

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1160

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Klima,"; in line 5, strike "Secretary of Human Resources" and substitute "director of the local department of social services"; in line 16, after "positions;" insert "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 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;"; in line 17, after "Resources" insert "and the Secretary of Health and Mental Hygiene"; in the same line, strike "these efforts" and substitute "the implementation of certain provisions of this Act"; in line 18, strike "a certain date" and substitute "certain dates; requiring the Departments of Human Resources and Health and Mental Hygiene to ensure certain treatment is available to certain individuals"; in the same line, after the second semicolon, insert "providing for the termination of certain provisions of this Act;"; in line 24, after "46" insert "and 50A"; and in line 29, after "55" insert "and 65A".

(Over)

On page 2, in line 3, before "13-224" insert "13-106, 13-204, and".

AMENDMENT NO. 2

On page 2, line 33, after "RESOURCES," insert "IN CONSULTATION WITH"; in line 33 strike the second comma; and in line 34, after "LEAGUE" insert a comma.

AMENDMENT NO. 3

On page 2, after line 31, insert:

"(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;

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

(III) THE ACHIEVEMENT OF THE TARGET NUMBERS CONTAINED IN THE LOCAL PLAN; AND

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

On page 2, in line 32, strike "(3)" and substitute "(4)".

AMENDMENT NO. 4

On page 3, in line 13, strike "SECRETARY" and substitute "DIRECTOR OF THE LOCAL UNIT OF THE JURISDICTION"; strike beginning with "EXECUTIVE" in line 15 down through "DEPARTMENT" in line 16 and substitute "DIRECTOR OF THE LOCAL UNIT OF THE JURISDICTION"; in line 18, strike "OVER" and substitute "TO APPROVE THE DEMONSTRATION SITE PLANS THAT WILL GOVERN"; and in line 19, after "TO" insert "APPROVE DEMONSTRATION SITE PLANS THAT WILL"; after line 28, insert:

"(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:

(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.”;

and in line 29, strike “(E)” and substitute “(F)”.

On page 4, in line 6, strike “(F)” and substitute “(G)”;

and in line 9, strike “(G)” and substitute “(H)”.

AMENDMENT NO. 5

On page 3, after line 6, insert:

(Over)

“50A.

(a) (1) At initial application, or first redetermination after July 1, 1997, for temporary cash assistance, or when considered appropriate by the FIP staff of the local department, [a] AN ADDICTIONS SPECIALIST ON-SITE IN THE local department shall assess the need of any adult or minor parent APPLICANT OR recipient for substance abuse treatment.

(2) To assist in determining whether an adult or minor parent APPLICANT OR recipient has a need for substance abuse treatment, the ADDICTIONS SPECIALIST ON-SITE IN THE local department shall [use an enhanced assessment of] SCREEN the adult or minor parent APPLICANT OR recipient [that would] TO expose any potential barriers that the adult or minor parent APPLICANT OR recipient may have in obtaining employment such as having a substance abuse problem.

(3) The ADDICTIONS SPECIALIST ON-SITE IN THE local department shall inform each adult or minor parent APPLICANT OR recipient of the requirements of FIP regarding substance abuse treatment[, including an adult or minor parent recipient's obligation to participate in an initial health screen with the adult or minor parent recipient's managed care organization within the time specified by regulation following the adult or minor parent recipient's enrollment in the managed care organization or lose FIP benefits].

(4) [After the adult or minor parent recipient is certified eligible for temporary cash assistance under this subtitle and for medical assistance under Title 15, Subtitle 1 of the Health - General Article, the adult or minor parent recipient shall be screened for substance abuse as part of the initial health screen required to be performed by a managed care organization in accordance with regulations adopted by the Department of Health and Mental Hygiene under Title 15, Subtitle 1 of the Health - General Article.] IF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT DOES NOT COMPLETE THE SCREENING REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP CASE MANAGER.

[(5) The managed care organization shall notify the local department if the adult or minor parent recipient has not completed the initial health screen required by the adult or minor

parent recipient's managed care organization.]

(b) (1) If the [initial health screen or any follow-up diagnostic testing or treatment performed by a managed care organization or direct provider of services] SCREENING PERFORMED BY THE ADDICTIONS SPECIALIST reveals that an adult or minor parent APPLICANT OR recipient has a substance abuse problem, the [managed care organization or direct provider of services] ADDICTIONS SPECIALIST shall:

(i) [Refer] CONDUCT AN ASSESSMENT OF SUBSTANCE ABUSE BY AN ADULT OR MINOR PARENT APPLICANT OR RECIPIENT AND, IF APPROPRIATE, DETERMINE PLACEMENT FOR TREATMENT AND RELATED SUPPORTIVE SERVICES;

(II) REFER the adult or minor parent APPLICANT OR recipient for appropriate substance abuse treatment AND RELATED SUPPORTIVE SERVICES; [and

(ii) Complete and submit to the local department the substance abuse identification form required by regulations developed by the Secretary.]

(III) OBTAIN THE SIGNATURE OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT ON A FORM CONSENTING TO THE RELEASE OF CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION; AND

(IV) FORWARD THE CONSENT FORM TO THE APPROPRIATE SUBSTANCE ABUSE TREATMENT PROVIDER.

(2) (i) The substance abuse TREATMENT provider shall notify the ADDICTIONS SPECIALIST IN THE local department OF THE ONGOING TREATMENT STATUS OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.

(II) THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP CASE MANAGER:

1. [that] THAT an adult or minor parent APPLICANT OR recipient has been referred for appropriate substance abuse treatment; AND

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2. REGARDING THE STATUS OF THE ONGOING TREATMENT OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.

[(ii)] (III) [As part of its] TO PROVIDE THE notification REQUIRED under subparagraph [(i)] (II) of this paragraph, the [substance abuse provider] ADDICTIONS SPECIALIST shall FORWARD CONSENT FOR THE RELEASE OF THE INFORMATION TO THE SUBSTANCE ABUSE TREATMENT PROVIDER, OBTAIN THE NECESSARY TREATMENT INFORMATION FROM THE TREATMENT PROVIDER, AND notify the local department if the adult or minor parent APPLICANT OR recipient:

1. [Is not actively enrolled in a substance abuse treatment program as defined by the Alcohol and Drug Abuse Administration] FAILS TO COMPLETE THE ASSESSMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

2. FAILS TO SIGN THE CONSENT FORM REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION;

3. FAILS TO ENROLL OR MAINTAIN ENROLLMENT WITH AN AVAILABLE SUBSTANCE TREATMENT PROVIDER OR TO COMPLETE THE TREATMENT PROTOCOL;

[2.] 4. Is awaiting the availability of appropriate treatment;

5. IS ENROLLED IN A TREATMENT PROGRAM; or

[3.] 6. [Has successfully completed the] SUCCESSFULLY COMPLETES treatment.

(c) [A] AN ADULT OR MINOR PARENT APPLICANT OR recipient who complies with the requirements of the FIP in regard to substance abuse treatment:

(1) Shall receive the full temporary cash assistance benefit as long as the adult or minor parent APPLICANT OR recipient continues to meet other temporary cash assistance eligibility

requirements; and

(2) May be exempt from the work requirements for a period of time determined by the [local department] FIP CASE MANAGER in consultation with the [substance abuse treatment provider or the managed care organization] ADDICTIONS SPECIALIST.

(d) An adult or minor parent APPLICANT OR recipient shall be considered not in compliance with FIP requirements, if the [local department] FIP CASE MANAGER receives notice from the [managed care organization] ADDICTIONS SPECIALIST that the adult or minor parent APPLICANT OR recipient:

(1) [Has not completed the initial health screen required by the adult or minor parent recipient's managed care organization in accordance with regulations adopted by the Department of Health and Mental Hygiene under Title 15, Subtitle 1 of the Health - General Article; or] DOES NOT COMPLETE THE SCREENING OR ASSESSMENT REQUIRED UNDER SUBSECTIONS (A)(2) AND (B)(1)(I) OF THIS SECTION;

(2) [Was referred for appropriate substance abuse treatment by the managed care organization, but the adult or minor parent recipient failed to maintain active enrollment, as defined by the Alcohol and Drug Abuse Administration, in the treatment program or complete the treatment protocol] DOES NOT SIGN THE CONSENT FORM REQUIRED UNDER SUBSECTION (B)(1)(III) OF THIS SECTION; OR

(3) IS REFERRED FOR APPROPRIATE AND AVAILABLE SUBSTANCE ABUSE TREATMENT BY THE ADDICTIONS SPECIALIST BUT FAILS TO ENROLL OR TO MAINTAIN ACTIVE ENROLLMENT IN THE TREATMENT PROGRAM OR COMPLETE THE TREATMENT PROTOCOL.

[(e) After receiving the notice under subsection (d)(1) of this section, the local department shall send a notice to the adult or minor parent recipient informing the adult or minor parent recipient that:

(1) The adult or minor parent recipient is not in compliance with FIP requirements, including the specific reason why the adult or minor parent recipient is considered not

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in compliance with FIP requirements; and

(2) 30 days after the date of the notice, the adult or minor parent recipient's temporary cash assistance benefits will be reduced by that increment in cash benefits that included the adult or minor parent recipient.]

(E) AFTER RECEIVING A NOTICE UNDER SUBSECTION (D) OF THIS SECTION, THE LOCAL DEPARTMENT SHALL:

(1) SEND A DENIAL NOTICE TO THE ADULT OR MINOR PARENT APPLICANT INFORMING THE APPLICANT THAT:

(I) THE APPLICANT HAS NOT MET PROGRAM REQUIREMENTS, INCLUDING THE SPECIFIC REASON THE APPLICANT IS NOT ELIGIBLE FOR FIP; AND

(II) IF THE APPLICANT FAILS TO FULFILL THE REQUIREMENTS ON OR BEFORE THE 30TH WORK DAY AFTER THE APPLICATION WAS FILED, THE APPLICATION FOR TEMPORARY CASH ASSISTANCE IS DENIED; AND

(2) SEPARATELY DETERMINE ELIGIBILITY FOR MEDICAL ASSISTANCE AND FOOD STAMPS.

[(f) (1) The local department shall reduce an adult or minor parent recipient's temporary cash assistance benefits as described in subsection (e) of this section, if the adult or minor parent recipient has not completed the initial health screen required by the adult or minor parent recipient's managed care organization.

(2) The local department shall continue to make these reduced payments to the adult or minor parent recipient until the local department receives notice from the managed care organization that the adult or minor parent recipient has completed the initial health screen required by the adult or minor parent recipient's managed care organization.]

[(g)] (F) After receiving [the] A notice under subsection [(d)(2)] (D) of this section, the local department shall send a notice to the adult or minor parent recipient informing the adult or



minor parent recipient that:

(1) The adult or minor parent recipient is not in compliance with FIP requirements, including the specific reasons why the adult or minor parent recipient is considered not in compliance with FIP requirements; and

(2) 30 days after the date of the notice:

(i) The adult or minor parent recipient's temporary cash assistance benefits will be reduced by that increment in cash benefits that included the adult recipient; and

(ii) The remainder of the cash benefits for the child or children in the FIP case will be paid to a third party payee.

[(h)] (G) (1) The local department shall reduce an adult or minor parent recipient's temporary cash assistance benefits and pay the remainder of the cash benefits to a third party payee as described in subsection [(g)] (F) of this section, if the adult or minor parent recipient:

(i) FAILS TO COMPLETE A SUBSTANCE ABUSE SCREENING OR ASSESSMENT BY AN ADDICTIONS SPECIALIST, AS REQUIRED UNDER SUBSECTIONS (A)(2) AND (B)(1)(I) OF THIS SECTION; OR

(II) 1. Receives the [initial health screen] REQUIRED SCREENING AND ASSESSMENT, and the [initial health screen] REQUIRED SCREENING AND ASSESSMENT or the results of any follow-up diagnostic testing or treatment reveal that the adult or minor parent recipient is a substance abuser; and

[(ii)] 2. Refuses to [participate] ENROLL OR MAINTAIN ENROLLMENT in available and appropriate substance abuse treatment.

(2) The local department shall continue to make payments to a third party payee until the [local department] FIP CASE MANAGER receives notice from the [managed care organization] ADDICTIONS SPECIALIST that the adult or minor parent recipient is actively

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enrolled, as defined by the Alcohol and Drug Abuse Administration, in the appropriate substance abuse treatment indicated by the [managed care organization] ADDICTIONS SPECIALIST.

[(i)] (H) The local department may not DENY AN ADULT OR MINOR PARENT APPLICANT'S TEMPORARY CASH ASSISTANCE BENEFIT OR reduce an adult or minor parent recipient's temporary cash ASSISTANCE benefit as described under [subsection (g)] SUBSECTIONS (E) AND (F) of this section, if the adult or minor parent APPLICANT OR recipient:

(1) Receives the [initial health screen] REQUIRED SCREENING AND ASSESSMENT, and the [initial health screen] REQUIRED SCREENING AND ASSESSMENT or the results of any follow-up diagnostic testing or treatment reveal that the adult or minor parent APPLICANT OR recipient is a substance abuser; and

(2) Agrees to participate in appropriate substance abuse treatment, as determined by the [managed care organization] ADDICTIONS SPECIALIST, but the appropriate substance abuse treatment indicated is not available.

[(j)] (I) If temporary cash assistance is DENIED OR reduced under this section, the adult or minor parent APPLICANT OR recipient shall retain eligibility for medical assistance and food stamps, as long as the adult or minor parent APPLICANT OR recipient meets the medical assistance and food stamp program requirements.”.

AMENDMENT NO. 6

On page 4, after line 10, insert:

“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 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.”.

AMENDMENT NO. 7

On page 4, after line 11, insert:

“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 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

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

AMENDMENT NO. 8

On page 6, after line 17, insert:

“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

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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.”;

and in line 18, strike “3.” and substitute “9.”