

Chapter 338

(Senate Bill 85)

AN ACT concerning

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

FOR the purpose of renaming the Department of Economic Competitiveness and Commerce to be the Department of Commerce; repealing the Office of the Secretary of Commerce in the Office of the Governor; repealing the requirement that the Secretary of Commerce employ an Executive Director of the Department; repealing the qualifications and the duties of the Executive Director; providing that the Department of Commerce is the successor of the Department of Economic Competitiveness and Commerce; providing that certain names and titles of a certain unit and officials in laws and other documents mean the names and titles of the successor unit and officials; providing for the continuity of certain matters and persons; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; making conforming changes; and generally relating to ~~renaming~~ the Department of Economic Competitiveness and Commerce and the Secretary of Commerce.

BY repealing and reenacting, without amendments,

Article – Economic Development

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

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

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

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealingArticle – Economic DevelopmentSection 2.5-103Annotated Code of Maryland(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
 Section 8–201(a)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 8–201(b)(4)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

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

Article – Economic Development

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

1–101.

- (a) In this division the following words have the meanings indicated.
- (c) “Department” means the Department of [Economic Competitiveness and]
 Commerce.

2–101.

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

~~(b)~~ *(b) The head of the Office is the Secretary.*

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

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

~~(d)](B)~~ *(1) The Secretary also monitors the operations of:*

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

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

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

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

2-108.

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

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

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

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

2.5-101.

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

[2.5-103.

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

(2) The Executive Director:

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

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

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

(2) The Executive Director:

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

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

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

3-201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Advisory Board” means the Maryland Life Sciences Advisory Board.
- (c) “Corporation” means the Maryland Technology Development Corporation.

3-203.

- (a) The Advisory Board consists of the following [19] 18 members:
- (1) the Secretary or the Secretary’s designee;
- (2) [the Executive Director of the Department, or the Executive Director’s designee;
- (3)] the Executive Director of the Corporation, or the Executive Director’s designee; and
- [(4)] (3) the following members appointed by the Governor:
- (i) three representing federal agencies located in the State with life sciences missions;
- (ii) seven with executive experience in life sciences businesses located in the State, at least four of whom represent small businesses;
- (iii) four representing institutions of higher education located in the State, one of whom shall represent a community college;
- (iv) one with general business marketing experience in a life sciences business located in the State; and
- (v) one member of the general public.
- (c) (1) Except for the Secretary or the Secretary’s designee[, the Executive Director of the Department or the Executive Director’s designee,] and the Executive Director of the Corporation or the Executive Director’s designee, the term of an Advisory Board member is 2 years.

9-101.

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

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

10-401.

(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 Technology Development Corporation.

10-403.

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

(1) the Secretary or the Secretary’s designee; AND

(2) [the Executive Director of the Department or the Executive Director’s designee; and

(3) fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the not-for-profit research sector of the State;

(ii) two with expertise in venture capital financing;

(iii) five with experience in technology-based businesses;

(iv) two representing colleges and universities; and

(v) three members of the general public.

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.

10-903.

(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]~~ 17 members:

(1) the Secretary;

(2) ~~the Executive Director of the Department;~~

~~(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)](3) 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.

Article – State Government

8–201.

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

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

(4) **[Economic Competitiveness and]** Commerce;

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 10, 2016.