

SB0417/447479/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 417
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Feldman, Middleton, Mathias, and Hershey”; strike in their entirety lines 2 and 3 and substitute “Individuals With Disabilities – Minimum Wage and Community Integration”; in line 4, strike “except”; strike beginning with “requiring” in line 7 down through “date” in line 8 and substitute “authorizing certain work activities centers and certain sheltered workshops to pay new employees a certain wage only under certain circumstances”; in line 9, strike “Department of Labor, Licensing, and Regulation” and substitute “Developmental Disabilities Administration and the Department of Disabilities”; in line 12, after “the” insert “Administration and the”; in line 13, after “plan;” insert “requiring the Administration and the Department to submit a certain plan to the Governor and the General Assembly on or before a certain date;”; in line 15, strike the first “a”; in the same line, strike “date each year” and substitute “dates”; strike beginning with “prohibiting” in line 15 down through “circumstances;” in line 17 and substitute “requiring a certain individual and a certain resource coordinator, in consultation with certain individuals, to develop a certain supplemental plan; requiring a certain resource coordinator to use appropriate communication devices and techniques to facilitate the involvement of a certain individual in the development of the individual’s supplemental plan; requiring that an individual’s plan include certain information; requiring the Administration, in consultation with certain stakeholders, to develop the planning protocol and format for a supplemental plan; requiring a certain individual and the individual’s resource coordinator and team to discuss a certain job setting on an annual basis and at any other time requested by the individual; requiring the resource coordinator to document certain information in a certain individual’s annual individual plan; requiring the Administration to track the progress of certain individuals by collecting certain data; requiring the Administration to report certain information to the Governor and the General Assembly on or before certain dates; prohibiting the Administration from funding certain providers beginning on a certain”

(Over)

date; requiring a certain new employee to be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights;"; in line 20, after "the" insert "Administration and the"; in line 21, after "reports;" insert "repealing certain provisions of law requiring certain individuals to have a certain supplemental plan; repealing certain provisions of law requiring that a certain new employee be informed by the employee's employer of certain opportunities, have a plan of habilitation that includes certain information, be engaged in certain work when choosing to work, choose the employer and employment, and be informed of certain rights; authorizing certain work activities centers and other workshops, beginning on a certain date, to pay less than the federal prevailing wage of pay to the extent authorized under federal law and under certain circumstances; requiring the Administration and the Department to conduct a certain study, determine certain information, and make certain recommendations; requiring the Administration and the Department to consult certain State agencies, other entities, and relevant stakeholders in carrying out certain duties; requiring the Administration and the Department to report their findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date;"; in line 23, strike "under the Maryland Wage and Hour Law and" and substitute "to and community integration of"; and after line 24, insert:

"BY adding to

Article - Health - General

Section 7-207, 7-1012, 7-1013, and 7-1014

Annotated Code of Maryland

(2015 Replacement Volume)".

On page 2, strike in their entirety lines 1 through 10, inclusive, and substitute:

"BY repealing

Article – Health – General

Section 7-1012, 7-1013, and 7-1014

Annotated Code of Maryland
(2015 Replacement Volume)
(As enacted by Section 1 of this Act)”;

in line 11, after “repealing” insert “and reenacting, with amendments,”; and in line 13, strike “and 3-414.1”.

AMENDMENT NO. 2

On page 3, after line 5, insert:

“Article – Health – General

7-207.

BEGINNING OCTOBER 1, 2020, THE ADMINISTRATION MAY NOT FUND PROVIDERS THAT PAY INDIVIDUALS LESS THAN THE MINIMUM WAGE UNDER A CERTIFICATE THAT THE UNITED STATES DEPARTMENT OF LABOR ISSUES TO A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO ALLOW THE WORK ACTIVITIES CENTER OR WORKSHOP TO PAY AN INDIVIDUAL LESS THAN THE WAGE OTHERWISE REQUIRED FOR THAT THE INDIVIDUAL UNDER FEDERAL LAW.

7-1012.

(A) THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES, IN PARTNERSHIP WITH RELEVANT STATE AGENCIES, INCLUDING THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE, THE STATE DEPARTMENT OF EDUCATION, AND THE DIVISION OF REHABILITATION SERVICES, SHALL DEVELOP AND IMPLEMENT A PLAN TO PHASE OUT ON OR BEFORE OCTOBER 1, 2020, AUTHORIZATIONS UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM

(Over)

WAGE OTHERWISE REQUIRED FOR THE EMPLOYEE UNDER TITLE 3, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE.

(B) THE PLAN DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) BENCHMARKS AND DESIRED OUTCOMES FOR EACH YEAR OF THE PHASE-OUT;

(2) A LIST OF THE RESOURCES NECESSARY TO ENSURE THAT INDIVIDUALS WITH DISABILITIES RECEIVE SUPPORT ACCORDING TO THE NEEDS AND PREFERENCES OF THE INDIVIDUALS AND IN AN INTEGRATED SETTING, REGARDLESS OF THE NATURE OR SEVERITY OF THE INDIVIDUALS' DISABILITIES;

(3) APPLICATION FOR AND USE OF ALL FEDERAL AND STATE FUNDING PROGRAMS, INCLUDING PROGRAMS AVAILABLE UNDER MEDICAID WAIVER AMENDMENTS AND RESOURCES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, TO ASSIST INDIVIDUALS WITH DISABILITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(4) THE TRACKING OF OUTCOMES OF INDIVIDUALS WITH DISABILITIES ON THE BASIS OF:

(I) WAGES;

(II) UNEMPLOYMENT RATES;

(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.

(C) IN IMPLEMENTING THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL ENGAGE STATEWIDE ORGANIZATIONS, INCLUDING THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL, AND PROVIDER AND FAMILY STATEWIDE ADVOCACY ORGANIZATIONS REPRESENTING THOSE IMPACTED BY THE PHASE-OUT.

(D) (1) ON OR BEFORE OCTOBER 1, 2017, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) ON OR BEFORE OCTOBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE BENCHMARKS AND STATUS OF ACHIEVING THE OUTCOMES INCLUDED IN THE PLAN UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(Over)

(II) RECOMMENDATIONS FOR FUNDING LEVELS OR OTHER RESOURCES NECESSARY TO IMPLEMENT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.

7-1013.

(A) (1) EACH INDIVIDUAL WHO IS BEING PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE AND THE INDIVIDUAL'S RESOURCE COORDINATOR, IN CONSULTATION WITH MEMBERS FROM THE INDIVIDUAL'S TEAM, SHALL DEVELOP AS PART OF THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN A SUPPLEMENTAL PLAN THAT ADDRESSES HOW COMMUNITY INTEGRATION AND EMPLOYMENT WILL BE ACCOMPLISHED.

(2) THE RESOURCE COORDINATOR SHALL USE APPROPRIATE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING SIGN LANGUAGE, TO FACILITATE THE INVOLVEMENT OF THE INDIVIDUAL IN THE DEVELOPMENT OF THE INDIVIDUAL'S SUPPLEMENTAL PLAN.

(B) AN INDIVIDUAL'S SUPPLEMENTAL PLAN SHALL INCLUDE:

(1) THE RESOURCE COORDINATOR'S RECOMMENDATION ON THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(2) A DESCRIPTION OF THE SERVICES AND SUPPORTS THAT ARE REQUIRED FOR THE INDIVIDUAL TO RECEIVE SERVICES IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

(3) A LISTING OF BARRIERS THAT PREVENT THE INDIVIDUAL FROM RECEIVING THE SERVICES AND SUPPORTS REQUIRED FOR THE INDIVIDUAL

TO WORK IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS, INCLUDING:

(I) BARRIERS TO ACCESSING FUNDING AND RESOURCES, INCLUDING FOR STAFFING, TRANSPORTATION, AND OTHER NEEDED SERVICES AND SUPPORTS;

(II) DECISION MAKING BY THE INDIVIDUAL OR THE INDIVIDUAL'S REPRESENTATIVE, AS APPROPRIATE;

(III) BARRIERS TO ACCESSING MEDICAL OR BEHAVIORAL SUPPORT NEEDS; AND

(IV) FAMILY MEMBERS' CONCERNS OR OPPOSITION; AND

(4) AN UPDATE ON THE STATUS AND PROGRESS TOWARD ADDRESSING AND RESOLVING BARRIERS IDENTIFIED UNDER ITEM (3) OF THIS SUBSECTION IN A PREVIOUS SUPPLEMENTAL PLAN.

(C) THE ADMINISTRATION SHALL DEVELOP, IN CONSULTATION WITH INTERESTED STAKEHOLDERS, THE PLANNING PROTOCOL AND FORMAT FOR THE SUPPLEMENTAL PLAN.

(D) (1) ON AN ANNUAL BASIS AND AT ANY OTHER TIME REQUESTED BY AN INDIVIDUAL WHO IS PAID LESS THAN THE MINIMUM WAGE UNDER § 3-414 OF THE LABOR AND EMPLOYMENT ARTICLE, THE INDIVIDUAL AND THE INDIVIDUAL'S RESOURCE COORDINATOR AND TEAM SHALL DISCUSS THE MOST INTEGRATED EMPLOYMENT SETTING THAT IS APPROPRIATE FOR THE INDIVIDUAL IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(Over)

(2) THE RESOURCE COORDINATOR SHALL DOCUMENT IN THE INDIVIDUAL'S ANNUAL INDIVIDUAL PLAN:

(I) ANY DISCUSSIONS HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) ANY RECOMMENDATIONS THAT RESULTED FROM THE DISCUSSIONS.

(E) (1) THE ADMINISTRATION SHALL TRACK THE PROGRESS OF INDIVIDUALS WITH A SUPPLEMENTAL PLAN BY COLLECTING THE FOLLOWING DATA:

(I) THE WAGES OF THE INDIVIDUALS;

(II) THE UNEMPLOYMENT RATES OF THE INDIVIDUALS;

(III) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO COMPETITIVE, INTEGRATED EMPLOYMENT; AND

(IV) THE NUMBER OF INDIVIDUALS WHO MOVE FROM SUBMINIMUM WAGE POSITIONS TO NONPAYING ACTIVITIES.

(2) ON OR BEFORE SEPTEMBER 1, 2018, 2019, AND 2020, THE ADMINISTRATION SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A

SUMMARY OF THE DATA COLLECTED UNDER PARAGRAPH (1) OF THIS
SUBSECTION ON A STATEWIDE AND REGIONAL BASIS.

7-1014.

A NEW EMPLOYEE EMPLOYED AT LESS THAN THE MINIMUM WAGE UNDER §
3-414 OF THE LABOR AND EMPLOYMENT ARTICLE SHALL:

(1) BE INFORMED BY THE EMPLOYEE'S EMPLOYER OF ALL
OPPORTUNITIES TO OBTAIN COMPETITIVE, INTEGRATED EMPLOYMENT;

(2) HAVE A PLAN OF HABILITATION UNDER § 7-1006 OF THIS
SUBTITLE THAT INCLUDES:

(I) A GOAL TO ACHIEVE A SPECIFIC EMPLOYMENT
OUTCOME;

(II) A DESCRIPTION OF THE SUPPORTS NEEDED TO ACHIEVE
THE GOAL;

(III) A PLAN FOR MONITORING PROGRESS TOWARD THE
GOAL;

(IV) THE BARRIERS TO COMPETITIVE, INTEGRATED
EMPLOYMENT; AND

(V) GOALS AND ACTIVITIES FOR THE EMPLOYEE WHEN
WORK IS NOT AVAILABLE OR THE EMPLOYEE CHOOSES NOT TO WORK ON A
SPECIFIC DAY OR DURING A SPECIFIC SHIFT;

(Over)

(3) WHEN CHOOSING TO WORK, BE ENGAGED IN WORK THAT IS CONSISTENT WITH THE EMPLOYEE’S UNIQUE STRENGTHS, RESOURCES, PRIORITIES, CONCERNS, ABILITIES, CAPABILITIES, INTERESTS, AND INFORMED CHOICE;

(4) CHOOSE THE EMPLOYER AND THE EMPLOYMENT; AND

(5) BE INFORMED OF THE EMPLOYEE’S RIGHT TO CHOOSE WHEN TO WORK.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 12 and 13; in line 14, strike “(c)” and substitute “**(B) (1)**”; in the same line, strike “NOT”; strike beginning with “UNLESS” in line 17 down through “SUBTITLE” in line 24; after line 24, insert:

“(2) THE COMMISSIONER MAY NOT AUTHORIZE A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE WORK ACTIVITIES CENTER OR WORKSHOP WAS NOT AUTHORIZED TO DO SO BEFORE OCTOBER 1, 2016.

(3) A WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP MAY PAY A NEW EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE REQUIREMENTS OF § 7-1014 OF THE HEALTH – GENERAL ARTICLE ARE MET.”;

and in line 25, strike “(d)” and substitute “**(C)**”.

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On page 4, in lines 7 and 13, strike “(e)” and “(f)”, respectively, and substitute “**(D)**” and “**(E)**”, respectively; strike beginning with the colon in line 7 down through “**(I)**” in line 8; and strike beginning with the semicolon in line 8 down through “**2019**” in line 9.

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety the lines beginning with line 21 on page 4 through line 7 on page 6, inclusive.

On page 6, after line 9, insert:

“Article – Health – General

[7–1012.

(a) The Administration and the Department of Disabilities, in partnership with relevant State agencies, including the Department of Economic Competitiveness and Commerce, the State Department of Education, and the Division of Rehabilitation Services, shall develop and implement a plan to phase out on or before October 1, 2020, authorizations under § 3–414 of the Labor and Employment Article to pay an employee with a disability less than the minimum wage otherwise required for the employee under Title 3, Subtitle 4 of the Labor and Employment Article.

(b) The plan developed and implemented under subsection (a) of this section shall include:

(1) Benchmarks and desired outcomes for each year of the phase-out;

(2) A list of the resources necessary to ensure that individuals with disabilities receive support according to the needs and preferences of the individuals and in an integrated setting, regardless of the nature or severity of the individuals’ disabilities;

(Over)

(3) Application for and use of all federal and State funding programs, including programs available under Medicaid waiver amendments and resources under the Workforce Innovation and Opportunity Act, to assist individuals with disabilities to obtain competitive, integrated employment; and

(4) The tracking of outcomes of individuals with disabilities on the basis of:

(i) Wages;

(ii) Unemployment rates;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(c) In implementing the plan developed under subsection (a) of this section, the Administration and the Department of Disabilities shall engage statewide organizations, including the Maryland Developmental Disabilities Council, and provider and family statewide advocacy organizations representing those impacted by the phase-out.

(d) (1) On or before October 1, 2017, the Administration and the Department of Disabilities shall submit the plan developed under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2) On or before October 1, 2018, 2019, and 2020, the Administration and the Department of Disabilities shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(i) The benchmarks and status of achieving the outcomes included in the plan under subsection (b)(1) of this section; and

(ii) Recommendations for funding levels or other resources necessary to implement the plan developed under subsection (a) of this section.]

[7-1013.

(a) (1) Each individual who is being paid less than the minimum wage under § 3-414 of the Labor and Employment Article and the individual’s resource coordinator, in consultation with members from the individual’s team, shall develop as part of the individual’s annual individual plan a supplemental plan that addresses how community integration and employment will be accomplished.

(2) The resource coordinator shall use appropriate communication devices and techniques, including sign language, to facilitate the involvement of the individual in the development of the individual’s supplemental plan.

(b) An individual’s supplemental plan shall include:

(1) The resource coordinator’s recommendation on the most integrated setting appropriate to meet the individual’s needs;

(2) A description of the services and supports that are required for the individual to receive services in the most integrated setting appropriate to meet the individual’s needs;

(Over)

(3) A listing of barriers that prevent the individual from receiving the services and supports required for the individual to work in the most integrated setting appropriate to meet the individual's needs, including:

(i) Barriers to accessing funding and resources, including for staffing, transportation, and other needed services and supports;

(ii) Decision making by the individual or the individual's representative, as appropriate;

(iii) Barriers to accessing medical or behavioral support needs;
and

(iv) Family members' concerns or opposition; and

(4) An update on the status and progress toward addressing and resolving barriers identified under item (3) of this subsection in a previous supplemental plan.

(c) The Administration shall develop, in consultation with interested stakeholders, the planning protocol and format for the supplemental plan.

(d) (1) On an annual basis and at any other time requested by an individual who is paid less than the minimum wage under § 3-414 of the Labor and Employment Article, the individual and the individual's resource coordinator and team shall discuss the most integrated employment setting that is appropriate for the individual in accordance with the federal Americans with Disabilities Act.

(2) The resource coordinator shall document in the individual's annual individual plan:

(i) Any discussions held under paragraph (1) of this subsection;
and

(ii) Any recommendations that resulted from the discussions.

(e) (1) The Administration shall track the progress of individuals with a supplemental plan and by collecting the following data:

(i) The wages of the individuals;

(ii) The unemployment rates of the individuals;

(iii) The number of individuals who move from subminimum wage positions to competitive, integrated employment; and

(iv) The number of individuals who move from subminimum wage positions to nonpaying activities.

(2) On or before September 1, 2018, 2019, and 2020, the Administration shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly a summary of the data collected under paragraph (1) of this subsection on a statewide and regional basis.]

[7-1014.

A new employee employed at less than the minimum wage under § 3-414 of the Labor and Employment Article shall:

(1) Be informed by the employee's employer of all opportunities to obtain competitive, integrated employment;

(Over)

(2) Have a plan of habilitation under § 7-1006 of this subtitle that includes:

(i) A goal to achieve a specific employment outcome;

(ii) A description of the supports needed to achieve the goal;

(iii) A plan for monitoring progress toward the goal;

(iv) The barriers to competitive, integrated employment; and

(v) Goals and activities for the employee when work is not available or the employee chooses not to work on a specific day or during a specific shift;

(3) When choosing to work, be engaged in work that is consistent with the employee’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(4) Choose the employer and the employment; and

(5) Be informed of the employee’s right to choose when to work.】

SECTION 3. AND BE IT FURTHER EANCTED, That the Laws of Maryland read as follows:”;

in line 11, strike the bracket; strike in their entirety lines 16 and 17; in line 18, strike “(c)” and substitute “(b) **[(1)]**”; in the same line, strike “not”; strike beginning with “unless” in line 21 down through “subtitle” in line 26; after line 26, insert:

“(2) (1) [The] BEGINNING OCTOBER 1, 2020, THE Commissioner may not authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage [under paragraph (1) of this

subsection if the work activities center or workshop was not authorized to do so before October 1, 2016] OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE.

(2) BEGINNING OCTOBER 1, 2020, A WORK ACTIVITIES CENTER OR WORKSHOP MAY PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE FEDERAL PREVAILING WAGE OF PAY TO THE EXTENT AUTHORIZED BY FEDERAL LAW IF THE WORK ACTIVITIES CENTER OR OTHER SHELTERED WORKSHOP:

(I) WAS AUTHORIZED BY THE COMMISSIONER BEFORE OCTOBER 1, 2016, TO PAY AN EMPLOYEE WITH A DISABILITY LESS THAN THE MINIMUM WAGE THAT WAS OTHERWISE REQUIRED UNDER THIS SUBTITLE FOR THE EMPLOYEE THROUGH THE ACCEPTANCE OF A FEDERAL CERTIFICATE; AND

(II) THE WORK ACTIVITIES CENTER OR WORKSHOP MAINTAINS THE FEDERAL CERTIFICATE.

[(3) A work activities center or other sheltered workshop may pay a new employee with a disability less than the minimum wage under paragraph (1) of this subsection only if the requirements of § 7-1014 of the Health – General Article are met.]”;

and in line 27, strike “(d) (1)” and substitute “(c) [(1)”. ”.

On page 7, in line 7, after “(2)” insert a closing bracket; in lines 10 and 16, strike “(e)” and “(f)”, respectively, and substitute “(d)” and “(e)”, respectively; strike beginning with the colon in line 10 down through “(i)” in line 11; strike beginning with the semicolon in line 11 down through “2019” in line 12; and in line 23, strike the bracket.

On pages 7 and 8, strike in their entirety the lines beginning with line 24 on page 7 through line 28 on page 8, inclusive.

(Over)

On page 8, in line 30, strike “2019” and substitute “2021”; and after line 30, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2020.”.

AMENDMENT NO. 5

On page 8, after line 28, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Developmental Disabilities Administration and the Department of Disabilities shall:

(1) conduct a study of employees who earn at least the federal minimum wage but less than the federal prevailing wage of pay for a nondisabled employee under a federal certificate that authorizes the payment of a wage that is less than the wage otherwise required for the employees under federal law;

(2) determine:

(i) the number and demographics of employees employed between the federal minimum wage and federal prevailing wage prevailing wage of pay for nondisabled employees;

(ii) whether the employment of the employees complies with the integration requirements under 42 C.F.R. § 441.71;

(iii) the type of employment of the employees, including whether employees are employed under federal Ability One contracts;

(iv) whether any changes in federal law or policy regarding the payment of lower wages to the employees occurred after October 1, 2016, or are likely to occur and, if changes have occurred or are likely to occur, what the changes were or are likely to be; and

(v) whether there are prospects for the employees to obtain employment at similar rates of pay without federal certificates; and

(3) make any recommendations for State legislative or policy changes regarding the employment of individuals with disabilities.

(b) In carrying out the duties described in subsection (a) of this section, the Developmental Disabilities Administration and the Department of Disabilities shall consult:

(1) the State agencies specified in § 7-1012(a) of the Health - General Article, as enacted by Section 1 of this Act;

(2) Maryland Works;

(3) People on the Go;

(4) the Maryland Association of Community Services;

(5) the National Federation of the Blind;

(6) the Association of People Supporting Employment;

(7) the ARC Maryland; and

(8) any other relevant stakeholders.

(Over)

(c) On or before October 1, 2017, the Developmental Disabilities Administration and the Department of Disabilities shall report their findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee, the House Economic Matters Committee, and the House Health and Government Operations Committee.”;

in lines 29 and 31, strike “3.” and “4.”, respectively, and substitute “5.” and “7.”, respectively; and in lines 31 and 32, strike “Section 3” and substitute “Sections 5 and 6”.