

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14-301 through 14-306
Annotated Code of Maryland
(1988 Replacement Volume and 1989 Supplement)

Preamble

WHEREAS, In 1978 the General Assembly of Maryland enacted Chapter 575, creating a Minority Business Enterprise program as a remedy for past discrimination in the expenditure of State public contract dollars and, in 1983, enacted Chapter 193, reaffirming its conclusion that the State's Minority Business Enterprise program was necessary and should be continued; and

WHEREAS, In January, 1989, the Supreme Court of the United States, in City of Richmond v. J. A. Croson Co. held that State and local minority business programs should be narrowly tailored to remedy the effects of past discrimination; and

WHEREAS, The Governor and the Board of Public Works authorized the State to commission the firm of Coopers and Lybrand to conduct a Minority Business Utilization Study and the firm has submitted the results of its study to the State; and

WHEREAS, That report and this implementing legislation have come before the General Assembly of Maryland, hearings have been held with respect to this matter, and the General Assembly has carefully considered the report, the proposed legislation, and all of the evidence before it; and

WHEREAS, There is a history in Maryland of discrimination against women, Blacks, and Hispanics which has resulted in businesses owned or controlled by them receiving disproportionately low shares of State public contract expenditures and, despite the existence of the State's Minority Business Enterprise program, the effects of past and current discrimination are continuing to impede businesses from obtaining ~~their~~ a fair share of both private and public contract dollars; and

WHEREAS, In Maryland and in the marketplace for State public contracts, businesses owned or controlled by Asians, Hispanics, and women are underutilized as State contractors and this disparity and other evidence demonstrates that this underutilization is the product of current, continuing racial discrimination against such persons in private and public contracting; and

WHEREAS, The General Assembly finds, on the basis of oral and written testimony, that there is a history in Maryland of discrimination against American Indians which has resulted in businesses owned or controlled by American Indians not receiving business in both the public and the private sector and, but for the existence of the State's Minority Business Enterprise Program, American Indians would continue to face serious economic disadvantage in their business ventures; and

WHEREAS, The Maryland Minority Business Enterprise program has not