

[First Reprint]

**SENATE, No. 3521**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MARCH 9, 2021

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**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 Senate Budget and Appropriations Committee on March 22, 2021, with amendments.

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

1 <sup>1</sup>**[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 and New Jersey  
4 Council on the Arts to support arts and culture organizations in  
5 need<sup>1</sup>.

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

9  
10 <sup>1</sup>**[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.]<sup>1</sup>

**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:

<sup>1</sup>Senate SBA committee amendments adopted March 22, 2021.

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

10 b. (1) The funds made available to the New Jersey Economic  
11 Development Authority pursuant to subsection a. of this section shall  
12 be reserved by the authority to provide financial support, by way of  
13 grants, to arts and culture for-profit organizations. The authority may  
14 use not more than five percent of the funds to defray any  
15 administrative expenses incurred in the implementation of this section.

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

31 c. The New Jersey Economic Development Authority shall  
32 establish the size of the awards and eligibility of entities in subsection  
33 b. of this section to meet the needs of arts and culture organizations in  
34 responding to the public health crisis.

35 d. As used in this section:

36 “Arts and culture for-profit organization” means an organization  
37 that: (1) either organizes, promotes, produces, manages, or hosts at  
38 least two regularly occurring live performances or events per week by  
39 performing artists for which admission fees are charged and  
40 performers are paid based on a percentage of sales, a guarantee, or  
41 other mutually beneficial formal arrangement or publicly sells tickets  
42 in advance of performing arts events for which performers are paid  
43 based on a percentage of sales, a guarantee, or other mutually  
44 beneficial formal arrangement; and (2) can demonstrate to the  
45 authority a 25 percent or greater operating revenue loss in the second  
46 quarter of 2020 compared to the second quarter of 2019.

1 “Performing arts or artist” includes, but is not limited to, events  
2 such as musical concerts, comedy shows, theatrical productions, dance  
3 performances, or other live renderings of similarly artistic works.<sup>1</sup>  
4

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

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

20 c. The New Jersey Council on the Arts shall establish the size of  
21 the awards and eligibility of entities in subsection b. of this section to  
22 meet the needs of arts and culture organizations in responding to the  
23 public health crisis.<sup>1</sup>  
24

25 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.