

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

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By: **Prince George’s County Delegation and Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Minority**  
3 **Business Enterprise Utilization Program**

4 **PG/MC 110–08**

5 FOR the purpose of extending through a certain date the authority of the  
6 Maryland–National Capital Park and Planning Commission to establish and  
7 administer a Minority Business Enterprise Utilization Program for the award of  
8 contracts for goods, services, and construction under certain circumstances; and  
9 generally relating to the Maryland–National Capital Park and Planning  
10 Commission and the Minority Business Enterprise Utilization Program.

11 BY repealing and reenacting, without amendments,  
12 Article 28 – Maryland–National Capital Park and Planning Commission  
13 Section 2–301 through 2–304  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Chapter 256 of the Acts of the General Assembly of 1995, as amended by  
18 Chapter 487 of the Acts of the General Assembly of 1997, Chapter 40 of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



19 the Acts of the General Assembly of 2001, and Chapter 425 of the Acts of  
20 the General Assembly of 2003  
21 Section 2

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

24 **Article 28 – Maryland–National Capital Park and Planning Commission**

25 2–301.

26 In this subtitle “minority” means any group that the Commission finds, after  
27 appropriate study, to be socially or economically disadvantaged as a result of  
28 discrimination in the public or private sector that has affected the group’s utilization  
29 and participation in contracting or procurement with the Commission.

30 2–302.

31 If the Commission determines that a program is necessary to remedy  
32 discrimination against minority business enterprises in contracting or procurement  
33 with the Commission, the Commission shall establish a Minority Business Enterprise  
34 Utilization Program to facilitate participation of responsible certified minority  
35 business enterprises in contracts awarded by the Commission for goods, services, and  
36 construction.

37 2–303.

38 (a) The Commission shall adopt regulations for the operation of the Minority  
39 Business Enterprise Utilization Program established under this subtitle.

40 (b) The regulations shall include provisions for:

41 (1) Acceptance of the certification of minority business enterprises  
42 that have been certified by the State certification agency designated under § 14–303 of  
43 the State Finance and Procurement Article;

44 (2) Waiver of all or part of the Program provisions for a specific  
45 contract if the Commission determines that:

- 46 (i) Minority business enterprises are unavailable; or
- 47 (ii) The application of the Program to the contract conflicts with  
48 the Commission's overall objectives and responsibilities;
- 49 (3) Graduation of a minority business enterprise from the Program if  
50 the Commission determines that the minority business enterprise no longer requires  
51 the assistance or benefits offered by the Program;
- 52 (4) Termination of the Program when the Program is no longer  
53 necessary to remedy the effects of past discrimination;
- 54 (5) Acceptance of the decisions of any other certification program that,  
55 in the judgment of the Commission, assures that certified minority business  
56 enterprises are legitimate;
- 57 (6) Minority participation in subcontracting as well as direct  
58 contracting; and
- 59 (7) Application of reasonable preferences to certified minority business  
60 enterprises in evaluating competitive bids or proposals.

61 2-304.

62 On or before October 31 of each year, the Commission shall issue a report that:

- 63 (1) Evaluates the results of the Program through June 30 of that year;  
64 and
- 65 (2) Makes appropriate recommendations to the Montgomery County  
66 and Prince George's County Delegations of the House of Delegates and Senate of  
67 Maryland.

68 **Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of**  
69 **1997, Chapter 40 of the Acts of 2001, and Chapter 425 of the Acts of 2003**

70           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
71           October 1, 1995. It shall remain effective for a period of [13] **18** years and, at the end  
72           of September 30, [2008] **2013**, and with no further action required by the General  
73           Assembly, the minority business enterprise utilization program under Article 28,  
74           §§ 2–301 through 2–304 of the Annotated Code of Maryland shall be abrogated and of  
75           no further force and effect.

76           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
77           June 1, 2008.