

P.L. 2021, CHAPTER 43, *approved April 8, 2021*
Senate, No. 3521 (*First Reprint*)

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 and New Jersey
4 Council on the Arts 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	\$15,000,000
	Total Grants-in-Aid Appropriation, Economic Planning and Development.....	\$15,000,000

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

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:

¹Senate SBA committee amendments adopted March 22, 2021.

1 the size of the grant awards to meet the needs of the grantee
2 entities in responding to the public health crisis.】¹

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

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

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

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

38 d. As used in this section:

39 “Arts and culture for-profit organization” means an organization
40 that: (1) either organizes, promotes, produces, manages, or hosts at
41 least two regularly occurring live performances or events per week by
42 performing artists for which admission fees are charged and
43 performers are paid based on a percentage of sales, a guarantee, or
44 other mutually beneficial formal arrangement or publicly sells tickets
45 in advance of performing arts events for which performers are paid
46 based on a percentage of sales, a guarantee, or other mutually
47 beneficial formal arrangement; and (2) can demonstrate to the
48 authority a 25 percent or greater operating revenue loss in the second
49 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.¹
4

5 ¹2. 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.¹
24

25 ¹[2.] 3.¹ This act shall take effect immediately.
26
27
28

29
30 _____
31 Makes \$15 million in federal funds available to EDA and New
32 Jersey Council on the Arts to support arts and culture organizations
in need.