of:

20 (i) money appropriated in the State budget to the Fund; [and]

21 (ii) ~~MONEY RECEIVED UNDER § 9-1A-27 OF THE STATE~~
22 ~~GOVERNMENT ARTICLE~~ **IN THE NONPROFIT, INTEREST-FREE, MICRO BRIDGE**
23 **LOAN (NIMBL) ACCOUNT; AND**

24 **(III)** all other money accepted for the benefit of the Fund, including
25 an additional \$50 fee to be paid for the processing of articles of incorporation of a nonstock
26 corporation in accordance with § 1-203 of the Corporations and Associations Article.

27 (b) (1) The purpose of the Fund is to provide grant money **AND BRIDGE**
28 **LOANS** to support the operations of the Program consistent with this subtitle.

29 (2) As provided in the State budget, the Fund also may be used by the
30 Department of General Services to evaluate the participation of [not-for-profit]
31 **NONPROFIT** entities in State procurement.

1 5-1205.

2 (a) The Department shall designate at least one private [not-for-profit]
3 NONPROFIT entity to receive grants from the Maryland [Not-For-Profit] NONPROFIT
4 Development Center Program Fund to implement the Program.

5 (b) In selecting a designee, the Department shall consider and give priority to
6 organizations that:

7 (1) have experience in providing the scope of assistance and services
8 required under § 5-1203 of this subtitle to qualifying [not-for-profit] NONPROFIT entities
9 in the State;

10 (2) demonstrate the capacity to provide the assistance and services
11 required under § 5-1203 of this subtitle on a statewide basis; and

12 (3) demonstrate current expenditures that:

13 (i) are equal to at least three times the amount of funding received
14 under this section; and

15 (ii) have been received from other sources for the provision of
16 assistance and services of the type required under § 5-1203 of this subtitle to
17 [not-for-profit] NONPROFIT entities in the State.

18 (c) (1) **THE DEPARTMENT MAY PROVIDE A NO-INTEREST BRIDGE LOAN**
19 **FOR OPERATING EXPENSES OF UP TO \$25,000 TO A NONPROFIT ENTITY THAT IS**
20 **WAITING TO RECEIVE THE HAS RECEIVED WRITTEN CONFIRMATION OF FUNDING**
21 **FROM A GOVERNMENT GRANT OR CONTRACT BUT HAS NOT YET RECEIVED THE**
22 **FUNDING.**

23 (2) **THE DEPARTMENT SHALL ESTABLISH AN APPLICATION PROCESS**
24 **FOR BRIDGE LOANS PROVIDED UNDER THIS SUBSECTION.**

25 (3) **BEFORE PROVIDING A BRIDGE LOAN UNDER THIS SUBSECTION,**
26 **THE DEPARTMENT SHALL RECEIVE WRITTEN CONFIRMATION THAT THE NONPROFIT**
27 **ENTITY HAS BEEN AWARDED A GOVERNMENT GRANT OR CONTRACT BUT HAS NOT**
28 **YET RECEIVED THE FUNDING.**

29 ~~(4) THE RECIPIENT OF A BRIDGE LOAN UNDER THIS SUBSECTION~~
30 ~~SHALL REPAY THE BRIDGE LOAN WITHIN 60 DAYS OF RECEIPT OF THE FUNDING~~
31 ~~ANTICIPATED FROM THE GOVERNMENT GRANT OR CONTRACT.~~

1 **(4) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE FOR**
2 **REPAYMENT FOR A BRIDGE LOAN THAT:**

3 **(I) IS REASONABLE BASED ON THE NATURE AND PAYMENT**
4 **SCHEDULE OF THE GOVERNMENT GRANT OR CONTRACT TO THE NONPROFIT ENTITY;**
5 **AND**

6 **(II) ASSURES REPAYMENT OF THE BRIDGE LOAN IS COMPLETED**
7 **NO LATER THAN THE DATE OF THE FINAL GRANT OR CONTRACT PAYMENT TO THE**
8 **NONPROFIT ENTITY.**

9 **Article – State Government**

10 9–1A–27.

11 (a) Except as provided in subsections (b) and (c) of this section and §
12 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the
13 Commission, the Comptroller shall pay the following amounts from the proceeds of video
14 lottery terminals at each video lottery facility:

15 (1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming
16 Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

17 (ii) beginning April 1, 2015, 1% to the State Lottery and Gaming
18 Control Agency for costs as defined in § 9–1A–01 of this subtitle;

19 (2) to the video lottery operation licensee, the percentage stated in the
20 accepted application for the location, not to exceed, except as provided in subsection (b) of
21 this section, 33%;

22 (3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this
23 subtitle;

24 (4) 7% to the Purse Dedication Account established under § 9–1A–28 of this
25 subtitle, not to exceed a total of \$100,000,000 to the Account annually;

26 (5) (i) until the issuance of a video lottery operation license in
27 Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under §
28 9–1A–29 of this subtitle and distributed in accordance with that section; and

29 (ii) on or after the issuance of a video lottery operation license in
30 Baltimore City, 1% to the Racetrack Facility Renewal Account established under §
31 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a
32 total of \$20,000,000 to the Account annually;

1 (6) (I) 1.5% to the Small, Minority, and Women–Owned Businesses
2 Account established under § 9–1A–35 of this subtitle; AND

3 (II) BEGINNING IN FISCAL YEAR 2021, FROM THE AMOUNT PAID
4 TO THE SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT UNDER
5 ITEM (I) OF THIS ITEM, UP TO 5%, NOT TO EXCEED \$1,000,000, TO THE NONPROFIT,
6 INTEREST–FREE, MICRO BRIDGE LOAN (NIMBL) ACCOUNT ESTABLISHED UNDER
7 § 5–1204 OF THE ECONOMIC DEVELOPMENT ARTICLE;

8 (7) (i) except as provided in item (ii) of this item, 6% to the video lottery
9 operation licensee if the video lottery operation licensee owns or leases each video lottery
10 terminal device and the associated equipment and software; and

11 (ii) 8% to the video lottery operation licensee in Anne Arundel
12 County;

13 (8) beginning after the issuance of a video lottery operation license for a
14 video lottery facility in Prince George’s County, 8% to the video lottery operation licensee
15 in Anne Arundel County and 7% to the licensee in Baltimore City for:

16 (i) marketing, advertising, and promotional costs required under §
17 9–1A–23 of this subtitle; and

18 (ii) capital improvements at the video lottery facilities; ~~and~~

19 (9) ~~5% TO THE MARYLAND NONPROFIT DEVELOPMENT PROGRAM~~
20 ~~FUND ESTABLISHED UNDER § 5–1204 OF THE ECONOMIC DEVELOPMENT ARTICLE;~~
21 ~~AND~~

22 ~~(10)~~ the remainder to the Education Trust Fund established under §
23 9–1A–30 of this subtitle.

24 (b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County
25 with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this
26 section is equal to 43% provided that each year an amount equivalent to 2.5% of the
27 proceeds from video lottery terminals at the video lottery facility is spent on capital
28 improvements at the video lottery facility.

29 (2) After the first 10 years of operations at a video lottery facility in
30 Allegany County, the percentage:

31 (i) in subsection (a)(2) of this section is equal to 43% provided that
32 each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the
33 video lottery facility is spent on capital improvements at the video lottery facility; and

34 (ii) in subsection (a)(1) of this section is equal to 2%.

1 (3) For a video lottery facility in Prince George's County, the percentage in
2 subsection (a)(2) of this section stated in the accepted application for the location may not
3 exceed 38%.

4 (c) (1) For the first 10 years of operations at a video lottery facility in Allegany
5 County, on a properly approved transmittal prepared by the Commission, the Comptroller
6 shall pay the following amounts from the proceeds of video lottery terminals at a video
7 lottery facility in Allegany County:

8 (i) 2% to the State Lottery and Gaming Control Agency for costs as
9 defined in § 9-1A-01 of this subtitle;

10 (ii) to the video lottery operation licensee, the percentage stated in
11 the accepted application for the location, not to exceed 50%;

12 (iii) 2.75% in local impact grants, in accordance with § 9-1A-31 of
13 this subtitle;

14 (iv) 2.5% to the Purse Dedication Account established under §
15 9-1A-28 of this subtitle;

16 (v) 0.75% to the Small, Minority, and Women-Owned Businesses
17 Account established under § 9-1A-35 of this subtitle; and

18 (vi) the remainder to the Education Trust Fund established under §
19 9-1A-30 of this subtitle.

20 (2) After the first 10 years of operations at a video lottery facility in
21 Allegany County, the proceeds generated at the facility in Allegany County shall be
22 allocated as provided in subsections (a) and (b) of this section.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other
24 provision of law, on or before June 30, 2017, the Governor may transfer by budget
25 amendment to the Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account
26 established under Section 1 of this Act \$187,500 of the fiscal year 2017 special fund
27 appropriation transferred in accordance with Section 11 of Chapter 23 of the Acts of the
28 General Assembly of 2017 from the Department of Housing and Community Development to
29 the Department of Commerce to be redistributed to the Small, Minority, and Women-Owned
30 Businesses Account established under § 9-1A-35 of the State Government Article.

31 ~~SECTION 2.~~ SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
32 2020, the Department of Commerce shall report to the Governor and, in accordance with §
33 2-1246 of the State Government Article, the General Assembly on the bridge loans issued
34 under the Maryland Nonprofit Development Center Program, including:

35 (1) the number of bridge loan applications the Department received;

1 (2) the number of bridge loans provided to nonprofit entities;

2 (3) the dollar amount of the bridge loans provided;

3 (4) the length of time the Department took to process bridge loan
4 applications and award funds;

5 (5) the length of time between when nonprofit entities receive bridge loans
6 and repay the bridge loans; and

7 (6) the availability of funds to meet bridge loan demands.

8 SECTION ~~3~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect
9 ~~October~~ June 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.