

SENATE BILL 829

P2

5lr3346
CF HB 991

By: **Senator Hayes**

Introduced and read first time: January 28, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

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 offshore wind
6 projects and video lottery terminals; altering the date by which certain reports,
7 studies, and guidelines must be submitted; and generally relating to the Minority
8 Business Enterprise Program.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–704.1(j)(4)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 14–309
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 9–1A–10(c)
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, with amendments,
25 Chapter 553 of the Acts of the General Assembly of 2020, as amended by Chapters
26 137 and 138 of the Acts of the General Assembly of 2023
27 Section 5

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 BY repealing and reenacting, with amendments,
6 Chapter 154 of the Acts of the General Assembly of 2012, as amended by Chapters
7 200 and 201 of the Acts of the General Assembly of 2013, Chapter 340 of the
8 Acts of the General Assembly of 2017, Chapter 117 of the Acts of the General
9 Assembly of 2022, and Chapters 137 and 138 of the Acts of the General
10 Assembly of 2023
11 Section 2

12 BY repealing and reenacting, with amendments,
13 Chapter 641 of the Acts of the General Assembly of 2022, as amended by Chapters
14 137 and 138 of the Acts of the General Assembly of 2023
15 Section 2(b) and (d)

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

18 **Article – Public Utilities**

19 7–704.1.

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

23 **Article – State Finance and Procurement**

24 14–309.

25 The provisions of §§ 14–301 through 14–305 of this subtitle, and any regulations
26 adopted under those sections, shall be of no effect and may not be enforced after July 1,
27 [2025] **2026**.

28 **Article – State Government**

29 9–1A–10.

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

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

3 SECTION 5. AND BE IT FURTHER ENACTED, That the certification agency
4 designated by the Board of Public Works under § 14–303(b) of the State Finance and
5 Procurement Article to certify and decertify minority business enterprises, in consultation
6 with the Office of the Attorney General and the Governor’s Office of Small, Minority, and
7 Women Business Affairs, shall initiate an analysis of the disparity study submitted in
8 accordance with this Act to determine if it applies to the type of work that will be likely to
9 be performed by an approved applicant with respect to an offshore wind project under §
10 7–704.1(i) of the Public Utilities Article as enacted by Section 2 of this Act and submit a
11 report on the analysis to the Legislative Policy Committee of the General Assembly, in
12 accordance with § 2–1257 of the State Government Article, on or before September 30,
13 **[2024] 2025**.

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 1, **[2025]**
17 **2026**, the Special Secretary for the Office of Small, Minority, and Women Business Affairs,
18 in consultation with the Secretary of Transportation and the Attorney General, shall
19 establish policies and guidelines for the implementation of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
21 **[2025] 2026**, the Governor’s Office of Small, Minority, and Women Business Affairs shall
22 report to the General Assembly, in accordance with § 2–1257 of the State Government
23 Article, on the establishment of minority business enterprise subgoals in accordance with
24 this Act, including:

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

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

29 **Chapter 154 of the Acts of 2012, as amended by Chapters 200 and 201 of the Acts**
30 **of 2013, Chapter 340 of the Acts of 2017, Chapter 117 of the Acts of 2022, and**
31 **Chapters 137 and 138 of the Acts of 2023**

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency, in
33 consultation with the General Assembly and the Office of the Attorney General, shall
34 initiate a study of the Minority Business Enterprise Program to evaluate the Program’s
35 continued compliance with the requirements of the Croson decision and any subsequent
36 federal or constitutional requirements. In preparation for the study, the Board of Public
37 Works may adopt regulations authorizing a unit of State government to require bidders
38 and offerors to submit information necessary for the conduct of the study. The Board of
39 Public Works may designate that certain information received in accordance with

1 regulations adopted under this section shall be confidential. Notwithstanding that certain
2 information may be designated by the Board of Public Works as confidential, the
3 Certification Agency may provide the information to any person that is under contract with
4 the Certification Agency to assist in conducting the study. The study shall also evaluate
5 race-neutral programs and other methods that can be used to address the needs of minority
6 businesses. The final report on the study shall be submitted to the Legislative Policy
7 Committee of the General Assembly, in accordance with § 2-1257 of the State Government
8 Article, on or before September 30, [2024] **2025**, so that the General Assembly may review
9 the report before the [2025] **2026** Session.

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

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

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

18 (d) The Governor's Office of Small, Minority, and Women Business Affairs, in
19 consultation with the certification agency and the Office of the Attorney General, shall
20 develop race- and gender-neutral approaches to address the needs of minority and
21 women-owned businesses in the brokerage and investment management services industry
22 and market and submit its report to the Legislative Policy Committee, in accordance with
23 § 2-1257 of the State Government Article, on or before December 31, [2025] **2026**, so that
24 the General Assembly may review, consider, and adopt race- and gender-neutral
25 alternatives to remedial measures that are not race and gender neutral.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2025.