

SENATE BILL 829

P2

(5lr3346)

ENROLLED BILL

— Budget and Taxation/Health and Government Operations —

Introduced by **Senator Hayes**

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.

President.

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
12 Section 7-704.1(j)(4)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2024 Supplement)

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 BY adding to
2 Article – State Finance and Procurement
3 Section 10A–404
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2024 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 14–309
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2024 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 9–1A–10(c) *and* 9–1E–07(b)(4)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2024 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Chapter 553 of the Acts of the General Assembly of 2020, as amended by Chapters
18 137 and 138 of the Acts of the General Assembly of 2023
19 Section 4 and 5
- 20 BY repealing and reenacting, with amendments,
21 Chapter 728 of the Acts of the General Assembly of 2021, as amended by Chapters
22 137 and 138 of the Acts of the General Assembly of 2023
23 Section 2 and 3
- 24 BY repealing and reenacting, with amendments,
25 Chapter 154 of the Acts of the General Assembly of 2012, as amended by Chapters
26 200 and 201 of the Acts of the General Assembly of 2013, Chapter 340 of the
27 Acts of the General Assembly of 2017, Chapter 117 of the Acts of the General
28 Assembly of 2022, and Chapters 137 and 138 of the Acts of the General
29 Assembly of 2023
30 Section 2
- 31 BY repealing and reenacting, with amendments,
32 Chapter 641 of the Acts of the General Assembly of 2022, as amended by Chapters
33 137 and 138 of the Acts of the General Assembly of 2023
34 Section 2(b) and (d)
- 35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
36 That the Laws of Maryland read as follows:

37 **Article – Public Utilities**

1 7-704.1.

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

5 **Article – State Finance and Procurement**

6 **10A-404.**

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

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

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

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

26 14-309.

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

30 **Article – State Government**

31 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
38 report to the General Assembly, in accordance with § 2-1257 of the State Government

1 Article, on the establishment of minority business enterprise subgoals in accordance with
2 this Act, including:

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

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

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

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

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

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

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

35 (d) The Governor's Office of Small, Minority, and Women Business Affairs, in
36 consultation with the certification agency and the Office of the Attorney General, shall
37 develop race- and gender-neutral approaches to address the needs of minority and
38 women-owned businesses in the brokerage and investment management services industry

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.