

HOUSE BILL 1146

P2

0lr3043

By: **Delegates Carter, Anderson, Oaks, and Vaughn**

Introduced and read first time: February 17, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Governor’s Office of Minority Affairs – Office of Minority**
3 **Business Enterprise Compliance**

4 FOR the purpose of establishing the Office of Minority Business Enterprise
5 Compliance in the Governor’s Office of Minority Affairs; providing for the
6 appointment and tenure of the head of the Office of Minority Business
7 Enterprise Compliance; specifying the duties of the Office of Minority Business
8 Enterprise Compliance; requiring certain procurement units to submit a certain
9 report each month to the Office of Minority Business Enterprise Compliance;
10 and generally relating to the Office of Minority Business Enterprise
11 Compliance.

12 BY repealing and reenacting, without amendments,
13 Article – State Government
14 Section 9–302, 9–303, 9–304, 9–305, and 9–306
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 9–303.1
20 Annotated Code of Maryland
21 (2009 Replacement Volume)

22 BY adding to
23 Article – State Government
24 Section 9–307
25 Annotated Code of Maryland
26 (2009 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 9–302.

5 There is an Office of Minority Affairs in the Executive Department.

6 9–303.

7 (a) The head of the Office of Minority Affairs is the Special Secretary, who
8 shall be appointed by and serves at the pleasure of the Governor.

9 (b) The Special Secretary shall receive the salary provided in the State
10 budget.

11 9–303.1.

12 (a) There is an Interdepartmental Advisory Committee for Minority Affairs.

13 (b) The Interdepartmental Committee is composed of:

14 (1) the secretary of each principal department of the Executive Branch
15 of government, or the secretary's designee;

16 (2) the State Superintendent of Schools, or the Superintendent's
17 designee;

18 (3) the Secretary of Higher Education, or the Secretary's designee; and

19 (4) the Special Secretary.

20 (c) The Interdepartmental Committee shall:

21 (1) advise the Special Secretary on proposals to implement and
22 enhance the duties of the Office, including the promotion of employment of minority
23 persons in the State, and the promotion of the growth and participation of minority
24 business enterprises in the State;

25 (2) gather such information the Committee deems necessary to
26 promote the goals of the Office;

27 (3) provide such other assistance as may be required to further the
28 purposes of §§ 9–304 [and], 9–305, AND **9–307** of this subtitle; and

29 (4) meet at the call of the Special Secretary.

1 9-304.

2 Subject to the limitations of any law that governs the activities of other units of
3 the Executive Branch of the State government, the Special Secretary shall:

4 (1) advise the Governor on:

5 (i) the activities of the State government that are intended to
6 promote the employment of minority persons in the State; and

7 (ii) each other matter that affects the rights and interests of
8 minority persons and the communities in which they live; and

9 (2) as authorized by the Governor:

10 (i) provide help to minority persons and the communities in
11 which they live;

12 (ii) represent the Governor in any matter that relates to
13 minority persons or generally to the promotion of equality among the people of the
14 State; and

15 (iii) perform any other responsibility that the Governor assigns.

16 9-305.

17 (a) This section applies to the following minority business enterprises:

18 (1) a publicly owned business if 1 or more minority persons own at
19 least 51% of the stock of the business; or

20 (2) any other business if 1 or more minority persons own at least 50%
21 of the business.

22 (b) Subject to the limitations of any law that governs the activities of other
23 units of the Executive Branch of the State government, the Special Secretary shall:

24 (1) carry out each State or federal program that is created to promote
25 the growth of or participation in minority business enterprises;

26 (2) promote and coordinate the plans, programs, and operations of the
27 State government that promote or otherwise affect the establishment, preservation,
28 and strengthening of minority business enterprises;

29 (3) promote activities and the use of the resources of the State
30 government, local governments, and private entities for the growth of minority
31 business enterprises;

1 (4) coordinate the effort of private entities and public agencies to
2 develop minority business enterprises;

3 (5) establish a system to develop, collect, summarize, and give out
4 information that would help a person to:

5 (i) establish a minority business enterprise;

6 (ii) operate a minority business enterprise successfully; or

7 (iii) promote the establishment and successful operation of
8 minority business enterprises; and

9 (6) subject to the limitations of law and the availability of funds:

10 (i) provide technical and managerial assistance to minority
11 business enterprises;

12 (ii) provide the managerial and organizational framework for
13 private entities and units of the State government to plan and carry out joint
14 undertakings that relate to minority business enterprises; and

15 (iii) pay, wholly or partly, the costs of a pilot or demonstration
16 project that is intended to overcome the special problems of minority business
17 enterprises.

18 9–306.

19 (a) On or before the 15th day of each regular session of the General
20 Assembly, the Special Secretary shall send an annual report on the Office of Minority
21 Affairs:

22 (1) to the Governor; and

23 (2) subject to § 2–1246 of this article, to the General Assembly.

24 (b) The annual report may be prepared in conjunction with the report
25 required under § 14–305(b) of the State Finance and Procurement Article.

26 **9–307.**

27 **(A) THERE IS AN OFFICE OF MINORITY BUSINESS ENTERPRISE**
28 **COMPLIANCE IN THE OFFICE OF MINORITY AFFAIRS.**

29 **(B) (1) THE SPECIAL SECRETARY SHALL APPOINT THE HEAD OF THE**
30 **OFFICE OF MINORITY BUSINESS ENTERPRISE COMPLIANCE.**

1 **(2) THE HEAD OF THE OFFICE OF MINORITY BUSINESS**
2 **ENTERPRISE COMPLIANCE SERVES AT THE PLEASURE OF THE SPECIAL**
3 **SECRETARY.**

4 **(C) THE OFFICE OF MINORITY BUSINESS ENTERPRISE COMPLIANCE**
5 **SHALL MONITOR AND AUDIT STATE PROCUREMENT UNITS REGARDING THE**
6 **UTILIZATION OF MINORITY BUSINESS ENTERPRISES AND COMPLIANCE WITH**
7 **THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND**
8 **PROCUREMENT ARTICLE.**

9 **(D) (1) ON OR BEFORE THE 10TH DAY OF EACH MONTH, EACH**
10 **PROCUREMENT UNIT SHALL SUBMIT A REPORT TO THE OFFICE OF MINORITY**
11 **BUSINESS ENTERPRISE COMPLIANCE DESCRIBING THE STATUS OF EACH**
12 **CONTRACTOR'S UTILIZATION OF MINORITY BUSINESS ENTERPRISES AND**
13 **COMPLIANCE WITH THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE**
14 **STATE FINANCE AND PROCUREMENT ARTICLE.**

15 **(2) EACH MONTHLY REPORT SHALL:**

16 **(I) COVER THE PERIOD THROUGH THE END OF THE**
17 **PRECEDING MONTH; AND**

18 **(II) INCLUDE INFORMATION FOR EACH PROCUREMENT**
19 **CONTRACT THAT WAS NOT CONCLUDED DURING THAT PERIOD.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2010.