

SENATE BILL 498

C8

7lr2173
CF HB 92

By: **Chair, Budget and Taxation Committee (By Request – Departmental – Commerce)**

Introduced and read first time: January 30, 2017

Assigned to: Rules

Re-referred to: Budget and Taxation, January 30, 2017

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **Video Lottery Terminals – Small, Minority, and Women-Owned Businesses**
3 **Account – Transfer of Authority**

4 FOR the purpose of transferring the authority for the administration of the Small,
5 Minority, and Women-Owned Businesses Account from the Board of Public Works
6 to the Department of Commerce; making conforming changes; and generally relating
7 to the authority for the Small, Minority, and Women-Owned Businesses Account.

8 BY transferring

9 Article – State Government

10 Section 9–1A–35

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2016 Supplement)

13 to be

14 Article – Economic Development

15 Section 5–1501

16 Annotated Code of Maryland

17 (2008 Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Economic Development

20 Section 5–1501 to be under the new subtitle “Subtitle 15. Small, Minority, and
21 Women-Owned Businesses Account”

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 Annotated Code of Maryland
2 (2008 Volume and 2016 Supplement)
3 (As enacted by Section 1 of this Act)

4 BY repealing and reenacting, with amendments,
5 Article – State Government
6 Section 9–1A–27(a)(6) and (c)(1)(v)
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2016 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That Section(s) 9–1A–35 of Article – State Government of the Annotated Code of Maryland
11 be transferred to be Section(s) 5–1501 of Article – Economic Development of the Annotated
12 Code of Maryland.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
14 as follows:

15 **Article – Economic Development**

16 **SUBTITLE 15. SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT.**

17 5–1501.

18 (a) There is a Small, Minority, and Women–Owned Businesses Account under the
19 authority of the [Board of Public Works] **DEPARTMENT**.

20 (b) (1) The Account shall receive money as required under § 9–1A–27 of [this
21 subtitle] **THE STATE GOVERNMENT ARTICLE**.

22 (2) Money in the Account shall be invested and reinvested by the Treasurer
23 and interest and earnings shall accrue to the Account.

24 (3) The Comptroller shall:

25 (i) account for the Account; and

26 (ii) on a properly approved transmittal prepared by the [Board of
27 Public Works] **DEPARTMENT**, issue a warrant to pay out money from the Account in the
28 manner provided under this section.

29 (4) The Account is a special, nonlapsing fund that is not subject to § 7–302
30 of the State Finance and Procurement Article.

1 (5) Expenditures from the Account shall only be made on a properly
2 approved transmittal prepared by the [Board of Public Works] **DEPARTMENT** as provided
3 under subsection (c) of this section.

4 (c) (1) In this subsection, “eligible fund manager” means an entity that has
5 significant financial or investment experience, under criteria developed by the [Board of
6 Public Works] **DEPARTMENT**.

7 (2) Subject to the provisions of paragraph (3) of this subsection, the [Board
8 of Public Works] **DEPARTMENT** shall make grants to eligible fund managers to provide
9 investment capital and loans to small, minority, and women–owned businesses in the State.

10 (3) The [Board of Public Works] **DEPARTMENT** shall ensure that eligible
11 fund managers allocate at least 50% of the funds from this Account to small, minority, and
12 women–owned businesses in the jurisdictions and communities surrounding a video lottery
13 facility.

14 (d) Fund managers receiving grants under this section shall:

15 (1) keep proper records of funds and accounts;

16 (2) provide an annual report to the Governor and, in accordance with
17 § 2–1246 of [this article] **THE STATE GOVERNMENT ARTICLE**, the General Assembly on
18 investment capital and loans made pursuant to subsection (c) of this section; and

19 (3) be subject to audit by the Office of Legislative Audits of the Department
20 of Legislative Services.

21 (e) (1) Subject to paragraph (2) of this subsection, an eligible fund manager
22 may use money from grants received under this section to pay expenses for administrative,
23 actuarial, legal, and technical services.

24 (2) The [Board of Public Works] **DEPARTMENT** shall set the maximum
25 amount of grant money that each eligible fund manager may use under paragraph (1) of
26 this subsection.

27 (f) The Legislative Auditor shall audit the utilization of the funds that are
28 allocated to small, minority, and women–owned businesses by eligible fund managers
29 under subsection (c)(3) of this section during an audit of the applicable State unit as
30 provided in § 2–1220 of [this article] **THE STATE GOVERNMENT ARTICLE**.

31 **Article – State Government**

32 9–1A–27.

1 (a) Except as provided in subsections (b) and (c) of this section and
 2 § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the
 3 Commission, the Comptroller shall pay the following amounts from the proceeds of video
 4 lottery terminals at each video lottery facility:

5 (6) 1.5% to the Small, Minority, and Women–Owned Businesses Account
 6 established under [§ 9–1A–35 of this subtitle] **§ 5–1501 OF THE ECONOMIC**
 7 **DEVELOPMENT ARTICLE;**

8 (c) (1) For the first 10 years of operations at a video lottery facility in Allegany
 9 County, on a properly approved transmittal prepared by the Commission, the Comptroller
 10 shall pay the following amounts from the proceeds of video lottery terminals at a video
 11 lottery facility in Allegany County:

12 (v) 0.75% to the Small, Minority, and Women–Owned Businesses
 13 Account established under [§ 9–1A–35 of this subtitle] **§ 5–1501 OF THE ECONOMIC**
 14 **DEVELOPMENT ARTICLE;** and

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.