

HB0496/193522/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 496

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Wilson, Valderrama**” and substitute “**Valderrama, Wilson**”; in line 2, strike “**Labor and Employment –**” and substitute “**Commission on the Establishment of a**”; in lines 2 and 3, strike “**– Establishment**”; in line 4, after “establishing” insert “the Commission on”; in the same line, after the second “the” insert “Establishment of a”; strike beginning with “in” in line 4 down through “Fund;” in line 17 and substitute “to study and make recommendations for establishing a Family Medical Leave and Insurance Program in the State; providing that the intent of the General Assembly is to establish a certain statutory framework for a family medical leave and insurance program in the State that is effective not later than a certain date;”; and in lines 17 and 18, strike “the Family and Medical Leave Insurance Program” and substitute “a State family and medical leave insurance program”.

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 12, strike “the Laws of Maryland read as follows”; and after line 12, insert:

“(a) There is a Commission on the Establishment of a Family Medical Leave and Insurance Program.

“(b) The purpose of the Commission is to study and make recommendations for establishing a Family Medical Leave and Insurance Program in the State.

“(c) The Commission consists of the following members:

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 2 of 7

(1) two members of the Senate, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House of Delegates;

(3) the Secretary of Labor, or the Secretary's designee;

(4) the State Treasurer, or the State Treasurer's designee;

(5) the Comptroller, or the Comptroller's designee;

(6) one representative of the National Federation of Independent Business, designated by the President of the National Federation of Independent Business;

(7) one representative of the Maryland Chamber of Commerce, designated by the President of the Maryland Chamber of Commerce;

(8) one representative of the Maryland Retailers Association, designated by the President of the Maryland Retailers Association; and

(9) the following members, appointed jointly by the President of the Senate and the Speaker of the House of Delegates:

(i) one representative from a national organization with expertise in the implementation of family medical and leave insurance programs in other states;

(ii) one representative from a private sector labor union;

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 3 of 7

(iii) one representative of a community organization that advocates for working families; and

(iv) one economist.

(d) The President of the Senate and the Speaker of the House of Delegates shall appoint cochairs of the Commission from among its members as follows:

(i) one cochair from the Senate, appointed by the President of the Senate; and

(ii) one cochair from the House of Delegates, appointed by the Speaker of the House of Delegates.

(e) The Maryland Department of Labor and the Department of Legislative Services jointly shall provide staff for the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Commission shall study and make recommendations on establishing a Family Medical Leave and Insurance Program in the State, including recommendations regarding:

(1) when employers and employees should begin making contributions to fund the Program so that benefits under the Program are able to begin being paid not later than January 1, 2024;

(Over)

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 4 of 7

(2) the appropriate cost sharing formula between employers and employees for making contributions to fund the Program, including various formulas that range between a cost share of:

- (i) 1. 75% paid by employers; and
- 2. 25% paid by employees; and
- (ii) 1. 25% paid by employers; and
- 2. 75% paid by employees;

(3) to what extent, if any, the cost shared between employers and employees should affect or determine the leave benefits provided to employees under the Program, including whether the proportion of the cost shared should impact who approves employees to take leave under the Program;

(4) any oversight mechanisms for the Program;

(5) the appropriate eligibility criteria for an individual to qualify for leave benefits under the Program;

(6) the appropriate duration for which an individual may receive leave benefits under the Program;

(7) the cost, efficiency, and benefits of the Maryland Department of Labor issuing a request for proposals seeking the services of an outside contractor for the following:

- (i) premium collection;
- (ii) claims administration;

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 5 of 7

(iii) data management;

(iv) fraud control;

(v) marketing and advertising; or

(vi) implementing any other elements of the Program;

(8) the minimum time an individual should be employed with the individual's employer before qualifying for leave benefits under the Program; and

(9) any other relevant aspects of family medical and leave insurance programs as determined by the Commission.

(h) In conducting the study and making recommendations under subsection (g) of this section, the Commission shall consider:

(1) how other states have established family medical leave and insurance programs; and

(2) the results from an actuarial analysis regarding sustainable funding levels.

(i) The Commission shall contract with any consultants necessary to carry out this section.

(j) On or before December 1, 2022, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”.

(Over)

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 6 of 7

On pages 2 through 27, strike in their entirety the lines beginning with line 13 on page 2 through line 22 on page 27, inclusive.

On page 27, strike beginning with “this” in line 23 down through “Act” in line 29 and substitute “it is the intent of the General Assembly that \$25,000,000 be set aside in the fiscal year 2023 budget to support the work of the Commission on the Establishment of a Family Medical Leave and Insurance Program, as enacted by Section 1 of this Act, and any other changes necessary for the Maryland Department of Labor to prepare for the implementation of a Family Medical Leave and Insurance Program”; in line 30, strike “4.” and substitute “3.”; and in line 31, after “that” insert “the statutory framework establishing a Family Medical Leave and Insurance Program in the State shall”.

On page 28, strike beginning with “general” in line 1 down through “self-sustaining” in line 6 and substitute “be effective not later than June 1, 2023;”

(2) include, to the extent practicable, the findings and recommendations of the Commission on the Family Medical Leave and Insurance Program, as enacted by Section 1 of this Act;

(3) enable individuals to receive benefits under the Program by June 1, 2024;

(4) require employers and employees to share in the cost of contributions to fund the Program; and

(5) generally provide temporary benefits to certain individuals who take leave from employment for family- and medical-related reasons”;

in line 7, strike “5.” and substitute “4.”; and in line 8, after “2022.” insert “Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June”

HB0496/193522/01 Economic Matters Committee
Amendments to HB 496
Page 7 of 7

30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.