

HB0295/717170/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 295
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “circumstances;” insert “authorizing certain employers to pay certain employees who are under a certain age a certain wage under certain circumstances;”; and in line 12, after the semicolon insert “altering a certain exemption from the Maryland Wage and Hour Law for certain individuals;”.

On page 2, in line 8, strike “authorizing” and substitute “requiring”; in line 12, after the semicolon insert “requiring the Department of Health and Mental Hygiene to increase reimbursement of certain providers under certain circumstances; requiring the Governor, in certain fiscal years, to include in a certain budget proposal certain funding increases; requiring the presentation of certain proposed budgets for certain community service providers in a certain manner; authorizing the allocation of certain funds for certain purposes; repealing certain obsolete provisions relating to certain reimbursements for certain providers; repealing a certain defined term;”; in line 13, strike “providing for a delayed effective date;”; in line 14, after “Law” insert “and payments for community service providers”; in line 17, after “3-419,” insert “3-420(b),”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 7-307

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 20, strike “\$250,000” and substitute “**\$400,000**”.

(Over)

On page 5, in line 9, strike “12-MONTH” and substitute “6-MONTH”; in line 10, strike “\$8.20” and substitute “\$8.00”; in line 12, strike “JANUARY 1, 2016” and substitute “JULY 1, 2015”; in the same line, strike “\$9.15” and substitute “\$8.25”; in the same line, strike “AND”; in line 13, before “BEGINNING” insert “FOR THE 12-MONTH PERIOD”; in line 14, strike “JANUARY 1, 2017” and substitute “JULY 1, 2016”; in the same line, strike “\$10.10” and substitute “\$8.75”; and in the same line, strike “HOUR” and substitute “HOUR;

(4) FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2017, \$9.25 PER HOUR; AND

(5) BEGINNING JULY 1, 2018, \$10.10 PER HOUR”.

On page 6, in line 10, after “(1)” insert:

“(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN EMPLOYER MAY PAY AN EMPLOYEE A WAGE THAT EQUALS A RATE OF 85% OF THE STATE MINIMUM WAGE ESTABLISHED UNDER THIS SECTION IF THE EMPLOYEE IS UNDER THE AGE OF 20 YEARS.

(II) AN EMPLOYER MAY PAY TO AN EMPLOYEE THE WAGE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ONLY FOR THE FIRST 6 MONTHS THAT THE EMPLOYEE IS EMPLOYED.

(2) (I);

in line 10, strike “SUBSECTION” and substitute “PARAGRAPH”; in lines 13 and 15, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line

18, strike “**(2)**” and substitute “**(II)**”; and in lines 20 and 22, strike “**(I)**” and “**(II)**”, respectively, and substitute “**1.**” and “**2.**”, respectively.

AMENDMENT NO. 3

On page 8, after line 27, insert:

“3-420.

(b) Notwithstanding [§ 3-415(b)(8)] § 3-415(B)(2) of this subtitle, an employer that is not a not for profit organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.”.

On page 9, in line 31, strike “MAY” and substitute “SHALL”.

AMENDMENT NO. 4

On page 10, after line 4, insert:

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

Article – Health – General

7-307.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community provider” means a community-based agency or program funded by the Administration to serve individuals with developmental disabilities.

(3) “Community direct service worker” means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(4) 【“Disparity amount” means the monetary calculation of the average difference in wages and benefits between community direct service workers and developmental disabilities associates or other comparable employees in State residential centers.

(5) “Rate” means the reimbursement rate paid by the Department to a community provider from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of funds.

(b) Notwithstanding the provisions of this title **OR ANY OTHER PROVISION OF LAW**, the Department shall reimburse community providers as provided in this section.

(c) 【(1) On or before September 1, 2001, the Department shall determine:

(i) The disparity amount; and

(ii) The amount of annual increase in the rate of reimbursement to community providers necessary to reduce and eliminate the disparity amount as required under subsection (d) of this section.

(2) The Department shall determine the disparity amount using data and information from:

(i) The Community Services Rate Reimbursement Commission;

and

(ii) Reports required to be provided to the General Assembly by the Department.

(d) The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE Department shall increase the rate of reimbursement for community services providers [by an amount that:

(1) Reduces the disparity amount to 80% on or before July 1, 2002;

(2) Reduces the disparity amount to 62% on or before July 1, 2003;

(3) Reduces the disparity amount to 40% on or before July 1, 2004;

(4) Reduces the disparity amount to 20% on or before July 1, 2005; and

(5) Eliminates the disparity amount on or before July 1, 2006] EACH FISCAL YEAR BY THE AMOUNT OF RATE INCREASE INCLUDED IN THE STATE BUDGET FOR THAT FISCAL YEAR.

[(e)] (D) [The Secretary shall adopt regulations to implement this section.]

(1) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2016 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2015.

(2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2017 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2016.

(Over)

(3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2018 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2017.

(4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2019 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY SERVICE PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2018.

[(f)] (E) [All increases in the rate of reimbursement provided for in this section shall be used to increase the compensation of community direct service workers.] THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2016 AND THEREAFTER FOR COMMUNITY SERVICE PROVIDERS SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS PROVIDED FOR IN THE FISCAL YEAR 2015 BUDGET.

[(g)] (F) [Nothing in this section shall be construed to prohibit the Department from eliminating the disparity amount prior to July 1, 2006.] A PORTION OF THE FUNDS IN SUBSECTION (E) OF THIS SECTION MAY BE ALLOCATED TO ADDRESS THE IMPACT OF AN INCREASE IN THE STATE MINIMUM WAGE ON WAGES AND BENEFITS OF DIRECT SUPPORT WORKERS EMPLOYED BY COMMUNITY PROVIDERS LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.”;

in line 5, strike “2.” and substitute “3.”; and in line 6, strike “January 1, 2015” and substitute “July 1, 2014”.