

HOUSE BILL 264

C2

(6lr1540)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by Delegates **B. Robinson, A. Washington, Glenn, Anderson, Angel, Atterbeary, D. Barnes, Barron, Branch, Brooks, Carr, Carter, Conaway, Davis, Fennell, Gaines, Hayes, Haynes, Hill, Holmes, C. Howard, Jackson, Jones, Knotts, McCray, Moon, Oaks, Patterson, Pena-Melnyk, Proctor, Sample-Hughes, Smith, Sydnor, Tarlau, Turner, Vaughn, Walker, M. Washington, ~~and C. Wilson~~ C. Wilson, Jalisi, Krimm, Lisanti, Morales, Morhaim, Platt, and Queen**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Study Group to Investigate Discriminatory Practices Against Minority~~
3 ~~Franchisees~~

4 Task Force to Investigate the Challenges of and Opportunities for Minorities in
5 Business

6 FOR the purpose of establishing the ~~Study Group to Investigate Discriminatory Practices~~
7 ~~Against Minority Franchisees~~ Task Force to Investigate the Challenges of and
8 Opportunities for Minorities in Business; providing for the composition, chair, and
9 staffing of the ~~Study Group~~ Task Force; prohibiting a member of the ~~Study Group~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 Task Force from receiving certain compensation, but authorizing the reimbursement
 2 of certain expenses; requiring the ~~Study Group~~ Task Force to study and make
 3 recommendations regarding certain matters; requiring the ~~Study Group~~ Task Force
 4 to report its findings and recommendations to the Governor and the General
 5 Assembly on or before a certain date; providing for the termination of this Act; and
 6 generally relating to the ~~Study Group to Investigate Discriminatory Practices~~
 7 ~~Against Minority Franchisees~~ Task Force to Investigate the Challenges of and
 8 Opportunities for Minorities in Business.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

10 That:

11 (a) In this section, “minority” means an individual of African American, Hispanic,
 12 Native American, or Asian descent.

13 (b) There is a ~~Study Group to Investigate Discriminatory Practices Against~~
 14 ~~Minority Franchisees~~ Task Force to Investigate the Challenges of and Opportunities for
 15 Minorities in Business.

16 (c) The ~~Study Group~~ Task Force consists of the following members:

17 (1) one member of the Senate of Maryland, appointed by the President of
 18 the Senate;

19 (2) one member of the House of Delegates, appointed by the Speaker of the
 20 House;

21 (3) two members of the Legislative Black Caucus, appointed by the Chair
 22 of the Legislative Black Caucus;

23 (4) the Attorney General, or the Attorney General’s designee;

24 (5) the Secretary of Labor, Licensing, and Regulation, or the Secretary’s
 25 designee; ~~and~~

26 (6) ~~three individuals with expertise in matters relating to the~~
 27 ~~franchisor-franchisee relationship in the State, appointed by the Governor~~ the Secretary
 28 of Commerce, or the Secretary’s designee;

29 (7) the Special Secretary of the Governor’s Office of Minority Affairs, or the
 30 Special Secretary’s designee; and

31 (8) the following members, appointed by the Governor:

32 (i) a representative from a certified minority business enterprise
 33 that is at least 51% owned and controlled by minorities;

1 (ii) a representative from a certified minority business enterprise
2 that is at least 51% owned and controlled by women;

3 (iii) an individual with expertise in matters relating to the
4 franchisor–franchisee relationship in the State;

5 (iv) a representative from the Maryland Bankers Association;

6 (v) a representative from the Maryland Chamber of Commerce;

7 (vi) a representative from the Maryland District Office of the federal
8 Small Business Administration; and

9 (vii) one member of the general public.

10 (d) The Governor shall designate the chair of the ~~Study Group~~ Task Force.

11 (e) ~~The Office of the Attorney General~~ Governor’s Office of Minority Affairs shall
12 provide staff for the ~~Study Group~~ Task Force.

13 (f) A member of the ~~Study Group~~ Task Force:

14 (1) may not receive compensation as a member of the ~~Study Group~~ Task
15 Force, but

16 (2) is entitled to reimbursement for expenses under the Standard State
17 Travel Regulations, as provided in the State budget.

18 (g) The ~~Study Group~~ Task Force shall:

19 ~~(1) study reports of minority franchisee discrimination on the national~~
20 ~~level;~~

21 ~~(2) study the franchisor–franchisee relationship in the State and~~
22 ~~investigate whether there is evidence or a pattern of discriminatory treatment of minority~~
23 ~~franchisees by their respective franchisors;~~

24 ~~(3) investigate incidents of franchise closings in the State to determine if~~
25 ~~minority owned franchises are shut down disproportionately as compared to~~
26 ~~nonminority owned franchises;~~

27 ~~(4) conduct hearings as considered appropriate; and~~

28 ~~(5) in the event a pattern of discriminatory practices in the State is found,~~
29 ~~make recommendations regarding prevention, intervention, and enforcement strategies.~~

1 (1) investigate discriminatory practices against minority- and
2 women-owned businesses, including:

3 (i) reports of minority- and women-owned franchisee
4 discrimination on the national level;

5 (ii) the franchisor-franchisee relationship in the State and whether
6 there is evidence or a pattern of discriminatory treatment of minority- and women-owned
7 franchisees by their respective franchisors; and

8 (iii) incidents of franchise closings in the State to determine whether
9 minority- and women-owned franchises are shut down disproportionately as compared to
10 nonminority- and male-owned franchises;

11 (2) review, examine, and assess issues related to access to working capital
12 for small, minority- and women-owned businesses, ~~including potential airport~~
13 ~~concessionaires, in Maryland,~~ including:

14 (i) the working capital needs by industry of those businesses;

15 (ii) the availability of working capital in the marketplace for, and
16 any barriers encountered in gaining access to working capital in the marketplace by, those
17 businesses; and

18 (iii) any resources available through the State to assist those
19 businesses in gaining access to working capital, including technical assistance and training,
20 financial assistance, and partnerships with other entities;

21 (3) ~~study the employment of minorities and women under procurement~~
22 ~~contracts at Baltimore Washington International Thurgood Marshall Airport, including:~~

23 ~~(i) the working conditions and employment opportunities for~~
24 ~~employees employed by contractors under procurement contracts at~~
25 ~~Baltimore Washington International Thurgood Marshall Airport;~~

26 ~~(ii) the level of compensation and other benefits paid to minorities~~
27 ~~and women as compared to other employees by contractors under procurement contracts at~~
28 ~~Baltimore Washington International Thurgood Marshall Airport; and~~

29 ~~(iii) the participation of minorities and women with regard to the~~
30 ~~solicitation and award of procurement contracts at Baltimore Washington International~~
31 ~~Thurgood Marshall Airport;~~

32 (4) review, examine, and assess incentives for business entities that
33 employ ex-felons, including:

1 (i) the best possible incentives to encourage business entities to
2 employ ex-felons; and

3 (ii) the benefits and challenges associated with the long-term
4 employment of ex-felons by business entities; and

5 ~~(5)~~ (4) conduct hearings as considered appropriate.

6 (h) On or before December 31, ~~2016, the Study Group~~ 2017, the Task Force shall
7 report its findings and recommendations, including any recommended legislation to
8 address the findings of the Task Force, to the Governor and, in accordance with § 2-1246
9 of the State Government Article, the General Assembly.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2016. It shall remain effective for a period of ~~1 year~~ 2 years and 1 month and, at the end
12 of June 30, ~~2017~~ 2018, with no further action required by the General Assembly, this Act
13 shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.