

SENATE BILL 85

C8, P1

(6lr0118)

ENROLLED BILL

— *Finance/Economic Matters* —

Introduced by **Chair, Finance Committee (By Request – Departmental – Commerce)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Department of Economic Competitiveness and Commerce – Renaming *and***
3 ***Reorganization***

4 FOR the purpose of renaming the Department of Economic Competitiveness and Commerce
5 to be the Department of Commerce; *repealing the Office of the Secretary of Commerce*
6 *in the Office of the Governor; repealing the requirement that the Secretary of*
7 *Commerce employ an Executive Director of the Department; repealing the*
8 *qualifications and the duties of the Executive Director; providing that the*
9 Department of Commerce is the successor of the Department of Economic
10 Competitiveness and Commerce; providing that certain names and titles of a certain
11 unit and officials in laws and other documents mean the names and titles of the
12 successor unit and officials; providing for the continuity of certain matters and
13 persons; requiring the publisher of the Annotated Code of Maryland, in consultation
14 with the Department of Legislative Services, to correct cross-references and
15 terminology in the Code that are rendered incorrect by this Act; *making conforming*

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.

Italics indicate opposite chamber/conference committee amendments.



1 *changes*; and generally relating to ~~renaming~~ the Department of Economic
2 Competitiveness and Commerce *and the Secretary of Commerce*.

3 BY repealing and reenacting, without amendments,

4 Article – Economic Development

5 Section 1–101(a), ~~2–101(a), and 9–101(a)~~ 3–201(a), (b), and (c), 9–101(a),
6 10–401(a), (b), and (c), 10–901, and 10–903(a)

7 Annotated Code of Maryland

8 (2008 Volume and 2015 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Economic Development

11 Section 1–101(c) to be under the amended division “Division I. Secretary of
12 Commerce and Department of Commerce”; ~~2–101(c)(2)~~ 2–101; 2–108;
13 2.5–101(a) to be under the amended title “Title 2.5. Department of Commerce”;
14 and ~~9–101(e)~~ 3–203(a) and (c)(1); 9–101(c); 10–403(b); and 10–903(b)

15 Annotated Code of Maryland

16 (2008 Volume and 2015 Supplement)

17 *BY repealing*

18 *Article – Economic Development*

19 *Section 2.5–103*

20 *Annotated Code of Maryland*

21 *(2008 Replacement Volume and 2015 Supplement)*

22 BY repealing and reenacting, without amendments,

23 Article – State Government

24 Section 8–201(a)

25 Annotated Code of Maryland

26 (2014 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – State Government

29 Section 8–201(b)(4)

30 Annotated Code of Maryland

31 (2014 Replacement Volume and 2015 Supplement)

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

34 **Article – Economic Development**

35 Division I. Secretary of Commerce and Department of [Economic Competitiveness and]
36 Commerce.

37 1–101.

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

2 (c) "Department" means the Department of [Economic Competitiveness and]
3 Commerce.

4 2–101.

5 [(a) There is an Office of the Secretary of Commerce in the Office of the Governor.

6 (b) The head of the Office is the Secretary.

7 (c)(A) (1) The Secretary is the head of economic development policy and
8 implementation efforts in the State.

9 ~~(c)~~ (2) The Secretary is the head of and is responsible for the operations of the
10 Department of [Economic Competitiveness and] Commerce established under Title 2.5 of
11 this article.

12 [(d)(B) (1) The Secretary also monitors the operations of:

13 (i) the Maryland Economic Development Corporation established
14 under Title 10, Subtitle 1 of this article;

15 (ii) the Maryland Technology Development Corporation established
16 under Title 10, Subtitle 4 of this article; and

17 (iii) the Maryland Public–Private Partnership Marketing Corporation
18 established under Title 10, Subtitle 9 of this article.

19 (2) Nothing in this subsection may be construed to limit the independence
20 or operations of these corporations.

21 2–108.

22 (a) The Secretary shall adopt regulations for the [Office] OFFICE of the Secretary.

23 (b) (1) Subject to § 2.5–206 of this article, the Secretary shall review regulations
24 of a unit under the jurisdiction of the Department.

25 (2) The Secretary may approve, disapprove, or revise regulations of a unit.

26 Title 2.5. Department of [Economic Competitiveness and] Commerce.

27 2.5–101.

28 (a) There is a Department of [Economic Competitiveness and] Commerce.

1 [2.5-103.

2 (a) (1) The Secretary shall employ an Executive Director.

3 (2) The Executive Director:

4 (i) serves at the pleasure of the Secretary; and

5 (ii) is entitled to compensation provided in the State budget.

6 (b) (1) The Executive Director shall manage the operations of the Department
7 on behalf of the Secretary.

8 (2) The Executive Director:

9 (i) shall advise the Secretary on all matters assigned to the
10 Department; and

11 (ii) is responsible for carrying out the Secretary's policies on matters
12 assigned to the Department.

13 (c) The Executive Director shall have experience with and possess qualifications
14 relevant to the activities and purposes of the Department.]

15 3-201.

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

17 (b) "Advisory Board" means the Maryland Life Sciences Advisory Board.

18 (c) "Corporation" means the Maryland Technology Development Corporation.

19 3-203.

20 (a) The Advisory Board consists of the following [19] 18 members:

21 (1) the Secretary or the Secretary's designee;

22 (2) [the Executive Director of the Department, or the Executive Director's
23 designee;

24 (3)] the Executive Director of the Corporation, or the Executive Director's
25 designee; and

26 [(4)] (3) the following members appointed by the Governor:

1 (i) three representing federal agencies located in the State with life
2 sciences missions;

3 (ii) seven with executive experience in life sciences businesses located
4 in the State, at least four of whom represent small businesses;

5 (iii) four representing institutions of higher education located in the
6 State, one of whom shall represent a community college;

7 (iv) one with general business marketing experience in a life sciences
8 business located in the State; and

9 (v) one member of the general public.

10 (c) (1) Except for the Secretary or the Secretary's designee[, the Executive
11 Director of the Department or the Executive Director's designee,] and the Executive Director
12 of the Corporation or the Executive Director's designee, the term of an Advisory Board
13 member is 2 years.

14 9–101.

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

16 (c) “Department” means the Department of [Economic Competitiveness and]
17 Commerce.

18 10–401.

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

20 (b) “Board” means the Board of Directors of the Corporation.

21 (c) “Corporation” means the Maryland Technology Development Corporation.

22 10–403.

23 (b) The Board consists of the following [16] 15 members:

24 (1) the Secretary or the Secretary's designee; AND

25 (2) [the Executive Director of the Department or the Executive Director's
26 designee; and

27 (3) fourteen members appointed by the Governor with the advice and
28 consent of the Senate;

- 1 (i) two representing the not-for-profit research sector of the State;
 2 (ii) two with expertise in venture capital financing;
 3 (iii) five with experience in technology-based businesses;
 4 (iv) two representing colleges and universities; and
 5 (v) three members of the general public.

6 10-901.

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

8 (b) "Board" means the Board of Directors of the Corporation.

9 (c) "Corporation" means the Maryland Public-Private Partnership Marketing
 10 Corporation.

11 10-903.

12 (a) A Board of Directors shall manage the Corporation and its units and exercise
 13 the corporate powers of the Board of Directors.

14 (b) The Board consists of the following [18] 17 members:

15 (1) the Secretary;

16 (2) [the Executive Director of the Department;

17 (3)] (i) one member of the Senate of Maryland, who shall be a nonvoting
 18 member of the Board, designated by the President of the Senate; and

19 (ii) one member of the House of Delegates, who shall be a nonvoting
 20 member of the Board, designated by the Speaker of the House; and

21 [(4)](3) the following 14 members, appointed by the Governor with the advice
 22 and consent of the Senate:

23 (i) three representing businesses in the State;

24 (ii) two representing labor in the State;

25 (iii) two representing not-for-profit organizations in the State;

1 *(iv) three with expertise in marketing or advertising:*

2 *(v) one with expertise in public relations and communications; and*

3 *(vi) three with expertise in economic development.*

4 **Article – State Government**

5 8–201.

6 (a) The Executive Branch of the State government shall have not more than 21
7 principal departments, each of which shall embrace a broad, functional area of that Branch.

8 (b) The principal departments of the Executive Branch of the State government
9 are:

10 (4) [Economic Competitiveness and] Commerce;

11 SECTION 2. AND BE IT FURTHER ENACTED, That, as provided in this Act:

12 (1) The Department of Commerce is the successor of the Department of
13 Economic Competitiveness and Commerce.

14 (2) In every law, executive order, rule, regulation, policy, or document
15 created by an official, an employee, or a unit of this State, the names and titles of those
16 agencies and officials mean the names and titles of the successor agency or official.

17 SECTION 3. AND BE IT FURTHER ENACTED, That, except as expressly provided
18 to the contrary in this Act, nothing in this Act affects the term of office of an appointed or
19 elected member of any commission, office, department, agency, or other unit. An individual
20 who is a member of a unit on the effective date of this Act shall remain a member for the
21 balance of the term to which appointed or elected, unless the member sooner dies, resigns,
22 or is removed under provisions of law.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly provided
24 to the contrary in this Act, any transaction or employment status affected by or flowing
25 from any change of nomenclature or any statute amended by this Act and validly entered
26 into or existing before the effective date of this Act and every right, duty, or interest flowing
27 from a statute amended by this Act remains valid after the effective date of this Act and
28 may be terminated, completed, consummated, or enforced as required or allowed by any
29 statute amended by this Act as though the amendment had not occurred. If a change in
30 nomenclature involves a change in name or designation of any State unit, the successor
31 unit shall be considered in all respects as having the powers and obligations granted the
32 former unit.

33 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly provided
34 to the contrary in this Act:

1 (1) The continuity of every commission, office, department, agency, or other
2 unit is retained; and

3 (2) The personnel, records, files, furniture, fixtures, and other properties
4 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are
5 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,
6 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

7 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
8 Annotated Code of Maryland, in consultation with and subject to the approval of the
9 Department of Legislative Services, shall correct, with no further action required by the
10 General Assembly, cross-references and terminology rendered incorrect by this Act or by
11 any other Act of the General Assembly of 2016 that affects provisions enacted by this Act.
12 The publisher shall adequately describe any such correction in an editor's note following
13 the section affected.

14 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.