
By: **Chair, Health and Government Operations Committee (By Request -
Departmental - Governor's Office of Minority Affairs and
Transportation)**

Introduced and read first time: February 8, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Minority Business Enterprise Participation**

3 FOR the purpose of continuing until a certain date the provisions of the State
4 Procurement Law relating to procurement from minority businesses; requiring
5 a certain study and the issuance of a certain report by a certain date; and
6 generally relating to minority business participation in State procurement.

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 14-309
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 116 of the Acts of the General Assembly of 1995, as amended by
14 Chapters 495 and 496 of the Acts of the General Assembly of 2000, as
15 amended by Chapter 339 of the Acts of the General Assembly of 2001
16 Section 2

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

19 **Article - State Finance and Procurement**

20 14-309.

21 The provisions of §§ 14-301 through 14-305 of this subtitle, and any regulations
22 adopted under those sections, shall be of no effect and may not be enforced after July
23 1, [2006] 2011.

1 **Chapter 116 of the Acts of 1995, as amended by Chapters 495 and 496 of the**
2 **Acts of 2000, as amended by Chapter 339 of the Acts of 2001**

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency,
4 in consultation with the General Assembly and the Office of the Attorney General,
5 shall initiate a study of the Minority Business Enterprise Program to evaluate the
6 Program's continued compliance with the requirements of the Croson decision and
7 any subsequent federal or constitutional requirements. In preparation for the study,
8 the Board of Public Works may adopt regulations authorizing a unit of State
9 government to require bidders and offerors to submit information necessary for the
10 conduct of the study. The Board of Public Works may designate that certain
11 information received in accordance with regulations adopted under this section shall
12 be confidential. Notwithstanding that certain information may be designated by the
13 Board of Public Works as confidential, the Certification Agency may provide the
14 information to any person that is under contract with the Certification Agency to
15 assist in conducting the study. The study shall also evaluate race neutral programs
16 and other methods that can be used to address the needs of minority businesses. The
17 final report on the study shall be submitted to the Legislative Policy Committee of the
18 General Assembly prior to September 30, [2005] 2010 so that the General Assembly
19 may review the report prior to the [2006] 2011 Session.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect July 1, 2006.