

WHEREAS, The General Assembly finds that the Maryland Minority Business Enterprise Program has not eradicated the impact of past discrimination or precluded ongoing discrimination;

WHEREAS, The General Assembly finds that race-neutral and gender-neutral measures of assisting minority firms to date have been not been effective; and

WHEREAS, The General Assembly concludes that continuation of a narrowly tailored program, which meets the requirements of Croson and later decisions, and continuation of race-neutral and gender-neutral means of assisting minority firms are essential to the ultimate achievement of a marketplace in which minority firms will not be subject to discrimination and will be able to obtain a fair share of private and public contract expenditures without the aid of the Minority Business Enterprise Program; now, therefore,

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

**Article - State Finance and Procurement**

14-301.

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

(b) "Certification" means the determination that a legal entity is a minority business enterprise for the purposes of this subtitle.

(c) "Certification agency" means the agency designated by the Board of Public Works under § 14-303(b) of this subtitle to certify and decertify minority business enterprises.

(d) "Certified minority business enterprise" means a minority business enterprise that holds a certification.

(E) "ECONOMICALLY DISADVANTAGED INDIVIDUAL" MEANS A SOCIALLY DISADVANTAGED INDIVIDUAL WHOSE ABILITY TO COMPETE IN THE FREE ENTERPRISE SYSTEM HAS BEEN IMPAIRED DUE TO DIMINISHED CAPITAL AND CREDIT OPPORTUNITIES AS COMPARED TO OTHERS IN THE SAME OR SIMILAR LINE OF BUSINESS WHO ARE NOT SOCIALLY DISADVANTAGED.

[(e)] (F) (1) "Minority business enterprise" means any legal entity, except a joint venture, that is:

(i) organized to engage in commercial transactions; [and]

(ii) at least 51% owned and controlled by 1 or more individuals who are [members of a group that is disadvantaged] socially [or] AND economically DISADVANTAGED[, including:

1. African Americans;
2. American Indians;
3. Asians;