

CHAPTER 283

(Senate Bill 568)

AN ACT concerning

Minority Business Enterprise Program – Directory of Minority Business Enterprises

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

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 14-304

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

14-304.

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

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

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

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

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

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

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

(4) The certification agency shall:

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

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

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

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

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

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

(1) subpoena witnesses;

(2) administer oaths; and

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

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

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

Approved by the Governor, May 7, 2009.