

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 878

(Delegate Taylor, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Procurement - Commercial Nondiscrimination Policy - Modifications

This bill modifies and clarifies provisions of the State's commercial nondiscrimination policy, which was enacted in 2006.

Fiscal Summary

State Effect: None. The bill clarifies existing law.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Before launching an investigation of a complaint filed under the State's commercial nondiscrimination policy, the Maryland Commission on Human Relations (MCHR) must determine whether mediation would be more appropriate, and it should contact both parties to attempt such mediation.

The commission must also protect the confidentiality of information related to its investigations.

The bill also clarifies that: if the commission determines that a complaint against a business entity has probable cause, the business entity may request a contested case hearing before the Office of Administrative Hearings; and if the commission rules that a complainant knowingly filed a false or frivolous complaint, the complainant may request

a contested case hearing. The party requesting the hearing is required to immediately notify all other parties. The commission may select the venue for the hearing.

The bill replaces references to the office of the Executive Director of MCHR with references to commission staff, corrects the name of the Maryland Commission on Human Relations throughout the statute, and makes other technical changes to the law.

Current Law: Chapter 283 of 2006 established a commercial nondiscrimination policy that prohibits the State from entering into a procurement contract with a business entity that has discriminated against subcontractors, suppliers, vendors, or commercial customers on the basis of race, color, religion, ancestry, or national origin, sex, age, marital status, sexual orientation, or disability. Chapter 283 also established a process to adjudicate complaints of discrimination and provided for penalties against any business that is found to have violated the commercial nondiscrimination policy.

Individuals who believe they have been the victim of discrimination or retaliation under the State's commercial nondiscrimination policy may file a complaint with MCHR.

Background: Several large cities, most recently Charlotte, North Carolina in 2003, have enacted commercial nondiscrimination policies similar to the State's policy. None of the cities have experienced a large number of claims, and the claims have been found to have only a nominal impact on staffing. MCHR reports that no complaints have been filed under the commercial nondiscrimination policy since Chapter 283 took effect in October 2006.

Additional Information

Prior Introductions: None.

Cross File: SB 192 (Senator Conway, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Maryland Commission on Human Relations, Department of Budget and Management, Board of Public Works, Department of General Services, Maryland Department of Transportation, Office of Administrative Hearings, Department of Legislative Services

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