

# SENATE BILL 568

P2

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By: **Senators Pugh, Currie, Exum, Gladden, Harrington, Jones, Madaleno, McFadden, Muse, Peters, and Raskin**  
Introduced and read first time: February 6, 2009  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Enterprise Program – Directory of Minority Business**  
3 **Enterprises**

4 FOR the purpose of requiring a certain minority business certification agency to  
5 include in its directory certain minority business enterprises that, for certain  
6 reasons, have become ineligible for the Minority Business Enterprise Program;  
7 and generally relating to the Minority Business Enterprise Program.

8 BY repealing and reenacting, with amendments,  
9 Article – State Finance and Procurement  
10 Section 14–304  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2008 Supplement)

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

15 **Article – State Finance and Procurement**

16 14–304.

17 (a) (1) The certification agency shall develop and maintain a directory of  
18 all certified minority business enterprises.

19 (2) The directory shall be accessible to the public through the Internet.

20 (3) For each minority business enterprise included in the directory,  
21 the certification agency shall include the following information:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) all contract information available to the certification agency  
2 for the minority business enterprise;

3 (ii) the certification number and minority status of the minority  
4 business enterprise;

5 (iii) contact information for up to three professional references  
6 for the minority business enterprise; and

7 (iv) any other information the certification agency considers  
8 necessary or appropriate to encourage participation in the procurement process by  
9 minority business enterprises.

10 (4) The certification agency shall:

11 (i) update the directory at least monthly; [and]

12 (ii) identify as recently certified in the directory each minority  
13 business enterprise that has obtained certification during the calendar year; **AND**

14 **(III) INCLUDE IN THE DIRECTORY A LIST OF ALL MINORITY**  
15 **BUSINESS ENTERPRISES THAT HAVE BECOME INELIGIBLE TO PARTICIPATE IN**  
16 **THE MINORITY BUSINESS ENTERPRISE PROGRAM BECAUSE:**

17 **1. ONE OR MORE OF ITS OWNERS HAS A PERSONAL**  
18 **NET WORTH THAT EXCEEDS THE AMOUNT SPECIFIED IN § 14-301(I)(3) OF THIS**  
19 **SUBTITLE; OR**

20 **2. THE MINORITY BUSINESS ENTERPRISE NO**  
21 **LONGER MEETS THE STANDARDS DEVELOPED UNDER § 14-303(B)(12) OF THIS**  
22 **SUBTITLE.**

23 [(b)] (C) In the same manner and with the same fees as provided by law in  
24 civil cases, in a matter regarding the decertification of a certified minority business  
25 enterprise, the certification agency may:

26 (1) subpoena witnesses;

27 (2) administer oaths; and

28 (3) compel the production of records, books, papers, and other  
29 documents.

30 [(c)] (D) If a person fails to comply with a subpoena issued under subsection  
31 (b) of this section, or fails to produce documents or other evidence, on petition of the  
32 certification agency, a court of competent jurisdiction may pass an order directing

1 compliance with the subpoena or compelling the production of documents or other  
2 evidence.

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