
By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 9, 2001
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 2001

CHAPTER _____

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - ~~Local Small~~**
3 **Minority Business Enterprise Utilization Program**
4 **MC/PG 102-01**

5 FOR the purpose of ~~authorizing~~ extending the authority of the Maryland-National
6 Capital Park and Planning Commission to ~~adopt~~ establish and administer a
7 ~~local-small~~ minority business enterprise utilization program for certain
8 purposes; ~~establishing certain eligibility criteria for the program; requiring the~~
9 ~~Commission to adopt certain criteria and procedures for the program; requiring~~
10 ~~the Commission to review certain criteria and procedures each year providing~~
11 ~~for the effective date of this Act; and generally relating to the~~
12 Maryland-National Capital Park and Planning Commission and the ~~local-small~~
13 minority business enterprise utilization program.

14 ~~BY adding to~~
15 ~~Article 28 - Maryland-National Capital Park and Planning Commission~~
16 ~~Section 2-123~~
17 ~~Annotated Code of Maryland~~
18 ~~(1997 Replacement Volume and 2000 Supplement)~~

19 BY repealing and reenacting, with amendments,
20 Chapter 256 of the Acts of the General Assembly of 1995, as amended by
21 Chapter 487 of the Acts of the General Assembly of 1997
22 Section 2

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

3 ~~Article 28 – Maryland National Capital Park and Planning Commission~~

4 ~~2-123-~~

5 ~~(A) BY RESOLUTION OR REGULATION, THE COMMISSION MAY IMPLEMENT A~~
6 ~~LOCAL SMALL BUSINESS ENTERPRISE PROGRAM.~~

7 ~~(B) THE PURPOSE OF THE PROGRAM IS TO ASSIST SMALL BUSINESSES THAT~~
8 ~~ARE LOCATED IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY THROUGH~~
9 ~~THE ESTABLISHMENT OF A SHELTERED MARKET OR OTHER APPROPRIATE~~
10 ~~PREFERENCE OR ASSISTANCE INVOLVING THE AWARD OF CONSTRUCTION~~
11 ~~CONTRACTS OR THE PROCUREMENT OF GOODS AND SERVICES BY THE COMMISSION.~~

12 ~~(C) THE COMMISSION SHALL ADOPT:~~

13 ~~(1) ELIGIBILITY CRITERIA FOR BUSINESSES TO QUALIFY FOR THE~~
14 ~~LOCAL SMALL BUSINESS ENTERPRISE PROGRAM, INCLUDING:~~

15 ~~(I) A NET WORTH NOT EXCEEDING \$250,000 UNDER COMMISSION~~
16 ~~GUIDELINES;~~

17 ~~(II) AN AVERAGE NET INCOME AFTER FEDERAL INCOME TAXES~~
18 ~~FOR THE PRECEDING 2 YEARS, EXCLUDING ANY CARRYOVER LOSSES, NOT~~
19 ~~EXCEEDING \$100,000;~~

20 ~~(III) A PRINCIPAL PLACE OF BUSINESS OR SIGNIFICANT~~
21 ~~EMPLOYMENT PRESENCE IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY;~~
22 ~~AND~~

23 ~~(IV) ANY OTHER ELIGIBILITY CRITERIA THAT THE COMMISSION~~
24 ~~DETERMINES TO BE NECESSARY OR OTHERWISE APPROPRIATE FOR THE PROMOTION~~
25 ~~OF LOCAL SMALL BUSINESSES IN ITS SERVICE AREA; AND~~

26 ~~(2) ADMINISTRATIVE PROCEDURES FOR CONDUCTING THE PROGRAM.~~

27 ~~(D) A BUSINESS ENTERPRISE MAY QUALIFY AS A LOCAL SMALL BUSINESS FOR~~
28 ~~PURPOSES OF THE PROGRAM WITHOUT REGARD TO THE RACE, ETHNICITY, OR~~
29 ~~GENDER OF THE PARTICIPANTS IN THE BUSINESS ENTERPRISE.~~

30 ~~(E) THE COMMISSION SHALL ESTABLISH GRADUATION CRITERIA FROM THE~~
31 ~~PROGRAM FOR LOCAL SMALL BUSINESSES THAT THE COMMISSION DETERMINES NO~~
32 ~~LONGER REQUIRE THE ASSISTANCE OR BENEFITS OFFERED BY THE PROGRAM.~~

33 ~~(F) THE COMMISSION SHALL REVIEW THE ELIGIBILITY CRITERIA AND~~
34 ~~ADMINISTRATIVE PROCEDURES OF THE PROGRAM EACH YEAR TO ASSESS THEIR~~
35 ~~EFFECTIVENESS IN FURTHERING THE PURPOSES OF THE PROGRAM.~~

Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of 1997

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995. It shall remain effective for a period of [6] 8 years and, at the end of September 30, [2001] 2003, and with no further action required by the General Assembly, the minority business enterprise utilization program under Article 28, §§ 2-301 through 2-305 of the Annotated Code of Maryland shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2001.