

SENATE BILL 568

P2

9lr1391

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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 17, 2009

CHAPTER _____

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.

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

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

5 (ii) the certification number and minority status of the minority
6 business enterprise;

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

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

12 (4) The certification agency shall:

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

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

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

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

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

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

28 (1) subpoena witnesses;

29 (2) administer oaths; and

30 (3) compel the production of records, books, papers, and other
31 documents.

1 [(c) (D) If a person fails to comply with a subpoena issued under subsection
2 (b) of this section, or fails to produce documents or other evidence, on petition of the
3 certification agency, a court of competent jurisdiction may pass an order directing
4 compliance with the subpoena or compelling the production of documents or other
5 evidence.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.