

SENATE BILL 489

P2

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CF HB 471

By: **Senators Pugh, Currie, Harrington, Madaleno, McFadden, Muse, Peters, and Raskin**

Introduced and read first time: February 4, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Enterprise Certification – Cap on Personal Net Worth**

3 FOR the purpose of altering the amount of the cap on the personal net worth
4 requirement for certification as a minority business enterprise; requiring the
5 certification agency to evaluate certain data in conjunction with the General
6 Assembly and the Office of the Attorney General; requiring the certification
7 agency to make a certain report on or before a certain date; and generally
8 relating to requirements for certification as minority business enterprises.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 14–301(i)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – State Finance and Procurement**

17 14–301.

18 (i) (1) Subject to paragraphs (2) and (3) of this subsection, “socially and
19 economically disadvantaged individual” means a citizen or lawfully admitted
20 permanent resident of the United States who is:

21 (i) in any of the following minority groups:

22 1. African American – an individual having origins in
23 any of the black racial groups of Africa;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. American Indian/Native American – an individual
2 having origins in any of the original peoples of North America and who is a
3 documented member of a North American tribe, band, or otherwise has a special
4 relationship with the United States or a state through treaty, agreement, or some
5 other form of recognition. This includes an individual who claims to be an American
6 Indian/Native American and who is regarded as such by the American Indian/Native
7 American community of which the individual claims to be a part, but does not include
8 an individual of Eskimo or Aleutian origin;

9 3. Asian – an individual having origins in the Far East,
10 Southeast Asia, or the Indian subcontinent, and who is regarded as such by the
11 community of which the person claims to be a part;

12 4. Hispanic – an individual of Mexican, Puerto Rican,
13 Cuban, Central or South American, or other Spanish culture or origin, regardless of
14 race, and who is regarded as such by the community of which the person claims to be a
15 part;

16 5. physically or mentally disabled – an individual who
17 has an impairment that substantially limits one or more major life activity, who is
18 regarded generally by the community as having such a disability, and whose disability
19 has substantially limited his or her ability to engage in competitive business; or

20 6. women – a woman, regardless of race or ethnicity,
21 unless she is also a member of an ethnic or racial minority group and elects that
22 category in lieu of the gender category; or

23 (ii) otherwise found by the certification agency to be a socially
24 and economically disadvantaged individual.

25 (2) There is a rebuttable presumption that an individual who is a
26 member of a minority group under paragraph (1)(i) of this subsection is socially and
27 economically disadvantaged.

28 (3) An individual whose personal net worth exceeds [\$1,500,000]
29 **\$1,750,000, AS ADJUSTED ANNUALLY FOR INFLATION ACCORDING TO THE**
30 **CONSUMER PRICE INDEX**, may not be found to be economically disadvantaged.

31 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
32 2010:

33 (a) The certification agency, in consultation with the General Assembly and
34 the Office of the Attorney General, shall evaluate State bonding and other financial
35 business data to determine whether the cap on the personal net worth requirement for
36 certification as a minority business enterprise should be further adjusted; and

1 (b) The certification agency shall report its findings to the General Assembly,
2 in accordance with § 2-1246 of the State Government Article.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.