

[Second Reprint]

ASSEMBLY, No. 5447

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 8, 2021

Sponsored by:

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

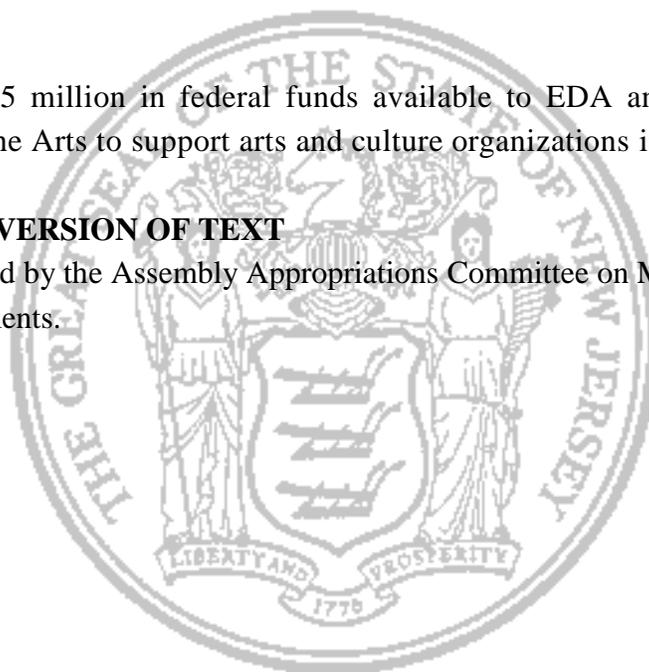
Assemblyman Caputo, Assemblywoman Reynolds-Jackson, Assemblyman Benson, Assemblywoman Vainieri Huttle, Assemblymen Johnson, Zwicker, Verrelli, Assemblywoman Dunn, Assemblymen Moen, Kennedy, Mazzeo, Armato, Tully, Assemblywoman DiMaso, Assemblymen Calabrese, Mejia, Assemblywoman Downey and Assemblyman Freiman

SYNOPSIS

Makes \$15 million in federal funds available to EDA and New Jersey Council on the Arts to support arts and culture organizations in need.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 17, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

1 ¹**[A SUPPLEMENT** to the Fiscal Year 2021 appropriations act,
2 P.L.2020, c.97] **AN ACT** making federal funding available to the
3 New Jersey Economic Development Authority ²and New Jersey
4 Council on the Arts² to support arts and culture organizations in
5 need¹.

6
7 **BE IT ENACTED** by the Senate and the General Assembly of the
8 State of New Jersey:

9
10 ¹**[1.** In addition to the amounts appropriated under P.L.2020,
11 c.97, the annual appropriations act for Fiscal Year 2021, there is
12 appropriated the following sum for the purpose specified:
13

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development

GRANTS-IN-AID

38-2043	Economic Development	<u>\$15,000,000</u>
	Total Grants-in-Aid Appropriation, Economic Planning and Development.....	<u>\$15,000,000</u>

Grants-in-Aid:

38 Coronavirus Relief Fund – Assistance to Arts
and Culture Organizations, EDA..... (\$15,000,000)

14
15 The amount hereinabove appropriated for Coronavirus Relief Fund
16 –Assistance to Arts and Culture, EDA shall be allocated from a
17 portion of federal block grant funds allocated to the State from
18 the federal “Coronavirus Relief Fund” established pursuant to the
19 federal “Coronavirus Aid, Relief, and Economic Security Act
20 (CARES Act),” Pub.L.116-136, or any other federal funds made
21 available to the State in response to the coronavirus disease 2019
22 (COVID-19) pandemic.

23
24 The amount hereinabove appropriated for Coronavirus Relief Fund
25 – Assistance to Arts and Culture, EDA shall be allocated by the
26 New Jersey Economic Development Authority to arts and
27 cultural organizations in the State; provided that, not less than
28 \$7,500,000 shall be allocated to the New Jersey Council on the
29 Arts for the purposes of issuing grants to nonprofit arts and
30 cultural entities. The New Jersey Economic Development
31 Authority shall establish minimum grant eligibility criteria and
32 the size of the grant awards to meet the needs of the grantee
33 entities in responding to the public health crisis.¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly ACE committee amendments adopted March 8, 2021.
²Assembly AAP committee amendments adopted March 17, 2021.

1 ¹1. a. Subject to the availability of federal funds provided or
2 made accessible to the State via federal block grant funds allocated
3 to the State from the federal “Coronavirus Relief Fund” established
4 pursuant to the federal “Coronavirus Aid, Relief, and Economic
5 Security Act (CARES Act),” Pub.L.116-136, or any other federal
6 funds made available to the State in response to the coronavirus
7 disease 2019 (COVID-19) pandemic, ²[\$15,000,000] \$7,500,000²
8 from such federal funds shall be made available to the New Jersey
9 Economic Development Authority for the purposes set forth in
10 subsection b. of this section.

11 b. ²(1)² The funds made available to the New Jersey Economic
12 Development Authority pursuant to subsection a. of this section
13 shall be reserved by the authority to provide financial support, by
14 way of grants, to arts and culture ²for-profit² organizations ²;
15 provided, however, the authority shall allocate not less than
16 \$7,500,000 to the New Jersey Council on the Arts for the purposes
17 of issuing grants to nonprofit entities¹ . The authority may use not
18 more than five percent of the funds to defray any administrative
19 expenses incurred in the implementation of this section.

20 (2) Notwithstanding the provisions of paragraph (1) of this
21 subsection to the contrary, the authority may transfer the
22 uncommitted balance of any funds made available pursuant to this
23 section to any program established pursuant to P.L. ,
24 c. (C.) (pending before the Legislature as Assembly Bill No.
25 5443 or Senate Bill No. 3523 of 2021), P.L. , c. (C.)
26 (pending before the Legislature as Assembly Bill No. 5445 or
27 Senate Bill No. 3520 of 2021), P.L. , c. (C.) (pending
28 before the Legislature as Assembly Bill No. 5446 or Senate Bill No.
29 3519 of 2021), or P.L. , c. (C.) (pending before the
30 Legislature as Assembly Bill No. 5444 or Senate Bill No. 3524 of
31 2021). The authority shall submit notice to the Joint Budget
32 Oversight Committee no less than five calendar days before the date
33 of the transfer. At minimum, the notice shall indicate the amount of
34 the transferred funds and the purpose for which the funds are
35 transferred².

36 c. The New Jersey Economic Development Authority shall
37 establish the size of the awards and eligibility of entities in
38 subsection b. of this section to meet the needs of arts and culture
39 organizations in responding to the public health crisis.¹

40 ²d. As used in this section:

41 “Arts and culture for-profit organization” means an organization
42 that: (1) either organizes, promotes, produces, manages, or hosts at
43 least two regularly occurring live performances or events per week
44 by performing artists for which admission fees are charged and
45 performers are paid based on a percentage of sales, a guarantee, or
46 other mutually beneficial formal arrangement or publicly sells
47 tickets in advance of performing arts events for which performers

1 are paid based on a percentage of sales, a guarantee, or other
2 mutually beneficial formal arrangement; and (2) can demonstrate to
3 the authority a 25 percent or greater operating revenue loss in the
4 second quarter of 2020 compared to the second quarter of 2019.

5 “Performing arts or artist” includes, but is not limited to, events
6 such as musical concerts, comedy shows, theatrical productions,
7 dance performances, or other live renderings of similarly artistic
8 works.²

9
10 ²2. a. Subject to the availability of federal funds provided or
11 made accessible to the State via federal block grant funds allocated
12 to the State from the federal “Coronavirus Relief Fund” established
13 pursuant to the federal “Coronavirus Aid, Relief, and Economic
14 Security Act (CARES Act),” Pub.L.116-136, or any other federal
15 funds made available to the State in response to the coronavirus
16 disease 2019 (COVID-19) pandemic, \$7,500,000 from such federal
17 funds shall be made available to the New Jersey Council on the Arts
18 for the purposes set forth in subsection b. of this section.

19 b. The funds made available to the New Jersey Council on the
20 Arts pursuant to subsection a. of this section shall be reserved by
21 the council to provide financial support, by way of grants, to arts
22 and culture non-profit organizations. The council may use not more
23 than five percent of the funds to defray any administrative expenses
24 incurred in the implementation of this section.

25 c. The New Jersey Council on the Arts shall establish the size
26 of the awards and eligibility of entities in subsection b. of this
27 section to meet the needs of arts and culture organizations in
28 responding to the public health crisis.²

29
30 ²[2.] 3.² This act shall take effect immediately.