

# HOUSE BILL 59

C8, P1

(PRE-FILED)

6lr0124  
CF SB 85

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By: **Chair, Economic Matters Committee (By Request – Departmental – Commerce)**

Requested: November 16, 2015

Introduced and read first time: January 13, 2016

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2016

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## 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  
6 Commerce in the Office of the Governor; repealing the requirement that the  
7 Secretary of Commerce employ an Executive Director of the Department; repealing  
8 the 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  
16 changes; and generally relating to ~~renaming~~ the Department of Economic  
17 Competitiveness and Commerce and the Secretary of Commerce.

18 BY repealing and reenacting, without amendments,

19 Article – Economic Development

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

22 Annotated Code of Maryland

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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 (2008 Volume and 2015 Supplement)

2 BY repealing and reenacting, with amendments,  
 3 Article – Economic Development  
 4 Section 1–101(c) to be under the amended division “Division I. Secretary of  
 5 Commerce and Department of Commerce”; ~~2–101(e)(2)~~ 2–101; 2–108;  
 6 2.5–101(a) to be under the amended title “Title 2.5. Department of Commerce”;  
 7 ~~and 9–101(e)~~ 3–203(a) and (c)(1), 9–101(c), 10–403(b), and 10–903(b)  
 8 Annotated Code of Maryland  
 9 (2008 Volume and 2015 Supplement)

10 BY repealing  
 11 Article – Economic Development  
 12 Section 2.5–103  
 13 Annotated Code of Maryland  
 14 (2008 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, without amendments,  
 16 Article – State Government  
 17 Section 8–201(a)  
 18 Annotated Code of Maryland  
 19 (2014 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,  
 21 Article – State Government  
 22 Section 8–201(b)(4)  
 23 Annotated Code of Maryland  
 24 (2014 Replacement Volume and 2015 Supplement)

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

27 **Article – Economic Development**

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

30 1–101.

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

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

34 2–101.

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

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

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

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

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

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

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

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

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

16 2-108.

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

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

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

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

22 2.5-101.

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

24 [2.5-103.

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

26 (2) The Executive Director:

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

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

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

4                   (2) The Executive Director:

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

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

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

11 3-201.

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

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

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

15 3-203.

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

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

18                   (2) [the Executive Director of the Department, or the Executive Director's  
19 designee;

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

22                   [(4)] (3) the following members appointed by the Governor:

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

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

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

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

3                   (v) one member of the general public.

4           (c)   (1) Except for the Secretary or the Secretary's designee[, the Executive  
5 Director of the Department or the Executive Director's designee,] and the Executive  
6 Director of the Corporation or the Executive Director's designee, the term of an Advisory  
7 Board member is 2 years.

8 9–101.

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

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

12 10–401.

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

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

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

16 10–403.

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

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

19                   (2)   [the Executive Director of the Department or the Executive Director's  
20 designee; and

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

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

24                           (ii)   two with expertise in venture capital financing;

25                           (iii)   five with experience in technology–based businesses;

26                           (iv)   two representing colleges and universities; and

1 (v) three members of the general public.

2 10-901.

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

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

5 (c) “Corporation” means the Maryland Public-Private Partnership Marketing  
6 Corporation.

7 10-903.

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

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

11 (1) the Secretary;

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

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

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

17 [(4)] (3) the following 14 members, appointed by the Governor with the  
18 advice and consent of the Senate:

19 (i) three representing businesses in the State;

20 (ii) two representing labor in the State;

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

22 (iv) three with expertise in marketing or advertising;

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

24 (vi) three with expertise in economic development.

## 25 Article – State Government

26 8-201.

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

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

5 (4) [Economic Competitiveness and] Commerce;

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

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

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

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

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

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

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

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

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

8 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 9 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.