

HOUSE BILL 553

P2, P3

8lr1918

By: **Delegates Robinson, Glenn, Kaiser, Stukes, Taylor, and V. Turner**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Participation in Contracts for Group Homes for Individuals With**
3 **Developmental Disabilities – Study**

4 FOR the purpose of requiring a certain certification agency designated by the Board of
5 Public Works, the Department of Health and Mental Hygiene, and the
6 Governor’s Office of Minority Affairs to conduct a study on certain contracts
7 awarded by the Department of Health and Mental Hygiene for certain group
8 homes for individuals with developmental disabilities; requiring the study to
9 determine if there is certain evidence of certain discrimination; establishing
10 certain other requirements for the study; authorizing the Board of Public Works
11 to adopt certain regulations; authorizing the Board of Public Works to designate
12 certain information as confidential but that it may be provided to certain parties
13 to assist in conducting a certain study; requiring a certain report to be
14 submitted to certain committees of the General Assembly on or after a certain
15 date; providing for the termination of this Act; and generally relating to a study
16 on minority participation in contracts for group homes.

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That:

19 (a) The certification agency designated by the Board of Public Works under §
20 14–303(b) of the State Finance and Procurement Article, the Department of Health
21 and Mental Hygiene, and the Governor’s Office of Minority Affairs shall conduct a
22 study on:

23 (1) contracts awarded by the Department of Health and Mental
24 Hygiene for group homes for individuals with developmental disabilities to determine:

25 (i) what, if any, evidence is there of business discrimination
26 against minority contractors; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) if there is evidence of business discrimination against
2 minority contractors, what, if any, goals for increasing minority business participation
3 should be established;

4 (2) ways to coordinate information and resources to facilitate minority
5 contractors in receiving awards on contracts for group homes for individuals with
6 developmental disabilities.

7 (b) (1) The part of the study required under subsection (a)(1) of this
8 section shall comply with the requirements of the 1989 decision of the United States
9 Supreme Court in *City of Richmond v. J. A. Croson Co.* and any other federal or
10 constitutional requirements.

11 (2) In preparation for the study, the Board of Public Works may adopt
12 regulations authorizing the Department of Health and Mental Hygiene to require
13 contractors awarded contracts for group homes for individuals with developmental
14 disabilities to submit information necessary for the conduct of the study.

15 (3) (i) The Board of Public Works may designate that information
16 received in accordance with regulations adopted under this section be confidential.

17 (ii) Notwithstanding that information may be designated by the
18 Board of Public Works as confidential, the information may be provided to any person
19 that is under contract with the Department of Health and Mental Hygiene for a group
20 home for individuals with developmental disabilities to assist in conducting the study.

21 (4) The study shall also evaluate race-neutral programs and other
22 methods that can be used to address the needs of minority contractors for group homes
23 for individuals with developmental disabilities.

24 (c) The final report of the study shall be submitted on or before October 1,
25 2009, to the Senate Education, Health, and Environmental Affairs Committee and the
26 House Health and Government Operations Committee, in accordance with § 2-1246 of
27 the State Government Article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2008. It shall remain effective for a period of 1 year and, at the end of
30 September 30, 2009, with no further action required by the General Assembly, this Act
31 shall be abrogated and of no further force and effect.