

Chapter 708 of the Acts of the General Assembly of 1990  
Section 4

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., 488 U.S. 469 (1989) held that State and local minority business programs should be narrowly tailored to remedy the effects of past discrimination; and~~

~~WHEREAS, In response to the Croson decision, 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~~

~~WHEREAS, The report from that study was submitted to the General Assembly and, based upon its findings, the General Assembly enacted, in 1990, Chapter 708, which continued the State's Minority Business Enterprise Program; and~~

~~WHEREAS, Chapter 708 provided that, unless further action was taken by the General Assembly by June 30, 1995, its provisions would be abrogated; and~~

~~WHEREAS, Chapter 708 further required the State's certification agency, the Department of Transportation, to initiate a study of the Minority Business Enterprise Program to evaluate its continued compliance with the requirements of the Croson decision and any subsequent federal or constitutional requirements and to submit the report to the Legislative Policy Committee by November 1, 1994; and~~

~~WHEREAS, In compliance with the requirements of Chapter 708, the Department of Transportation entered into a contract with National Economic Research Associates, Inc. to conduct a Minority Business Utilization Study; and~~

~~WHEREAS, The report from that study has 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, and all of the evidence before it; and~~

~~WHEREAS, There is a history in Maryland of discrimination against women, African Americans, American Indians, Asians and Hispanics, and, despite the existence of the State's Minority Business Enterprise Program, the effects of past and current discrimination are continuing; and~~

~~WHEREAS, In Maryland and in the State marketplace, businesses owned and controlled by African Americans, American Indians, Asians and Hispanics are underutilized and this disparity taken with other evidence demonstrates that this underutilization is the product of current, continuing discrimination against such persons in contracting; and~~