

# **SB 765 MBE Testimony Maryland Chamber of Commerce-**

Uploaded by: Cerulo, Betsy

Position: FAV

## Testimony on behalf of the Maryland LGBT Chamber of Commerce

### **Supporting SB 765 | Imari's Business Pride Act**

*A Bill to Include LGBT-Owned Businesses in  
Maryland Economic Opportunity Programs for Socially  
and Economically Disadvantaged Individual*

March 2, 2021

We appreciate your time, today, to speak about the possibility of including certified LGBT Business Enterprises under the existing MBE/DBE program in the State of Maryland.

I submit this testimony on behalf of both the Maryland LGBT Chamber of Commerce as the Co-Founder as well as CEO of AdNet/AccountNet, Inc. as a certified LGBTE through the National LGBT Chamber of Commerce. The Maryland Chamber was founded in 2017 with the goal to expand opportunities for LGBT owned businesses throughout Maryland.

Having received MBE certification in 1997, I remember the process being very thorough and the panel interview grueling for me to justify being included as a woman. Each year my application is thoroughly reviewed to ensure I continue to meet the requirements set forth in the program.

You may ask, why is the LGBT inclusion needed if I am already in the program? For decades, doing business as an “out” gay woman was never encouraged or welcomed. I could only bring half of who I was into a business transaction. While conversations were plentiful hearing about other colleagues’ marriages and families, I remained silent. The times when I took the risk to speak about being LGBT, I was met with inappropriate comments and sexual harassment. After those early experiences, I rarely took the risk. Now, I wear all of my diversities proudly and I am a better business person because of my courage to be out. But I also know that my privileges make even this difficult experience easier than those faced by those who are both LGBTQ *and* Black, Hispanic, disabled, etc. This program will help them most of all--- and they deserve it most of all.

The LGBT community as a whole have only begun to benefit from tax advantages as married couples since 2013 when same-sex marriage in Maryland was legalized. Prior to that, we nurtured our significant relationships and raised our families the same way as our heterosexual counterparts, yet we were not recognized by the government as equal. We left money on the table by not having the same benefits afforded to heterosexual married couples and we were always at a disadvantage. Now we are equal in marriage and we deserve to be equal in business.

The Maryland Public Service Commission and the City of Baltimore have added LGBT certified businesses to their list of accepted disadvantaged categories for contract requirements. Both entities are utilizing this effort as a strategy to identify more businesses who can fulfil their product and service needs. As an LGBT woman, I know what alienation and exclusivity feels like and it is not empowering. Yet I know that I have to be better than my competition to get in and stay in the door of my customers. Our community is passionate about giving our best because when one of us wins, we continue to open the doors for others behind us.

Today, I ask you to consider opening the door of opportunity to the LGBT business community as recognized Minority and Disadvantaged Businesses. I have asked our members about being counted as an LGBT business and there is a resounding expression of pride to be acknowledged in business and bring our full selves to our customers each day. Our businesses bring over \$1trillion dollars to the US economy and now more than ever through and post COVID, we must be part of the solution to make businesses whole by providing the Maryland LGBT community the opportunity to bid for more contracts.

We want to add value by providing innovation and solving complex problems to make Maryland the most powerful State in the Mid-Atlantic and our community can help make that happen.

Thank you for your time and consideration.



Betsy Cerulo  
CEO-AdNet/AccountNet, Inc  
Co-Founder- Maryland LGBT Chamber of Commerce  
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410-715-4035

## **SB0765\_FAV\_MTC\_Minority Bus. Enterprises - Sexual**

Uploaded by: Kasemeyer, Pam

Position: FAV



TO: The Honorable Paul G. Pinsky, Chair  
Members, Senate Education, Health, and Environmental Affairs Committee  
The Honorable Mary Washington

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: March 4, 2021

RE: **SUPPORT** – Senate Bill 765 – *Minority Business Enterprises – Sexual and Gender Minorities (Imari’s Business Pride Act)*

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The Maryland Tech Council (MTC) is a collaborative community, actively engaged in building stronger life science and technology companies by supporting the efforts of our individual members who are saving and improving lives through innovation. We support our member companies who are driving innovation through advocacy, education, workforce development, cost savings programs, and connecting entrepreneurial minds. The valuable resources we provide to our members help them reach their full potential making Maryland a global leader in the life sciences and technology industries. On behalf of MTC, we submit this letter of **support** for Senate Bill 765.

Senate Bill 765 expands the definition of “socially and economically disadvantaged individual” for the purpose of certifying minority business enterprises (MBEs) to include a member of a sexual or gender minority, including a lesbian, gay, bisexual, or transgender individual, regardless of race or ethnicity. MTC recognizes the challenges often faced by sexual and gender minorities as they seek to establish and expand businesses and compete in the marketplace. Recognizing them under the definition of “socially and economically disadvantaged individual”, thereby enabling them to be certified as an MBE, will provide an important avenue for overcoming the economic challenges they face in the marketplace. A favorable report is requested.

**For more information call:**

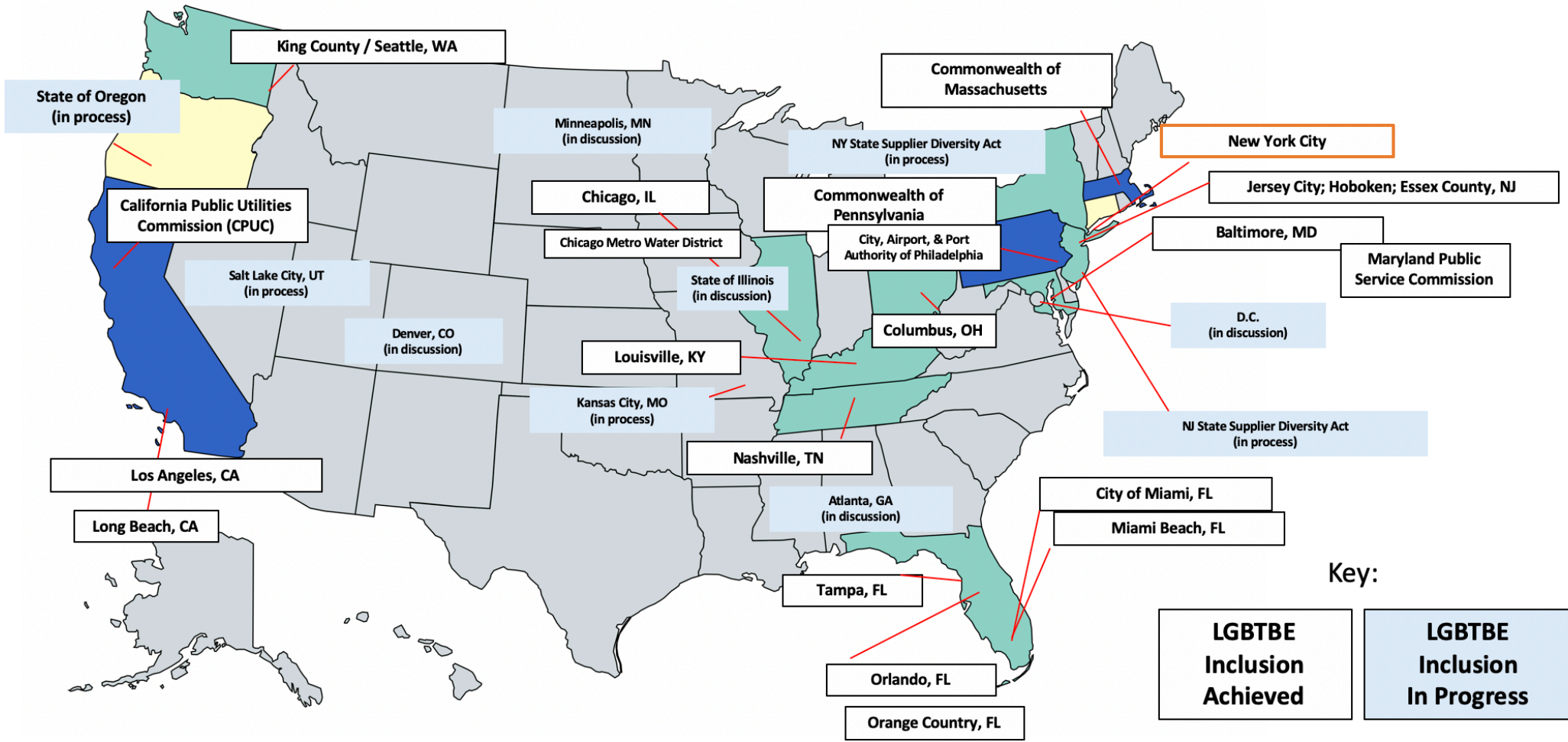
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
410-244-7000

## **LGBTBE Map.pdf**

Uploaded by: Lovitz, Jonathan

Position: FAV

# LGBTBE Inclusion in the Public Sector (As of January 2021)



# **MD Senate Testimony 2021.pdf**

Uploaded by: Lovitz, Jonathan

Position: FAV





Jonathan D. Lovitz  
Senior Vice President | National LGBT Chamber of Commerce  
202.234.9181 | jlovitz@nglcc.org

Testimony by the National LGBT Chamber of Commerce  
**Supporting SB765 | Imari's Business Pride Act**  
**A Bill to Include LGBT-Owned Businesses in**  
**Maryland Economic Opportunity Programs for Socially**  
**and Economically Disadvantaged Individual**

March 4, 2021

On behalf of the National LGBT Chamber of Commerce, our local affiliate the **Maryland LGBT Chamber of Commerce**, and the more than 1.4 million LGBT business owners we collectively represent in the United States as the sole certifying body for LGBT Business Enterprises, I thank the Maryland Senate, especially Senator Washington, for their leadership today in looking to expand Maryland economic opportunities to include Certified LGBT Business Enterprise® (Certified LGBTBE®) suppliers.

This is an economically and socially essential issue, which is first and foremost about the economic development of the State of Maryland and growing its diverse business communities, especially during a time of COVID economic recovery. Having helped usher in this kind of inclusive economic policy in the states of California, Massachusetts, Pennsylvania, across federal agencies, and over 1/3 of the Fortune 500, NGLCC and our partners are here to aid this committee and this state in ensuring that such inclusion is **revenue neutral and free of additional red tape** that is cumbersome to small business development.

The rationale for this policy shift is simple: the state's economy cannot achieve its full potential without the full participation of every citizen of Maryland. Greater diversity among suppliers encourages **greater innovation and competition**. Greater competition **lowers bid prices**. Lower bid prices results in **millions of dollars in taxpayers savings** across Maryland.

It is extremely important to note that including LGBTBEs and others will not detract or diminish the contracting opportunities for our friends already in the diverse business community. This resolution

[Certifying LGBT Businesses. Connecting Our Communities.](#)



DOES NOT make any changes to Maryland's M/WBE programs or set-asides for diverse communities that conflict with statewide M/WBE policies.

This bill would ONLY empower the state to:

- formally recognize a thriving minority business community as so many major cities/states and all major corporations in Maryland do;
- recognize an existing gold-standard certification for LGBTBEs in the way it does for other third-party minority certifications;
- codify and expand its existing resource and education sharing initiatives with LGBTBEs in Maryland

Currently California's Public Utilities Commission (CPUC) is in its fifth year as the first public organization in America to include LGBTBEs, and now has enough data from LGBTBE participation and contracting wins to begin establishing aspirational targets for this community, as well as revisiting and raising them for others. In just the first year of LGBT business inclusion in California there was a 204% increase in certifications—a rapid growth of new businesses and new jobs we can expect to see right here in Maryland.

Maryland will be in great national company and supported by tremendous precedent to get this done. In August 2019, at the 2019 NGLCC International Business & Leadership Conference in Tampa, FL, openly LGBT Mayor Jane Castor announced an executive order to include LGBTBEs in her city, following Mayor Eric Garcetti's historic announcement to do the same in Los Angeles just days before. In 2018 and early 2019, NGLCC won the inclusion of LGBTBEs in Nashville, TN; Baltimore, MD; Jersey City, NJ; and Hoboken, NJ, and nearly a dozen more cities and agencies while also advancing statewide bills in New York and New Jersey. Currently, California, Massachusetts, and Pennsylvania also include certified LGBT-owned businesses, along with major cities like Seattle, Newark, Columbus, and Philadelphia.

In January of 2017, NGLCC released a groundbreaking, first ever analysis of the economic impact of LGBT business owners in America. **Each year LGBT-owned businesses add \$1.7 trillion dollars to the economy.** They create lasting businesses that employ tens of thousands of Americans. They diversify local economies and make our cities more attractive to investment. Maryland's estimated



45,000 LGBT business owners are ready, willing, and able to keep growing this state's economy—they simply need your passage of this initiative to do it.

It's the tax revenue created by LGBT and other diverse-owned businesses that help pay for the billions spend on Maryland contracts. Opening them up to our communities is simply a matter of fairness and will cement Maryland as a national leader in economic opportunity, expanding contracting opportunities and allowing *all* diverse communities in Maryland to thrive.

It's time for Maryland, a respected leader in business, diversity, and opportunity, to take its place as one of the most inclusive places for minority-owned business in America. I assure you the growth here among new small businesses will astound you. Following the implementation of the California's AB1678 business inclusion law, there was a dramatic spike in the number certified LGBTBEs in California—resulting in a more than 200% increase in LGBT businesses in the state in the first year. We know that can and will happen here in Maryland.

Strong, modernized, and fully-inclusive WMBE and Supplier Diversity programs prove every day to corporations, governments, and communities that bringing everything we are to everything we do makes us more competitive as businesses, more confident as business people, more connected as a business community, and more successful as an economy.

We are excited to soon count the State of Maryland among those who believe in the power of inclusion not just as the right thing to do, but also as an economic imperative that benefits every citizen of the state. This state's economy will be more inclusive and successful thanks to your leadership; leadership which our communities are seeking more than ever in these uncertain political times. We look forward to announcing soon that Maryland is open for business to everyone who lives here.

# **SB.765.pdf**

Uploaded by: Ortiz, Rafael

Position: FAV



March 2, 2021

Testimony on behalf of the Maryland LGBT Chamber of Commerce

### **Supporting SB 765 | Imari's Business Pride Act**

*A Bill to Include LGBT-Owned Businesses in Maryland Economic Opportunity Programs for Socially and Economically Disadvantaged Individual*

We are grateful for your time to review the benefits that will come from including certified LGBT Business Enterprises under the existing MBE/DBE program in the State of Maryland. I am representing both the Maryland LGBT Chamber of Commerce as a Board Member as well as CEO of BRAC Consulting Group, LLC. A certified LGBTBE through the National LGBT Chamber of Commerce, as well as a Maryland MBE/DBE/SBE.

We understand that the Maryland MBE program has the highest standards for accreditation, for this we are proud to have obtained this level of credibility/certification from the state. We understand that the MBE program is designed this way to ensure that qualified businesses can deliver once admitted into the program.

I am a gay man from Puerto Rico, who was raised in a religious organization that made me hate who I was. Add to that a culture that is homophobic and had no tolerance for any deviation from what is expected of a latinx man. To the point where at 18 years old, suicide was contemplated. I was born and instantly chains were wrapped around me, secured with a lock to which I did not know the code. Iron chains that had accumulated rust of hundreds of years of oxidation. This rust represents ideologies throughout generations that were intolerant to anything that was different. It was not until later in life that I deciphered the code to that lock, it was a synergistic combination of confidence and love.

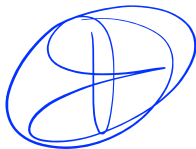
Before I was able to break free, I quietly benefitted from the privilege of being a cis male in the corporate world. Even more so, my identity as a gay man was never discussed or even suspected. The weight of those iron chains reminded me that while I was enjoying heightened levels of success, I could not bring the parts of me that could make others uncomfortable. While doing so, you are constantly using mental resources to be who is expected and not who you truly are. Precious mental resources that could be used to innovate and thrive as a professional are tied up in creating a heightened level of anxiety, constantly curating your every action as to not set off any alarms for others. Making sure I did not make “too much noise” in being true to myself, and perpetuating the status quo.



Biology teaches us that diverse populations are at an advantage, they can adapt to challenges and overcome diseases more efficiently. This is the same for diversity and inclusion in business, why creating a large diversity supplier pool will propel Maryland and its small businesses to greater heights. Diversity means that EVERYONE will have a seat at the table, that we can remain competitive, and make better use of Maryland tax dollars. Diversity creates an open-door atmosphere that lets people bring their authentic selves to the table 100% of the time. That solutions, thoughts, and problem solving can be even greater when we ALL come together. Creating more and more jobs for those that were overlooked, simply because who they loved made them unqualified as a professional in the eyes of others who do not understand the beauty in diversity. It will create change-agent accountability for all of us, understanding that we cannot benefit from these programs if we do not actively seek to help/include others. We are better when we empower each other, when we let people know that we celebrate our diversity without having to worry about who we are.

We do not seek to take away from the community that is already in the MWBE pool, but to add to it by enriching its diversity through goals that are intentional with inclusion. Therefore, I ask of you, to include us by opening the door of opportunity to the LGBT business community as recognized Minority and Disadvantaged Businesses. We want to continue to add value to the powerful state of Maryland, because we know we are greater together.

Thank you for your time and consideration,



**Rafael Ortiz**  
President & CEO, BRAC Consulting Group  
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# **SB0765 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV



**SB0765 – Minority Business Enterprises - Sexual & Gender Minorities (Imari's Business Pride Act)**

Presented to the Hon. Paul Pinsky and  
Members of the Senate Education, Health, and Environmental Affairs Committee  
March 4, 2021 1:00 p.m.

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**POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges members of the Senate Education, Health, and Environmental Affairs Committee to issue **a favorable report on SB0765 - Minority Business Enterprises - Sexual & Gender Minorities**, sponsored by Senator Mary Washington.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. In doing so, we support expanding business opportunities for sexual and gender minorities as it aligns with our mission to improve health and wellbeing in these communities.

SB0765 intends to alter the definition of “socially and economically disadvantaged individual” for purpose of certifying certain minority business enterprises to include certain sexual and gender minorities. Dating back to 2018, Baltimore Mayor Catherine Pugh signed an executive order to recognize LGBTQ-owned businesses. This order essentially put LGBTQ-owned businesses in the same category as women and minority owned businesses that are afforded a certain percentage of city incentives.<sup>1</sup> This state legislation would be a great extension of this action in order to solidify the incentives needed for LGBTQ businesses to thrive. Jonathan D. Lovitz, senior vice president of the National LGBT Chamber of Commerce, agreed that former Mayor Catherine Pugh’s order helped to certify businesses and encouraged more businesses to become certified, thereby creating opportunities for entrepreneurship and job growth. According to the LGBT Chamber of Commerce, the estimated 1.4 million LGBTQ-run companies in the United States generate \$1.7 trillion a year in revenue, in addition to a 1.5 billion contribution from its members alone.<sup>2</sup>

While we believe all minority-owned businesses are essential, we wish to uplift what SB0765 could do LGBTQ-owned health-related business. If they desire, it is important that LGBTQ businesses have the option to become franchised in order to assist sexual and gender minorities with sexual reproductive healthcare and support services in their respective communities. Data from a nationally representative Center for American Progress survey conducted in 2017 showed that LGBTQ people experience discrimination in healthcare

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<sup>1</sup> Cohn, Meredith. “Baltimore Mayor Issues Order Recognizing LGBTQ-Owned Businesses.” [baltimoresun.com](http://baltimoresun.com/business/bs-bz-lgbtq-business-order-20181120-story.html), Baltimore Sun, 12 Dec. 2018, [www.baltimoresun.com/business/bs-bz-lgbtq-business-order-20181120-story.html](http://baltimoresun.com/business/bs-bz-lgbtq-business-order-20181120-story.html)

<sup>2</sup> Avery, Dan. “N.Y.C. Now Largest U.S. City to Grant LGBTQ Businesses Access to Minority Contracts.” [NBCNews.com](http://nbcnews.com/feature/nbc-out/n-y-c-now-largest-u-s-city-grant-lgbtq-n1254782), NBCUniversal News Group, 19 Jan. 2021, [www.nbcnews.com/feature/nbc-out/n-y-c-now-largest-u-s-city-grant-lgbtq-n1254782](http://www.nbcnews.com/feature/nbc-out/n-y-c-now-largest-u-s-city-grant-lgbtq-n1254782)



settings, which discourages them from finding health care.<sup>3</sup> SB0765 has the ability to help generate more LGBTQ healthcare-related businesses to alleviate discrimination. Not only will LGBTQ people no longer fear judgement from healthcare providers, but they will have a safe space to fully express their health concerns without fear of judgement nor retribution.

Maryland's LGBTQ+ business owners deserve the same opportunities to not only contribute to the economy, but to eliminate discrimination in health care facilities and more. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0765**. Thank you for your time and consideration.

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<sup>3</sup>Shabab Ahmed Mirza and Caitlin Rooney. "Discrimination Prevents LGBTQ People From Accessing Healthcare." Center for American Progress, 13 Aug. 2019, [www.americanprogress.org/issues/lgbtq-rights/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/](https://www.americanprogress.org/issues/lgbtq-rights/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/)

# **Terrence Thrweatt Jr- Imari Business Pride Act.pdf**

Uploaded by: Thrweatt, Terry

Position: FAV

Terrence Thrweatt Jr., MBA, 43<sup>rd</sup> District Resident

Managing Partner, Harriet/Moses Cos., LLC.

I ask that you support Imari's Business Pride Act to support LGBT-owned firms participating in state-contracting opportunities. Imari Prout is my younger brother. He was born and raised in Baltimore City, to loving parents- that struggled through the Great Recession. Upon graduating from Baltimore City College in 2014, he went in Baltimore City Community College to study mental health. He dropped out one class short of graduating so that he could pursue his goal of being an entrepreneur- selling gender affirming apparel full-time from our family's clothing store in Downtown Baltimore.

Through his life, he experienced many hardships, from the failure of a productive store space, to being fired from employment. These challenges only intensified after his official gender change- on legal documents in 2017 and 2018. He was attacked multiple times by co-workers and customers at places of unemployment. He was fired from another employer- a lawsuit that he would have one- had it not been for his death.

He led a good fight and could not fight any longer after an incident of medical malpractice. He died by suicide on October 15, 2019.

Although, Imari's retail outlet would not be able to benefit from state contracting. I talked to him about the importance of disadvantaged and marginalized groups to build themselves up through business. There are over 100 LGBT-owned firms that are members of the MD LGBT Chamber of Commerce. Expanding the definition of MBE will help more companies to compete for state contracts and build up their ability to employ disadvantaged groups. Marginalized groups, such as the trans- community which Imari was a part of and advocated for via the Baltimore Safe Haven and Baltimore Trans-Alliance, will be able to have the opportunity to find a job, work for themselves, and give back to the community. The dignity of being able to do for self and others and earn a paycheck. Lastly, this bill would make Maryland-contracting more representative by making us the first state in the nation to recognize LBGT-E owned firms in government contracting.

[Movement Advancement Project | State Profiles \(lgbtmap.org\)](https://lgbtmap.org/state-profiles)

# **MLW Written Testimony SB765.pdf**

Uploaded by: Washington, Mary

Position: FAV

MARY L. WASHINGTON, PH.D  
Legislative District 43  
Baltimore City

Education, Health, and  
Environmental Affairs Committee

*Chair*  
Joint Committee on Ending  
Homelessness

*Chair*  
Joint Committee on Children,  
Youth, and Families



THE SENATE OF MARYLAND  
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## **SUPPORT – SB 765**

### **Minority Business Enterprises – Sexual and Gender Minorities (Imari's Business Pride Act)**

Senate Education, Health, and Environmental Affairs Committee

Testimony of Senator Mary Washington, March 4, 2021

Chair Pinsky, Vice-Chair Kagan and Members of the Committee,

SB765 alters the definition of "socially and economically disadvantaged individual" for purposes of certifying certain minority business enterprises to include certain sexual and gender minorities.

Currently Massachusetts, Pennsylvania, and California, and a host of cities (14) already have recognized certified LGBT Business Certified Enterprises (LGBTBES) with the following states in the process to recognize LGBTBES: Oregon, New York, New Jersey, Delaware, Connecticut, and Illinois.

In November of 2019, Maryland Public Service Commission (PSC) approved policy to include The National LGBT Chamber of Commerce (NGLCC) Certified LGBT Business Enterprises® (Certified LGBTBES®) in contracting and procurement opportunities. In 2018 our very own Baltimore City, through Executive Order 2018-02, recognized LGBTQ-Owned business entities, those with 51% or more ownership by LGBTQ+ individuals.

With more diverse providers, Maryland can achieve statewide goals and save taxpayer's dollars by creating greater competition while driving down bid prices. LGBT business owners add \$1.7 Trillion to the US economy.

I want to take this opportunity to thank my constituent, Terrance Thrweatt, who submitted this bill request in honor of this brother, Imari, who passed away. Imari designed and sold gender-affirming apparel for transmen from his family's clothing store in Downtown Baltimore.

I ask you for a favorable report on SB765.

In partnership,

A handwritten signature in blue ink, appearing to read "Mary Washington". The signature is fluid and cursive, with the first name "Mary" and last name "Washington" clearly distinguishable.

Senator Mary Washington, District 43, Baltimore City

## **UNfavorable for SB0765.pdf**

Uploaded by: mcavoy, vince

Position: UNF

# UNfavorable for SB0765

Vince McAvoy po box 41075 baltimore md

Dear Committee,

I urge an UNfavorable on HB765.

The statute related to this bill states that there is rebuttable presumption that the group is "socially and economically disadvantaged".

Think of multimillionaires such as Ellen, Jack Dorsey of Twitter, lesbian lawyers, and Annapolis' own state legislators.

These well-off people are NOT "socially and economically disadvantaged", especially in the blue state of Maryland.

In House HGO, proponents mentioned that this subculture has \$1.7 trillion - with a T - in businesses and 1.4 million well-accepted and well-established small businesses. Hardly "socially and economically disadvantaged".

If say, Mormons, were saying they couldn't band together and support themselves, no one would accept that. Even though each Mormon isn't a millionaire. I worked with highly paid professionals who were lgbt, some who turned asexual. Ostensibly they would qualify, even though they worked for one of the largest financial firms in the country. For those 2 who turned asexual - that is - turned away from a given lifestyle others had identified them with, would they qualify? They are White. Would they still qualify? If they did, how would you even prove that? Ask old partners?

And this is the intrinsic perversion of promoting incentives based on who someone someone has sex with. If Donald Trump's mentions of his (then teenage) daughter had trended, would that mean some deviant-trend would garner Annapolis' financial incentivization through a bill such as this one?

Slippery slopes, folks. Slippery slopes.

Finally, these lifestyles are not accepted by all Marylanders. And many would object to tax dollars or other incentives going based on what they don't agree with.

Some people are unmoved by Facebook likes.

Moreover, to the other characteristics of those deemed "disadvantaged", some or most of the sub-cultures/ethnicities are warranted, objectively provable, shown to be unable to be self-sufficient, don't work in highly paid professional roles, etc. Others, in fact others who aren't on this list, are "socially and economically disadvantaged" in Maryland.



## **SB0765 - MBE - Imari's Business Pride Act - LOI\_FI**

Uploaded by: Westervelt, Patricia

Position: INFO

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March 4, 2021

The Honorable Paul G. Pinsky  
Chair, Education, Health, and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis Maryland 21401

***Re: Letter of Information – Senate Bill 765 – Minority Business Enterprises – Sexual and Gender Minorities (Imari’s Business Pride Act)***

Dear Chair Pinsky and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 765 but offers the following information for the Committee’s consideration.

The Maryland General Assembly established the State’s Minority Business Enterprise (MBE) Program in 1978. When deliberating on the Program, the General Assembly considers Disparity Studies in the utilization of minority and woman-owned firms in Maryland’s marketplace. Findings of the Disparity Study assess data on the existence, extent, and impact of discrimination, if any, against minority and woman-owned firms on contracting opportunities within the public and private sectors in and around the State.

The Equal Protection Clause of the U.S. Constitution requires that programs like the MBE Program, which uses racial classifications, pass the judicial test of strict scrutiny by having a compelling governmental interest, supportive data of discrimination, and be narrowly tailored to address the compelling interest. Every aspect of the implementation of the MBE program, including State statutory and regulatory requirements, is controlled by the evidence contained in the State’s Disparity Study. Thus, before classes of individuals can be added to the MBE Program, constitutional requirements call for a formal assessment in the means of the State’s Disparity Study. MDOT is committed to its role as the State’s MBE certifying agency and strives to ensure that all underrepresented classes of individuals are properly represented in the program.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 765.

Respectfully submitted,

Melissa Einhorn  
State Legislative Officer  
Maryland Department of Transportation  
410-865-1102