

Chapter 116 of the Acts of 1995, as amended by Chapters 495 and 496 of the Acts of 2000

SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the Croson decision and any subsequent federal or constitutional requirements. IN PREPARATION FOR THE STUDY, THE ~~CERTIFICATION AGENCY BOARD OF PUBLIC WORKS~~ MAY ADOPT REGULATIONS AUTHORIZING A UNIT OF STATE GOVERNMENT TO REQUIRE BIDDERS AND OFFERORS TO SUBMIT INFORMATION NECESSARY FOR THE CONDUCT OF THE STUDY. ~~THE REGULATIONS MAY NOT REQUIRE A BIDDER OR OFFEROR TO PROVIDE INFORMATION WHICH THE BIDDER OR OFFEROR REASONABLY BELIEVES TO BE A TRADE SECRET, A PRIVACY RIGHT, OR A CONFIDENTIAL MARKETING OR PRICING POLICY. THE BOARD OF PUBLIC WORKS MAY DESIGNATE THAT CERTAIN INFORMATION RECEIVED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SECTION SHALL BE CONFIDENTIAL. NOTWITHSTANDING THAT CERTAIN INFORMATION MAY BE DESIGNATED BY THE BOARD OF PUBLIC WORKS AS CONFIDENTIAL, THE CERTIFICATION AGENCY MAY PROVIDE THE INFORMATION TO ANY PERSON THAT IS UNDER CONTRACT WITH THE CERTIFICATION AGENCY TO ASSIST IN CONDUCTING THE STUDY.~~ The study shall also evaluate race neutral programs and other methods that can be used to address the needs of minority businesses. [An executive summary of the study shall be submitted to the Legislative Policy Committee of the General Assembly by December 1, 2000.] The final report on the study shall be submitted to the Legislative Policy Committee of the General Assembly prior to [January 10, 2001] SEPTEMBER 30, 2005 so that the General Assembly may review the report [during] PRIOR TO the [2001] 2006 Session.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this Act is held invalid for any reason in a court of competent jurisdiction, and any remaining valid portions of this Act are held to be incomplete and incapable of being executed in accordance with legislative intent, the Board of Public Works shall adopt regulations governing the administration of this Act, to be applied in a manner that is consistent with the court's opinion.

SECTION 4. AND BE IT FURTHER ENACTED, That, based on a recommendation of the National Economic Research Associates, which conducted a study on the Utilization of Minority Business Enterprises in Maryland, the Board of Public Works shall study conditions for certifying nonminority males who own a business located in a qualified distressed county, as defined under Article 83A, § 5-701 of the Code, under the Minority Business Enterprise Program. The Board of Public Works shall submit a report on the study, including its findings and