

SENATE BILL 438

P2
SB 248/22 – B&T

3lr2677
CF 3lr2685

By: **Senator Hayes**

Introduced and read first time: February 2, 2023

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a State procurement unit to include the dollar value of its
5 contracts with Maryland Correctional Enterprises in the total dollar value of its
6 procurements for the purpose of calculating the unit’s Minority Business Enterprise
7 Program participation rate; and generally relating to participation in the Maryland
8 Minority Business Enterprise Program.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 14–101(a) and (d) and 14–103(a)
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 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 (2021 Replacement Volume and 2022 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 14–101.

23 (a) In this subtitle the following words have the meanings indicated.

24 (d) “Preferred provider” means a provider of supplies or services given preference

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 in § 14–103 of this subtitle.

2 14–103.

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

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

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

9 (i) Blind Industries and Services of Maryland provides the supplies
10 or services; and

11 (ii) Maryland Correctional Enterprises does not provide the supplies
12 or services; or

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

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

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

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

21 14–302.

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

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

29 A. **EXCEPT FOR CONTRACTS AWARDED TO MARYLAND**
30 **CORRECTIONAL ENTERPRISES**, a procurement contract awarded **TO PREFERRED**
31 **PROVIDERS** in accordance with Subtitle 1 of this title;

32 B. a procurement contract awarded to a nonprofit entity in

1 accordance with requirements mandated by State or federal law; and

2 C. a procurement by the Maryland Developmental
3 Disabilities Administration of the Maryland Department of Health for family and
4 individual support services, community residential services, resource coordination services,
5 behavioral support services, vocational and day services, and respite services, as those
6 terms are defined in regulations adopted by the Maryland Department of Health.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2023.