

HOUSE BILL 941

L5, P2

8lr0705

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 6, 2008
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Minority**
3 **Business Enterprise Utilization Program**

4 **PG/MC 110–08**

5 FOR the purpose of extending through a certain date the authority of the
6 Maryland–National Capital Park and Planning Commission to establish and
7 administer a Minority Business Enterprise Utilization Program for the award of
8 contracts for goods, services, and construction under certain circumstances; and
9 generally relating to the Maryland–National Capital Park and Planning
10 Commission and the Minority Business Enterprise Utilization Program.

11 BY repealing and reenacting, without amendments,
12 Article 28 – Maryland–National Capital Park and Planning Commission
13 Section 2–301 through 2–304
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 256 of the Acts of the General Assembly of 1995, as amended by
18 Chapter 487 of the Acts of the General Assembly of 1997, Chapter 40 of
19 the Acts of the General Assembly of 2001, and Chapter 425 of the Acts of
20 the General Assembly of 2003
21 Section 2

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

24 **Article 28 – Maryland–National Capital Park and Planning Commission**

25 2–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this subtitle “minority” means any group that the Commission finds, after
2 appropriate study, to be socially or economically disadvantaged as a result of
3 discrimination in the public or private sector that has affected the group’s utilization
4 and participation in contracting or procurement with the Commission.

5 2–302.

6 If the Commission determines that a program is necessary to remedy
7 discrimination against minority business enterprises in contracting or procurement
8 with the Commission, the Commission shall establish a Minority Business Enterprise
9 Utilization Program to facilitate participation of responsible certified minority
10 business enterprises in contracts awarded by the Commission for goods, services, and
11 construction.

12 2–303.

13 (a) The Commission shall adopt regulations for the operation of the Minority
14 Business Enterprise Utilization Program established under this subtitle.

15 (b) The regulations shall include provisions for:

16 (1) Acceptance of the certification of minority business enterprises
17 that have been certified by the State certification agency designated under § 14–303 of
18 the State Finance and Procurement Article;

19 (2) Waiver of all or part of the Program provisions for a specific
20 contract if the Commission determines that:

21 (i) Minority business enterprises are unavailable; or

22 (ii) The application of the Program to the contract conflicts with
23 the Commission’s overall objectives and responsibilities;

24 (3) Graduation of a minority business enterprise from the Program if
25 the Commission determines that the minority business enterprise no longer requires
26 the assistance or benefits offered by the Program;

27 (4) Termination of the Program when the Program is no longer
28 necessary to remedy the effects of past discrimination;

29 (5) Acceptance of the decisions of any other certification program that,
30 in the judgment of the Commission, assures that certified minority business
31 enterprises are legitimate;

32 (6) Minority participation in subcontracting as well as direct
33 contracting; and

1 (7) Application of reasonable preferences to certified minority business
2 enterprises in evaluating competitive bids or proposals.

3 2–304.

4 On or before October 31 of each year, the Commission shall issue a report that:

5 (1) Evaluates the results of the Program through June 30 of that year;
6 and

7 (2) Makes appropriate recommendations to the Montgomery County
8 and Prince George’s County Delegations of the House of Delegates and Senate of
9 Maryland.

10 **Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of**
11 **1997, Chapter 40 of the Acts of 2001, and Chapter 425 of the Acts of 2003**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1995. It shall remain effective for a period of [13] **18** years and, at the end
14 of September 30, [2008] **2013**, and with no further action required by the General
15 Assembly, the minority business enterprise utilization program under Article 28,
16 §§ 2–301 through 2–304 of the Annotated Code of Maryland shall be abrogated and of
17 no further force and effect.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2008.