

HOUSE BILL 92

C8

7lr0048
CF 7lr2173

By: **Chair, Ways and Means Committee (By Request – Departmental – Commerce)**
Introduced and read first time: January 16, 2017
Assigned to: Ways and Means

A BILL ENTITLED

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”
22 Annotated Code of Maryland
23 (2008 Volume and 2016 Supplement)
24 (As enacted by Section 1 of this Act)

25 BY repealing and reenacting, with amendments,

26 Article – State Government
27 Section 9–1A–27(a)(6) and (c)(1)(v)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2016 Supplement)

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

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

Article – Economic Development

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

5–1501.

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

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

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

(3) The Comptroller shall:

(i) account for the Account; and

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

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

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

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

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

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

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

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

10 (2) provide an annual report to the Governor and, in accordance with
11 § 2-1246 of [this article] **THE STATE GOVERNMENT ARTICLE**, the General Assembly on
12 investment capital and loans made pursuant to subsection (c) of this section; and

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

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

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

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

25 Article – State Government

26 9-1A-27.

27 (a) Except as provided in subsections (b) and (c) of this section and
28 § 9-1A-26(a)(3) of this subtitle, on a properly approved transmittal prepared by the
29 Commission, the Comptroller shall pay the following amounts from the proceeds of video
30 lottery terminals at each video lottery facility:

31 (6) 1.5% to the Small, Minority, and Women-Owned Businesses Account
32 established under [§ 9-1A-35 of this subtitle] **§ 5-1501 OF THE ECONOMIC**
33 **DEVELOPMENT ARTICLE**;

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

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2017.