

HB1279/834536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “under certain circumstances” and substitute “if the Commission makes a certain determination”; and strike beginning with “requiring” in line 12 down through “Act” in line 15 and substitute “requiring the Commission, in consultation with a certain certification agency, to complete a study to evaluate whether there is a compelling interest to implement certain remedial measures to assist minorities and women in participating in Commission procurement contracts; requiring a certain certification agency to consult with the Commission to identify information necessary to make a certain determination; requiring the Commission to obtain and provide certain information to the certification agency; requiring the Commission to make certain evaluations; requiring the Commission to report the findings of a certain study to certain persons on or before a certain date”.

On page 3, strike in their entirety lines 4 through 9, inclusive, and substitute:

“WHEREAS, The General Assembly desires for the Commission to assess whether there is a basis for the Commission to implement remedial measures for minority– and women–owned businesses; and

WHEREAS, Subject to the Commission’s determination that there is a basis for the Commission to implement remedial measures for minority– and women–owned firms that seek to do business with the Commission, the General Assembly desires to authorize”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 10 through 12, inclusive; strike in their entirety lines 20 through 24, inclusive, and substitute “PROGRAM IF THE

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COMMISSION DETERMINES THAT THERE IS A COMPELLING INTEREST TO IMPLEMENT REMEDIAL MEASURES TO ASSIST MINORITY- AND WOMEN-OWNED BUSINESSES WHO WISH TO PARTICIPATE IN COMMISSION PROCUREMENT CONTRACTS.”; and strike in their entirety lines 31 and 32.

On page 5, strike in their entirety lines 1 and 2 and substitute:

“(2) TO THE EXTENT AUTHORIZED BY STATE AND FEDERAL LAW BASED ON THE FINDINGS OF AN APPROPRIATE STUDY OR ANALYSIS, PROVISIONS TO EXTEND REASONABLE COMPETITIVE PREFERENCES FOR CERTIFIED MINORITY BUSINESS ENTERPRISES OR GOALS FOR UTILIZATION OF CERTIFIED MINORITY BUSINESS ENTERPRISES IN PARTICULAR PROCUREMENT ACTIVITIES UNDER APPROPRIATE CIRCUMSTANCES; AND”.

On page 6, strike in their entirety lines 23 through 27, inclusive.

On page 7, strike beginning with the comma in line 3 down through “construction” in line 7 and substitute **“that there is a compelling interest to implement remedial measures to assist minority- and women-owned businesses who wish to participate in Commission procurement contracts”**; strike in their entirety lines 13 through 15, inclusive, and substitute:

“(2) to the extent permitted by State and federal law based on the findings of an appropriate study or analysis, provisions to extend reasonable competitive preferences for certified minority business enterprises or goals for utilization of certified minority business enterprises in particular procurement activities under appropriate circumstances; and”.

On page 8, strike in their entirety lines 9 through 15, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

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(a) The Commission, in consultation with the certification agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article and the Office of the Attorney General, shall complete a study, which may include an analysis of the disparity study as set forth in subsection (b) of this section, to evaluate whether there is a compelling interest to implement remedial measures, including a program comparable to the State Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article, to assist minorities and women in participating in Commission procurement contracts.

(b) (1) The certification agency shall consult with the Commission to identify the information necessary to determine whether the disparity study entitled “Business Disparities in the Maryland Market Area”, published on February 8, 2017, applies to the types of goods and services procured by the Commission.

(2) The Commission shall obtain and provide information to the certification agency that the certification agency requires to make the determination under paragraph (1) of this subsection.

(c) In performing the study required under subsection (a) of this section, the Commission shall evaluate race–neutral programs or other methods that may be used to address the needs of minority– and women–owned businesses seeking to participate in Commission procurement contracts.

(d) On or before January 1, 2020, the Commission shall report to the Montgomery County and Prince George’s County delegations to the General Assembly and the Legislative Policy Committee, in accordance with § 2–1246 of the State Government Article, on the findings of the study required under subsection (a) of this section.”;

in line 19, after “whether” insert “there is discrimination against”; and in the same line, after the second “or” insert “whether”.