

SENATE BILL 207

P2, P4

1lr1540

(PRE-FILED)

By: **Senator Ellis**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Minority Business Enterprise Participation Goals**
3 **– Performance of Unit Employees**

4 FOR the purpose of prohibiting a certain procurement officer and any other employee
5 responsible for the procurement of goods and services on behalf of a certain unit that
6 is not meeting a certain minority business enterprise goal or making certain
7 improvements in meeting a certain goal from receiving a certain promotion or merit
8 increase under certain circumstances; requiring that a certain procurement officer
9 and any other employee responsible for the procurement of goods and services on
10 behalf of a certain unit that does not show improvement in meeting a certain goal
11 over 3 consecutive fiscal years have their employment with the unit terminated or
12 be assigned to a certain other position under certain circumstances; and generally
13 relating to State procurement and minority business enterprise participation.

14 BY adding to

15 Article – State Finance and Procurement
16 Section 14–302.1
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2020 Supplement)

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

21 **Article – State Finance and Procurement**

22 **14–302.1.**

23 **NOTWITHSTANDING ANY OTHER LAW, IF A UNIT DOES NOT MEET A MINORITY**
24 **BUSINESS ENTERPRISE GOAL SET IN ACCORDANCE WITH THIS SUBTITLE, THE UNIT’S**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PROCUREMENT OFFICER AND ANY OTHER EMPLOYEE RESPONSIBLE FOR**
2 **PROCURING GOODS AND SERVICES ON BEHALF OF THAT UNIT:**

3 **(1) MAY NOT RECEIVE ANY MERIT INCREASE OR PROMOTION BASED**
4 **ON THEIR PERFORMANCE DURING ANY FISCAL YEAR IN WHICH THE GOAL IS NOT MET**
5 **AND THERE IS NO IMPROVEMENT OVER THE PREVIOUS FISCAL YEAR TOWARD**
6 **MEETING THAT GOAL; AND**

7 **(2) IF THERE IS NO IMPROVEMENT TOWARD MEETING THE GOAL**
8 **OVER 3 CONSECUTIVE FISCAL YEARS, SHALL HAVE THEIR EMPLOYMENT WITH THE**
9 **UNIT TERMINATED OR BE ASSIGNED TO A POSITION THAT DOES NOT INCLUDE**
10 **INVOLVEMENT WITH THE UNIT'S PROCUREMENT ACTIVITIES.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
12 **1, 2021.**