

Chapter 462

(House Bill 781)

AN ACT concerning

Maryland Technology Development Corporation – Equitech Growth Fund and Commission

FOR the purpose of establishing the Equitech Growth Fund as a special, nonlapsing fund in the Maryland Technology Development Corporation; requiring interest earnings of the Fund to be credited to the Fund; establishing the Equitech Growth Commission to create a strategic plan and long-term goals for growing the State’s innovation economy; and generally relating to the Equitech Growth Fund and Commission.

BY adding to

Article – Economic Development
Section 10–488
Annotated Code of Maryland
(2018 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)170. and 171.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)172.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Economic Development

10–488.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMISSION” MEANS THE EQUITECH GROWTH COMMISSION.

(3) “FUND” MEANS THE EQUITECH GROWTH FUND.

(B) (1) THERE IS AN EQUITECH GROWTH FUND IN THE CORPORATION.

(2) THE PURPOSE OF THE FUND IS TO SUPPORT THE ECONOMIC COMPETITIVENESS AND INCLUSIVE GROWTH OF EMERGING AND ADVANCED INDUSTRIES IN THE STATE THROUGH THE CREATION OF SUPPORTING INFRASTRUCTURE ASSETS, RESOURCES, AND DIVERSE WORKFORCE THAT BUILDS THE STRENGTHS OF THE STATE’S ECONOMY.

(3) THE CORPORATION SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INTEREST EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND SHALL LEVERAGE INVESTMENT FROM THE PRIVATE SECTOR, FUNDING FROM FEDERAL SOURCES, AND OTHER SOURCES OF FUNDING.

(C) (1) THE CORPORATION SHALL AWARD GRANTS, INVESTMENTS, LOANS, OR OTHER FINANCIAL ASSISTANCE FROM THE FUND TO PUBLIC, NONPROFIT, OR PRIVATE ENTITIES IN THE STATE, INCLUDING INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC–PRIVATE PARTNERSHIPS.

(2) AWARDS FROM THE FUND SHALL TARGET:

(I) WORKFORCE DEVELOPMENT; AND

(II) INFRASTRUCTURE THAT WILL ATTRACT AND RETAIN BUSINESSES IN THE STATE.

(3) AWARDS SHALL BE CONSISTENT WITH THE 10-YEAR GOALS IN THE STRATEGIC PLAN DEVELOPED BY THE COMMISSION.

(D) (1) ~~(I) FOR FISCAL YEAR 2024, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$15,000,000 FOR AWARDS UNDER THIS SECTION.~~

~~(II) FOR FISCAL YEAR 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$30,000,000 FOR AWARDS UNDER THIS SECTION.~~

~~(III) FOR FISCAL YEAR 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$55,000,000 FOR AWARDS UNDER THIS SECTION.~~

~~(IV) FOR FISCAL YEAR 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$75,000,000 FOR AWARDS UNDER THIS SECTION.~~

~~(V) FOR FISCAL YEAR 2028, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$75,000,000 FOR AWARDS UNDER THIS SECTION.~~

~~(VI) FOR EACH OF FISCAL YEARS ~~2029~~ 2025 THROUGH 2033, THE GOVERNOR ~~MAY~~ SHALL INCLUDE IN THE ANNUAL BUDGET BILL ~~A TOTAL AN~~ APPROPRIATION OF ~~\$250,000,000~~ \$5,000,000 FOR AWARDS UNDER THIS SECTION.~~

(2) MONEY APPROPRIATED UNDER THIS SECTION THAT IS NOT USED BY THE END OF THE FISCAL YEAR SHALL BE DEPOSITED IN THE FUND.

(E) THE CORPORATION SHALL ADOPT REGULATIONS TO ESTABLISH:

(1) A COMPETITIVE APPLICATION PROCESS;

(2) REVIEW CRITERIA AND PROCEDURES FOR MAKING AWARDS, INCLUDING PRIVATE LEVERAGE REQUIREMENTS FOR AWARDS;

(3) PROCESSES AND METRICS FOR MONITORING EACH PROJECT AND THE SUCCESS, ECONOMIC IMPACT, AND IMPACT OF THE AWARD ON THE STATE'S DIVERSITY, EQUITY, AND INCLUSION IN THE STATE'S INNOVATION ECONOMY; AND

(4) PROCESSES FOR ENSURING THAT THE PROGRAMMATIC FUNDS AND LEVERAGED FUNDS ARE INVESTED WITHIN THE STATE.

(F) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2024, THE CORPORATION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE ON AWARDS MADE FROM THE FUND.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

170. the Cannabis Public Health Fund; [and]

171. the Community Reinvestment and Repair Fund; **AND**

172. THE EQUITECH GROWTH FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Commission” means the Equitech Growth Commission.

(3) “HBCU” means the following historically Black colleges and universities:

(i) Bowie State University;

(ii) Coppin State University;

(iii) Morgan State University; and

(iv) University of Maryland Eastern Shore.

(b) There is an Equitech Growth Commission.

(c) The Commission consists of the following members:

(1) the Chief Executive Officer of the Maryland Technology Development Corporation, or the Chief Executive Officer's designee;

(2) the Executive Director of the Maryland Economic Development Corporation, or the Executive Director's designee;

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

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

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

(6) the President of Johns Hopkins University; or the President's designee;

(7) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(8) the Chair of the Maryland Life Sciences Advisory Board, or the Chair's designee;

(9) the following members appointed by the Governor:

(i) the president of an HBCU, or the president's designee;

(ii) the president of a community college in the State, or the president's designee; ~~and~~

(iii) a representative of the Maryland Association of Counties;

(iv) a representative of the Maryland Tech Council; and

~~(iii)~~ (v) six members of the business community, of which at least:

1. three shall be women;

2. three shall be minorities;

3. two shall reside in a rural area; and

4. two shall have executive experience in an advanced technology industry;

(10) three members of the business community appointed by the President of the Senate, of which at least:

- (i) two shall be women;
- (ii) one shall be a minority;
- (iii) one shall reside in a rural area; and
- (iv) one shall have executive experience in an advanced technology industry; and

(11) three members appointed by the Speaker of the House, of which at least:

- (i) two shall be women;
- (ii) one shall be a minority;
- (iii) one shall reside in a rural area; and
- (iv) one shall have executive experience in an advanced technology industry.

(d) The Maryland Technology Development Corporation shall staff the Commission.

(e) (1) On or before July 1, 2025, the Commission shall develop an inclusive, comprehensive, long-term strategic plan and 10-year goals for growing the State's innovation economy to be highly competitive with other states and regions relative to growing, attracting, and retaining a skilled workforce and high-growth businesses.

(2) The Commission shall develop a strategic plan, driven through public-private collaboration, on strategies to ensure the State meets the 10-year goals developed by the Commission.

(3) The strategic plan shall include mechanisms to increase the participation of communities in the innovation economy, to create pathways for high-paying jobs, and to increase and to expand wealth in minority communities.

(4) On or before July 1, 2025, the Commission shall report the Commission's strategic plan to the Governor and, in accordance with § 2-1257 of the State Government Article, the President of the Senate and the Speaker of the House.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2023.