

Chapter 194

**(House Bill 404)**

AN ACT concerning

**Economic Development Programs – Data Collection and Tracking – Minority Business Enterprises**

FOR the purpose of requiring the Department of Commerce to include certain information relating to certain minority business enterprises in a certain annual report on economic development programs that the Department administers; and generally related to minority business enterprises.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 2.5–109  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 14–301(a) and (f)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

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

**Article – Economic Development**

2.5–109.

(a) In this section, “economic development program” means:

(1) the Economic Development Opportunities Program Account established under § 7–314 of the State Finance and Procurement Article;

(2) the Partnership for Workforce Quality Program established under Title 3, Subtitle 4 of this article;

(3) each of the economic development and financial assistance programs established under Title 5 of this article; and

(4) each of the tax credit programs administered by the Department, including:

- (i) the Film Production Activity Tax Credit;
- (ii) the Job Creation Tax Credit;
- (iii) the One Maryland Economic Development Tax Credit;
- (iv) the Biotechnology Investment Incentive Tax Credit;
- (v) the Research and Development Tax Credit;
- (vi) the Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit;
- (vii) the Cybersecurity Investment Incentive Tax Credit; and
- (viii) the Aerospace, Electronics, or Defense Contract Tax Credit.

(b) The Department shall compile data in accordance with this section on the economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

- (i) the number of jobs created;
- (ii) the number of jobs retained;
- (iii) the estimated amount of State revenue generated;
- (iv) the status of any special fund; [and]

**(V) FOR MINORITY BUSINESS ENTERPRISES, AS DEFINED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE:**

**1. THE NUMBER OF ENTERPRISES THAT RECEIVED ASSISTANCE FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND**

**2. THE PERCENTAGE OF ASSISTANCE DISTRIBUTED TO EACH MINORITY BUSINESS ENTERPRISE FROM EACH ECONOMIC DEVELOPMENT**

**PROGRAM COMPARED TO THE TOTAL ASSISTANCE DISTRIBUTED FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND**

**[(v)] (VI)** any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

(i) each economic development program; and

(ii) each recipient of assistance from an economic development program.

(3) The report required under this section shall include any additional information required under the law authorizing the economic development program.

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

**Article – State Finance and Procurement**

14–301.

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

(f) “Minority business enterprise” means any legal entity, except a joint venture, that is:

(1) organized to engage in commercial transactions;

(2) at least 51% owned and controlled by 1 or more individuals who are socially and economically disadvantaged; and

(3) managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**