

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL NO. 499

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike “program and” and substitute “program; requiring the Maryland Higher Education Commission to”; in line 12, after the semicolon insert “prohibiting an organization funded under the Family Investment Program from taking certain discriminatory actions; providing for the use of certain funds by certain organizations; requiring the Secretary of Human Resources to adopt certain regulations;”; and in line 14, after the semicolon insert “providing for the amount of assistance;”.

On page 2, in line 11, strike “transferred” and substitute “appropriated”; strike beginning with “and” in line 11 down through “appropriated” in line 12; in line 17, strike “a certain provision” and substitute “certain provisions”; in the same line, after the semicolon insert “altering provisions relating to the establishment of certain demonstration projects; requiring a certain study by the Department of Human Resources; providing for certain pilot projects to be conducted jointly by the Department of Human Resources and the Department of Labor, Licensing, and Regulation; requiring a certain report by the Secretary of Health and Mental Hygiene; requiring the Governor to include certain moneys in the budgets for certain fiscal years;”; in line 22, after “48,” insert “49(d)”; in the same line, strike “53(c)” and substitute “53”; and in line 27, strike “47(d)” and substitute “47(d), (e), (f), (g), and (h)”.

AMENDMENT NO. 2

On pages 4 through 5, strike in their entirety the lines beginning with line 26 on page 4 through line 15 on page 5, inclusive, and substitute:

“(D) (1) IN ADDITION TO THE PROVISIONS OF § 53(C) OF THIS SUBTITLE, THE MARYLAND HIGHER EDUCATION COMMISSION, IN COOPERATION WITH THE DEPARTMENT OF HUMAN RESOURCES, SHALL:

(Over)

(I) IDENTIFY AND PROMOTE AT INSTITUTIONS OF HIGHER EDUCATION EXISTING EFFORTS THAT PROVIDE ASSISTANCE TO FIP RECIPIENTS; AND

(II) COORDINATE EFFORTS AMONG INSTITUTIONS OF HIGHER EDUCATION TO ENCOURAGE AND IDENTIFY STUDENT VOLUNTEERS TO HELP PROVIDE TO FIP RECIPIENTS EDUCATIONAL AND EMPLOYMENT-RELATED SERVICES, SUCH AS LITERACY TRAINING, RESUME WRITING, AND JOB INTERVIEWING SKILLS.

(2) AN INSTITUTION OF HIGHER EDUCATION SHALL:

(I) MEET WITH THE LOCAL DEPARTMENT ABOUT DEVELOPING SERVICES FOR FAMILY INVESTMENT PROGRAM RECIPIENTS IN THE JURISDICTION IN WHICH THE INSTITUTION IS LOCATED; AND

(II) ADVISE THE LOCAL DEPARTMENT OF THE SERVICES AVAILABLE FOR FIP RECIPIENTS.

(3) BY DECEMBER 1, 1997 AND DECEMBER 1, 1998, RESPECTIVELY, THE MARYLAND HIGHER EDUCATION COMMISSION SHALL SUBMIT A REPORT, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE JOINT COMMITTEE ON WELFARE REFORM REGARDING THE SERVICES PROVIDED UNDER THE PROVISIONS OF THIS SUBSECTION.

(4) THIS SUBSECTION DOES NOT REQUIRE AN INSTITUTION OF HIGHER EDUCATION TO:

(I) DEVELOP NEW SERVICES FOR FIP RECIPIENTS THAT ARE SEPARATE FROM EXISTING SERVICES THAT PROVIDE FIP RECIPIENTS WITH EDUCATIONAL OR EMPLOYMENT-RELATED SERVICES; OR

(II) LIMIT THE SERVICES OF THE STUDENT VOLUNTEERS SOLELY TO FIP RECIPIENTS.”.

AMENDMENT NO. 3

On page 5, after line 15, insert:

“(E) AN ORGANIZATION FUNDED UNDER THE FAMILY INVESTMENT PROGRAM MAY NOT DISCRIMINATE ON THE BASIS OF RELIGION, RELIGIOUS BELIEF, OR REFUSAL TO PARTICIPATE IN A RELIGIOUS PRACTICE WITH RESPECT TO ANY INDIVIDUAL’S RECEIPT OF SERVICE UNDER THE PROGRAM.

“(F) THE DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE ALL PERSONS RECEIVING BENEFITS UNDER THE FAMILY INVESTMENT PROGRAM WITH CLEAR AND TIMELY NOTICE OF THEIR RIGHTS UNDER SECTION 104(E) OF P.L. 104-193 (1996).”.

AMENDMENT NO. 4

On page 6, in line 35, strike “WERE” and substitute “ARRIVED”; and in the same line, strike “ON OR”.

On page 7, in line 8, after “STATES” insert “ON OR”; and after line 15, insert:

“49.

(d) (1) [The] FOR APPLICANTS TO THE FAMILY INVESTMENT PROGRAM, THE amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 20% of that earned income.

(2) FOR ELIGIBLE FAMILY INVESTMENT PROGRAM RECIPIENTS WHO OBTAIN UNSUBSIDIZED EMPLOYMENT, THE AMOUNT OF ASSISTANCE SHALL BE COMPUTED BY COUNTING NO MORE THAN 4 WEEKS OF EARNED INCOME IN ANY MONTH AND DISREGARDING 30% OF THAT EARNED INCOME.”.

AMENDMENT NO. 5

On page 8, after line 27, insert:

(Over)

“(6) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING THE SELECTION CRITERIA FOR THIRD PARTY PAYEES UNDER THIS SUBSECTION.”.

On page 9, after line 14, insert:

“(8) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING THE SELECTION CRITERIA FOR THIRD PARTY PAYEES UNDER THIS SUBSECTION.”.

AMENDMENT NO. 6

On page 9, in line 16, after “APPLICATION” insert “, OR FIRST REDETERMINATION AFTER JULY 1, 1997,”; and in the same line, after “ASSISTANCE,” insert “OR WHEN CONSIDERED APPROPRIATE BY THE STAFF OF THE LOCAL DEPARTMENT,”.

AMENDMENT NO. 7

On page 10, in lines 6 and 8, in each instance, after “ORGANIZATION” insert “OR DIRECT PROVIDER OF SERVICES”; in line 8, strike “SHALL” and substitute “SHALL:”; strike beginning with “REFER” in line 8 down through “ARTICLE.” in line 12, and substitute:

“(I) REFER THE ADULT OR MINOR PARENT RECIPIENT FOR APPROPRIATE SUBSTANCE ABUSE TREATMENT; AND

(II) COMPLETE AND SUBMIT TO THE LOCAL DEPARTMENT THE SUBSTANCE ABUSE IDENTIFICATION FORM REQUIRED BY REGULATIONS DEVELOPED BY THE SECRETARY.”;

in lines 13 and 17, in each instance, strike “MANAGED CARE ORGANIZATION” and substitute “SUBSTANCE ABUSE PROVIDER”; strike line 19 in its entirety; in line 20, strike “2. IS NOT COMPLYING WITH THE TREATMENT PROTOCOL” and substitute “1. IS NOT ACTIVELY ENROLLED IN A SUBSTANCE ABUSE TREATMENT PROGRAM AS DEFINED BY THE ALCOHOL AND DRUG ABUSE ADMINISTRATION”; in lines 21 and 23, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively; strike in their entirety lines 24 through 26, inclusive; and in line 33, after “DEPARTMENT” insert “IN CONSULTATION WITH THE SUBSTANCE ABUSE TREATMENT PROVIDER OR THE MANAGED CARE ORGANIZATION”.

On page 11, in line 6, strike “SATISFACTORILY COMPLY” and substitute “MAINTAIN ACTIVE ENROLLMENT, AS DEFINED BY THE ALCOHOL AND DRUG ABUSE ADMINISTRATION, IN THE TREATMENT PROGRAM”.

On page 12, in line 18, strike “COMPLYING WITH” and substitute “ACTIVELY ENROLLED, AS DEFINED BY THE ALCOHOL AND DRUG ABUSE ADMINISTRATION, IN”; and in line 28, after “TREATMENT,” insert “AS DETERMINED BY THE MANAGED CARE ORGANIZATION,”.

AMENDMENT NO. 8

On page 13, strike in their entirety lines 2 through 10, inclusive, and substitute:

“(a) (1) The Secretary shall establish demonstration projects through grants to nonprofit organizations, LOCAL EDUCATION AGENCIES, LOCAL MANAGEMENT BOARDS, LOCAL HEALTH DEPARTMENTS, RELIGIOUS ORGANIZATIONS, AND INSTITUTIONS OF HIGHER EDUCATION, which shall jointly develop proposals for these demonstration projects with local departments of social services.

(2) [(i) Subject to subparagraph (ii) of this paragraph, the Secretary shall allocate to demonstration projects under this section at least 10% of the total savings that, as of July 1, the Family Investment Program anticipates achieving during the current fiscal year through caseload reductions or other reductions in the total amount of cash assistance benefits paid to families compared to the total amount of cash assistance benefits budgeted.]

[(ii)] (I) Not more than 50% of the funding allocated for demonstration projects under this section shall be allocated to a single demonstration project.

[(iii)] (II) The funds allocated for demonstration projects under this section are incentive funds over and above any transfer of program benefits to a third party.

(3) At least one of the demonstration projects under this section shall be located in counties other than the two counties with the largest numbers of FIP recipients.

(4) [(i) At least one of the demonstration projects shall be located at or near an

elementary or secondary school and shall include school-based resources in the services provided to demonstration project participants.

(ii) Demonstration projects located at or near an elementary or secondary school shall, to the extent feasible, incorporate a parenting education component which encourages parent involvement in the development of their children.

(5) The funds allocated to demonstration projects under this section may not be used in the furtherance of sectarian religious instruction or worship.

[(6)] (5) [Savings] FUNDS allocable to demonstration projects under the provisions of paragraph (2) of this subsection shall, if feasible, be used for demonstration projects in the subdivisions which generated the savings.

[(7)] (6) The Secretary shall award grants for these demonstration projects through a competitive bid process which includes:

(i) The issuance of a request for proposals; and

(ii) The establishment of an evaluation panel to review competing proposals and to make a recommendation to the Secretary concerning which proposals have the greatest programmatic and financial merit.

[(b) The request for proposals for these demonstration projects shall require offerors to specify the ways in which the proposed demonstration project will create incentives for increased employment and child support collections.

(c) (1) Nonprofit organizations operating demonstration projects jointly developed with local departments of social services under this section shall seek, from institutions of postsecondary education, volunteer assistance for tutoring and mentoring participants in the demonstration project.

(2) Institutions of postsecondary education shall cooperate with nonprofit organizations seeking volunteers under paragraph (1) of this subsection.

(3) Institutions of postsecondary education may provide school credits to students who participate in demonstration projects under this section with satisfactory results.

(d) (1) A cooperative living project shall provide for its participants:

(i) On-site child care;

(ii) Communal dining facilities;

(iii) Job readiness programs; and

(iv) Any other support services that may be necessary to move participants toward economic self-sufficiency.

(2) A cooperative living project may provide for its participants:

(i) Living quarters;

(ii) Recreation programs; and

(iii) Individualized case management.

(3) Participants in the cooperative living project shall be chosen from volunteers eligible for AFDC benefits.

(4) Participants in the cooperative living project shall enter into an agreement with the nonprofit organization operating the cooperative living project to:

(i) Attend a minimum of one communal meal per day;

(ii) Share in responsibilities for meal preparation and the cleaning and maintenance of the demonstration project facility;

(iii) While unemployed, assist in providing child care for children of

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participants in the cooperative living project; and

(iv) Work towards economic self-sufficiency.

(e) (1) If a demonstration project offers individualized case management, the Department and the offerors shall develop mechanisms whereby:

(i) The Department issues temporary cash assistance, food stamps, and medical assistance; and

(ii) The volunteers for the project transfer their temporary cash assistance and food stamp benefits to the demonstration project.

(2) Participants in the individualized case management projects shall be chosen from volunteers who are:

(i) Eligible for FIP benefits; and

(ii) Determined by individual assessment to be able to benefit from the program.

(3) (i) Subject to subparagraph (ii) of this paragraph, the nonprofit organization operating the individualized case-management project shall coordinate the provision of food and other benefits to participants in the demonstration project.

(ii) The total value to the participant of the benefits that the nonprofit organization provides may not be less than the value to the participant of the temporary cash assistance and food stamp benefits that the participant would otherwise have received from the Department.]

[(f) (B) [The Secretary shall adopt regulations establishing] IN THE REQUEST FOR PROPOSALS, THE SECRETARY SHALL INCLUDE requirements THAT [for a demonstration project to perform, for participants in the demonstration project:

(1) Intake evaluation;

(2) Support services;

(3) Case management; and

(4) Discharge planning.];

(1) APPLICANTS SPECIFY WHAT GOODS OR SERVICES, OR BOTH, THEY WILL PROVIDE TO PARTICIPANTS; AND

(2) EACH DEMONSTRATION PROJECT SHALL:

(I) COMPLEMENT THE LOCAL DEPARTMENT FAMILY INVESTMENT PROGRAM PLAN; AND

(II) ADDRESS SPECIFIC, UNMET LOCAL NEEDS AND BARRIERS THAT PREVENT FAMILIES FROM MEETING THE REQUIREMENTS OF THIS SUBTITLE.

[(g)] (C) The Secretary shall encourage and facilitate any demonstration projects, in addition to the demonstration projects funded through savings identified in subsection (a) of this section, which are supported through:

(1) The voluntary transfer of temporary cash assistance and food stamp benefits to the demonstration project;

(2) The transfer of administrative costs from the local department of social services;
and

(3) Any nonstate funds available to the project.”.

AMENDMENT NO. 9

On page 19, in line 16, strike “ON OR”; in line 24, after “STATES” insert “ON OR”; and

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strike beginning with “REQUIRE” in line 39 down through “PACKAGE” in line 42 and substitute “PROVIDE REIMBURSEMENT FOR”.

On page 20, after line 4, insert:

“(III) EACH MANAGED CARE ORGANIZATION PARTICIPATING IN THE PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE OR ARRANGE FOR THE PROVISION OF THE BENEFITS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.”; and in line 5, strike “(III)” and substitute “(IV)”.

AMENDMENT NO. 10

On page 21, strike in their entirety lines 34 and 35 and substitute:

“(1) 10% OF THE SAVINGS TO A COMBINATION OF ONE OR MORE OF THE FOLLOWING:

(I) DEMONSTRATION PROJECTS CREATED IN ARTICLE 88A, § 53 OF THE CODE;

(II) SECOND CHANCE HOMES NOT SUBJECT TO THE RESTRICTIONS OF SECTION 12 OF CHAPTER 351 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1996; OR

(III) DEMONSTRATION PROJECTS TO EMPIRICALLY EVALUATE A STRATEGY OR SET OF STRATEGIES TO REDUCE THE INCIDENCE OF NONMARITAL BIRTHS IN THE STATE;”.

AMENDMENT NO. 11

On page 23, in line 19, after “Regulation” insert “and the Office of Administrative Hearings”; in line 26, after “an” insert “opportunity for a hearing before the”; in the same line, strike “step”; and strike in their entirety lines 30 through 38, inclusive, and substitute:

“SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) In the budget submitted to the 1998 Session of the General Assembly, the Governor shall include a General Fund appropriation to the Dedicated Purpose Account for the Family Investment Program equivalent to the amount by which the legislative appropriations from the General Fund for the Family Investment Program exceeds actual expenditures for that program in Fiscal Year 1997.

(b) In the budget submitted to the 1999 Session of the General Assembly, the Governor shall include a General Fund appropriation to the Dedicated Purpose Account for the Family Investment Program equivalent to the amount by which the legislative appropriations from the General Fund for the Family Investment Program exceeds actual expenditures for that program in Fiscal Year 1998.”.

AMENDMENT NO. 12

On page 24, strike in their entirety lines 4 through 11, inclusive, and substitute:

“SECTION 10. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall develop, in a sample county, a methodology for analyzing the percentage of new managed care enrollees who obtained their initial health screen within 90 days of enrollment, and the Department shall submit a report, subject to § 2-1312 of the State Government Article, to the Joint Committee on Welfare Reform on or before December 1, 1997, on the progress that has been made in fulfilling the requirement of this section.”.

AMENDMENT NO. 13

On page 24, after line 11, insert:

“SECTION 11. BE IT FURTHER ENACTED, That:

(a) The Family Investment Program Advisory Council in the Department of Human Resources shall conduct a study and make recommendations on establishing a Maryland Individual Development Account Pilot Program within the Department of Human Resources that will be administered by the Secretary of Human Resources.

(b) As part of its study the Family Investment Program Advisory Council shall consider, among other factors:

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(1) The criteria that an individual would have to satisfy in order to be eligible to establish an individual development account, including income and net worth criteria;

(2) The criteria that a fiduciary organization would have to satisfy in order to participate in the Maryland Individual Development Account Program;

(3) For what purposes an individual development account may be used;

(4) The level and total amount of matching funds, if any, the State should contribute to individual development accounts; and

(5) Whether to establish the Maryland Individual Development Account Program as a pilot program.

(c) The Family Investment Program Advisory Council shall submit a report on its findings and recommendations, subject to § 2-1312 of the State Government Article, to the Joint Committee on Welfare Reform, on or before September 1, 1997.

SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding Division II of the State Finance and Procurement Article, the Department of Human Resources and the Department of Labor, Licensing, and Regulation are authorized to jointly conduct pilot projects with employers for the purposes of developing and demonstrating methods whereby opportunities for the employment of FIP recipients can be developed more quickly than under present laws, regulations, and procedures. This demonstration authority is granted subject to the following conditions:

(1) The total value of all such pilot projects may not exceed \$1,000,000 per year;

(2) Unless otherwise extended, this authority shall be only for Fiscal Years 1998 and 1999; and

(3) Beginning October 1, 1997, and quarterly thereafter during the term of this authority, the departments shall submit reports, subject to § 2-1312 of the State Government Article, to the Joint Committee on Welfare Reform that detail:

(i) The nature, scope, performance objectives, projected costs, and planned duration of any projects started during the report period;

(ii) Costs incurred and performance data on projects that were in operation or concluded during the report period;

(iii) An evaluation of any projects concluded during the report period; and

(iv) For the reports due July 1, 1998 and July 1, 1999, respectively, a set of recommendations for changes to State law regarding such projects that are based on measures of:

1. Relative speed of entry into employment;

2. Cost savings to the State and employers; and

3. Employer willingness to provide employment opportunities to FIP recipients.

SECTION 13. AND BE IT FURTHER ENACTED, That the provisions of Article 88A, § 47(d) of the Code, as enacted by this Act, shall remain effective for a period of two years, and at the end of June 30, 1999, with no further action required by the General Assembly, those changes shall be abrogated and of no further force and effect.

SECTION 14. AND BE IT FURTHER ENACTED, That:

(a) In the budget submitted to the 1998 Session of the General Assembly, the Governor shall include a General Fund appropriation to the Dedicated Purpose Account for the Purchase of Child Care Program equivalent to the amount by which the legislative appropriations from the General Fund for the Purchase of Child Care Program exceeds actual expenditures for that program in Fiscal Year 1997.

(b) In the budget submitted to the 1999 Session of the General Assembly, the Governor shall include a General Fund appropriation to the Dedicated Purpose Account for the Purchase of Child Care Program equivalent to the amount by which the legislative appropriations from the General

(Over)

Fund for the Purchase of Child Care Program exceeds actual expenditures for that program in Fiscal Year 1998.

SECTION 15. AND BE IT FURTHER ENACTED, That the Department of Human Resources, in consultation with participating providers, including managed care organizations, shall develop for use by appropriate providers a standard substance abuse identification form and a substance abuse treatment form for the reporting of provider identification and treatment of substance abuse by adult and minor parent recipients to the appropriate local department of social services.

SECTION 16. AND BE IT FURTHER ENACTED, That a participating managed care organization shall provide a copy of the substance abuse identification form and substance abuse treatment form to a participating provider at the outset of the participating provider agreement.

SECTION 17. AND BE IT FURTHER ENACTED, That the Secretary of Health and Mental Hygiene shall report quarterly, subject to § 2-1312 of the State Government Article, to the Senate Finance Committee and the House Appropriations Committee on the status of Family Investment Program recipients referred to substance abuse treatment as a result of this Act.”.

AMENDMENT NO. 14

On page 24, in lines 12 and 14, strike “11.” and “12.”, respectively, and substitute “18.” and “19.”, respectively; and in line 15, strike “11” and substitute “18”.