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1997 Regular Session
7lr0466

By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Minority Business**
3 **Enterprise Utilization Program**
4 **MC/PG 45-97**

5 FOR the purpose of continuing the authority of the Maryland-National Capital Park and
6 Planning Commission (MNCPPC) to establish and administer a Minority Business
7 Enterprise Utilization Program for the award of contracts for goods, services, and
8 construction under certain circumstances through a specified date; requiring the
9 MNCPPC to issue certain reports and to make certain recommendations regarding
10 the Minority Business Enterprise Utilization Program to certain legislative
11 delegations; altering a certain termination provision; and generally relating to the
12 Minority Business Enterprise Utilization Program under the MNCPPC.

13 BY repealing and reenacting, without amendments,
14 Article 28 - Maryland-National Capital Park and Planning Commission
15 Section 2-302 through 2-304
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 28 - Maryland-National Capital Park and Planning Commission
20 Section 2-301 and 2-305
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,
24 Chapter 256 of the Acts of the General Assembly of 1995
25 Section 2

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

1 Article 28 - Maryland-National Capital Park and Planning Commission

2 2-301.

3 (a) The Commission shall undertake and complete an internal and market
4 fact-finding study to assess the appropriate scope of a minority business enterprise
5 program for the Commission.

6 (b) The results of the fact-finding study, including statistical data, supporting
7 documentation, and reports, shall be reported to the Prince George's County and
8 Montgomery County Delegations to the General Assembly by December 15, [1990] 2000.

9 2-302.

10 In this subtitle "minority" means any group that the Commission finds, after
11 appropriate study, to be socially or economically disadvantaged as a result of
12 discrimination in the public or private sector that has affected the group's utilization and
13 participation in contracting or procurement with the Commission.

14 2-303.

15 If the Commission determines that a program is necessary to remedy discrimination
16 against minority business enterprises in contracting or procurement with the Commission,
17 the Commission shall establish a Minority Business Utilization Program to facilitate
18 participation of responsible certified minority business enterprises in contracts awarded
19 by the Commission for goods, services, and construction.

20 2-304.

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

23 (b) The regulations shall include provisions for:

24 (1) Acceptance of the certification of minority business enterprises that
25 have been certified by the State certification agency designated under § 14-303 of the
26 State Finance and Procurement Article;

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

29 (i) Minority business enterprises are unavailable; or

30 (ii) The application of the Program to the contract conflicts with the
31 Commission's overall objectives and responsibilities;

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

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

3

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

4 (6) Minority participation in subcontracting as well as direct contracting;
5 and

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

8 2-305.

9 On or before August 15, [1996] 2000, the Commission shall issue a report that:

10 (1) Evaluates the implementation and administration of the Program
11 through May 31, [1996] 2000; and

12 (2) Makes appropriate recommendations to the Montgomery County and
13 Prince George's County Delegations of the House of Delegates and Senate of Maryland.

14 **Chapter 256 of the Acts of 1995**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1995. [At] IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 6 YEARS AND,
17 AT the end of September 30, [1997] 2001, and with no further action required by the
18 General Assembly,[Article 28, § 2-305] THE MINORITY BUSINESS ENTERPRISE
19 UTILIZATION PROGRAM UNDER ARTICLE 28, §§ 2-301 THROUGH 2-305 of the
20 Annotated Code of Maryland shall be abrogated and of no further force and effect.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.