

HOUSE BILL 471

P2

(9lr2793)

ENROLLED BILL

—Health and Government Operations/Education, Health, and Environmental
Affairs—

Introduced by **Delegates Pena-Melnyk, Robinson, Walker, Weir, Barnes,
Braveboy, Ivey, Levi, V. Turner, Valderrama, and Walker, Benson,
Donoghue, Hubbard, Kullen, Montgomery, Morhaim, Nathan-Pulliam,
Oaks, Reznik, and Tarrant**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Minority Business Enterprise Certification – Cap on Personal Net Worth**

3 FOR the purpose of ~~altering~~ requiring the amount of the cap on the personal net worth
4 requirement for certification as a minority business enterprise to be adjusted
5 annually in accordance with the Consumer Price Index; requiring the
6 certification agency to evaluate certain data in conjunction with certain
7 committees of the General Assembly and the Office of the Attorney General;
8 requiring the certification agency to make a certain report on or before a certain
9 date; altering a certain term to exclude up to a certain amount of the cash value
10 of certain retirement funds from the calculation of personal net worth; and

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.

Italics indicate opposite chamber / conference committee amendments.



generally relating to requirements for certification as minority business enterprises.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~14-301(i)~~ 14-301(g) and (i)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – State Finance and Procurement

14-301.

(g) (1) Subject to paragraphs (2) and (3) of this subsection, “personal net worth” means the net value of the assets of an individual remaining after total liabilities are deducted.

(2) “Personal net worth” includes the individual’s share of assets held jointly or as community property with the individual’s spouse.

(3) “Personal net worth” does not include:

(i) the individual’s ownership interest in the applicant or a certified minority business enterprise; [or]

(ii) the individual’s equity in his or her primary place of residence; OR

(III) UP TO \$500,000 OF THE CASH VALUE OF ANY QUALIFIED RETIREMENT SAVINGS PLANS OR INDIVIDUAL RETIREMENT ACCOUNTS.

(i) (1) Subject to paragraphs (2) and (3) of this subsection, “socially and economically disadvantaged individual” means a citizen or lawfully admitted permanent resident of the United States who is:

(i) in any of the following minority groups:

1. African American – an individual having origins in any of the black racial groups of Africa;

2. American Indian/Native American – an individual having origins in any of the original peoples of North America and who is a documented member of a North American tribe, band, or otherwise has a special

1 relationship with the United States or a state through treaty, agreement, or some
2 other form of recognition. This includes an individual who claims to be an American
3 Indian/Native American and who is regarded as such by the American Indian/Native
4 American community of which the individual claims to be a part, but does not include
5 an individual of Eskimo or Aleutian origin;

6 3. Asian – an individual having origins in the Far East,
7 Southeast Asia, or the Indian subcontinent, and who is regarded as such by the
8 community of which the person claims to be a part;

9 4. Hispanic – an individual of Mexican, Puerto Rican,
10 Cuban, Central or South American, or other Spanish culture or origin, regardless of
11 race, and who is regarded as such by the community of which the person claims to be a
12 part;

13 5. physically or mentally disabled – an individual who
14 has an impairment that substantially limits one or more major life activity, who is
15 regarded generally by the community as having such a disability, and whose disability
16 has substantially limited his or her ability to engage in competitive business; or

17 6. women – a woman, regardless of race or ethnicity,
18 unless she is also a member of an ethnic or racial minority group and elects that
19 category in lieu of the gender category; or

20 (ii) otherwise found by the certification agency to be a socially
21 and economically disadvantaged individual.

22 (2) There is a rebuttable presumption that an individual who is a
23 member of a minority group under paragraph (1)(i) of this subsection is socially and
24 economically disadvantaged.

25 (3) An individual whose personal net worth exceeds ~~£\$1,500,000~~
26 ~~\$3,000,000~~ **\$1,750,000, AS ADJUSTED ANNUALLY FOR INFLATION ACCORDING**
27 **TO THE CONSUMER PRICE INDEX,** may not be found to be economically
28 disadvantaged.

29 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
30 2010:

31 (a) The certification agency as defined in § 14–301 of the State Finance and
32 Procurement Article, in consultation with the Senate Education, Health, and
33 Environmental Affairs Committee, the House Health and Government Operations
34 Committee, and the Office of the Attorney General, shall evaluate State bonding and
35 other financial business data to determine whether the cap on the personal net worth
36 requirement for certification as a minority business enterprise should be further
37 adjusted; and

1 ***(b) The certification agency shall report its findings to the General Assembly,***
2 ***in accordance with § 2-1246 of the State Government Article.***

3 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.