

**HB1342/573720/1**

BY: Rules Committee

AMENDMENTS TO HOUSE BILL 1342

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 2, strike "Legislative Branch of"; in the same line, strike "Sexual" and substitute "Discrimination and"; in line 9, after the semicolon insert "prohibiting a certain State official from unlawfully harassing or discriminating against certain individuals;"; strike beginning with "for" in line 10 down through "Assembly" in line 11 and substitute "of the Department of Legislative Services"; and in line 12, strike "authorizing" and substitute "requiring, except under certain circumstances,".

On page 2, strike in their entirety lines 1 and 2; in line 4, strike "for certain further proceedings"; in the same line, after the semicolon insert "authorizing the Joint Committee to dismiss a certain complaint under certain circumstances; requiring the investigator to investigate a complaint and make recommendations under certain circumstances;"; in line 10, strike "sexually harassing" and substitute "unlawfully harassing or discriminating against"; in line 12, after "frequency" insert "and in a certain manner"; strike beginning with "requiring" in line 12 down through the semicolon in line 16; in line 19, strike "sexual" and substitute "workplace"; in line 20, after "harassment" insert "prevention"; in line 21, after the semicolon insert "prohibiting an officer or unit of State government from using any part of an appropriation to settle a certain claim of unlawful harassment or discrimination;"; strike beginning with "requiring" in line 30 down through the semicolon in line 34; in line 35, after "policy" insert ", include a certain provision in the updated policy,"; in line 36, after the semicolon insert "prohibiting a current or former member of the Workplace Harassment Commission from serving as a certain investigator;"; in line 38, after "change;" insert "making this Act an emergency measure;"; in the same line, strike "sexual" and substitute "discrimination and"; and in line 39, strike "the Legislative Branch of".

(Over)

On page 3, in line 7, after “Section” insert “5-508,”; and after line 9, insert:

“BY adding to  
Article - State Finance and Procurement  
Section 7-239  
Annotated Code of Maryland  
(2015 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On page 4, after line 20, insert:

“5-508.

**(A) THIS SECTION DOES NOT APPLY TO A STATE OFFICIAL OF THE LEGISLATIVE BRANCH OR A STATE OFFICIAL OF THE JUDICIAL BRANCH.**

**(B) A STATE OFFICIAL MAY NOT, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, UNLAWFULLY HARASS OR DISCRIMINATE AGAINST:**

**(1) AN OFFICIAL OR EMPLOYEE;**

**(2) AN INTERN, A PAGE, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT;**

**(3) AN INDIVIDUAL REGULATED LOBBYIST; OR**

**(4) A CREDENTIALLED MEMBER OF THE PRESS.”.**

On page 5, in line 16, strike “FOR THE GENERAL ASSEMBLY” and substitute “OF THE DEPARTMENT OF LEGISLATIVE SERVICES”.

On page 6, in line 23, strike “SUBJECT TO SUBSECTION (B) OF THIS SECTION” and substitute “UNLESS THE ALLEGED VICTIM OBJECTS”; in line 24, strike “MAY” and substitute “SHALL”; in the same line, after “REFER” insert “A COMPLAINT FOR EVALUATION”; and in line 25, strike “A COMPLAINT ALLEGING” and substitute “IF THE COMPLAINT ALLEGES”.

On page 7, strike in their entirety lines 1 through 15, inclusive, and substitute:

“(B) THE INVESTIGATOR SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT EVALUATED UNDER SUBSECTION (A) OF THIS SECTION TO THE JOINT ETHICS COMMITTEE.

(C) (1) IF THE INVESTIGATOR DOES NOT RECOMMEND DISMISSAL OF THE COMPLAINT AFTER COMPLETING THE EVALUATION, THE INVESTIGATOR SHALL INVESTIGATE THE COMPLAINT.

(2) AFTER THE INVESTIGATOR COMPLETES THE EVALUATION AND AT THE RECOMMENDATION OF THE INVESTIGATOR, THE JOINT ETHICS COMMITTEE MAY DISMISS A COMPLAINT BEFORE THE COMPLETION OF AN INVESTIGATION.”;

in line 16, strike “(C)” and substitute “(D)”; in line 19, strike “REFERRED” and substitute “INVESTIGATED”; in the same line, strike “(A) OR (B)” and substitute “(C)(1)”; in line 21, strike “(D)” and substitute “(E)”; in line 25, strike “(E)” and substitute “(F)”; and strike beginning with “HAS” in line 28 down through “RESPONDENT” in line 30 and substitute “REFERS A MATTER TO A PROSECUTING AUTHORITY”.

AMENDMENT NO. 3

On page 7, after line 32, insert:

“Article – State Finance and Procurement

7-239.

AN OFFICER OR UNIT OF STATE GOVERNMENT MAY NOT USE ANY PART OF AN APPROPRIATION TO SETTLE A CLAIM OF UNLAWFUL HARASSMENT OR DISCRIMINATION, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, FILED AGAINST AN OFFICIAL OR EMPLOYEE OF STATE GOVERNMENT IN THE INDIVIDUAL’S PERSONAL CAPACITY.”.

On page 8, in line 9, after the semicolon insert “AND”; in line 10, after “(8)” insert “AT LEAST EVERY 2 YEARS,”; in line 11, strike “AT LEAST EVERY 2 YEARS;” and substitute “TO CREATE AND MAINTAIN AN ENVIRONMENT IN WHICH ALL MEMBERS AND EMPLOYEES ARE TREATED WITH RESPECT AND ARE FREE FROM UNLAWFUL DISCRIMINATION AND HARASSMENT.”; and strike in their entirety lines 12 through 21, inclusive.

On page 10, in lines 15, 16, and 23, in each instance, after “HARASSMENT” insert “PREVENTION”; and in line 25, strike “DEPARTMENT’S WEBSITE” and substitute “WEBSITE OF THE GENERAL ASSEMBLY”.

AMENDMENT NO. 4

On page 11, in line 28, strike “SEXUAL” and substitute “DISCRIMINATION AND”.

On page 12, in line 6, strike “SEXUALLY HARASS” and substitute “UNLAWFULLY HARASS OR DISCRIMINATE, BASED ON ANY CHARACTERISTIC PROTECTED BY

LAW"; in line 7, strike "A MEMBER OF THE GENERAL ASSEMBLY" and substitute "AN OFFICIAL OR EMPLOYEE"; in line 8, strike "AN EMPLOYEE,"; in the same line, strike "OR"; strike beginning with "OF" in line 8 down through "ASSEMBLY" in line 9 and substitute ", OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT"; strike in their entirety lines 10 through 13, inclusive; in line 14, strike "(V)" and substitute "(III)"; and in the same line, after "LOBBYIST" insert "; OR

**(IV) A CREDENTIALLED MEMBER OF THE PRESS**.

On pages 12 and 13, strike in their entirety the lines beginning with line 22 on page 12 through line 28 on page 13, inclusive.

On page 13, in line 29, strike "4." and substitute "3."; in line 30, after "shall" insert ":

(1);

in line 31, after "Assembly" insert ":

(2) include provisions prohibiting harassment of credentialed members of the press in the updated policy;";

in the same line, after "and" insert "(3)"; and after line 33, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That a current or former member of the Workplace Harassment Commission created by the Presiding Officers of the General Assembly in January 2018 may not serve as an outside and independent investigator selected under Title 5, Subtitle 5 of the General Provisions Article."

On page 14, in line 4, strike "shall take effect"; and in the same line, strike "July 1, 2018" and substitute "is an emergency measure, is necessary for the immediate

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preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.