

CHAPTER 43

AN ACT making federal funding available to the New Jersey Economic Development Authority and New Jersey Council on the Arts to support arts and culture organizations in need.

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

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

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

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.42, P.L.2021, c.47, P.L.2021, c.46, or P.L.2021, c.45. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

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

d. As used in this section:

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

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

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

b. The funds made available to the New Jersey Council on the Arts pursuant to subsection a. of this section shall be reserved by the council to provide financial support, by way of grants, to

arts and culture non-profit organizations. The council may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

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

3. This act shall take effect immediately.

Approved April 8, 2021.