

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL NO. 891  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for the Year" and substitute "of".

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 8 on page 2, inclusive, and substitute:

"FOR the purpose of authorizing the Secretary of Human Resources to establish a certain number of demonstration sites under the Family Investment Program; requiring the director of the local department of social services to appoint a director of each demonstration site; granting the Secretary of Human Resources certain authority in a demonstration site; requiring that employees hired at a demonstration site be placed in the management service or in special appointments in the State Personnel Management System; providing for an exception to that placement for a limited period; requiring the Secretary to establish a performance incentive program to pay employees in a demonstration site; providing for certain statutory construction; altering the model hiring agreement used by the Secretary of Human Resources under the Program to allow priority hiring to positions that are not entry-level positions; requiring the Secretary of Human Resources to work with local governments in the recruiting and hiring of Program recipients into local government positions; requiring the local departments of social services to develop, submit, and implement local plans and report the success of those plans to the Secretary; requiring the use of on-site addictions specialists in the screening and assessment of adult or minor applicants for or recipients of assistance under certain circumstances; altering certain procedures related to screening and assessment; providing for a waiver from a certain federal act relating to the barring of public assistance to certain individuals who have been convicted of certain felonies relating to controlled dangerous substances; requiring the testing and treatment of an applicant for or recipient of public assistance who has been convicted of those felonies after a certain date, notwithstanding the waiver; making certain individuals who have been convicted of certain

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felonies relating to controlled dangerous substances ineligible for certain assistance for a certain period from the date of conviction; providing for the imposition of certain sanctions under certain circumstances; requiring the Secretary of Human Resources to adopt regulations to establish testing methods and procedures and requiring those methods and procedures to be consistent with certain existing methods and procedures; permitting a certain noncompetitive negotiation process to procure certain services under the Family Investment Program; permitting the use of certain prequalified bidders or offerors to procure certain services under the Family Investment Program; requiring the Secretary of Human Resources and the Secretary of Health and Mental Hygiene to report on the implementation of certain provisions of this Act to certain committees of the General Assembly by certain dates; requiring the Departments of Human Resources and Health and Mental Hygiene to ensure certain treatment is available to certain individuals; defining a certain term; providing for the termination of certain provisions of this Act; and generally relating to improving the level of jobs, and access to those jobs for Family Investment Program recipients and to demonstration programs under the Family Investment Program.”.

AMENDMENT NO. 2

On page 2, in line 11, strike “, 48(b) through (e), 50.”; in line 16, after “55” insert “and 65A”; in line 21, before “13-224” insert “13-106, 13-204, and”; and strike in their entirety lines 24 through 29, inclusive.

AMENDMENT NO. 3

On pages 2 through 9, strike in their entirety the lines beginning with line 32 on page 2 through line 7 on page 9, inclusive, and substitute:

“Article 88A - Department of Human Resources

46.

(A) The Secretary shall:

(1) Establish and implement a FIP that meets the requirements of this subtitle and of federal law;

(2) Supervise the administration of the FIP under this subtitle by local departments;

(3) Cooperate with the federal government in matters of mutual concern pertaining to federal funding for the FIP; and

(4) Adopt regulations necessary or desirable to carry out the provisions of this subtitle.

(B) (1) THE SECRETARY OF HUMAN RESOURCES SHALL DEVELOP AND IMPLEMENT A PLAN, WORKING WITH APPROPRIATE LOCAL GOVERNMENT OFFICIALS, UNDER WHICH LOCAL GOVERNMENTS WOULD HIRE FIP RECIPIENTS TO WORK IN LOCAL GOVERNMENT.

(2) COMPONENTS OF ANY LOCAL GOVERNMENT HIRING PLAN DEVELOPED BY THE SECRETARY SHALL INCLUDE, FOR EACH JURISDICTION:

(I) AN INDICATION OF THE UNITS THAT COULD MOST EASILY HIRE FIP RECIPIENTS;

(II) THE EMPLOYMENT POSITIONS MOST SUITABLE FOR FIP RECIPIENTS;

(III) PROPOSALS FOR RECRUITING FIP RECIPIENTS; AND

(IV) EMPLOYMENT RETENTION STRATEGIES.

(3) THE DIRECTOR OF EACH LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL BE RESPONSIBLE FOR:

(I) THE DEVELOPMENT AND SUBMISSION OF THE LOCAL DEPARTMENT PLAN IN ACCORDANCE WITH A SCHEDULE AND FORMAT TO BE DETERMINED BY THE SECRETARY;

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(II) THE TIMELY IMPLEMENTATION OF THE PROPOSALS AND STRATEGIES CONTAINED IN THE LOCAL PLAN; AND

(III) THE DEVELOPMENT AND SUBMISSION TO THE SECRETARY OF REPORTS IN ACCORDANCE WITH A SCHEDULE AND FORMAT TO BE DEVELOPED BY THE SECRETARY.

(4) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE SECRETARY OF HUMAN RESOURCES, IN CONSULTATION WITH THE MARYLAND ASSOCIATION OF COUNTIES AND THE MARYLAND MUNICIPAL LEAGUE, SHALL REPORT, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY, ON:

(I) THE DEVELOPMENT OF THE PLAN ENCOURAGED UNDER THIS SUBSECTION; AND

(II) THE NUMBER OF WELFARE RECIPIENTS HIRED AND RETAINED BY LOCAL GOVERNMENTS.”.

AMENDMENT NO. 4

On page 12, in line 29, strike “APPLICANT OR”.

On page 13, in line 6, strike “APPLICANT OR”; and in line 34, after “is” insert “DENIED OR”.

AMENDMENT NO. 5

On pages 14 and 15, strike in their entirety the lines beginning with line 1 on page 14 through line 9 on page 15, inclusive, and substitute:

“55.

(A) IN THIS SECTION, "DEMONSTRATION SITE" MEANS A SITE SELECTED BY THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE LOCAL UNIT OF

THE JURISDICTION.

(B) THE SECRETARY MAY ESTABLISH A FIP DEMONSTRATION SITE IN AT LEAST ONE JURISDICTION, BUT NOT EXCEEDING SIX JURISDICTIONS.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIRECTOR OF THE LOCAL UNIT OF THE JURISDICTION SHALL APPOINT A DIRECTOR OF THE FIP ESTABLISHED IN A DEMONSTRATION SITE WHO SHALL REPORT DIRECTLY TO THE DIRECTOR OF THE LOCAL UNIT OF THE JURISDICTION.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY SHALL HAVE SOLE AUTHORITY TO APPROVE THE DEMONSTRATION SITE PLANS THAT WILL GOVERN FIP FUNCTIONS IN A DEMONSTRATION SITE, INCLUDING THE AUTHORITY TO APPROVE DEMONSTRATION SITE PLANS THAT WILL:

(1) ASSIST FAMILIES ON WELFARE THAT HAVE AN EMPLOYABLE PARENT TOWARD A LASTING EXIT FROM TEMPORARY CASH ASSISTANCE;

(2) ENSURE THAT INDIVIDUALS AND FAMILIES RECEIVE APPROPRIATE BENEFITS;

(3) REDUCE ERRORS IN THE ADMINISTRATION OF FIP;

(4) PLACE TEMPORARY CASH ASSISTANCE RECIPIENTS IN EMPLOYMENT IN WHICH THEIR EARNINGS WILL LIKELY INCREASE; AND

(5) IMPROVE THE TYPES OF EMPLOYMENT AND EMPLOYMENT RETENTION RATES OF EXISTING AND FORMER WELFARE RECIPIENTS.

(E) THE DIRECTOR OF THE LOCAL UNIT SHALL:

(1) DEVELOP A DEMONSTRATION SITE PLAN FOR SUBMITTAL TO THE SECRETARY FOR APPROVAL WHICH WILL DETAIL ITS:

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(I) PROGRAMMATIC STRUCTURE, INCLUDING ANY PROGRAMMATIC CHANGES;

(II) ORGANIZATIONAL STRUCTURE, INCLUDING ANY ORGANIZATIONAL CHANGES;

(III) PAY INCENTIVE STRUCTURE AND CRITERIA FOR THE AWARD OF PAY INCENTIVES;

(IV) MEASURABLE PERFORMANCE CRITERIA AND HOW THESE RELATE TO THE INCENTIVE STRUCTURE; AND

(V) TARGET PERFORMANCE CRITERIA;

(2) IMPLEMENT THE PLAN AS APPROVED;

(3) HAVE THE PROPER OPERATION OF THE DEMONSTRATION AND THE ACHIEVEMENT OF THE TARGET PERFORMANCE CRITERIA BE AN ELEMENT OF THAT LOCAL UNIT DIRECTOR'S PERFORMANCE EVALUATION; AND

(4) REPORT BACK TO THE DEPARTMENT OF HUMAN RESOURCES ON THE PROGRESS ACHIEVED IN THE DEMONSTRATION SITE.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL EMPLOYEES HIRED IN A DEMONSTRATION SITE AFTER ITS DESIGNATION AS A DEMONSTRATION SITE SHALL BE PLACED IN THE MANAGEMENT SERVICE OR IN SPECIAL APPOINTMENTS IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) (I) IF A POSITION IN A DEMONSTRATION SITE IS HELD BY A SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEE PRIOR TO ITS DESIGNATION AS A DEMONSTRATION SITE, THE POSITION SHALL REMAIN A SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION OR ITS EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM UNTIL THE POSITION BECOMES VACANT.

(II) AFTER A SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION IN A DEMONSTRATION SITE BECOMES VACANT, THE POSITION SHALL BECOME A MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS POSITION.

(G) THE SECRETARY SHALL ESTABLISH A PERFORMANCE INCENTIVE PROGRAM TO PROVIDE PAY INCENTIVES FOR EMPLOYEES IN A DEMONSTRATION SITE.

(H) THE SECRETARY'S POWERS UNDER THIS SECTION SHALL BE GIVEN A LIBERAL CONSTRUCTION.

65A.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND AS PERMITTED UNDER 21 U.S.C. § 862A(D)(1), THE STATE HEREBY REMOVES ITSELF FROM THE APPLICATION OF § 115 OF THE FEDERAL PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996, PUBLIC LAW 104-193, IN ORDER TO ALLOW THE DEPARTMENT TO PROVIDE CASH ASSISTANCE AND FOOD STAMPS TO A RESIDENT WHO HAS PREVIOUSLY BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.

(B) THIS SECTION DOES NOT APPLY TO THE EXTENT THAT IT IS INCONSISTENT WITH § 50A OF THIS ARTICLE OR ANY OTHER RELEVANT PROVISION OF THIS ARTICLE RELATING TO SUBSTANCE ABUSE BY PUBLIC ASSISTANCE RECIPIENTS AND APPLICANTS AND THEIR ELIGIBILITY FOR BENEFITS.

(C) (1) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF A RESIDENT PUBLIC ASSISTANCE RECIPIENT OR APPLICANT HAS BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE SINCE AUGUST 22, 1996, THE RECIPIENT OR APPLICANT SHALL BE SUBJECT TO TESTING AS PROVIDED BY THE DEPARTMENT AND TO TREATMENT, AS REQUIRED UNDER § 50A OF THIS ARTICLE, FOR A PERIOD

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OF 2 YEARS AFTER:

(I) FOR AN APPLICANT OR RECIPIENT WHO WAS CONVICTED BEFORE APPLICATION FOR ASSISTANCE, THE DATE THAT THE APPLICANT OR RECIPIENT APPLIES FOR ASSISTANCE; OR

(II) FOR A RECIPIENT WHO IS CONVICTED AFTER RECEIVING ASSISTANCE, THE LATTER OF THE FOLLOWING DATES:

1. THE DATE THE INDIVIDUAL IS RELEASED FROM INCARCERATION;

2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PROBATION; OR

3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PAROLE OR MANDATORY SUPERVISION.

(2) AN APPLICANT OR RECIPIENT SUBJECT TO THIS SUBSECTION WHO FAILS TO COMPLY WITH THE TESTING REQUIRED UNDER THIS SUBSECTION OR THE TREATMENT REQUIRED UNDER § 50A OF THIS ARTICLE OR WHO TESTS POSITIVE FOR THE ABUSE OF CONTROLLED DANGEROUS SUBSTANCES SHALL BE SUBJECT TO THE SANCTIONS PROVIDED UNDER § 50A OF THIS ARTICLE.

(3) (I) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING THE TESTING METHODS AND PROCEDURES TO BE REQUIRED BY THE DEPARTMENT UNDER THIS SUBSECTION, INCLUDING THE INTERVALS OF TESTING AND METHODS REQUIRED.

(II) THE TESTING METHODS AND PROCEDURES REQUIRED BY THE DEPARTMENT UNDER THIS SUBSECTION SHALL BE CONSISTENT WITH § 50A OF THIS ARTICLE.

(D) IF A RESIDENT PUBLIC ASSISTANCE RECIPIENT IS CONVICTED OF A

FELONY INVOLVING THE POSSESSION OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE AFTER JULY 1, 2000, THE RECIPIENT SHALL BE INELIGIBLE FOR CASH ASSISTANCE OR FOOD STAMPS FOR ONE YEAR FROM THE DATE OF CONVICTION.

Article - State Finance and Procurement

13-106.

(a) A procurement officer may award a procurement contract on the basis of noncompetitive negotiation if:

(1) the procurement is for human, social, or educational services to be provided directly to individuals who are aged, indigent, disadvantaged, unemployed, mentally or physically ill, handicapped, or displaced or minors, INCLUDING DIRECT OR INDIRECT WORK-RELATED SERVICES TO BENEFIT CURRENT RECIPIENTS, FORMER RECIPIENTS OR NON-CUSTODIAL PARENTS OF CHILDREN WHO ARE CURRENT OR FORMER RECIPIENTS OF FAMILY INVESTMENT PROGRAM BENEFITS;

(2) the procurement is one of a class for which the Department of Budget and Management has approved the use of noncompetitive negotiation; and

(3) with the approval of the head of the unit, the procurement officer determines that:

(i) at least 2 sources are available for the services; but

(ii) the absence of effective competition makes it unreasonable to expect bids or proposals from the available sources.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OF HUMAN RESOURCES MAY ACT AS A PRIMARY PROCUREMENT UNIT AND AWARD A PROCUREMENT CONTRACT ON THE BASIS OF

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NONCOMPETITIVE NEGOTIATION IF:

(1) THE PROCUREMENT IS FOR DIRECT OR INDIRECT WORK-RELATED SERVICES TO BENEFIT CURRENT RECIPIENTS, FORMER RECIPIENTS OR NON-CUSTODIAL PARENTS OF CHILDREN WHO ARE CURRENT OR FORMER RECIPIENTS OF FAMILY INVESTMENT PROGRAM BENEFITS;

(2) THE PROCUREMENT HAS BEEN APPROVED BY THE SECRETARY OF HUMAN RESOURCES; AND

(3) THE AMOUNT OF THE CONTRACT DOES NOT EXCEED \$200,000.

[(b)] (C) (1) Whenever a procurement is based on noncompetitive negotiation, a unit shall publish a request for general expressions of interest.

(2) A request for general expressions of interest shall:

(i) state the general requirement for services;

(ii) request interested service providers to respond in writing with general expressions of interest; and

(iii) be published in the same manner as required for an invitation for bids.

[(c)] (D) (1) To satisfy all or part of the requirements of the State as they occur, and without additional advertising, the procurement officer may conduct discussions with any responsible service provider who has submitted an expression of interest.

(2) As far as practicable in the course of administering a program, the unit shall treat fairly and equally with respect to discussions all responsible service providers who have submitted expressions of interest.

[(d)] (E) After obtaining any approval required by law, the unit may award a procurement contract if the head of the unit determines, on the basis of continuing discussions or past

program experience, that an award will serve the best interests of the State.

[(e)] (F) A unit shall publish in the Contract Weekly notice of a procurement contract awarded under this section.

13-204.

(a) (1) By regulation, each of the primary procurement units may provide for the prequalification of persons as prospective responsible bidders or offerors for procurements other than leases of real property.

(2) Each of the primary procurement units shall keep a register of all prequalified persons.

(3) PERSONS PREQUALIFIED AS PROSPECTIVE RESPONSIBLE BIDDERS OR OFFERORS BY A PRIMARY PROCUREMENT UNIT FOR PROCUREMENTS OF DIRECT OR INDIRECT WORK-RELATED SERVICES SHALL BE DEEMED TO BE PREQUALIFIED FOR THE PURPOSES OF PROCUREMENTS BY THE DEPARTMENT OF HUMAN RESOURCES OF DIRECT OR INDIRECT WORK-RELATED SERVICES TO BENEFIT CURRENT RECIPIENTS, FORMER RECIPIENTS OR NON-CUSTODIAL PARENTS OF CHILDREN WHO ARE CURRENT OR FORMER RECIPIENTS OF FAMILY INVESTMENT PROGRAM BENEFITS.

(b) If a primary procurement unit OR THE DEPARTMENT OF HUMAN RESOURCES uses a prequalification procedure for awarding a procurement contract:

(1) a person who is not prequalified may submit a bid or proposal; and

(2) after bid opening or receipt of proposals and before awarding the procurement contract, a procurement officer may determine that:

(i) a person who was not prequalified at the time of bid opening or receipt of proposals is a responsible bidder or offeror; or

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(ii) a prequalified person is not a responsible bidder or offeror.".

AMENDMENT NO. 6

On page 17, strike in their entirety lines 8 through 35, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Human Resources shall report, subject to § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Appropriations Committee of the General Assembly on or before November 1, 2000, on the Secretary's efforts, under Article 88A, § 46(b)(1) of the Code as enacted by this Act, to develop a plan for recruiting and hiring welfare recipients into local government jobs.

The Secretary's report shall be made with the cooperation and input of the Maryland Association of Counties and the Maryland Municipal League.

SECTION 3. AND BE IT FURTHER ENACTED, That the Secretaries of Human Resources and Health and Mental Hygiene shall report on or before September 1, 2000 to the General Assembly, subject to § 2-1246 of the State Government Article, on the progress of the implementation plan for placing an addictions specialist in each local department of social services as provided for in Article 88A, § 50A of the Code.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretaries of Human Resources and Health and Mental Hygiene shall ensure appropriate treatment is available on demand for those individuals affected by the provisions of Article 88A, § 65 of the Code.

SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of Human Resources, in consultation with the Secretary of Health and Mental Hygiene, shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before October 1, 2001, and annually thereafter, on the effects of the waiver and the testing requirements, including the number of individuals affected, as provided for in Article 88A, § 65A of the Code.

SECTION 6. AND BE IT FURTHER ENACTED, That the changes to § 13-106 of the State Finance and Procurement Article, as enacted under Section 1 of this Act, shall remain effective for a period of 1 year and, at the end of June 30, 2001, with no further action required by the General

Assembly, the changes to § 13-106 of the State Finance and Procurement Article as enacted under Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 7. AND BE IT FURTHER ENACTED, That the Secretary of Human Resources, on or before January 1, 2001, shall report on the effectiveness of the provisions under § 13-106 of the State Finance and Procurement Article, subject to § 2-1246 of the State Government Article, to the Senate Finance Committee and House Appropriations Committee of the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That the Secretary of Human Resources, on or before October 1, 2000, shall report to the Appropriations and Budget and Taxation Committees, subject to § 2-1246 of the State Government Article, on the feasibility of creating a centralized procurement assistance unit within the Department of Human Resources.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000."