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By: **Senators Jones, Britt, Conway, Currie, Exum, Frosh, Gladden,  
Hollinger, Hughes, Kelley, Lawlah, McFadden, Middleton, and Ruben**

Introduced and read first time: February 13, 2006

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 16, 2006

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 23, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement - Minority Business 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 a final report on the study by a certain date; and generally  
6 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 and  
15 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:

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**Article - State Finance and Procurement**

2 14-309.

3 The provisions of §§ 14-301 through 14-305 of this subtitle, and any regulations  
4 adopted under those sections, shall be of no effect and may not be enforced after July  
5 1, [2006] ~~2012~~ 2011.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency,  
9 in consultation with the General Assembly and the Office of the Attorney General,  
10 shall initiate a study of the Minority Business Enterprise Program to evaluate the  
11 Program's continued compliance with the requirements of the Croson decision and  
12 any subsequent federal or constitutional requirements. In preparation for the study,  
13 the Board of Public Works may adopt regulations authorizing a unit of State  
14 government to require bidders and offerors to submit information necessary for the  
15 conduct of the study. The Board of Public Works may designate that certain  
16 information received in accordance with regulations adopted under this section shall  
17 be confidential. Notwithstanding that certain information may be designated by the  
18 Board of Public Works as confidential, the certification agency may provide the  
19 information to any person that is under contract with the certification agency to  
20 assist in conducting the study. The study shall also evaluate race neutral programs  
21 and other methods that can be used to address the needs of minority businesses. The  
22 final report on the study shall be submitted to the Legislative Policy Committee of the  
23 General Assembly prior to [September 30, 2005] SEPTEMBER 30, ~~2011~~ 2010, so that  
24 the General Assembly may review the report prior to the [2006] ~~2012~~ 2011 Session.

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