

# HOUSE BILL 258

P2, F4

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By: **Delegates B. Robinson, Glenn, and Patterson**

Introduced and read first time: January 25, 2016

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Community Colleges – Minority Business Enterprise Programs – Establishment**

3 FOR the purpose of requiring the board of trustees of certain community colleges to conduct  
4 certain studies on or before a certain date; requiring the board of trustees of certain  
5 community colleges to establish a minority business enterprise program if a certain  
6 study demonstrates a certain compelling interest; requiring the board of trustees of  
7 certain community colleges to comply with certain requirements in conducting a  
8 certain study and adopting a certain minority business enterprise program;  
9 providing that certain provisions of law do not apply to the board of trustees of  
10 certain community colleges; and generally relating to community colleges and the  
11 establishment of minority business enterprise programs.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 16–311(f)  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2015 Supplement)

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

19 **Article – Education**

20 16–311.

21 (f) (1) In this subsection, the term “minority business enterprise” has the  
22 meaning stated in § 14–301 of the State Finance and Procurement Article.

23 (2) In Montgomery County, by resolution and by implementing rules and  
24 regulations, the Board of Trustees of Montgomery Community College shall establish a  
25 mandatory minority business utilization program to facilitate the participation of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 responsible certified minority business enterprises in contracts awarded by the Board of  
2 Trustees of Montgomery Community College in accordance with competitive bidding  
3 requirements.

4           **(3) (I) 1. THIS PARAGRAPH DOES NOT APPLY TO THE BOARD**  
5 **OF TRUSTEES OF MONTGOMERY COMMUNITY COLLEGE OR THE BOARD OF**  
6 **TRUSTEES OF PRINCE GEORGE'S COMMUNITY COLLEGE.**

7                           **2. THE BOARD OF TRUSTEES OF MONTGOMERY**  
8 **COMMUNITY COLLEGE SHALL COMPLY WITH THE MINORITY BUSINESS ENTERPRISE**  
9 **REQUIREMENTS ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

10                           **3. THE BOARD OF TRUSTEES OF PRINCE GEORGE'S**  
11 **COMMUNITY COLLEGE SHALL COMPLY WITH THE MINORITY BUSINESS ENTERPRISE**  
12 **REQUIREMENTS ESTABLISHED UNDER § 16-312 OF THIS SUBTITLE.**

13                           **(II) ON OR BEFORE JANUARY 1, 2018, THE BOARD OF TRUSTEES**  
14 **OF EACH COMMUNITY COLLEGE SHALL CONDUCT A STUDY BY TO ASSESS THE**  
15 **APPROPRIATE SCOPE, IF ANY, FOR A MINORITY BUSINESS ENTERPRISE PROGRAM**  
16 **FOR THE COMMUNITY COLLEGE.**

17                           **(III) IF A STUDY REQUIRED BY SUBPARAGRAPH (II) OF THIS**  
18 **PARAGRAPH DEMONSTRATES A COMPELLING INTEREST TO ADOPT A MINORITY**  
19 **BUSINESS ENTERPRISE PROGRAM, THE BOARD OF TRUSTEES OF THE COMMUNITY**  
20 **COLLEGE, BY RESOLUTION AND BY IMPLEMENTING RULES AND REGULATIONS,**  
21 **SHALL ESTABLISH A MINORITY BUSINESS ENTERPRISE PROGRAM TO FACILITATE**  
22 **THE PARTICIPATION OF CERTIFIED MINORITY BUSINESS ENTERPRISES IN**  
23 **CONTRACTS AWARDED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH**  
24 **COMPETITIVE BIDDING REQUIREMENTS.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That in conducting a study and  
26 adopting a minority business enterprise program under § 16-311(f)(3)(ii) and (iii) of the  
27 Education Article as established by this Act, the board of trustees of each community college  
28 shall comply with the requirements of the United State Supreme Court in City of Richmond  
29 v. J. A. Croson Co. and any other federal or constitutional requirements.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.