

# SENATE BILL 635

P2

11r2497  
CF 11r2498

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By: **Senator Hayes**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Enterprises – Calculation of Participation Rates – Exemption**  
3 **for Procurements From Maryland Correctional Enterprises – Repeal**

4 FOR the purpose of repealing an exemption for certain procurements from Maryland  
5 Correctional Enterprises from the calculation of total procurement spending for the  
6 purpose of calculating a unit's Minority Business Enterprise Program participation  
7 rate; and generally relating to participation in the Maryland Minority Business  
8 Enterprise Program.

9 BY repealing and reenacting, without amendments,  
10 Article – State Finance and Procurement  
11 Section 14–103(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Finance and Procurement  
16 Section 14–302(a)(1)(i)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2020 Supplement)

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

21 **Article – State Finance and Procurement**

22 14–103.

23 (a) A State or State aided or controlled entity shall buy supplies and services  
24 from:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of  
2 the Correctional Services Article, if Maryland Correctional Enterprises provides the  
3 supplies or services;

4 (2) Blind Industries and Services of Maryland, if:

5 (i) Blind Industries and Services of Maryland provides the supplies  
6 or services; and

7 (ii) Maryland Correctional Enterprises does not provide the supplies  
8 or services; or

9 (3) the Employment Works Program established under § 14–108 of this  
10 subtitle, if:

11 (i) a community service provider or an individual with disability  
12 owned business provides the supplies or services;

13 (ii) neither Maryland Correctional Enterprises nor Blind Industries  
14 and Services of Maryland provides the supplies or services; and

15 (iii) a State or State aided or controlled entity is not required by law  
16 to buy the supplies or services from any other unit of the State government.

17 14–302.

18 (a) (1) (i) 1. Except for leases of real property, each unit shall structure  
19 procurement procedures, consistent with the purposes of this subtitle, to try to achieve an  
20 overall percentage goal of the unit's total dollar value of procurement contracts being made  
21 directly or indirectly to certified minority business enterprises.

22 2. Notwithstanding subparagraph 1 of this  
23 subparagraph, the following contracts may not be counted as part of a unit's total dollar  
24 value of procurement contracts:

25 A. a procurement contract awarded in accordance with  
26 Subtitle 1 of this title **TO BLIND INDUSTRIES AND SERVICES OF MARYLAND OR THE**  
27 **EMPLOYMENT WORKS PROGRAM;**

28 B. a procurement contract awarded to a nonprofit entity in  
29 accordance with requirements mandated by State or federal law; and

30 C. a procurement by the Maryland Developmental  
31 Disabilities Administration of the Maryland Department of Health for family and  
32 individual support services, community residential services, resource coordination services,  
33 behavioral support services, vocational and day services, and respite services, as those  
34 terms are defined in regulations adopted by the Maryland Department of Health.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2021.