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**By: Senator Young**

Introduced and read first time: January 28, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement - Preferences - Employment Enhancement Business**

3 FOR the purpose of requiring the Board of Public Works to establish a program requiring  
4 certain primary procurement units to provide a certain share of procurement  
5 contracts to certified employment enhancement businesses; providing that the goal  
6 of the program is to encourage certain businesses to hire and train individuals who  
7 have been terminated from certain assistance programs, who have been honorably  
8 discharged from a branch of the United States armed forces, or who reside in  
9 certain empowerment zones or enterprise zones; requiring the Board of Public  
10 Works to adopt certain regulations, certify employment enhancement businesses,  
11 and provide assistance to employment enhancement businesses in obtaining certain  
12 funding; requiring certain agencies to work in conjunction with the Board of Public  
13 Works; establishing certain penalties for certain violations of this Act; defining  
14 certain terms; and generally relating to employment enhancement businesses.

15 BY adding to

16 Article - State Finance and Procurement  
17 Section 14-501 through 14-504, inclusive, to be under the new subtitle "Subtitle 5.  
18 Employment Enhancement Business"  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1996 Supplement)

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

23 **Article - State Finance and Procurement**

24 SUBTITLE 5. EMPLOYMENT ENHANCEMENT BUSINESS.

25 14-501.

26 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS  
27 INDICATED.

28 (B) "DESIGNATED UNIT" MEANS A PRIMARY PROCUREMENT UNIT  
29 DESIGNATED BY THE BOARD.

30 (C) "EMPLOYMENT ENHANCEMENT BUSINESS" MEANS A BUSINESS THAT:

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1 (1) EMPLOYS AND TRAINS INDIVIDUALS WHO:

2 (I) WITHIN THE LAST YEAR, HAVE BEEN TERMINATED FROM A  
3 STATE OR FEDERAL GOVERNMENT ASSISTANCE PROGRAM;

4 (II) HAVE BEEN HONORABLY DISCHARGED FROM ANY BRANCH OF  
5 THE UNITED STATES ARMED FORCES; OR

6 (III) CURRENTLY RESIDE IN AN EMPOWERMENT ZONE OR  
7 ENTERPRISE COMMUNITY AS DESIGNATED BY A UNIT OF FEDERAL, STATE, OR  
8 LOCAL GOVERNMENT; AND

9 (2) PROVIDES A MINIMUM STARTING SALARY OF AT LEAST \$7.50 AN  
10 HOUR.

11 14-502.

12 (A) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF LABOR,  
13 LICENSING, AND REGULATION, SHALL ADOPT REGULATIONS TO ESTABLISH A  
14 PROGRAM REQUIRING DESIGNATED UNITS TO PROVIDE A SHARE OF  
15 PROCUREMENT CONTRACTS TO CERTIFIED EMPLOYMENT ENHANCEMENT  
16 BUSINESSES IN A MANNER THAT ENCOURAGES BUSINESSES TO HIRE AND TRAIN  
17 INDIVIDUALS WHO HAVE BEEN TERMINATED FROM A STATE OR FEDERAL  
18 GOVERNMENT ASSISTANCE PROGRAM, HAVE BEEN HONORABLY DISCHARGED  
19 FROM ANY BRANCH OF THE UNITED STATES ARMED FORCES, OR RESIDE IN AN  
20 EMPOWERMENT ZONE OR ENTERPRISE COMMUNITY DESIGNATED BY A UNIT OF  
21 FEDERAL, STATE, OR LOCAL GOVERNMENT.

22 (B) THE REGULATIONS ADOPTED BY THE BOARD SHALL:

23 (1) SPECIFY THE PRIMARY PROCUREMENT UNITS WHO ARE  
24 DESIGNATED UNITS;

25 (2) PROVIDE STANDARDS AND PROCEDURES FOR THE CERTIFICATION  
26 OF EMPLOYMENT ENHANCEMENT BUSINESSES;

27 (3) ESTABLISH THE TYPE OF PROCUREMENT THAT SHOULD BE  
28 INCLUDED UNDER THE PROGRAM;

29 (4) PROVIDE GUIDELINES FOR IDENTIFYING PROCUREMENT  
30 CONTRACTS FOR CERTIFIED EMPLOYMENT ENHANCEMENT BUSINESSES; AND

31 (5) ESTABLISH THE MINIMUM PERCENTAGE OF PROCUREMENT  
32 CONTRACTS THAT EACH DESIGNATED ENTITY SHALL MAKE DIRECTLY OR  
33 INDIRECTLY FROM CERTIFIED EMPLOYMENT ENHANCEMENT BUSINESSES.

34 (C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL RESERVE THE  
35 RIGHT OF A DESIGNATED UNIT TO REJECT A BID OR PROPOSAL IF IT IS  
36 DETERMINED THAT ADEQUATE BIDS OR PROPOSALS WERE NOT OBTAINED.

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1 14-503.

2 THE BOARD SHALL:

3 (1) CERTIFY EMPLOYMENT ENHANCEMENT BUSINESSES THAT MEET  
4 THE CRITERIA ESTABLISHED UNDER § 14-501(B)(2) OF THIS SUBTITLE; AND

5 (2) IN CONJUNCTION WITH THE DEPARTMENT OF LABOR, LICENSING,  
6 AND REGULATION, PROVIDE EMPLOYMENT ENHANCEMENT BUSINESSES WITH  
7 ASSISTANCE LOCATING AND OBTAINING GRANTS, SUBSIDIES, OR OTHER FUNDS  
8 AVAILABLE THROUGH LOCAL, STATE, OR FEDERAL GOVERNMENT FOR EMPLOYEE  
9 TRAINING AND DEVELOPMENT.

10 14-504.

11 (A) (1) A PERSON MAY NOT:

12 (I) FRAUDULENTLY OBTAIN, HOLD, OR ATTEMPT TO OBTAIN OR  
13 HOLD CERTIFICATION;

14 (II) AID ANOTHER PERSON IN PERFORMING AN ACT PROHIBITED  
15 UNDER ITEM (I) OF THIS PARAGRAPH;

16 (III) WILLFULLY OBSTRUCT, IMPEDE, OR ATTEMPT TO OBSTRUCT  
17 OR IMPEDE A STATE OFFICIAL OR EMPLOYEE INVESTIGATING THE QUALIFICATIONS  
18 OF A BUSINESS ENTITY THAT HAS REQUESTED CERTIFICATION; OR

19 (IV) FRAUDULENTLY OBTAIN, ATTEMPT TO OBTAIN, OR AID  
20 ANOTHER PERSON IN FRAUDULENTLY OBTAINING OR ATTEMPTING TO OBTAIN,  
21 PUBLIC MONEYS TO WHICH THE PERSON IS NOT ENTITLED UNDER THIS SUBTITLE.

22 (2) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS  
23 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
24 \$20,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

25 (B) (1) A PERSON MAY NOT MAKE A FALSE STATEMENT ABOUT WHETHER  
26 AN ENTITY HAS CERTIFICATION.

27 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A  
28 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500  
29 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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