

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 943
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “and” and substitute a comma; in line 8, after the second “and” insert “the operations of the Department; specifying that the Secretary”; in line 9, strike “certain units and”; and strike beginning with the second “the” in line 15 down through “Corporation” in line 16 and substitute “certain corporations”.

On page 2, strike beginning with “altering” in line 7 down through “information” in line 22 and substitute “expanding a certain authority of the Maryland Economic Development Corporation”; in line 28, after “duties;” insert “establishing the Public–Private Partnership Marketing Corporation and the Board of Directors of the Corporation; providing that the Public–Private Partnership Marketing Corporation is a body politic and corporate and is an instrumentality of the State; specifying the purposes of the Public–Private Partnership Marketing Corporation; specifying the duties, membership, qualifications, terms, appointments, and removal of the members of the Board of the Public–Private Partnership Marketing Corporation; specifying the manner of electing the chair of the Board of the Public–Private Partnership Marketing Corporation; requiring the Public–Private Partnership Marketing Corporation to employ an Executive Director; specifying the duties of the Executive Director of the Public–Private Partnership Marketing Corporation; establishing the Economic Development Marketing Fund as a special, nonlapsing fund; requiring the Public–Private Partnership Marketing Corporation to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that a certain provision of law may not be construed to prevent the Department from expending certain funds directly for marketing purposes; providing that the Attorney General is the legal advisor to the Public–Private Partnership Marketing Corporation; authorizing the Public–Private Partnership Marketing Corporation to employ certain staff;”

(Over)

specifying certain provisions of law from which the Public-Private Partnership Marketing Corporation is exempt and to which the Corporation is subject; specifying the authority of the Public-Private Partnership Marketing Corporation; requiring the Public-Private Partnership Marketing Corporation to report on certain matters to certain persons on or before a certain date each year;”.

On page 3, in line 16, after “Commission;” insert “and”; in line 19, strike “2.” and substitute “2.5.”; in line 20, after “10-480” insert “10-484”; in line 26, strike “and” and substitute a comma; in line 27, strike “6-505 through 6-507,”; in line 27, strike “6-520, 6-523,”; in line 28, strike “10-104(a)” and substitute “10-104, 10-110, 10-132”; in line 40, strike “10-104(b) and (c).”; in line 41, strike “10-110.”; and in the same line, strike “10-132.”.

On page 4, in line 3, strike “and 2.5-109”; in line 10, after “2-101” insert “; and 10-901 through 10-912 to be under the new subtitle “Subtitle 9. Maryland Public-Private Partnership Marketing Corporation.”;”; in line 11, strike “, 10-109.1, 10-114.1.”; and in line 12, strike “10-117.1.”.

On page 5, in line 37, strike “2.” and substitute “2.5”; in line 38, after “10-485.” insert “10-486.”; and in line 40, after “5-601” insert “of Article – Economic Development”.

On page 6, in line 1, after “6-501” insert “of Article – Economic Development”.

AMENDMENT NO. 2

On page 7, in line 7, strike “AND”; and in line 10, after “ARTICLE” insert “; AND”

(III) THE MARYLAND PUBLIC-PRIVATE PARTNERSHIP MARKETING CORPORATION ESTABLISHED UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE”.

On page 8, in line 9, strike “AND”; and in line 11, after “CORPORATION” insert “AND”

(III) THE MARYLAND PUBLIC-PRIVATE PARTNERSHIP MARKETING CORPORATION”.

AMENDMENT NO. 3

On page 17, in line 26, after “(2)” insert “ADVISE THE SECRETARY ON ECONOMIC DEVELOPMENT POLICY IN THE STATE;”

(3)”.

On page 18, in line 1, strike “(3)” and substitute “(4)”; in line 2, strike “AND” and substitute a comma; and in line 3, after “CORPORATION” insert “, AND THE MARYLAND PUBLIC-PRIVATE PARTNERSHIP MARKETING CORPORATION”.

On page 21, in line 18, strike “AND”; and in the same line, after the second “CORPORATION” insert “, AND THE MARYLAND PUBLIC-PRIVATE PARTNERSHIP MARKETING CORPORATION”.

AMENDMENT NO. 4

On page 46, in line 18, strike the brackets; in line 20, strike the semicolon and substitute a period; and strike in their entirety lines 21 through 26, inclusive.

On page 47, strike beginning with “, INCLUDING” in line 8 down through “STATE” in line 10; and strike in their entirety lines 24 through 32, inclusive.

On page 48, strike in their entirety lines 1 through 9, inclusive; in line 14, strike “PUBLIC RELATIONS AND COMMUNICATIONS CONSULTANTS,”; and strike in their entirety lines 16 through 29, inclusive.

On page 49, strike in their entirety lines 1 through 28, inclusive.

On page 50, strike in their entirety lines 27 and 28.

On page 51, strike in their entirety lines 1 through 4, inclusive; and strike beginning with “, INCLUDING” in line 10 down through “GROUP” in line 12.

AMENDMENT NO. 5

On page 57, after line 6, insert:

“SUBTITLE 9. MARYLAND PUBLIC-PRIVATE PARTNERSHIP MARKETING
CORPORATION.

10-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE
CORPORATION.

(C) “CORPORATION” MEANS THE MARYLAND PUBLIC-PRIVATE
PARTNERSHIP MARKETING CORPORATION.

10-902.

(A) THERE IS A MARYLAND PUBLIC-PRIVATE PARTNERSHIP
MARKETING CORPORATION.

(B) THE CORPORATION IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(C) THE PURPOSES OF THE CORPORATION ARE TO:

(1) CREATE A BRANDING STRATEGY FOR THE STATE;

(2) MARKET THE STATE'S ASSETS TO OUT-OF-STATE BUSINESSES;

(3) RECRUIT OUT-OF-STATE BUSINESSES TO LOCATE AND GROW IN THE STATE; AND

(4) FOSTER PUBLIC-PRIVATE PARTNERSHIPS THAT ENCOURAGE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE.

10-903.

(A) A BOARD OF DIRECTORS SHALL MANAGE THE CORPORATION AND ITS UNITS AND EXERCISE THE CORPORATE POWERS OF THE BOARD OF DIRECTORS.

(B) THE BOARD CONSISTS OF THE FOLLOWING 18 MEMBERS:

(1) THE SECRETARY;

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

(Over)

(3) (I) ONE MEMBER OF THE SENATE OF MARYLAND, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE PRESIDENT OF THE SENATE; AND

(II) ONE MEMBER OF THE HOUSE OF DELEGATES, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE SPEAKER OF THE HOUSE; AND

(4) THE FOLLOWING 14 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

(I) THREE REPRESENTING BUSINESSES IN THE STATE;

(II) TWO REPRESENTING LABOR IN THE STATE;

(III) TWO REPRESENTING NOT-FOR-PROFIT ORGANIZATIONS IN THE STATE;

(IV) THREE WITH EXPERTISE IN MARKETING OR ADVERTISING;

(V) ONE WITH EXPERTISE IN PUBLIC RELATIONS AND COMMUNICATIONS; AND

(VI) THREE WITH EXPERTISE IN ECONOMIC DEVELOPMENT.

(C) EACH MEMBER OF THE BOARD SHALL RESIDE IN THE STATE.

(D) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL CONSIDER DIVERSITY AND ALL GEOGRAPHIC REGIONS OF THE STATE.

(E) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2015.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(H) THE BOARD SHALL ELECT A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.

(Over)

(I) THE BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF NINE BOARD MEMBERS.

10-904.

(A) THE CORPORATION SHALL EMPLOY AN EXECUTIVE DIRECTOR.

(B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE CORPORATION.

10-905.

(A) IN THIS SECTION, "FUND" MEANS THE ECONOMIC DEVELOPMENT MARKETING FUND.

(B) THERE IS AN ECONOMIC DEVELOPMENT MARKETING FUND.

(C) THE CORPORATION SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

- (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
- (2) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS OR PRIVATE CONTRIBUTIONS;
- (3) MONEY DERIVED BY THE CORPORATION FROM THE SALE OF ADVERTISING, PUBLICATIONS, SPONSORSHIPS, OR OTHER PROMOTIONAL OR MARKETING OPPORTUNITIES; OR
- (4) ANY OTHER MONEY MADE AVAILABLE TO THE CORPORATION FOR THE FUND.
- (F) (1) THE FUND MAY BE USED ONLY TO MARKET THE STATE AS A LOCATION FOR BUSINESSES TO LOCATE, RETAIN, OR EXPAND THEIR OPERATIONS THROUGH ANY OF THE FOLLOWING MEANS:

 - (I) WEB SITE MANAGEMENT;
 - (II) MEDIA CONTENT CREATION;
 - (III) SOCIAL MEDIA OUTREACH;
 - (IV) ELECTRONIC MAIL MARKETING TO PROMOTE EVENTS AND OPPORTUNITIES FOR BUSINESSES;
 - (V) COLLATERAL AND DISPLAY DEVELOPMENT;
 - (VI) EVENT MANAGEMENT; AND

(VII) ANY OTHER APPROACHES THE CORPORATION DETERMINES TO BE APPROPRIATE.

(2) THE CORPORATION MAY CONDUCT THESE ACTIVITIES DIRECTLY OR THROUGH CONTRACT PROVIDERS.

(G) (1) THE TREASURER SHALL INVEST MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT THE DEPARTMENT FROM EXPENDING FUNDS APPROPRIATED IN THE STATE BUDGET TO THE DEPARTMENT DIRECTLY FOR MARKETING PURPOSES.

10-906.

(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE CORPORATION.

(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE CORPORATION MAY RETAIN ANY NECESSARY LAWYERS.

10-907.

THE CORPORATION MAY RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISORS, OR OTHER CONSULTANTS.

10-908.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS SECTION, THE CORPORATION IS EXEMPT FROM:

(1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(2) §§ 10-507 AND 10-555 OF THE STATE GOVERNMENT ARTICLE.

(B) THE CORPORATION IS SUBJECT TO THE PUBLIC INFORMATION ACT.

(C) THE BOARD AND THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE SUBJECT TO THE PUBLIC ETHICS LAW.

(D) THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE NOT SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(E) THE CORPORATION, THE BOARD, AND THE EMPLOYEES OF THE CORPORATION ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10-909.

THE CORPORATION MAY:

(Over)

- (1) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;
- (2) ADOPT A SEAL;
- (3) MAINTAIN OFFICES AT A PLACE IN THE STATE THAT THE CORPORATION DESIGNATES;
- (4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE FEDERAL OR STATE GOVERNMENT, LOCAL GOVERNMENT, A COLLEGE OR UNIVERSITY, OR A PRIVATE SOURCE;
- (5) ACCEPT ASSISTANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION;
- (6) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;
- (7) SUE OR BE SUED;
- (8) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, AND USE:

 - (I) A FRANCHISE, PATENT, OR LICENSE;
 - (II) ANY REAL, PERSONAL, MIXED, TANGIBLE, OR INTANGIBLE PROPERTY; OR
 - (III) AN INTEREST IN THE PROPERTY LISTED IN THIS ITEM;
- (9) SELL, LEASE AS LESSOR, TRANSFER, LICENSE, ASSIGN, OR DISPOSE OF PROPERTY OR A PROPERTY INTEREST THAT THE CORPORATION ACQUIRES;

(10) FIX AND COLLECT RATES, RENTALS, FEES, ROYALTIES, AND CHARGES FOR SERVICES AND RESOURCES THE CORPORATION PROVIDES OR MAKES AVAILABLE; AND

(11) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS SUBTITLE.

10-910.

THE CORPORATION IS EXEMPT FROM STATE AND LOCAL TAXES.

10-911.

THE BOOKS AND RECORDS OF THE CORPORATION ARE SUBJECT TO AUDIT:

(1) AT ANY TIME BY THE STATE; AND

(2) EACH YEAR BY AN INDEPENDENT AUDITOR THAT THE OFFICE OF LEGISLATIVE AUDITS APPROVES.

10-912.

(A) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE CORPORATION SHALL REPORT TO THE GOVERNOR, THE SECRETARY, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(Over)

(B) THE REPORT SHALL INCLUDE A COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING THE CORPORATION'S OPERATIONS AND A SUMMARY OF THE CORPORATION'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR."

On page 65, strike in their entirety lines 8 through 26, inclusive, and substitute:

"SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding § 10–903(f)(1) of the Economic Development Article, as enacted by Section 2 of this Act, the terms of the initial appointed members of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation shall expire as follows:

- (1) Three members on September 30, 2018;
- (2) Four members on September 30, 2019;
- (3) Four members on September 30, 2020; and
- (4) Three members on September 30, 2021."