

Chapter 392

(Senate Bill 458)

AN ACT concerning

Maryland Teachers and State Employees Supplemental Retirement Plans – Use of Minority Business Enterprises

FOR the purpose of requiring the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans to consider using minority business enterprises for certain services; requiring the Board to use the Office of State Procurement's website and the State's electronic procurement system to provide notice to potential providers; requiring the Board, in consultation with the Governor's Office of Small, Minority, and Women Business Affairs, to identify entities that have been certified as minority business enterprises under certain circumstances; and generally relating to the use of minority business enterprises in the Maryland Teachers and State Employees Supplemental Retirement Plans.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 35–302
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – State Personnel and Pensions

35–302.

(a) Assets of the supplemental retirement plans may be deposited and invested in accordance with the investment elections allowed under the supplemental retirement plans as selected and determined by the Board in accordance with the statements of investment policy adopted by the Board from time to time notwithstanding any other law limiting the types of investments that may be made with State funds or imposing conditions on the deposit of State funds.

(b) The Board shall make arrangements for the safe custody, domestic or global, of investments with one or more duly qualified custodian banks or trust companies.

(c) Except as provided in Title 12, Subtitle 4 and Title 14, Subtitle 3 of the State Finance and Procurement Article, Title 10 and Division II of the State Finance and Procurement Article do not apply to the supplemental retirement plans for:

(1) services of managers to invest the assets deposited and invested in investment options of the supplemental retirement plans in accordance with the statements of investment policy adopted by the Board from time to time;

(2) expenditures to manage, maintain, and enhance the value of assets deposited and invested in investment options of the supplemental retirement plans selected in accordance with the statements of investment policy adopted by the Board from time to time; and

(3) expenditures for the safe custody, domestic or global, of assets deposited and invested in investment options of the supplemental retirement plans selected in accordance with subsection (b) of this section.

(d) (1) [(i)] The Board shall **CONSIDER AND** attempt to use to the greatest extent feasible minority business enterprises to provide [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services to the Board consistent with minority business purchasing standards applicable to units of State government under the State Finance and Procurement Article and consistent with the fiduciary duties of the Board.

[(ii) For purposes of this subsection, brokerage and investment management services shall include services relating to all allocated asset classes.]

(2) (i) To assist it in achieving the goal described under paragraph (1) of this subsection, the Board shall undertake measures to remove any barriers that limit full participation by minority business enterprises in [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services opportunities afforded under this title.

(ii) The measures undertaken by the Board shall include the use of [a wide variety of media, including] the Maryland Teachers and State Employees Supplemental Retirement Plans' website ~~AND, THE OFFICE OF STATE PROCUREMENT WEBSITE, AND THE STATE'S ELECTRONIC PROCUREMENT SYSTEM, WHENEVER REQUIRED,~~ to provide notice to a broad and varied range of potential providers about the [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services opportunities afforded by the Maryland Teachers and State Employees Supplemental Retirement Plans.

(3) In consultation with the Governor's Office of Small, Minority, and Women Business Affairs, the Board shall [develop guidelines to assist the Board in identifying and evaluating] **IDENTIFY ENTITIES THAT HAVE BEEN CERTIFIED BY THE STATE DEPARTMENT OF TRANSPORTATION AS MINORITY BUSINESS ENTERPRISES AS** qualified minority business enterprises in order to help the Maryland Teachers and State Employees Supplemental Retirement Plans achieve the objective for greater use of

minority business enterprises for [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services.

(4) On or before September 1 each year, the Board shall submit a report to the Governor's Office of Small, Minority, and Women Business Affairs and, subject to § 2-1257 of the State Government Article, the General Assembly on:

(i) the identity of the minority business enterprise [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services firms used by the Board in the immediately preceding fiscal year;

(ii) the percentage and dollar value of the assets that are under the control of the Board that are under the investment control of minority business enterprise [brokerage and investment management] **INVESTMENT ADVISOR AND FUND MANAGER** services firms for each allocated asset class; and

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, May 16, 2022.