

WILLIAM DONALD SCHAEFER, Governor

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 eradicated the impact of past discrimination or precluded ongoing discrimination against such businesses; and

WHEREAS, Continuation of a narrowly tailored program, meeting the requirements of Croson, is essential to the ultimate achievement of a marketplace in which minority firms will not be subject to discrimination and, without aid of such a program, will obtain a fair share of private and public contract expenditures; and

WHEREAS, Race and sex neutral means of assisting minority firms exist and have been attempted, but do not effectively eradicate the effects of past discrimination or preclude ongoing discrimination against minority business, and have no substantial likelihood of achieving the goal that these businesses will obtain a fair share of State public contract expenditures in the absence of a minority business program; now, therefore,

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