

**SB0280/577171/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 280  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zucker” and substitute “Zucker, and Augustine”; in line 2, strike “and Enforcement”; in line 5, after “periods” insert “and for certain employers except under certain circumstances”; strike beginning with “increasing” in line 5 down through “rate;” in line 9; and in line 9, after “repealing” insert “and altering”.

On pages 1 and 2, strike beginning with “specifying” in line 12 on page 1 down through “rate” in line 16 on page 2 and substitute “requiring the Board of Public Works to make a certain determination on or before certain dates, subject to a certain exception and a certain limitation; authorizing the Board to consider certain other information under certain circumstances when making a certain determination; authorizing the Board to temporarily suspend an increase in the minimum wage rate for a certain period of time under certain circumstances, subject to a certain limitation; specifying the minimum wage rate in effect for a certain period if the Board temporarily suspends an increase to the minimum wage rate; requiring certain minimum wage rates to take effect at a certain time; requiring the Board to notify the Commissioner of Labor and Industry if the Board has temporarily suspended a certain increase in the minimum wage rate; prohibiting a rate increase for certain providers from going into effect if the Board has temporarily suspended a certain increase in the minimum wage rate; requiring the Commissioner to adopt certain regulations; requiring the Commissioner to provide a certain notification on a certain website”.

On page 2, in line 18, after “providers;” insert “requiring that the Governor’s proposed budget for certain fiscal years include certain rate increases for certain providers over the funding provided in certain legislative appropriations; requiring that the Governor’s proposed budget for fiscal year 2021 and each fiscal year thereafter for

(Over)

**SB0280/577171/1**                      **Finance Committee**  
**Amendments to SB 280**  
**Page 2 of 18**

certain providers be presented in the same manner as in a certain fiscal year budget; making conforming changes;”; in line 19, strike “altering a certain definition;”; in line 23, after “7–307” insert “and 16–201.3”; after line 25, insert:

“BY adding to

Article – Health – General

Section 16–201.4

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)”;

in line 28, strike “3–103, 3–403, 3–413, 3–419, 3–423, 3–428, and 3–508” and substitute “3–413”; and after line 30, insert:

“BY adding to

Article - Labor and Employment

Section 3–413.1 and 3–419(d)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)”.

**AMENDMENT NO. 2**

On page 3, strike in their entirety lines 25 through 29, inclusive; in lines 30 and 35, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; and in lines 31 and 36, in each instance, strike “**5.5%**” and substitute “**5%**”.

On page 4, in line 4, strike “**(5)**” and substitute “**(4)**”; in line 5, strike “**5.5%**” and substitute “**4.5%**”; strike lines 9 through 16, inclusive, and substitute:

**“(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 4% 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 2023.**

**(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% 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 2024.**

**(7) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 3% 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 2025.”;**

and after line 23, insert:

“16–201.3.

(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 Behavioral Health Administration or the Medical Care Programs Administration to serve individuals with mental disorders, substance-related disorders, or a combination of these disorders.

(3) “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 these funds.

(Over)

(b) This section does not apply to reimbursement for any service provided by a community provider whose rates are regulated by the Health Services Cost Review Commission.

(c) It is the intent of the General Assembly that a substantial portion of the rate adjustment provided under subsection (d) of this section be used to:

(1) Compensate direct care staff and licensed clinicians employed by community providers; and

(2) Improve the quality of programming provided by community providers.

(d) (1) The Governor's proposed budget for fiscal year 2019 and fiscal year 2020 shall include a 3.5% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:

(i) Object 08 Contractual Services in Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;

(ii) Object 08 Contractual Services in Program M00L01.02 Community Services – Behavioral Health Administration; and

(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients – Behavioral Health Administration.

[(2) If the Behavioral Health Administration does not implement the payment system required under subsection (e) of this section for use in fiscal year 2021, the Governor's proposed budget for fiscal year 2021 shall include a 3% rate increase for

community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:

(i) Object 08 Contractual Services in Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;

(ii) Object 08 Contractual Services in Program M00L01.02 Community Services – Behavioral Health Administration; and

(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients – Behavioral Health Administration.]

**(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:**

**(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;**

**(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND**

**(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.**

(Over)

**(3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 3.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:**

**(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;**

**(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION;**  
**AND**

**(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.**

**(4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 3.25% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:**

**(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;**

(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM  
M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION;  
AND

(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM  
M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS –  
BEHAVIORAL HEALTH ADMINISTRATION.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024  
SHALL INCLUDE A 3% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE  
FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE  
IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM  
M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT –  
MEDICAL CARE PROGRAMS ADMINISTRATION;

(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM  
M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION;  
AND

(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM  
M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS –  
BEHAVIORAL HEALTH ADMINISTRATION.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025  
SHALL INCLUDE A 4% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE  
FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE  
IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(Over)

(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(7) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 4% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

[(3)] (8)      The Governor's proposed budget for fiscal [years] YEAR 2019 [through 2021] AND EACH FISCAL YEAR THEREAFTER for community providers shall be presented in the same manner, including object and program information, as in the fiscal year 2018 budget.

(e)    (1)    The Behavioral Health Administration and the Medical Care Programs Administration jointly shall:

(i)      Conduct an independent cost-driven, rate-setting study to set community provider rates for community-based behavioral health services that includes a rate analysis and an impact study that considers the actual cost of providing community-based behavioral health services;

(ii)     Develop and implement a payment system incorporating the findings of the rate-setting study conducted under item (i) of this paragraph, including projected costs of implementation and recommendations to address any potential shortfall in funding; and

(iii)    Consult with stakeholders, including community providers and individuals receiving services, in conducting the rate-setting study and developing the payment system required by this paragraph.

(2)      The Administration, on or before September 30, 2019, shall complete the study required under paragraph (1)(i) of this subsection.

(3)      The Administration shall adopt regulations to implement the payment system required by paragraph (1) of this subsection.

(f)      If services of community providers are provided through managed care organizations, the managed care organizations shall:

(1) Pay the rate in effect during the immediately preceding fiscal year for the first fiscal year the managed care organizations provide the services; and

(2) Adjust the rate for community providers each fiscal year by at least the same amount that otherwise would have been required under subsection (d) of this section.

(g) Increased funding provided under subsection (d) of this section may be used only to increase the rates paid to:

(1) Community providers accredited by a State-approved accrediting body and licensed by the State; and

(2) Health care providers who are acting within the scopes of practice of the health care providers' licenses or certificates as specified under the Health Occupations Article.

(h) (1) On or before December 1, 2018, the Department shall submit an interim report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the delivery system through which community-based behavioral health services should be provided and any preliminary recommendations regarding the payment system required under this section.

(2) On or before December 1, 2019, and on or before December 1 each year thereafter, the Department shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the impact of the rate adjustments and the payment system required under this section on community providers, including the impact on:

(i) The wages and salaries paid and the benefits provided to direct care staff and licensed clinicians employed by community providers;

(ii) The tenure and turnover of direct care staff and licensed clinicians employed by community providers; and

(iii) The ability of community providers to recruit qualified direct care staff and licensed clinicians.

(3) The Department may require a community provider to submit, in the form and manner required by the Department, information that the Department considers necessary for completion of the report required under paragraph (2) of this subsection.

**16-201.4.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “PROVIDER” MEANS A PROVIDER OF:**

**(I) NURSING HOME SERVICES;**

**(II) MEDICAL DAY CARE SERVICES;**

**(III) PRIVATE DUTY NURSING SERVICES;**

**(IV) PERSONAL CARE SERVICES;**

**(V) HOME- AND COMMUNITY-BASED SERVICES; AND**

**(VI) SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM.**

**(3) “RATE” MEANS THE REIMBURSEMENT RATE PAID BY THE DEPARTMENT TO PROVIDERS OF NURSING HOME, MEDICAL DAY CARE, PRIVATE DUTY NURSING, PERSONAL CARE, AND HOME- AND COMMUNITY-BASED SERVICES AND SERVICES PROVIDED THROUGH THE COMMUNITY FIRST CHOICE PROGRAM FROM THE STATE GENERAL FUND, MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL FUNDS, OR A COMBINATION OF THESE FUNDS.**

**(B) (1) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.**

**(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.**

**(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER**

REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(4) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2025 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2026 SHALL INCLUDE A 4% RATE INCREASE FOR PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR IN PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS – MEDICAL CARE PROGRAMS ADMINISTRATION AND PROGRAM M00Q01.07 MARYLAND CHILDREN’S HEALTH PROGRAM – MEDICAL CARE PROGRAMS ADMINISTRATION.

**(7) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS IN THE FISCAL YEAR 2020 BUDGET.**”.

**AMENDMENT NO. 3**

On pages 4 through 7, strike in their entirety the lines beginning with line 25 on page 4 through line 23 on page 7, inclusive.

**AMENDMENT NO. 4**

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 2 on page 8, inclusive.

On page 8, in line 3, strike “**(3)**” and substitute “**(2)**”; after line 3, insert:

**“(3) “SMALL EMPLOYER” MEANS AN EMPLOYER THAT EMPLOYS 14 OR FEWER EMPLOYEES.”;**

in line 4, strike the brackets; in the same line, strike “§ 3–414” and substitute “**§§ 3–413.1 AND 3–414**”; in line 20, strike “The” and substitute “**SUBJECT TO § 3–413.1 OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**”; in line 26, strike “**12–MONTH**” and substitute “**18–MONTH**”; and in line 28, strike “**JULY 1, 2019,**” and substitute “**JANUARY 1, 2020,**”.

On page 9, in line 2, strike “**JULY 1, 2020,**” and substitute “**JANUARY 1, 2021,**”; in line 3, strike “**\$12.00**” and substitute “**\$11.75**”; in line 4, strike “**JULY 1, 2021,**” and substitute “**JANUARY 1, 2022,**”; in line 5, strike “**\$13.00**” and substitute “**\$12.50**”; in line 6, strike “**JULY 1, 2022,**” and substitute “**JANUARY 1, 2023,**”; in line 7, strike “**\$14.00**” and substitute “**\$13.25**”; in line 8, strike “**JULY 1, 2023,**” and substitute

“JANUARY 1, 2024,”; in line 9, strike “\$15.00” and substitute “\$14.00”; and after line 9, insert:

“(VIII) BEGINNING JANUARY 1, 2025, \$15.00 PER HOUR.

(2) SUBJECT TO § 3-413.1 OF THIS SUBTITLE, THE STATE MINIMUM WAGE RATE FOR A SMALL EMPLOYER IS:

(I) FOR THE 18-MONTH PERIOD BEGINNING JULY 1, 2018, \$10.10 PER HOUR;

(II) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2020, \$11.00 PER HOUR;

(III) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2021, \$11.50 PER HOUR;

(IV) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2022, \$12.00 PER HOUR;

(V) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2023, \$12.50 PER HOUR;

(VI) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2024, \$13.00 PER HOUR;

(VII) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2025, \$13.50 PER HOUR;

(Over)

(VIII) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2026, \$14.00 PER HOUR;

(IX) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2027, \$14.50 PER HOUR; AND

(X) BEGINNING JANUARY 1, 2028, \$15.00 PER HOUR.”.

On pages 9 and 10, strike in their entirety the lines beginning with line 10 on page 9 through line 3 on page 10, inclusive.

On page 10, in line 4, strike the bracket; strike beginning with “(1)” in line 4 down through the first “an” in line 5 and substitute “AN”; in line 7, strike “20” and substitute “18”; and strike in their entirety lines 8 through 20, inclusive, and substitute:

“3-413.1.

(A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF PUBLIC WORKS.

(B) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2020, AND OCTOBER 1 EACH YEAR THEREAFTER UNTIL OCTOBER 1, 2024, THE BOARD SHALL DETERMINE WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR STATISTICS FOR THE MOST RECENT 6-MONTH PERIOD IS NEGATIVE AS COMPARED WITH THE IMMEDIATELY PRECEDING 6-MONTH PERIOD.

(2) THE BOARD IS NOT REQUIRED TO MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE BOARD HAS PREVIOUSLY

TEMPORARILY SUSPENDED AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE IF THE BOARD DETERMINED UNDER SUBSECTION (B)(1) OF THIS SECTION THAT THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

(2) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN THE PREVIOUS 6 MONTHS, AS REPORTED BY THE OFFICE OF THE COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE.

(D) THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE TO THE MINIMUM WAGE RATE UNDER SUBSECTION (C)(1) OF THIS SECTION ONLY ONE TIME.

(E) IF THE BOARD TEMPORARILY SUSPENDS AN INCREASE TO THE MINIMUM WAGE RATE SPECIFIED UNDER § 3-413(C) OF THIS SUBTITLE:

(1) THE MINIMUM WAGE RATE IN EFFECT FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD;

(2) THE REMAINING MINIMUM WAGE RATES SPECIFIED IN § 3-413 OF THIS SUBTITLE SHALL TAKE EFFECT 1 YEAR LATER THAN THE DATE SPECIFIED;

(Over)

(3) THE BOARD SHALL NOTIFY THE COMMISSIONER THAT THE MINIMUM WAGE RATE INCREASE FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR; AND

(4) A RATE INCREASE UNDER §§ 7-307, 16-201.3, AND 16-201.4 OF THE HEALTH – GENERAL ARTICLE FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR MAY NOT GO INTO EFFECT.

3-419.

(D) (1) THE COMMISSIONER SHALL ADOPT REGULATIONS, IN CONSULTATION WITH PAYROLL SERVICE PROVIDERS AND RESTAURANT INDUSTRY TRADE GROUP REPRESENTATIVES, TO REQUIRE RESTAURANT EMPLOYERS THAT INCLUDE A TIP CREDIT AS PART OF THE WAGE OF AN EMPLOYEE TO PROVIDE TIPPED EMPLOYEES WITH A WRITTEN OR ELECTRONIC WAGE STATEMENT FOR EACH PAY PERIOD THAT SHOWS THE EFFECTIVE HOURLY TIP RATE AS DERIVED FROM EMPLOYER-PAID CASH WAGES PLUS ALL REPORTED TIPS FOR TIP CREDIT HOURS WORKED EACH WORKWEEK OF THE PAY PERIOD.

(2) THE COMMISSIONER SHALL PROVIDE NOTIFICATION OF THE TIP CREDIT WAGE STATEMENT REGULATIONS ON THE DEPARTMENT’S WEBSITE.”.

AMENDMENT NO. 5

On pages 10 through 18, strike in their entirety the lines beginning with line 21 on page 10 through line 11 on page 18, inclusive.