

SB334 Testimony .pdf

Uploaded by: Antonio Hayes

Position: FAV

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Hayes in Support of Senate Bill 334: State Procurement - Minority Business Enterprise Program - Extension and Reports

February 8, 2023

Chairman Guzzone and members of the Budget and Taxation Committee,

Senate Bill 334 seeks to alter termination dates for certain provisions of the laws that govern the Minority Business Enterprise Program and dates when certain reports and studies need to be submitted. It would initiate a study on the Minority Business Enterprise Program to evaluate compliance with the *City of Richmond v. J.A. Croson Co.* Supreme Court decision. This decision held that a program which gave preference to minority business enterprises was unconstitutional under the 14th Amendment's Equal Protection Clause. It would also evaluate race-neutral programs and other methods to help address the needs of minority businesses.

The deadline for the submission of the study's findings would be December 31, 2023 to ensure that the General Assembly can review them before the next legislative session. This bill is essential for minority owned businesses to thrive in the future.

As such, I urge a favorable report on Senate Bill 334.

Respectfully,

A handwritten signature in blue ink, appearing to read "Antonio L. Hayes".

Senator Antonio L. Hayes
40th Legislative District – MD

SB0334 - TSO - MBE - SUPP_FINAL.pdf

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Wes Moore
Governor
Aruna Miller
Lieutenant Governor
Paul J. Wiedefeld
Acting Secretary

February 8, 2023

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
3 East Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Support – Senate Bill 334 – State Procurement – Minority Business Enterprise Program – Extensions and Reports

Dear Chair Guzzone and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 334, as it would allow for the continuation of the State’s Minority Business Enterprise (MBE) Program and application of program tenets to the offshore wind and video lottery terminal industries, and public-private partnerships. In addition, the due dates for the submission of policies, guidelines, and subgoals for the capital grants program as well as the due date for a study on diversity in the brokerage and investment management services industry are extended via Senate Bill 334.

As the Certifying Agency of the State’s MBE Program, and in accordance with Senate Bill 4, Chapter 340, Acts of 2017, and Senate Bill 192, Acts of 2022, MDOT initiated a Statewide availability and utilization study (Study) with an eye toward delivering a final report to the Legislative Policy Committee (the Committee) of the General Assembly in September 2023. The contract for the consultant to complete the study was approved by the Maryland Board of Public works on January 5, 2022.

A Statewide study that is unprecedented in size and scope coupled with a temporary pause on work to accommodate the completion of a standalone and expedited Adult-Use Cannabis Disparity Study, has resulted in delays. The Study’s data collection efforts and analysis will resume upon completion of the Adult-Use Cannabis Study and a final draft and Study report is anticipated to be delivered by September 30, 2024.

In the interim, Senate Bill 334’s extension of the due date for the report on the Study, as well as concurrent extensions of the MBE Program’s sunset dates for various related industries and fringe analyses, will allow the MBE Program to remain operational, which is a benefit to the Maryland business community.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 334 a favorable report.

Respectfully Submitted,

R. Earl Lewis, Jr.
Deputy Secretary
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Maryland Department of Transportation
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Director
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LBCMD Support Letter - SB 334 - Priority Bill .pdf

Uploaded by: Ufuoma Agarin

Position: FAV



February 2, 2023

Senator Guy Guzzone, Chair
Budget and Taxation Committee
3 West Wing, Miller Senate Office Bldg.
Annapolis, Maryland 21401

Dear Chair Guzzone and Members of the Committee:

The Legislative Black Caucus of Maryland Inc. has voted to offer favorable support for Senate Bill 334 - State Procurement - Minority Business Enterprise Program - Extension and Reports. **This bill is a 2023 legislative priority of the Black Caucus.**

This bill alters the termination date for certain provisions of laws governing the Minority Business Enterprise Program and its application to offshore wind projects and video lottery terminals to July 1, 2024, as well as alters the date by which certain reports must be submitted. Additionally, if passed, the bill will initiate a study on the Minority Business Enterprise Program to evaluate and ensure compliance with the precedent set by the Supreme Court in *City of Richmond v. J.A. Croson Co.*

To foster an environment where Maryland's MBEs can thrive, it is crucially important to have a program that functions and operates under the most recent provisions, precedents, and guidelines set by the law. In a state where the number of minority businesses increases annually, it is necessary for the Legislature to revisit the laws that impact our Minority Business Enterprise Program to ensure that it remains in compliance and operates properly. We believe this bill will beneficially impact the Minority Business Enterprise Program and, in turn, the minority-owned and operated businesses that it supports. For these reasons, the Legislative Black Caucus of Maryland supports Senate Bill 334 and would appreciate your favorable support of this legislation.

Jheanelle Wilkins

Delegate Jheanelle Wilkins

Chair, Legislative Black Caucus of Maryland