P2 1lr2050 CF 1lr2087

By: Delegate Boyce

Introduced and read first time: January 22, 2021 Assigned to: Health and Government Operations

## A BILL ENTITLED

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1	AN ACT concerning
2 3	Minority Business Enterprises – Sexual and Gender Minorities (Imari's Business Pride Act)
4 5 6 7	FOR the purpose of altering the definition of "socially and economically disadvantaged individual" for purposes of certifying certain minority business enterprises to include certain sexual and gender minorities; and generally relating to minority business enterprises.
8 9 10 11 12	BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 14–301 Annotated Code of Maryland (2015 Replacement Volume and 2020 Supplement)
13 14	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
15	Article - State Finance and Procurement
16	14–301.
17	(a) In this subtitle the following words have the meanings indicated.
18 19	(b) "Certification" means the determination that a legal entity is a minority business enterprise for the purposes of this subtitle.
20 21	(c) "Certification agency" means the agency designated by the Board of Public Works under § 14–303(b) of this subtitle to certify and decertify minority business

"Certified minority business enterprise" means a minority business enterprise

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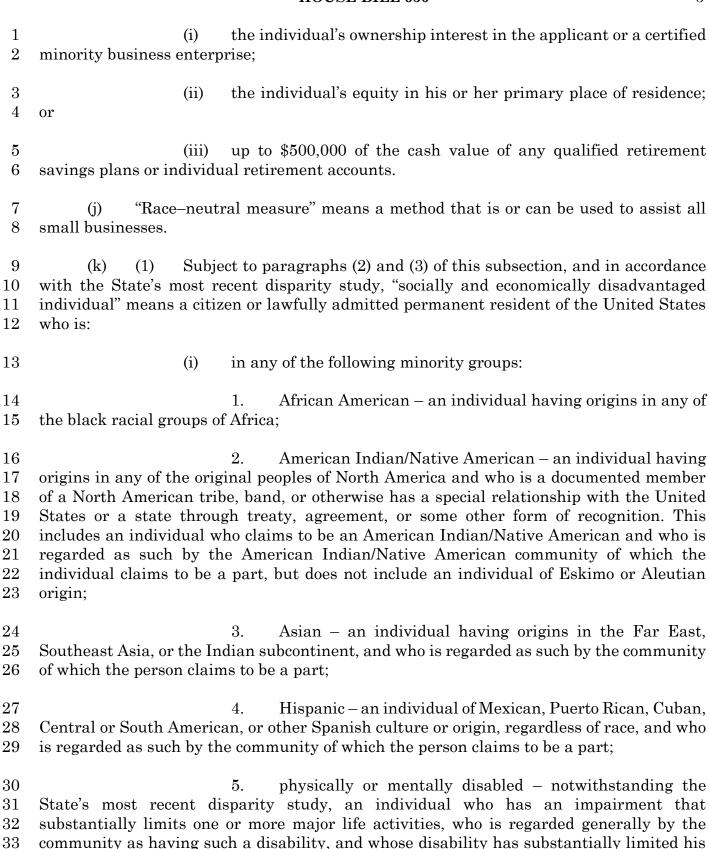
enterprises.

(d)



1 that holds a certification.

- 2 (e) "Economically disadvantaged individual" means a socially disadvantaged 3 individual whose ability to compete in the free enterprise system has been impaired due to 4 diminished capital and credit opportunities as compared to others in the same or similar 5 line of business who are not socially disadvantaged.
- 6 (f) "Minority business enterprise" means any legal entity, except a joint venture, 7 that is:
- 8 (1) organized to engage in commercial transactions;
- 9 (2) at least 51% owned and controlled by 1 or more individuals who are 10 socially and economically disadvantaged; and
- 11 (3) managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.
- 13 (g) "Minority business enterprise participation schedule" means a schedule 14 included in the submission of a bid or offer that identifies:
- 15 (1) the certified minority business enterprises that a bidder or offeror 16 agrees to use in the performance of the contract; and
- 17 (2) the percentage of contract value attributed to each certified minority 18 business enterprise.
- 19 (h) "Nonprofit entity" means a corporation that:
- 20 (1) is incorporated in the State or otherwise qualified to do business in the 21 State;
- 22 (2) has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code; and
- 24 (3) is organized to promote the interests of physically or mentally disabled 25 individuals.
- 26 (i) (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.
- 29 (2) "Personal net worth" includes the individual's share of assets held 30 jointly or as community property with the individual's spouse.
- 31 (3) "Personal net worth" does not include:



or her ability to engage in competitive business; [or]

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6. women – a woman, regardless of race or ethnicity; or

1	7. SEXUAL OR GENDER MINORITY - A LESBIAN, GAY,
2	BISEXUAL, OR TRANSGENDER INDIVIDUAL, REGARDLESS OF RACE OR ETHNICITY;
3	OR

- 4 (ii) otherwise found by the certification agency to be a socially and 5 economically disadvantaged individual.
- 6 (2) There is a rebuttable presumption that an individual who is a member 7 of a minority group under paragraph (1)(i) of this subsection is socially and economically 8 disadvantaged.
- 9 (3) An individual whose personal net worth exceeds \$1,500,000, as 10 adjusted annually for inflation according to the Consumer Price Index, may not be found to 11 be economically disadvantaged.
- 12 (l) "Socially disadvantaged individual" means an individual who has been 13 subjected to racial or ethnic prejudice or cultural bias within American society because of 14 membership in a group and without regard to individual qualities. Social disadvantage 15 must stem from circumstances beyond the control of the individual.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.