

BY: Senator Conway

AMENDMENTS TO SENATE BILL NO. 884
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 16, insert:

“Preamble

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 compliance with the requirements of Chapter 339 of the 2001 Session of the General Assembly, the Maryland Department of Transportation entered into a contract with National Economic Research Associates, Inc. to conduct a Minority Business Utilization Study; and

WHEREAS, The report prepared by National Economic Research Associates, Inc. has come before the General Assembly of Maryland, hearings have been held, and the General Assembly has considered the report and all evidence upon which National Economic Research Associates, Inc. relied in reaching its findings and conclusions regarding the Minority Business Enterprise Program; and

WHEREAS, The General Assembly finds that there is a history in Maryland of discrimination against African Americans, Hispanics, Asians, American Indians, and women; and

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

(Over)

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

WHEREAS, The General Assembly finds that race-neutral and gender-neutral measures of assisting minority firms to date have 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,.”

AMENDMENT NO. 2

On page 1, in line 23, strike “2012” and substitute “2011”.

On page 2, in line 18, strike “2011” and substitute “2010”; and in line 19, strike “2012” and substitute “2011”.