

# HOUSE BILL 991

P2

(5lr3344)

## ENROLLED BILL

— Health and Government Operations/Budget and Taxation —

Introduced by ~~Delegate Harris~~ Delegates Harris, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, Lopez, Martinez, Pena-Melnyk, Rosenberg, Ross, Taveras, White Holland, Woods, and Woorman

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Procurement – Minority Business Enterprise Program – Extension and**  
3 **Reports**

4 FOR the purpose of altering the termination date for certain provisions of law governing  
5 the Minority Business Enterprise Program and its application to public-private  
6 partnerships, offshore wind projects, ~~and~~ video lottery terminals, *and sports*  
7 *wagering licensees*; altering the date by which certain reports, studies, and  
8 guidelines must be submitted; and generally relating to the Minority Business  
9 Enterprise Program.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Utilities

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Section 7–704.1(j)(4)  
2 Annotated Code of Maryland  
3 (2020 Replacement Volume and 2024 Supplement)

4 BY adding to  
5 Article – State Finance and Procurement  
6 Section 10A–404  
7 Annotated Code of Maryland  
8 (2021 Replacement Volume and 2024 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 14–309  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Government  
16 Section 9–1A–10(c) *and 9–1E–07(b)(4)*  
17 Annotated Code of Maryland  
18 (2021 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Chapter 553 of the Acts of the General Assembly of 2020, as amended by Chapters  
21 137 and 138 of the Acts of the General Assembly of 2023  
22 Section 4 and 5

23 BY repealing and reenacting, with amendments,  
24 Chapter 728 of the Acts of the General Assembly of 2021, as amended by Chapters  
25 137 and 138 of the Acts of the General Assembly of 2023  
26 Section 2 and 3

27 BY repealing and reenacting, with amendments,  
28 Chapter 154 of the Acts of the General Assembly of 2012, as amended by Chapters  
29 200 and 201 of the Acts of the General Assembly of 2013, Chapter 340 of the  
30 Acts of the General Assembly of 2017, Chapter 117 of the Acts of the General  
31 Assembly of 2022, and Chapters 137 and 138 of the Acts of the General  
32 Assembly of 2023  
33 Section 2

34 BY repealing and reenacting, with amendments,  
35 Chapter 641 of the Acts of the General Assembly of 2022, as amended by Chapters  
36 137 and 138 of the Acts of the General Assembly of 2023  
37 Section 2(b) and (d)

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

## 1 Article – Public Utilities

2 7–704.1.

3 (j) (4) On and after July 1, [2025] **2026**, the provisions of this subsection and  
4 any regulations adopted in accordance with this subsection shall be of no effect and may  
5 not be enforced.

## 6 Article – State Finance and Procurement

7 **10A–404.**

8 (A) **THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY**  
9 **FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM**  
10 **UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE ARE HEREBY INCORPORATED.**

11 (B) **TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES**  
12 **CONSTITUTION, THE PROVISIONS OF THE MINORITY BUSINESS ENTERPRISE**  
13 **PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE SHALL APPLY TO**  
14 **PUBLIC–PRIVATE PARTNERSHIPS ESTABLISHED UNDER THIS TITLE.**

15 (C) (1) **THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A**  
16 **PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10A–203 OF THIS TITLE**  
17 **UNTIL THE REPORTING AGENCY, IN CONSULTATION WITH THE GOVERNOR’S OFFICE**  
18 **OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, THE OFFICE OF THE**  
19 **ATTORNEY GENERAL, AND THE PRIVATE ENTITY, IF PERMISSIBLE, ESTABLISHES**  
20 **REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION**  
21 **GOALS AND PROCEDURES FOR THE PROJECT.**

22 (2) **TO THE EXTENT PRACTICABLE, GOALS AND PROCEDURES**  
23 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON**  
24 **THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THIS ARTICLE, INCLUDING THE**  
25 **IMPLEMENTATION OF REGULATIONS ADOPTED UNDER §§ 14–302 AND**  
26 **14–303 OF THIS ARTICLE.**

27 14–309.

28 The provisions of §§ 14–301 through 14–305 of this subtitle, and any regulations  
29 adopted under those sections, shall be of no effect and may not be enforced after July 1,  
30 [2025] **2026**.

## 31 Article – State Government

32 9–1A–10.

1 (c) On or after July 1, [2025] **2026**, the provisions of subsections (a)(1) and (2)  
2 and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b)  
3 of this section shall be of no effect and may not be enforced.

4 9-1E-07.

5 (b) (4) On or after July 1, [2024] **2026**, the provisions of this subsection and  
6 any regulations adopted under this subsection shall be of no effect and may not be enforced.

7 **Chapter 553 of the Acts of 2020, as amended by Chapters 137 and 138 of the Acts**  
8 **of 2023**

9 SECTION 4. AND BE IT FURTHER ENACTED, That the certification agency  
10 designated by the Board of Public Works under § 14-303(b) of the State Finance and  
11 Procurement Article to certify and decertify minority business enterprises, in consultation  
12 with the Office of the Attorney General and the Governor's Office of Small, Minority, and  
13 Women Business Affairs, shall initiate an analysis of the Minority Business Enterprise  
14 Program requirements of § 10A-404 of the State Finance and Procurement Article and the  
15 disparity study submitted in accordance with this Act to evaluate compliance with the  
16 requirements of any federal and constitutional requirements and submit a report on the  
17 analysis to the Legislative Policy Committee of the General Assembly, in accordance with  
18 § 2-1257 of the State Government Article, on or before September 30, [2024] **2025**.

19 SECTION 5. AND BE IT FURTHER ENACTED, That the certification agency  
20 designated by the Board of Public Works under § 14-303(b) of the State Finance and  
21 Procurement Article to certify and decertify minority business enterprises, in consultation  
22 with the Office of the Attorney General and the Governor's Office of Small, Minority, and  
23 Women Business Affairs, shall initiate an analysis of the disparity study submitted in  
24 accordance with this Act to determine if it applies to the type of work that will be likely to  
25 be performed by an approved applicant with respect to an offshore wind project under §  
26 7-704.1(i) of the Public Utilities Article as enacted by Section 2 of this Act and submit a  
27 report on the analysis to the Legislative Policy Committee of the General Assembly, in  
28 accordance with § 2-1257 of the State Government Article, on or before September 30,  
29 [2024] **2025**.

30 **Chapter 728 of the Acts of 2021, as amended by Chapters 137 and 138 of the Acts**  
31 **of 2023**

32 SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 1, [2025]  
33 **2026**, the Special Secretary for the Office of Small, Minority, and Women Business Affairs,  
34 in consultation with the Secretary of Transportation and the Attorney General, shall  
35 establish policies and guidelines for the implementation of this Act.

36 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,  
37 [2025] **2026**, the Governor's Office of Small, Minority, and Women Business Affairs shall

1 report to the General Assembly, in accordance with § 2–1257 of the State Government  
2 Article, on the establishment of minority business enterprise subgoals in accordance with  
3 this Act, including:

4 (1) whether the establishment of minority business enterprise subgoals  
5 was practicable based on the type of capital project; and

6 (2) whether any changes should be made to the capital minority business  
7 enterprise subgoal framework established by this Act.

8 **Chapter 154 of the Acts of 2012, as amended by Chapters 200 and 201 of the Acts**  
9 **of 2013, Chapter 340 of the Acts of 2017, Chapter 117 of the Acts of 2022, and**  
10 **Chapters 137 and 138 of the Acts of 2023**

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency, in  
12 consultation with the General Assembly and the Office of the Attorney General, shall  
13 initiate a study of the Minority Business Enterprise Program to evaluate the Program’s  
14 continued compliance with the requirements of the Croson decision and any subsequent  
15 federal or constitutional requirements. In preparation for the study, the Board of Public  
16 Works may adopt regulations authorizing a unit of State government to require bidders  
17 and offerors to submit information necessary for the conduct of the study. The Board of  
18 Public Works may designate that certain information received in accordance with  
19 regulations adopted under this section shall be confidential. Notwithstanding that certain  
20 information may be designated by the Board of Public Works as confidential, the  
21 Certification Agency may provide the information to any person that is under contract with  
22 the Certification Agency to assist in conducting the study. The study shall also evaluate  
23 race–neutral programs and other methods that can be used to address the needs of minority  
24 businesses. The final report on the study shall be submitted to the Legislative Policy  
25 Committee of the General Assembly, in accordance with § 2–1257 of the State Government  
26 Article, on or before September 30, [2024] **2025**, so that the General Assembly may review  
27 the report before the [2025] **2026** Session.

28 **Chapter 641 of the Acts of 2022, as amended by Chapters 137 and 138 of the Acts**  
29 **of 2023**

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

31 (b) The certification agency and the Governor’s Office of Small, Minority, and  
32 Women Business Affairs shall submit the findings of the study required under subsection  
33 (a) of this section to the Legislative Policy Committee, in accordance with § 2–1257 of the  
34 State Government Article, on or before December 31, [2025] **2026**, so that the General  
35 Assembly may review the findings before the [2026] **2027** Session.

36 (d) The Governor’s Office of Small, Minority, and Women Business Affairs, in  
37 consultation with the certification agency and the Office of the Attorney General, shall  
38 develop race– and gender–neutral approaches to address the needs of minority and

1 women-owned businesses in the brokerage and investment management services industry  
 2 and market and submit its report to the Legislative Policy Committee, in accordance with  
 3 § 2-1257 of the State Government Article, on or before December 31, ~~[2025]~~ **2026**, so that  
 4 the General Assembly may review, consider, and adopt race- and gender-neutral  
 5 alternatives to remedial measures that are not race and gender neutral.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 7 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.