
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 - Termination**
4 **MC/PG 46-97**

5 FOR the purpose of altering the date of the termination of the Maryland-National
6 Capital Park and Planning Commission's Minority Business Enterprise Utilization
7 Program.

8 BY repealing and reenacting, without amendments,
9 Article 28 - Maryland-National Capital Park and Planning Commission
10 Section 2-301 through 2-305
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 256 of the Acts of the General Assembly of 1995
15 Section 2

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

18 **Article 28 - Maryland-National Capital Park and Planning Commission**

19 2-301.

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

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

26 2-302.

27 In this subtitle "minority" means any group that the Commission finds, after
28 appropriate study, to be socially or economically disadvantaged as a result of

2

1 discrimination in the public or private sector that has affected the group's utilization and
2 participation in contracting or procurement with the Commission.

3 2-303.

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

9 2-304.

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

12 (b) The regulations shall include provisions for:

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

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

18 (i) Minority business enterprises are unavailable; or

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

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

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

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

29 (6) Minority participation in subcontracting as well as direct contracting;
30 and

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

33 2-305.

34 On or before August 15, 1996, the Commission shall issue a report that:

35 (1) Evaluates the implementation and administration of the Program
36 through May 31, 1996; and

3

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

3 **Chapter 256 of the Acts of 1995**

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 1997.