

SENATE BILL 700

P1

7lr2383
CF HB 1506

By: **Senators Robinson, Bates, Benson, Brochin, Conway, Currie, DeGrange, Eckardt, Ferguson, Guzzone, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Muse, Nathan-Pulliam, Reilly, Salling, Smith, Young, ~~and Zucker~~ Zucker, and Oaks**

Introduced and read first time: February 3, 2017

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Government – Office of Minority Affairs and Interdepartmental Advisory**
3 **Committee on Minority Affairs – Renaming**

4 FOR the purpose of renaming the Governor's Office of Minority Affairs to be the Governor's
5 Office of Small, Minority, and Women Business Affairs; renaming the Special
6 Secretary for the Office of Minority Affairs to be the Special Secretary for the Office
7 of Small, Minority, and Women Business Affairs; renaming the Interdepartmental
8 Advisory Committee on Minority Affairs to be the Interdepartmental Advisory
9 Committee on Small, Minority, and Women Business Affairs; making conforming
10 changes; requiring the publisher of the Annotated Code of Maryland, in consultation
11 with and subject to the approval of the Department of Legislative Services, to correct
12 any cross-references or terminology rendered incorrect by this Act and to describe
13 any corrections made in an editor's note following the section affected; and generally
14 relating to the renaming of the Office of Minority Affairs and the Interdepartmental
15 Advisory Committee on Minority Affairs.

16 BY repealing and reenacting, with amendments,
17 Article – Economic Development
18 Section 14–103(d) and (e)
19 Annotated Code of Maryland
20 (2008 Volume and 2016 Supplement)

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.



- 1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 11–1001(d) and (e)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2016 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Environment
8 Section 9–345(d)(5), 9–421(d)(5), 9–1605.2(i)(4), and 9–1605.3(f)(2)(v)
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2016 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 20–1004(21)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Housing and Community Development
18 Section 4–501.1(d) and (e)
19 Annotated Code of Maryland
20 (2006 Volume and 2016 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Insurance
23 Section 20–303(c)(3) and (4) and 24–310(d) and (e)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2016 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Public Utilities
28 Section 7–704.1(d)(4)(iii)
29 Annotated Code of Maryland
30 (2010 Replacement Volume and 2016 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – State Finance and Procurement
33 Section 6–222(f)(3) and (4), 12–105(c)(1), 12–110(c)(1), 14–302(a)(9)(iv) and (v) and
34 (11)(iii)2., 14–303(b)(19), 14–305, 14–308(c), 14–503, and 14–505
35 Annotated Code of Maryland
36 (2015 Replacement Volume and 2016 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – State Government
39 Section 9–1A–10(b), 9–1A–23(d), 9–1A–36(l); 9–301 through 9–303.1 to be under the
40 amended subtitle “Subtitle 3. Office of Small, Minority, and Women Business

Affairs”; 9–306, and 9–20C–02(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116(d)(3) and (4) and 35–302(b)(3) and (4)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Economic Development

14–103.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help it achieve the objective for greater use of minority business enterprises for brokerage and investment management services under this article.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by any fund established under this article in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets under the custody of each entity that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the entity undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

Article – Education

11–1001.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Commission shall develop guidelines to assist the Commission in identifying and evaluating qualified

1 minority business enterprises in order to help the Commission achieve the objective for
2 greater use of minority business enterprises for brokerage and investment management
3 services for any fund established under this Division III.

4 (e) On or before September 1 each year, the Commission shall submit a report to
5 the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY,**
6 **AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State Government
7 Article, the General Assembly on:

8 (1) The identity of the minority business enterprise brokerage and
9 investment management services firms used by the Commission in the immediately
10 preceding fiscal year;

11 (2) The percentage and dollar value of the Commission's assets in any fund
12 established under this article that are under the investment control of minority business
13 enterprise brokerage and investment management services firms in each allocated asset
14 class; and

15 (3) The measures the Commission undertook in the immediately preceding
16 fiscal year in accordance with subsection (c)(2) of this section.

17 **Article – Environment**

18 9-345.

19 (d) For financial assistance over \$500,000 awarded under the Fund, the applicant
20 shall demonstrate, to the satisfaction of the Department, that steps were taken to include
21 small business enterprises, minority business enterprises, and women's business
22 enterprises by:

23 (5) Using the services and assistance of the Maryland Department of
24 Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**
25 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small
26 business enterprises, minority business enterprises, and women's business enterprises.

27 9-421.

28 (d) For financial assistance over \$500,000 awarded under the Fund, the applicant
29 shall demonstrate, to the satisfaction of the Department, that steps were taken to include
30 small business enterprises, minority business enterprises, and women's business
31 enterprises by:

32 (5) Using the services and assistance of the Maryland Department of
33 Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**
34 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small
35 business enterprises, minority business enterprises, and women's business enterprises.

1 9–1605.2.

2 (i) (4) The grant agreement shall require a grantee to demonstrate, to the
3 satisfaction of the Department, that steps were taken to include small business enterprises,
4 minority business enterprises, and women’s business enterprises by:

5 (i) Placing qualified small business enterprises, minority business
6 enterprises, and women’s business enterprises on solicitation lists;

7 (ii) Assuring that small business enterprises, minority business
8 enterprises, and women’s business enterprises are solicited whenever they are potential
9 sources;

10 (iii) Dividing total requirements, when economically feasible, into
11 small tasks or quantities to permit maximum participation of small business enterprises,
12 minority business enterprises, and women’s business enterprises;

13 (iv) Establishing delivery schedules, where the requirement permits,
14 that encourage participation by small business enterprises, minority business enterprises,
15 and women’s business enterprises; and

16 (v) Using the services and assistance of the Maryland Department
17 of Transportation and the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE**
18 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting
19 small business enterprises, minority business enterprises, and women’s business
20 enterprises.

21 9–1605.3.

22 (f) (2) For financial assistance over \$500,000 awarded under the Fund, the
23 grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to
24 include small businesses, certified minority business enterprises, and certified minority
25 business enterprises classified as women–owned businesses by:

26 (v) Using the services and assistance of the Department of
27 Transportation and the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF**
28 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small
29 businesses, certified minority business enterprises, and certified minority business
30 enterprises classified as women–owned businesses.

31 **Article – Health – General**

32 20–1004.

33 The Office shall:

(21) Work collaboratively with the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** as the Office determines necessary; and

Article – Housing and Community Development

4–501.1.

(d) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Department achieve the objective for greater use of minority business enterprises for brokerage and investment management services for the funds established under this subtitle.

(e) On or before September 1 each year, the Department shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Department in the immediately preceding fiscal year;

(2) the percentage and dollar value of the assets in the funds established under this subtitle that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) the measures the Department undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

Article – Insurance

20–303.

(c) (3) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the financial management committee shall develop guidelines to assist the committee in identifying and evaluating qualified minority business enterprises in order to help the Fund achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the financial management committee shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the financial management committee in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the Fund assets that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(iii) the measures the financial management committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

24–310.

(d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist it in identifying and evaluating qualified minority business enterprises in order to help the Company achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(e) On or before September 1 each year, the Board shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the identity of the minority business enterprise brokerage and investment management services firms used by the Board in the immediately preceding fiscal year;

(2) the percentage and dollar value of the Company assets that are under the investment control of minority business enterprise brokerage and investment management services firms; and

(3) the measures the Board undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

Article – Public Utilities

7–704.1.

(d) (4) (iii) The [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under subparagraph (ii)1 and 3 of this paragraph.

1 **Article – State Finance and Procurement**

2 6–222.

3 (f) (3) In conjunction with the [Governor’s Office of Minority Affairs]
4 **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the
5 Treasurer shall develop guidelines to assist in identifying and evaluating qualified minority
6 business enterprises in order to help the Treasurer achieve the objective for greater use of
7 minority business enterprises for brokerage and investment management services under
8 this section.

9 (4) On or before September 1 each year, the Treasurer shall submit a report
10 to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL,**
11 **MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State
12 Government Article, the General Assembly on:

13 (i) the identity of the minority business enterprise brokerage and
14 investment management services firms used by the Treasurer in the immediately
15 preceding fiscal year;

16 (ii) the percentage and dollar value of the assets under the custody
17 of the Treasurer that are under the investment control of minority business enterprise
18 brokerage and investment management services firms for each allocated asset class; and

19 (iii) the measures the Treasurer undertook in the immediately
20 preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

21 12–105.

22 (c) (1) The Council consists of the following 11 members:

23 (i) the State Treasurer;

24 (ii) the Chancellor of the University System of Maryland;

25 (iii) the Secretary of Budget and Management;

26 (iv) the Secretary of General Services;

27 (v) the Secretary of Information Technology;

28 (vi) the Secretary of Transportation;

29 (vii) the Secretary of the Board;

30 (viii) the Special Secretary for the [Office of Minority Affairs] **OFFICE**

OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS;

(ix) a representative of local government who has expertise in local procurement matters, appointed by the Governor with the advice and consent of the Senate; and

(x) two members of the general public, at least one of whom has expertise in State procurement matters, appointed by the Governor with the advice and consent of the Senate.

12–110.

(c) (1) The Council consists of the following members:

(i) the State Treasurer;

(ii) the Attorney General;

(iii) the Procurement Advisor;

(iv) the State Superintendent of Schools;

(v) the Secretary of Budget and Management;

(vi) the Secretary of Juvenile Services;

(vii) the Secretary of Human Resources;

(viii) the Secretary of Health and Mental Hygiene;

(ix) the Director of the Governor's Grants Office;

(x) the Executive Director of the Governor's Office of Crime Control and Prevention;

(xi) the Executive Director of the Governor's Office for Children;

(xii) the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS;**

(xiii) four representatives of private organizations with experience providing human services funded by contracts through State units, appointed by the Governor;

(xiv) a member of the Senate, appointed by the President of the Senate; and

(xv) a member of the House of Delegates, appointed by the Speaker of the House.

14–302.

(a) (9) (iv) 1. Except for waivers granted in accordance with subparagraph (iii) of this paragraph, when a waiver determination is made, the unit shall issue the determination in writing.

2. The head of the unit shall:

A. keep one copy of the waiver determination and the reasons for the determination; and

B. forward one copy of the waiver determination to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(v) On or before July 31 of each year, each unit shall submit directly to the Board of Public Works and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** an annual report of waivers requested and waivers granted under this paragraph.

(11) (iii) 2. The unit shall send a copy of the written consent obtained under subsubparagraph 1 of this subparagraph to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

14–303.

(b) These regulations shall include:

(19) a requirement that each unit work with the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** to designate certain procurements as being excluded from the requirements of § 14–302(a) of this subtitle; and

14–305.

(a) (1) Within 90 days after the end of the fiscal year, each unit shall report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the certification agency, and, subject to § 2–1246 of the State Government Article, the Joint Committee on Fair Practices and Personnel Oversight.

(2) A report under this subsection shall for the preceding fiscal year:

(i) state the total number and value of procurement contracts between the unit and certified minority business enterprises, by specific category of minority business enterprise, including whether the minority business enterprise participated as a prime contractor or as a subcontractor;

(ii) indicate the percentage that those procurement contracts represent, by specific category of minority business enterprise, of the total number and value of procurement contracts;

(iii) state the total number and the names of certified minority business enterprises that participated as prime contractors or as subcontractors on procurement contracts awarded by a unit;

(iv) for each minority business included in the report under item (iii) of this paragraph, list all procurement contracts awarded by a unit to the minority business enterprise, including a description of the contract; and

(v) contain other such information as required by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(3) As to procurement contracts for architectural services and engineering services reported under paragraph (2) of this subsection, the report shall identify by separate category of minority business enterprise procurements for:

(i) architectural services; and

(ii) engineering services.

(4) A report under this subsection shall be in a form prescribed by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the Board.

(b) (1) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (a) of this section.

(2) This report may be prepared in conjunction with the annual report required under § 9–306 of the State Government Article.

14–308.

(c) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall make available a fraud hotline for reporting violations of this section.

14-503.

(a) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall adopt regulations to establish procedures for compiling and maintaining a comprehensive bidder's list of qualified small businesses that shall be posted on the Internet.

(b) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall:

(1) establish guidelines for Small Business Reserve Program administration;

(2) ensure agency compliance with the Small Business Reserve Program;

(3) provide training and technical assistance to agency personnel; and

(4) collect data regarding the State's utilization of small business reserve vendors.

(c) Each designated procurement unit shall ensure compliance with the regulations set forth in subsection (a) of this section.

14-505.

(a) Within 60 days after the enactment of the budget bill by the General Assembly, each designated procurement unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the reporting requirements set forth in COMAR 21.11.01.06.

(b) (1) Within 90 days after the end of each fiscal year, each unit shall submit a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the requirements of paragraph (2) of this subsection.

(2) For the preceding fiscal year, the report shall:

(i) state the total number and the dollar value of payments the unit made to small businesses under designated small business reserve contracts;

(ii) state the total number and the dollar value of payments the unit

made to small businesses under nondesignated small business reserve contracts, including purchase card procurements;

(iii) state the total dollar value of payments the unit made under procurement contracts; and

(iv) contain other such information as required by the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(c) On or before December 31 of each year, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2-1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (b) of this section.

Article – State Government

9-1A-10.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

9-1A-23.

(d) (1) Within 30 days after the completion of its first year of operations, a video lottery operation licensee in Baltimore City shall:

(i) compile data on the age, sex, race, and county of residence of its State video lottery employees who worked in the State during the previous year; and

(ii) submit the data to the Commission.

(2) Within 3 months after receiving the data required under paragraph (1) of this subsection, the Commission shall submit a report containing the data to the Governor, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, and, subject to § 2-1246 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates.

(3) The Commission shall adopt regulations to carry out this subsection.

9-1A-36.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good-faith efforts to solicit and interview a reasonable number of minority investors;

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application; and

(iii) if an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good-faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under paragraph (1)(i) and (iii) of this subsection.

Subtitle 3. [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

9-301.

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

(b) "Interdepartmental Committee" means the [Interdepartmental Advisory Committee on Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

(c) (1) “Minority person” means:

(i) an individual who has been deprived of the opportunity to develop and keep a competitive position in the economy because of a social or economic disadvantage that arises from cultural, racial, or other similar causes; or

(ii) a sheltered workshop for individuals with disabilities.

(2) “Minority person” includes:

(i) an Aleut;

(ii) an American Indian;

(iii) a Black;

(iv) an Eskimo;

(v) a Hispanic;

(vi) an Oriental;

(vii) a Puerto Rican; or

(viii) a woman.

(d) “Office” means the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

(e) “Special Secretary” means the Special Secretary for the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**.

9–302.

There is an [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in the Executive Department.

9–303.

(a) The head of the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** is the Special Secretary, who shall be appointed by and serves at the pleasure of the Governor.

(b) The Special Secretary shall receive the salary provided in the State budget.

9–303.1.

(a) There is an [Interdepartmental Advisory Committee for Minority Affairs]
**INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN
BUSINESS AFFAIRS.**

(b) The Interdepartmental Committee is composed of:

(1) the secretary of each principal department of the Executive Branch of government, or the secretary's designee;

(2) the State Superintendent of Schools, or the Superintendent's designee;

(3) the Secretary of Higher Education, or the Secretary's designee; and

(4) the Special Secretary.

(c) The Interdepartmental Committee shall:

(1) advise the Special Secretary on proposals to implement and enhance the duties of the Office, including the promotion of employment of minority persons in the State, and the promotion of the growth and participation of minority business enterprises in the State;

(2) gather such information the Committee deems necessary to promote the goals of the Office;

(3) provide such other assistance as may be required to further the purposes of §§ 9–304 and 9–305 of this subtitle; and

(4) meet at the call of the Special Secretary.

9–306.

(a) On or before the 15th day of each regular session of the General Assembly, the Special Secretary shall send an annual report on the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS:**

(1) to the Governor; and

(2) subject to § 2–1246 of this article, to the General Assembly.

(b) The annual report may be prepared in conjunction with the report required under § 14–305(b) of the State Finance and Procurement Article.

9–20C–02.

(c) The Advisory Committee consists of the following members:

1 (1) two members of the Senate of Maryland, one from each of the principal
2 political parties, appointed by the President of the Senate;

3 (2) two members of the House of Delegates, one from each of the principal
4 political parties, appointed by the Speaker of the House;

5 (3) the Director or the Director's designee;

6 (4) the Secretary of Commerce, or the Secretary's designee;

7 (5) the Special Secretary of the [Governor's Office of Minority Affairs]
8 **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, or the
9 Special Secretary's designee; and

10 (6) the following 12 members, appointed by the Governor:

11 (i) 1 representative of a public institution of higher education in the
12 State;

13 (ii) 1 representative of a historically black or African American
14 university in the State;

15 (iii) 1 representative of the State's community colleges;

16 (iv) 1 representative of the Maryland Independent Colleges and
17 Universities Association;

18 (v) 1 representative of the Maryland Small Business Development
19 Center Network;

20 (vi) 1 representative of the Maryland Business Coalition for Offshore
21 Wind;

22 (vii) 1 representative of a business incubator in the State with
23 experience in providing services to minority business enterprises as defined in § 14–301 of
24 the State Finance and Procurement Article, or to emerging businesses, including emerging
25 businesses owned by minorities;

26 (viii) 1 individual with experience in providing business financing to
27 minority business enterprises as defined in § 14–301 of the State Finance and Procurement
28 Article, or to emerging businesses, including emerging businesses owned by minorities;

29 (ix) 1 representative of an offshore wind developer;

30 (x) 1 representative of an original equipment manufacturer;

(xi) 1 individual who is a minority business advocate; and

(xii) 1 individual with experience in offshore wind supply chain issues.

Article – State Personnel and Pensions

21–116.

(d) (3) In consultation with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and the Investment Committee, the Board of Trustees shall develop guidelines to assist the Investment Committee in identifying and evaluating qualified minority business enterprises in order to help the State Retirement Agency achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Investment Committee shall submit a report to the Board of Trustees, the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise brokerage and investment management services firms used by the Investment Committee in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Investment Committee that are under the investment control of minority business enterprise brokerage and investment management services firms for each allocated asset class; and

(iii) the measures the Investment Committee undertook in the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

35–302.

(b) (3) In consultation with the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall develop guidelines to assist the Board in identifying and evaluating qualified minority business enterprises in order to help the Maryland Teachers and State Employees Supplemental Retirement Plans achieve the objective for greater use of minority business enterprises for brokerage and investment management services.

(4) On or before September 1 each year, the Board shall submit a report to the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government Article, the General Assembly on:

1 (i) the identity of the minority business enterprise brokerage and
2 investment management services firms used by the Board in the immediately preceding
3 fiscal year;

4 (ii) the percentage and dollar value of the assets that are under the
5 control of the Board that are under the investment control of minority business enterprise
6 brokerage and investment management services firms for each allocated asset class; and

7 (iii) the measures the Board undertook in the immediately preceding
8 fiscal year in accordance with paragraph (2)(ii) of this subsection.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
10 Annotated Code of Maryland, in consultation with and subject to the approval of the
11 Department of Legislative Services, shall correct, with no further action required by the
12 General Assembly, cross-references and terminology rendered incorrect by this Act. The
13 publisher shall adequately describe any correction that is made in an editor's note following
14 the section affected.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.