

# SENATE BILL 700

P1

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CF 7lr3397

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By: **Senators Robinson, Bates, Benson, Brochin, Conway, Currie, DeGrange, Eckardt, Ferguson, Guzzone, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Muse, Nathan–Pulliam, Reilly, Salling, Smith, Young, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of Minority Affairs and Interdepartmental Advisory**  
3 **Committee on Minority Affairs – Renaming**

4 FOR the purpose of renaming the Governor’s Office of Minority Affairs to be the Governor’s  
5 Office of Small, Minority, and Women Business Affairs; renaming the Special  
6 Secretary for the Office of Minority Affairs to be the Special Secretary for the Office  
7 of Small, Minority, and Women Business Affairs; renaming the Interdepartmental  
8 Advisory Committee on Minority Affairs to be the Interdepartmental Advisory  
9 Committee on Small, Minority, and Women Business Affairs; making conforming  
10 changes; requiring the publisher of the Annotated Code of Maryland, in consultation  
11 with and subject to the approval of the Department of Legislative Services, to correct  
12 any cross–references or terminology rendered incorrect by this Act and to describe  
13 any corrections made in an editor’s note following the section affected; and generally  
14 relating to the renaming of the Office of Minority Affairs and the Interdepartmental  
15 Advisory Committee on Minority Affairs.

16 BY repealing and reenacting, with amendments,  
17 Article – Economic Development  
18 Section 14–103(d) and (e)  
19 Annotated Code of Maryland  
20 (2008 Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Education  
23 Section 11–1001(d) and (e)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2016 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,  
2 Article – Environment  
3 Section 9–345(d)(5), 9–421(d)(5), 9–1605.2(i)(4), and 9–1605.3(f)(2)(v)  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2016 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article – Health – General  
8 Section 20–1004(21)  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2016 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Housing and Community Development  
13 Section 4–501.1(d) and (e)  
14 Annotated Code of Maryland  
15 (2006 Volume and 2016 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Insurance  
18 Section 20–303(c)(3) and (4) and 24–310(d) and (e)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2016 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Public Utilities  
23 Section 7–704.1(d)(4)(iii)  
24 Annotated Code of Maryland  
25 (2010 Replacement Volume and 2016 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – State Finance and Procurement  
28 Section 6–222(f)(3) and (4), 12–105(c)(1), 12–110(c)(1), 14–302(a)(9)(iv) and (v) and  
29 (11)(iii)2., 14–303(b)(19), 14–305, 14–308(c), 14–503, and 14–505  
30 Annotated Code of Maryland  
31 (2015 Replacement Volume and 2016 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article – State Government  
34 Section 9–1A–10(b), 9–1A–23(d), 9–1A–36(l); 9–301 through 9–303.1 to be under the  
35 amended subtitle “Subtitle 3. Office of Small, Minority, and Women Business  
36 Affairs”; 9–306, and 9–20C–02(c)  
37 Annotated Code of Maryland  
38 (2014 Replacement Volume and 2016 Supplement)
- 39 BY repealing and reenacting, with amendments,  
40 Article – State Personnel and Pensions

1 Section 21–116(d)(3) and (4) and 35–302(b)(3) and (4)  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2016 Supplement)

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

6 **Article – Economic Development**

7 14–103.

8 (d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S**  
9 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department  
10 shall develop guidelines to assist it in identifying and evaluating qualified minority  
11 business enterprises in order to help it achieve the objective for greater use of minority  
12 business enterprises for brokerage and investment management services under this article.

13 (e) On or before September 1 each year, the Department shall submit a report to  
14 the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY,**  
15 **AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government  
16 Article, the General Assembly on:

17 (1) the identity of the minority business enterprise brokerage and  
18 investment management services firms used by any fund established under this article in  
19 the immediately preceding fiscal year;

20 (2) the percentage and dollar value of the assets under the custody of each  
21 entity that are under the investment control of minority business enterprise brokerage and  
22 investment management services firms in each allocated asset class; and

23 (3) the measures the entity undertook in the immediately preceding fiscal  
24 year in accordance with subsection (c)(2) of this section.

25 **Article – Education**

26 11–1001.

27 (d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S**  
28 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Commission  
29 shall develop guidelines to assist the Commission in identifying and evaluating qualified  
30 minority business enterprises in order to help the Commission achieve the objective for  
31 greater use of minority business enterprises for brokerage and investment management  
32 services for any fund established under this Division III.

33 (e) On or before September 1 each year, the Commission shall submit a report to  
34 the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY,**

1 **AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government  
2 Article, the General Assembly on:

3 (1) The identity of the minority business enterprise brokerage and  
4 investment management services firms used by the Commission in the immediately  
5 preceding fiscal year;

6 (2) The percentage and dollar value of the Commission’s assets in any fund  
7 established under this article that are under the investment control of minority business  
8 enterprise brokerage and investment management services firms in each allocated asset  
9 class; and

10 (3) The measures the Commission undertook in the immediately preceding  
11 fiscal year in accordance with subsection (c)(2) of this section.

## 12 **Article – Environment**

13 9–345.

14 (d) For financial assistance over \$500,000 awarded under the Fund, the applicant  
15 shall demonstrate, to the satisfaction of the Department, that steps were taken to include  
16 small business enterprises, minority business enterprises, and women’s business  
17 enterprises by:

18 (5) Using the services and assistance of the Maryland Department of  
19 Transportation and the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF**  
20 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small  
21 business enterprises, minority business enterprises, and women’s business enterprises.

22 9–421.

23 (d) For financial assistance over \$500,000 awarded under the Fund, the applicant  
24 shall demonstrate, to the satisfaction of the Department, that steps were taken to include  
25 small business enterprises, minority business enterprises, and women’s business  
26 enterprises by:

27 (5) Using the services and assistance of the Maryland Department of  
28 Transportation and the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF**  
29 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small  
30 business enterprises, minority business enterprises, and women’s business enterprises.

31 9–1605.2.

32 (i) (4) The grant agreement shall require a grantee to demonstrate, to the  
33 satisfaction of the Department, that steps were taken to include small business enterprises,  
34 minority business enterprises, and women’s business enterprises by:

1 (i) Placing qualified small business enterprises, minority business  
2 enterprises, and women's business enterprises on solicitation lists;

3 (ii) Assuring that small business enterprises, minority business  
4 enterprises, and women's business enterprises are solicited whenever they are potential  
5 sources;

6 (iii) Dividing total requirements, when economically feasible, into  
7 small tasks or quantities to permit maximum participation of small business enterprises,  
8 minority business enterprises, and women's business enterprises;

9 (iv) Establishing delivery schedules, where the requirement permits,  
10 that encourage participation by small business enterprises, minority business enterprises,  
11 and women's business enterprises; and

12 (v) Using the services and assistance of the Maryland Department  
13 of Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE**  
14 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting  
15 small business enterprises, minority business enterprises, and women's business  
16 enterprises.

17 9-1605.3.

18 (f) (2) For financial assistance over \$500,000 awarded under the Fund, the  
19 grantee shall demonstrate, to the satisfaction of the Department, that steps were taken to  
20 include small businesses, certified minority business enterprises, and certified minority  
21 business enterprises classified as women-owned businesses by:

22 (v) Using the services and assistance of the Department of  
23 Transportation and the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
24 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** in identifying and soliciting small  
25 businesses, certified minority business enterprises, and certified minority business  
26 enterprises classified as women-owned businesses.

## 27 Article – Health – General

28 20-1004.

29 The Office shall:

30 (21) Work collaboratively with the [Office of Minority Affairs] **OFFICE OF**  
31 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** as the Office determines  
32 necessary; and

## 33 Article – Housing and Community Development

1 4-501.1.

2 (d) In conjunction with the [Governor's Office of Minority Affairs] **GOVERNOR'S**  
3 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Department  
4 shall develop guidelines to assist it in identifying and evaluating qualified minority  
5 business enterprises in order to help the Department achieve the objective for greater use  
6 of minority business enterprises for brokerage and investment management services for  
7 the funds established under this subtitle.

8 (e) On or before September 1 each year, the Department shall submit a report to  
9 the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY,**  
10 **AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State Government  
11 Article, the General Assembly on:

12 (1) the identity of the minority business enterprise brokerage and  
13 investment management services firms used by the Department in the immediately  
14 preceding fiscal year;

15 (2) the percentage and dollar value of the assets in the funds established  
16 under this subtitle that are under the investment control of minority business enterprise  
17 brokerage and investment management services firms in each allocated asset class; and

18 (3) the measures the Department undertook in the immediately preceding  
19 fiscal year in accordance with subsection (c)(2) of this section.

## 20 Article - Insurance

21 20-303.

22 (c) (3) In conjunction with the [Governor's Office of Minority Affairs]  
23 **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the  
24 financial management committee shall develop guidelines to assist the committee in  
25 identifying and evaluating qualified minority business enterprises in order to help the  
26 Fund achieve the objective for greater use of minority business enterprises for brokerage  
27 and investment management services.

28 (4) On or before September 1 each year, the financial management  
29 committee shall submit a report to the [Governor's Office of Minority Affairs]  
30 **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and,  
31 subject to § 2-1246 of the State Government Article, the General Assembly on:

32 (i) the identity of the minority business enterprise brokerage and  
33 investment management services firms used by the financial management committee in  
34 the immediately preceding fiscal year;

35 (ii) the percentage and dollar value of the Fund assets that are under

1 the investment control of minority business enterprise brokerage and investment  
2 management services firms in each allocated asset class; and

3 (iii) the measures the financial management committee undertook in  
4 the immediately preceding fiscal year in accordance with paragraph (2)(ii) of this  
5 subsection.

6 24–310.

7 (d) In conjunction with the [Governor’s Office of Minority Affairs] **GOVERNOR’S**  
8 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the Board shall  
9 develop guidelines to assist it in identifying and evaluating qualified minority business  
10 enterprises in order to help the Company achieve the objective for greater use of minority  
11 business enterprises for brokerage and investment management services.

12 (e) On or before September 1 each year, the Board shall submit a report to the  
13 [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY,**  
14 **AND WOMEN BUSINESS AFFAIRS** and, in accordance with § 2–1246 of the State  
15 Government Article, the General Assembly on:

16 (1) the identity of the minority business enterprise brokerage and  
17 investment management services firms used by the Board in the immediately preceding  
18 fiscal year;

19 (2) the percentage and dollar value of the Company assets that are under  
20 the investment control of minority business enterprise brokerage and investment  
21 management services firms; and

22 (3) the measures the Board undertook in the immediately preceding fiscal  
23 year in accordance with subsection (c)(2) of this section.

## 24 Article – Public Utilities

25 7–704.1.

26 (d) (4) (iii) The [Governor’s Office of Minority Affairs] **GOVERNOR’S**  
27 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with  
28 the Office of the Attorney General, shall provide assistance to all potential applicants and  
29 potential minority investors to satisfy the requirements under subparagraph (ii)1 and 3 of  
30 this paragraph.

## 31 Article – State Finance and Procurement

32 6–222.

33 (f) (3) In conjunction with the [Governor’s Office of Minority Affairs]

1 **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the  
2 Treasurer shall develop guidelines to assist in identifying and evaluating qualified minority  
3 business enterprises in order to help the Treasurer achieve the objective for greater use of  
4 minority business enterprises for brokerage and investment management services under  
5 this section.

6 (4) On or before September 1 each year, the Treasurer shall submit a report  
7 to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL,**  
8 **MINORITY, AND WOMEN BUSINESS AFFAIRS** and, subject to § 2-1246 of the State  
9 Government Article, the General Assembly on:

10 (i) the identity of the minority business enterprise brokerage and  
11 investment management services firms used by the Treasurer in the immediately  
12 preceding fiscal year;

13 (ii) the percentage and dollar value of the assets under the custody  
14 of the Treasurer that are under the investment control of minority business enterprise  
15 brokerage and investment management services firms for each allocated asset class; and

16 (iii) the measures the Treasurer undertook in the immediately  
17 preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

18 12-105.

19 (c) (1) The Council consists of the following 11 members:

20 (i) the State Treasurer;

21 (ii) the Chancellor of the University System of Maryland;

22 (iii) the Secretary of Budget and Management;

23 (iv) the Secretary of General Services;

24 (v) the Secretary of Information Technology;

25 (vi) the Secretary of Transportation;

26 (vii) the Secretary of the Board;

27 (viii) the Special Secretary for the [Office of Minority Affairs] **OFFICE**  
28 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**;

29 (ix) a representative of local government who has expertise in local  
30 procurement matters, appointed by the Governor with the advice and consent of the Senate;  
31 and



1 (x) two members of the general public, at least one of whom has  
2 expertise in State procurement matters, appointed by the Governor with the advice and  
3 consent of the Senate.

4 12-110.

5 (c) (1) The Council consists of the following members:

6 (i) the State Treasurer;

7 (ii) the Attorney General;

8 (iii) the Procurement Advisor;

9 (iv) the State Superintendent of Schools;

10 (v) the Secretary of Budget and Management;

11 (vi) the Secretary of Juvenile Services;

12 (vii) the Secretary of Human Resources;

13 (viii) the Secretary of Health and Mental Hygiene;

14 (ix) the Director of the Governor's Grants Office;

15 (x) the Executive Director of the Governor's Office of Crime Control  
16 and Prevention;

17 (xi) the Executive Director of the Governor's Office for Children;

18 (xii) the Special Secretary for the [Office of Minority Affairs] **OFFICE**  
19 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS;**

20 (xiii) four representatives of private organizations with experience  
21 providing human services funded by contracts through State units, appointed by the  
22 Governor;

23 (xiv) a member of the Senate, appointed by the President of the  
24 Senate; and

25 (xv) a member of the House of Delegates, appointed by the Speaker  
26 of the House.

27 14-302.

28 (a) (9) (iv) 1. Except for waivers granted in accordance with

1 subparagraph (iii) of this paragraph, when a waiver determination is made, the unit shall  
2 issue the determination in writing.

3                                   2.       The head of the unit shall:

4                                   A.       keep one copy of the waiver determination and the reasons  
5 for the determination; and

6                                   B.       forward one copy of the waiver determination to the  
7 [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY,**  
8 **AND WOMEN BUSINESS AFFAIRS.**

9                                   (v)       On or before July 31 of each year, each unit shall submit directly  
10 to the Board of Public Works and the [Governor's Office of Minority Affairs] **GOVERNOR'S**  
11 **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** an annual report of  
12 waivers requested and waivers granted under this paragraph.

13                                   (11) (iii) 2.       The unit shall send a copy of the written consent obtained  
14 under subparagraph 1 of this subparagraph to the [Governor's Office of Minority  
15 Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS**  
16 **AFFAIRS.**

17 14-303.

18                                   (b)       These regulations shall include:

19                                   (19)       a requirement that each unit work with the [Governor's Office of  
20 Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN**  
21 **BUSINESS AFFAIRS** to designate certain procurements as being excluded from the  
22 requirements of § 14-302(a) of this subtitle; and

23 14-305.

24                                   (a)       (1)       Within 90 days after the end of the fiscal year, each unit shall report to  
25 the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY,**  
26 **AND WOMEN BUSINESS AFFAIRS**, the certification agency, and, subject to § 2-1246 of  
27 the State Government Article, the Joint Committee on Fair Practices and Personnel  
28 Oversight.

29                                   (2)       A report under this subsection shall for the preceding fiscal year:

30                                   (i)       state the total number and value of procurement contracts  
31 between the unit and certified minority business enterprises, by specific category of  
32 minority business enterprise, including whether the minority business enterprise  
33 participated as a prime contractor or as a subcontractor;

1 (ii) indicate the percentage that those procurement contracts  
2 represent, by specific category of minority business enterprise, of the total number and  
3 value of procurement contracts;

4 (iii) state the total number and the names of certified minority  
5 business enterprises that participated as prime contractors or as subcontractors on  
6 procurement contracts awarded by a unit;

7 (iv) for each minority business included in the report under item (iii)  
8 of this paragraph, list all procurement contracts awarded by a unit to the minority business  
9 enterprise, including a description of the contract; and

10 (v) contain other such information as required by the [Governor's  
11 Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN  
12 BUSINESS AFFAIRS** and the certification agency and approved by the Board.

13 (3) As to procurement contracts for architectural services and engineering  
14 services reported under paragraph (2) of this subsection, the report shall identify by  
15 separate category of minority business enterprise procurements for:

16 (i) architectural services; and

17 (ii) engineering services.

18 (4) A report under this subsection shall be in a form prescribed by the  
19 [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY,  
20 AND WOMEN BUSINESS AFFAIRS** and the certification agency and approved by the  
21 Board.

22 (b) (1) On or before December 31 of each year, the [Governor's Office of  
23 Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN  
24 BUSINESS AFFAIRS** shall submit to the Board of Public Works and, subject to § 2–1246 of  
25 the State Government Article, to the Legislative Policy Committee a report summarizing  
26 the information the Office receives under subsection (a) of this section.

27 (2) This report may be prepared in conjunction with the annual report  
28 required under § 9–306 of the State Government Article.

29 14–308.

30 (c) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF  
31 SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall make available a fraud  
32 hotline for reporting violations of this section.

33 14–503.

1 (a) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
2 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall adopt regulations to  
3 establish procedures for compiling and maintaining a comprehensive bidder's list of  
4 qualified small businesses that shall be posted on the Internet.

5 (b) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
6 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall:

7 (1) establish guidelines for Small Business Reserve Program  
8 administration;

9 (2) ensure agency compliance with the Small Business Reserve Program;

10 (3) provide training and technical assistance to agency personnel; and

11 (4) collect data regarding the State's utilization of small business reserve  
12 vendors.

13 (c) Each designated procurement unit shall ensure compliance with the  
14 regulations set forth in subsection (a) of this section.

15 14-505.

16 (a) Within 60 days after the enactment of the budget bill by the General  
17 Assembly, each designated procurement unit shall submit a report to the [Governor's Office  
18 of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN**  
19 **BUSINESS AFFAIRS** that complies with the reporting requirements set forth in COMAR  
20 21.11.01.06.

21 (b) (1) Within 90 days after the end of each fiscal year, each unit shall submit  
22 a report to the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL,**  
23 **MINORITY, AND WOMEN BUSINESS AFFAIRS** that complies with the requirements of  
24 paragraph (2) of this subsection.

25 (2) For the preceding fiscal year, the report shall:

26 (i) state the total number and the dollar value of payments the unit  
27 made to small businesses under designated small business reserve contracts;

28 (ii) state the total number and the dollar value of payments the unit  
29 made to small businesses under nondesignated small business reserve contracts, including  
30 purchase card procurements;

31 (iii) state the total dollar value of payments the unit made under  
32 procurement contracts; and

1 (iv) contain other such information as required by the [Governor's  
2 Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN**  
3 **BUSINESS AFFAIRS**.

4 (c) On or before December 31 of each year, the [Governor's Office of Minority  
5 Affairs] **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS**  
6 **AFFAIRS** shall submit to the Board of Public Works and, subject to § 2-1246 of the State  
7 Government Article, to the Legislative Policy Committee a report summarizing the  
8 information the Office receives under subsection (b) of this section.

#### 9 Article – State Government

10 9-1A-10.

11 (b) (1) The Commission shall ensure that a video lottery operation licensee  
12 complies with the requirements of subsection (a)(1) and (2) of this section as a condition of  
13 holding the video lottery operation license.

14 (2) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
15 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall monitor a licensee's  
16 compliance with subsection (a)(1) and (2) of this section.

17 (3) The [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
18 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** shall report to the Commission at  
19 least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this  
20 section.

21 (4) If the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF**  
22 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** reports that a licensee is not in  
23 compliance with subsection (a)(1) and (2) of this section, the Commission may take  
24 immediate action to ensure the compliance of the licensee.

25 9-1A-23.

26 (d) (1) Within 30 days after the completion of its first year of operations, a  
27 video lottery operation licensee in Baltimore City shall:

28 (i) compile data on the age, sex, race, and county of residence of its  
29 State video lottery employees who worked in the State during the previous year; and

30 (ii) submit the data to the Commission.

31 (2) Within 3 months after receiving the data required under paragraph (1)  
32 of this subsection, the Commission shall submit a report containing the data to the  
33 Governor, the [Governor's Office of Minority Affairs] **GOVERNOR'S OFFICE OF SMALL,**  
34 **MINORITY, AND WOMEN BUSINESS AFFAIRS**, and, subject to § 2-1246 of the State

1 Government Article, the President of the Senate and the Speaker of the House of Delegates.

2 (3) The Commission shall adopt regulations to carry out this subsection.

3 9–1A–36.

4 (l) (1) If an applicant is seeking investors in the entity applying for a video  
5 lottery operation license, it shall take the following steps before being awarded a license by  
6 the Video Lottery Facility Location Commission:

7 (i) make serious, good–faith efforts to solicit and interview a  
8 reasonable number of minority investors;

9 (ii) as part of the application, submit a statement that lists the  
10 names and addresses of all minority investors interviewed and whether or not any of those  
11 investors have purchased an equity share in the entity submitting an application; and

12 (iii) if an applicant is awarded a license by the Video Lottery Facility  
13 Location Commission, the applicant shall sign a memorandum of understanding with the  
14 Video Lottery Facility Location Commission that requires the awardee to again make  
15 serious, good–faith efforts to interview minority investors in any future attempts to raise  
16 venture capital or attract new investors to the entity awarded the license.

17 (2) The [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF**  
18 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, in consultation with the Office of  
19 the Attorney General, shall provide assistance to all potential applicants and potential  
20 minority investors to satisfy the requirements under paragraph (1)(i) and (iii) of this  
21 subsection.

22 Subtitle 3. [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN**  
23 **BUSINESS AFFAIRS.**

24 9–301.

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

26 (b) “Interdepartmental Committee” means the [Interdepartmental Advisory  
27 Committee on Minority Affairs] **INTERDEPARTMENTAL ADVISORY COMMITTEE ON**  
28 **SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

29 (c) (1) “Minority person” means:

30 (i) an individual who has been deprived of the opportunity to  
31 develop and keep a competitive position in the economy because of a social or economic  
32 disadvantage that arises from cultural, racial, or other similar causes; or

1 (ii) a sheltered workshop for individuals with disabilities.

2 (2) "Minority person" includes:

3 (i) an Aleut;

4 (ii) an American Indian;

5 (iii) a Black;

6 (iv) an Eskimo;

7 (v) a Hispanic;

8 (vi) an Oriental;

9 (vii) a Puerto Rican; or

10 (viii) a woman.

11 (d) "Office" means the [Office of Minority Affairs] **OFFICE OF SMALL,**  
12 **MINORITY, AND WOMEN BUSINESS AFFAIRS.**

13 (e) "Special Secretary" means the Special Secretary for the [Office of Minority  
14 Affairs] **OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS.**

15 9-302.

16 There is an [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY, AND**  
17 **WOMEN BUSINESS AFFAIRS** in the Executive Department.

18 9-303.

19 (a) The head of the [Office of Minority Affairs] **OFFICE OF SMALL, MINORITY,**  
20 **AND WOMEN BUSINESS AFFAIRS** is the Special Secretary, who shall be appointed by and  
21 serves at the pleasure of the Governor.

22 (b) The Special Secretary shall receive the salary provided in the State budget.

23 9-303.1.

24 (a) There is an [Interdepartmental Advisory Committee for Minority Affairs]  
25 **INTERDEPARTMENTAL ADVISORY COMMITTEE ON SMALL, MINORITY, AND WOMEN**  
26 **BUSINESS AFFAIRS.**

27 (b) The Interdepartmental Committee is composed of:

1 (1) the secretary of each principal department of the Executive Branch of  
2 government, or the secretary's designee;

3 (2) the State Superintendent of Schools, or the Superintendent's designee;

4 (3) the Secretary of Higher Education, or the Secretary's designee; and

5 (4) the Special Secretary.

6 (c) The Interdepartmental Committee shall:

7 (1) advise the Special Secretary on proposals to implement and enhance  
8 the duties of the Office, including the promotion of employment of minority persons in the  
9 State, and the promotion of the growth and participation of minority business enterprises  
10 in the State;

11 (2) gather such information the Committee deems necessary to promote  
12 the goals of the Office;

13 (3) provide such other assistance as may be required to further the  
14 purposes of §§ 9–304 and 9–305 of this subtitle; and

15 (4) meet at the call of the Special Secretary.

16 9–306.

17 (a) On or before the 15th day of each regular session of the General Assembly, the  
18 Special Secretary shall send an annual report on the [Office of Minority Affairs] **OFFICE**  
19 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS:**

20 (1) to the Governor; and

21 (2) subject to § 2–1246 of this article, to the General Assembly.

22 (b) The annual report may be prepared in conjunction with the report required  
23 under § 14–305(b) of the State Finance and Procurement Article.

24 9–20C–02.

25 (c) The Advisory Committee consists of the following members:

26 (1) two members of the Senate of Maryland, one from each of the principal  
27 political parties, appointed by the President of the Senate;

28 (2) two members of the House of Delegates, one from each of the principal  
29 political parties, appointed by the Speaker of the House;



1 (3) the Director or the Director's designee;

2 (4) the Secretary of Commerce, or the Secretary's designee;

3 (5) the Special Secretary of the [Governor's Office of Minority Affairs]  
4 **GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, or the  
5 Special Secretary's designee; and

6 (6) the following 12 members, appointed by the Governor:

7 (i) 1 representative of a public institution of higher education in the  
8 State;

9 (ii) 1 representative of a historically black or African American  
10 university in the State;

11 (iii) 1 representative of the State's community colleges;

12 (iv) 1 representative of the Maryland Independent Colleges and  
13 Universities Association;

14 (v) 1 representative of the Maryland Small Business Development  
15 Center Network;

16 (vi) 1 representative of the Maryland Business Coalition for Offshore  
17 Wind;

18 (vii) 1 representative of a business incubator in the State with  
19 experience in providing services to minority business enterprises as defined in § 14-301 of  
20 the State Finance and Procurement Article, or to emerging businesses, including emerging  
21 businesses owned by minorities;

22 (viii) 1 individual with experience in providing business financing to  
23 minority business enterprises as defined in § 14-301 of the State Finance and Procurement  
24 Article, or to emerging businesses, including emerging businesses owned by minorities;

25 (ix) 1 representative of an offshore wind developer;

26 (x) 1 representative of an original equipment manufacturer;

27 (xi) 1 individual who is a minority business advocate; and

28 (xii) 1 individual with experience in offshore wind supply chain  
29 issues.

30 **Article – State Personnel and Pensions**

1 21–116.

2 (d) (3) In consultation with the [Governor’s Office of Minority Affairs]  
3 **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and  
4 the Investment Committee, the Board of Trustees shall develop guidelines to assist the  
5 Investment Committee in identifying and evaluating qualified minority business  
6 enterprises in order to help the State Retirement Agency achieve the objective for greater  
7 use of minority business enterprises for brokerage and investment management services.

8 (4) On or before September 1 each year, the Investment Committee shall  
9 submit a report to the Board of Trustees, the [Governor’s Office of Minority Affairs]  
10 **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS** and,  
11 subject to § 2–1246 of the State Government Article, the General Assembly on:

12 (i) the identity of the minority business enterprise brokerage and  
13 investment management services firms used by the Investment Committee in the  
14 immediately preceding fiscal year;

15 (ii) the percentage and dollar value of the assets that are under the  
16 control of the Investment Committee that are under the investment control of minority  
17 business enterprise brokerage and investment management services firms for each  
18 allocated asset class; and

19 (iii) the measures the Investment Committee undertook in the  
20 immediately preceding fiscal year in accordance with paragraph (2)(ii) of this subsection.

21 35–302.

22 (b) (3) In consultation with the [Governor’s Office of Minority Affairs]  
23 **GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS**, the  
24 Board shall develop guidelines to assist the Board in identifying and evaluating qualified  
25 minority business enterprises in order to help the Maryland Teachers and State Employees  
26 Supplemental Retirement Plans achieve the objective for greater use of minority business  
27 enterprises for brokerage and investment management services.

28 (4) On or before September 1 each year, the Board shall submit a report to  
29 the [Governor’s Office of Minority Affairs] **GOVERNOR’S OFFICE OF SMALL, MINORITY,  
30 AND WOMEN BUSINESS AFFAIRS** and, subject to § 2–1246 of the State Government  
31 Article, the General Assembly on:

32 (i) the identity of the minority business enterprise brokerage and  
33 investment management services firms used by the Board in the immediately preceding  
34 fiscal year;

35 (ii) the percentage and dollar value of the assets that are under the

1 control of the Board that are under the investment control of minority business enterprise  
2 brokerage and investment management services firms for each allocated asset class; and

3 (iii) the measures the Board undertook in the immediately preceding  
4 fiscal year in accordance with paragraph (2)(ii) of this subsection.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
6 Annotated Code of Maryland, in consultation with and subject to the approval of the  
7 Department of Legislative Services, shall correct, with no further action required by the  
8 General Assembly, cross-references and terminology rendered incorrect by this Act. The  
9 publisher shall adequately describe any correction that is made in an editor's note following  
10 the section affected.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
12 1, 2017.