

HOUSE BILL 598

P1, P2, P3

8lr1202

By: **Delegates Taylor, Ali, Anderson, Barnes, Cane, Feldman, Frush, Haynes, Howard, Jones, Manno, Proctor, Rice, Ross, V. Turner, Vaughn, and Walker**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Minority Business Enterprise**

3 FOR the purpose of establishing the Commission on Minority Business Enterprise;
4 requiring the Commission to advise the Office of Minority Affairs and the Office
5 of Minority Business Enterprise in the Department of Transportation on certain
6 matters relating to minority business; providing for the composition, terms, and
7 staffing of the Commission; providing certain reimbursement for travel
8 expenses; specifying the duties of the Commission; requiring the Commission to
9 report on certain progress, achievements, and recommendations by a certain
10 date each year; and generally relating to the Commission on Minority Business
11 Enterprise.

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 9–301
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 Supplement)

17 BY adding to
18 Article – State Government
19 Section 9–305.1
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2007 Supplement)

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

24 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-301.

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

3 (B) **“COMMISSION” MEANS THE COMMISSION ON MINORITY BUSINESS**
4 **ENTERPRISE.**

5 [(b)] (C) “Interdepartmental Committee” means the Interdepartmental
6 Advisory Committee on Minority Affairs.

7 [(c)] (D) (1) “Minority person” means:

8 (i) an individual who has been deprived of the opportunity to
9 develop and keep a competitive position in the economy because of a social or economic
10 disadvantage that arises from cultural, racial, or other similar causes; or

11 (ii) a sheltered workshop for individuals with disabilities.

12 (2) “Minority person” includes:

13 (i) an Aleut;

14 (ii) an American Indian;

15 (iii) a Black;

16 (iv) an Eskimo;

17 (v) a Hispanic;

18 (vi) an Oriental;

19 (vii) a Puerto Rican; or

20 (viii) a woman.

21 [(d)] (E) “Office” means the Office of Minority Affairs.

22 [(e)] (F) “Special Secretary” means the Special Secretary for the Office of
23 Minority Affairs.

24 **9-305.1.**

25 (A) **THERE IS A COMMISSION ON MINORITY BUSINESS ENTERPRISE.**

26 (B) **THE COMMISSION SHALL ADVISE THE OFFICE AND THE OFFICE OF**
27 **MINORITY BUSINESS ENTERPRISE IN THE DEPARTMENT OF TRANSPORTATION**

1 ON MATTERS RELATING TO MINORITY BUSINESS AND PROVIDE OTHER
2 ASSISTANCE AND CONSULTATION AS REQUESTED BY THE GOVERNOR AND THE
3 SPECIAL SECRETARY.

4 (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

5 (1) THE SPECIAL SECRETARY;

6 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
7 THE PRESIDENT OF THE SENATE;

8 (3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
9 THE SPEAKER OF THE HOUSE; AND

10 (4) SIX REPRESENTATIVES OF SMALL, MINORITY, AND
11 WOMEN-OWNED BUSINESSES, APPOINTED BY THE GOVERNOR.

12 (D) TO THE EXTENT POSSIBLE, MEMBERS OF THE COMMISSION SHALL
13 REPRESENT THE MAJOR GEOGRAPHIC AREAS OF THE STATE.

14 (E) THE SPECIAL SECRETARY SHALL SERVE AS CHAIR OF THE
15 COMMISSION.

16 (F) A MEMBER OF THE COMMISSION APPOINTED BY THE GOVERNOR
17 SHALL SERVE A 2-YEAR TERM AT THE PLEASURE OF THE GOVERNOR.

18 (G) A MEMBER OF THE COMMISSION:

19 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
20 COMMISSION; BUT

21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
23 BUDGET.

24 (H) THE OFFICE AND THE OFFICE OF MINORITY BUSINESS
25 ENTERPRISE IN THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
26 STAFF FOR THE COMMISSION.

27 (I) THE COMMISSION SHALL:

28 (1) PERIODICALLY REVIEW THE MINORITY BUSINESS
29 ENTERPRISE PROCEDURES AND PRACTICES USED IN STATE AGENCIES;

1 **(2) AS THEY BECOME AVAILABLE, UTILIZE STUDIES, REPORTS,**
2 **AND DATA ON MINORITY BUSINESS ENTERPRISES TO EVALUATE:**

3 **(I) BARRIERS TO CERTIFICATION;**

4 **(II) ACCESS TO CAPITAL;**

5 **(III) ACCESS TO OPPORTUNITIES;**

6 **(IV) CURRENT PROCUREMENT PRACTICES;**

7 **(V) AVAILABILITY OF MINORITY BUSINESS ENTERPRISES;**

8 **(VI) MINORITY BUSINESS ENTERPRISE REPORTING;**

9 **(VII) PAYMENTS VERSUS AWARDS;**

10 **(VIII) MONITORING AND COMPLIANCE;**

11 **(IX) CHALLENGES FACING STATE AGENCIES AND THE**
12 **BUSINESS COMMUNITY;**

13 **(X) CONSOLIDATION OF SIMILAR SERVICES AND**
14 **PROGRAMS;**

15 **(XI) ISSUES REPORTED BY LEGISLATIVE AUDITORS; AND**

16 **(XII) FREQUENCY AND METHOD FOR REPORTING MINORITY**
17 **BUSINESS ENTERPRISE AWARDS OR PAYMENT TO THE OFFICE BY STATE**
18 **AGENCIES;**

19 **(3) EXPLORE THE ROLE OF THE OFFICE AND IDENTIFY WAYS TO**
20 **INCREASE ITS EFFECTIVENESS;**

21 **(4) HOLD HEARINGS AROUND THE STATE TO RECEIVE PUBLIC**
22 **TESTIMONY ON:**

23 **(I) MINORITY BUSINESS DEVELOPMENT NEEDS;**

24 **(II) THE EFFECTIVENESS OF CURRENT POLICIES AND**
25 **PROGRAMS; AND**

26 **(III) MINORITY BUSINESS ENTERPRISE BEST PRACTICES;**
27 **AND**

1 **(5) DEVELOP PLANS TO REFORM THE MINORITY BUSINESS**
2 **ENTERPRISE PROGRAM IN LIGHT OF POTENTIAL FINDINGS MADE UNDER THIS**
3 **SUBSECTION.**

4 **(J) A MAJORITY OF THE MEMBERS OF THE COMMISSION IS A QUORUM**
5 **FOR THE TRANSACTION OF BUSINESS BEFORE THE COMMISSION.**

6 **(K) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COMMISSION**
7 **SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF**
8 **THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE**
9 **PROGRESS AND ACHIEVEMENTS OF THE COMMISSION AND MAKE**
10 **RECOMMENDATIONS TO FURTHER THE INTERESTS OF SMALL, MINORITY, AND**
11 **WOMEN-OWNED BUSINESSES.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.