

**SB0309/803421/1**

BY: Conference Committee

AMENDMENT TO SENATE BILL 309  
(Third Reading File Bill)

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after the first “of” insert “incorporating certain findings and evidence associated with a certain Minority Business Enterprise Program; requiring that approved applicants for certain wind projects comply with the Minority Business Enterprise Program to a certain extent; requiring the Governor’s Office of Minority Affairs, in consultation with the Office of the Attorney General and a certain approved applicant, to establish a certain plan; requiring a certain approved applicant to submit a certain progress report to the Public Service Commission under certain circumstances;”; and in line 17, after “changes;” insert “requiring a certain certification agency to initiate a certain analysis and report to a certain committee of the General Assembly on or before a certain date; making this Act an emergency measure; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”.

On page 1, after line 18, insert:

“BY adding to

Article - Public Utilities

Section 7-704.1(e)(3)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)”.

On page 2, after line 8, insert:

“Article – Public Utilities

7-704.1.

(Over)

(e) (3) (I) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE INCORPORATED IN THIS PARAGRAPH.

(II) TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED STATES CONSTITUTION, APPROVED APPLICANTS FOR A PROPOSED OFFSHORE WIND PROJECT SHALL COMPLY WITH THE STATE'S MINORITY BUSINESS ENTERPRISE PROGRAM.

(III) 1. ON OR BEFORE 6 MONTHS AFTER THE ISSUANCE OF AN ORDER APPROVING AN OREC APPLICATION, THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL AND AN APPROVED APPLICANT, SHALL ESTABLISH A CLEAR PLAN FOR SETTING REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR EACH PHASE OF THE QUALIFIED OFFSHORE WIND PROJECT.

2. TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SPECIFIED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.

3. EVERY 6 MONTHS FOLLOWING THE ISSUANCE OF AN ORDER APPROVING AN OREC APPLICATION, AN APPROVED APPLICANT SHALL SUBMIT A REPORT ON ITS PROGRESS ESTABLISHING AND IMPLEMENTING MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES TO THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 14, strike in their entirety lines 7 and 8 and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Certification Agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the Office of the Attorney General and the Maryland Public Service Commission, shall initiate an analysis of the disparity study entitled “Business Disparities in the Maryland Market Area” published on February 8, 2017, to determine if it applies to the type of work that will likely be performed by an approved applicant with respect to an offshore wind project under § 7-704.1 of the Public Utilities Article and submit a report on the analysis to the Legislative Policy Committee of the General Assembly, in accordance with § 2-1246 of the State Government Article, before December 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 4 of this Act, shall take effect from the date it is enacted. Sections 1 and 3 of this Act shall remain effective through June 30, 2018, and, at the end of June 30, 2018, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.”.