

SB0442/550216/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 442
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Partnerships” insert “, Offshore Wind Projects.”; in line 12, after “law;” 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 Small, Minority, and Women Business 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 19, after “partnerships” insert “, offshore wind projects”.

On page 2, after line 8, insert:

“BY adding to

Article - Public Utilities

Section 7-704.1(i)

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 26, insert:

“Article – Public Utilities

7-704.1.

(Over)

(1) (1) 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 SUBSECTION.

(2) 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.

(3) (I) ON OR BEFORE 6 MONTHS AFTER THE ISSUANCE OF AN ORDER APPROVING AN OREC APPLICATION, THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS 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.

(II) TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.

(III) 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 GOALS AND PROCEDURES TO THE COMMISSION.

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(4) ON AND AFTER JULY 1, 2023, THE PROVISIONS OF THIS SUBSECTION AND ANY REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE OF NO EFFECT AND MAY NOT BE ENFORCED.

On page 6, in line 2, strike “pursuant to” and substitute “in accordance with”; after line 6, insert:

“SECTION 5. 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 Governor’s Office of Small, Minority, and Women Business Affairs, shall initiate an analysis of the disparity study submitted in accordance with Chapter 340 of the Acts of the General Assembly of 2017 to determine if it applies to the type of work that will be likely to be performed by an approved applicant with respect to an offshore wind project under § 7–704.1(i) of the Public Utilities Article as enacted by Section 2 of this Act and submit a report on the analysis to the Legislative Policy Committee of the General Assembly, in accordance with § 2–1257 of the State Government Article, on or before December 1, 2022.”;

and in line 7, strike “5.” and substitute “6.”.