

HOUSE BILL 941

L5, P2

8lr0705

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

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

Reassigned: Health and Government Operations, , February 13, 2008

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2008

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Minority**
3 **Business Enterprise Utilization Program**

4 **PG/MC 110–08**

5 FOR the purpose of extending through a certain date the authority of the
6 Maryland–National Capital Park and Planning Commission to establish and
7 administer a Minority Business Enterprise Utilization Program for the award of
8 contracts for goods, services, and construction under certain circumstances; and
9 generally relating to the Maryland–National Capital Park and Planning
10 Commission and the Minority Business Enterprise Utilization Program.

11 BY repealing and reenacting, without amendments,
12 Article 28 – Maryland–National Capital Park and Planning Commission
13 Section 2–301 through 2–304
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 256 of the Acts of the General Assembly of 1995, as amended by
18 Chapter 487 of the Acts of the General Assembly of 1997, Chapter 40 of
19 the Acts of the General Assembly of 2001, and Chapter 425 of the Acts of
20 the General Assembly of 2003
21 Section 2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 2–301.

5 In this subtitle “minority” means any group that the Commission finds, after
6 appropriate study, to be socially or economically disadvantaged as a result of
7 discrimination in the public or private sector that has affected the group’s utilization
8 and participation in contracting or procurement with the Commission.

9 2–302.

10 If the Commission determines that a program is necessary to remedy
11 discrimination against minority business enterprises in contracting or procurement
12 with the Commission, the Commission shall establish a Minority Business Enterprise
13 Utilization Program to facilitate participation of responsible certified minority
14 business enterprises in contracts awarded by the Commission for goods, services, and
15 construction.

16 2–303.

17 (a) The Commission shall adopt regulations for the operation of the Minority
18 Business Enterprise Utilization Program established under this subtitle.

19 (b) The regulations shall include provisions for:

20 (1) Acceptance of the certification of minority business enterprises
21 that have been certified by the State certification agency designated under § 14–303 of
22 the State Finance and Procurement Article;

23 (2) Waiver of all or part of the Program provisions for a specific
24 contract if the Commission determines that:

25 (i) Minority business enterprises are unavailable; or

26 (ii) The application of the Program to the contract conflicts with
27 the Commission’s overall objectives and responsibilities;

28 (3) Graduation of a minority business enterprise from the Program if
29 the Commission determines that the minority business enterprise no longer requires
30 the assistance or benefits offered by the Program;

31 (4) Termination of the Program when the Program is no longer
32 necessary to remedy the effects of past discrimination;

1 (5) Acceptance of the decisions of any other certification program that,
2 in the judgment of the Commission, assures that certified minority business
3 enterprises are legitimate;

4 (6) Minority participation in subcontracting as well as direct
5 contracting; and

6 (7) Application of reasonable preferences to certified minority business
7 enterprises in evaluating competitive bids or proposals.

8 2-304.

9 On or before October 31 of each year, the Commission shall issue a report that:

10 (1) Evaluates the results of the Program through June 30 of that year;
11 and

12 (2) Makes appropriate recommendations to the Montgomery County
13 and Prince George’s County Delegations of the House of Delegates and Senate of
14 Maryland.

15 **Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of**
16 **1997, Chapter 40 of the Acts of 2001, and Chapter 425 of the Acts of 2003**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1995. It shall remain effective for a period of [13] **18** years and, at the end
19 of September 30, [2008] **2013**, and with no further action required by the General
20 Assembly, the minority business enterprise utilization program under Article 28,
21 §§ 2-301 through 2-304 of the Annotated Code of Maryland shall be abrogated and of
22 no further force and effect.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.